



City of Parramatta	
File No:	DA/960/2022

SECTION 4.15 ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

DA No:	DA/960/2022
Property:	Lot 23 DP 651527, MBC House, 188 Church Street, PARRAMATTA NSW 2150
Proposal:	Stage 1 concept proposal for a six storey cantilevered commercial extension atop the existing heritage listed Murrays building. The proposal will allow for the future part demolition of the heritage item including internal realignment, amendments to the shopfronts and part removal of the roof.
Date of receipt:	8 December 2022
Applicant:	G & J Drivas Pty Ltd And Telado Pty Ltd
Owner:	G & J Drivas Pty Limited and Telado Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Three
Recommendation:	Refusal
Assessment Officer:	Paul Sartor

Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none">• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• Parramatta Local Environmental Plan 2011 (PLEP 2011)• Parramatta Development Control Plan 2011 (PDCCP 2011)
Zoning	B4 Mixed Use
Bushfire Prone Land	No
Heritage	Yes – I652 Murrays Building and potential archaeological site The site is also surrounded by the following Heritage items <ul style="list-style-type: none">• I719 (Leigh Memorial Uniting Church)• I654 (Centennial Memorial Clock)• I651 (Bicentennial Square and adjoining buildings)• I01805 (St John's Anglican Cathedral, state heritage listed)• I653 (Warden's cottage, verger's cottage)• I650 (Parramatta Town Hall and potential archaeological site)• I656 (Horse Parapet Façade)
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel (PLPP) due to proposed part demolition of a heritage item

1. Executive Summary

Section 4.15 Assessment Summary

The subject DA is seeking concept approval for a six-storey cantilevered commercial extension above the existing locally heritage listed Murrays building. The proposal would allow for the future part demolition of the heritage item including internal realignment, amendments to the shopfronts and part removal of the roof. The concept would inform a future Design Competition and then a detailed stage 2 DA, which would allow for construction.

The subject site is in a highly prominent area within the Parramatta CBD, it contains the Murrays Building which is currently a commercial building with ground floor retail. The site forms part of a cluster of local heritage items including Centenary Sq, the Parramatta Town Hall, Horse Parapet facade, Centennial Memorial Clock and the state heritage listed St Johns Anglican Cathedral.

The development as proposed is not found to have acceptable heritage and built form impacts. This site is included in the Church St Special Area in the Parramatta DCP 2011, which envisages that the subject site will be retained as a low scale heritage item which flanks Centenary Sq, the controls do not envisage any tower development on the site. The proposed six storey addition is also found to have unacceptable heritage impacts, due to its excessive bulk and scale, on the Murrays Building and surrounding items as per section 5.10 of the Parramatta Local Environmental Plan 2011 and the heritage controls contained within the Parramatta DCP 2011.

It is due to this proposals heritage and built form outcomes that the proposal is recommended for refusal for the reasons outlined in the recommendation below.

2. Site Description and Conditions

The subject site is legally described as Lot 23 DP 651527, known as 188 Church St, Parramatta, shown in figure 1. It has a total site area of 632sqm. The site currently contains the Murrays Limited Building, which is a local heritage listed item (1652) and is occupied by ground floor shops and commercial in the second and third floor at present.



Figure 1 - Aerial Map, subject site highlighted in yellow

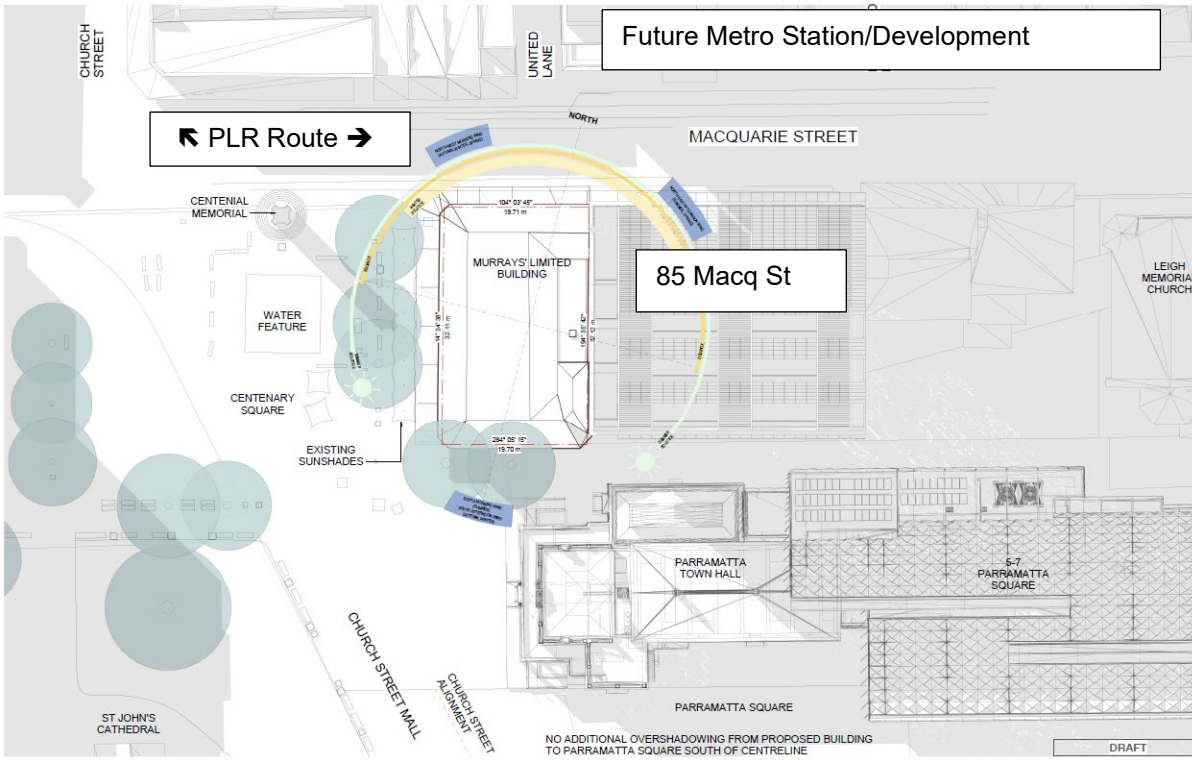


Figure 2 – Local context plan



Figure 3 - Current view from Macquarie St



Figure 4 - View from Centenary Square

The Murrays Limited building has the following heritage statement of significance:

“Association with notable events or people - Building or work associated with notable people. Namely the major department store of Murray Bros. Site possesses potential to contribute to an understanding early urban development in Parramatta. An important element of the buildings around Bicentennial Square, at the heart of Parramatta. National Trust (Parramatta Branch): Site has potential to contribute to an understanding of early urban development. - Association with notable people or events- Building or work associated with notable local people . Namely the major department store of Murray Bros. - An important element of the buildings around Bicentennial Square, at the heart of Parramatta.”

The heritage items façade largely remains intact from the original 1926 façade. The ground floor shopfronts have been altered in the post war era and the rear of the building has been extended to allow for additional circulation when levels 1-3 were converted to separate commercial tenancies.

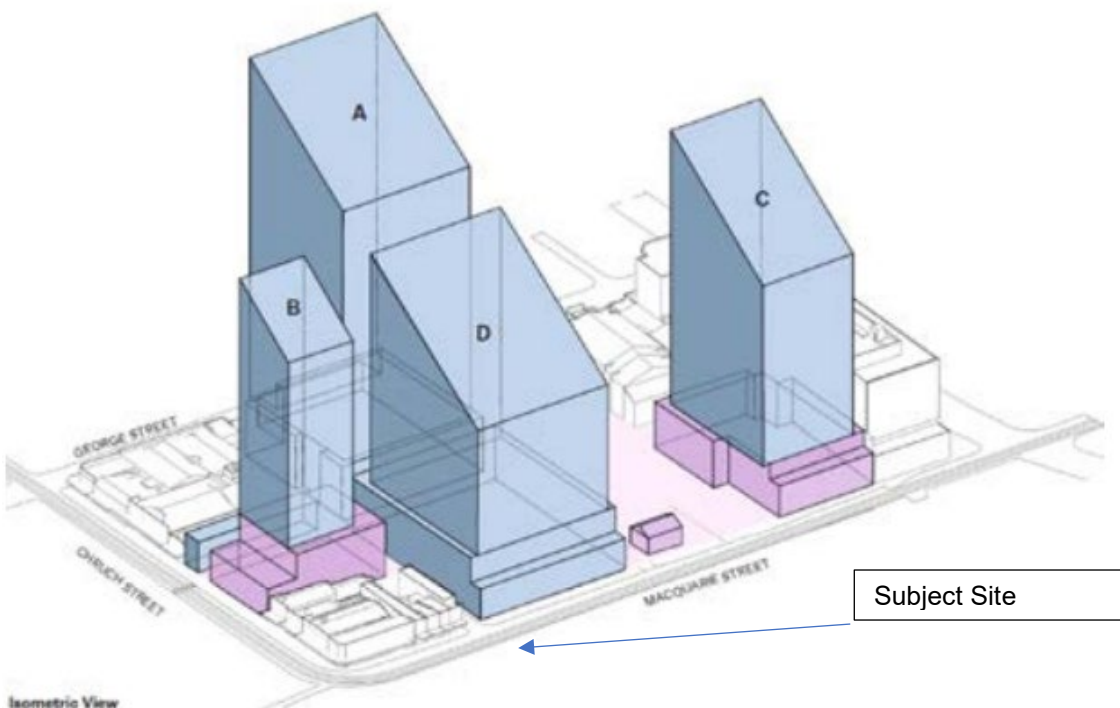


Figure 5 - View from corner of Macquarie St and Church St



Figure 6 - View from southern end of Centenary Sq during winter

The site is located adjacent to Centenary Square, to the west and Parramatta Town Hall to the south. To the east of the subject site is 85 Macquarie St which is currently being developed to a 13-storey commercial building under DA/638/2019. To the north along Macquarie St is the Parramatta Light Rail route and future Parramatta Metro Station, which currently has a State Significant Development under assessment for concept over station development (SSD-35538829) consisting of four residential and/or commercial building over the entire block. The closest being a 25-storey commercial and retail building, see figure 7 below and figure 8 showing a larger development map on surrounding sites.



Isometric View

Figure 7 - Sydney Metro Over Station Development concept isometric development proposal

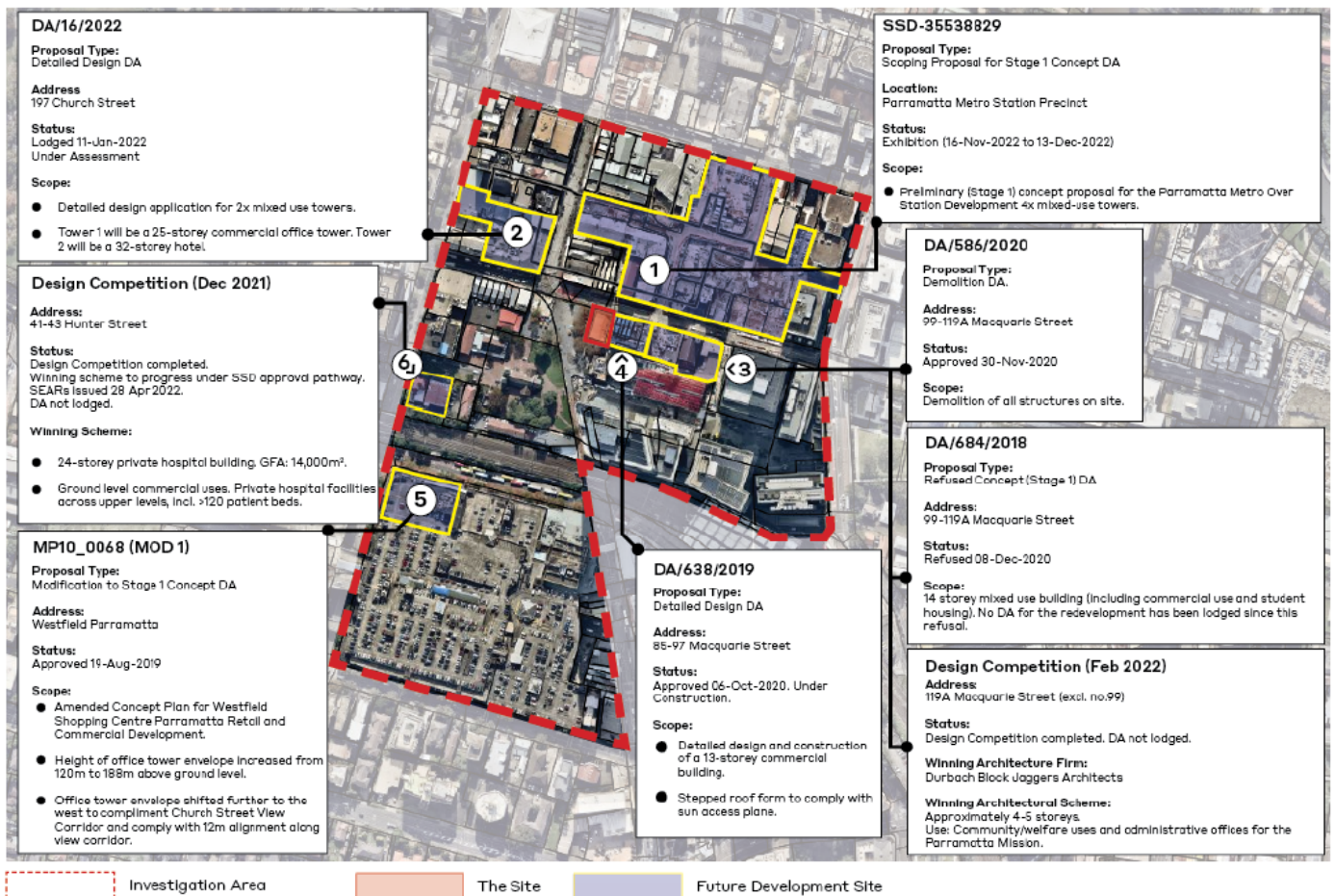


Figure 8 - Surrounding development map

The subject site as well as being a heritage item itself is also surrounded by a number of local heritage items as detailed below and detailed on the heritage map on figure 9 below:

- 1719 (Leigh Memorial Uniting Church)
- 1654 (Centennial Memorial Clock)
- 1651 (Bicentennial Square and adjoining buildings)
- 101805 (St John's Anglican Cathedral, state heritage listed)
- 1653 (Warden's cottage, verger's cottage)
- 1650 (Parramatta Town Hall and potential archaeological site)
- 1656 (Horse Parapet Façade)

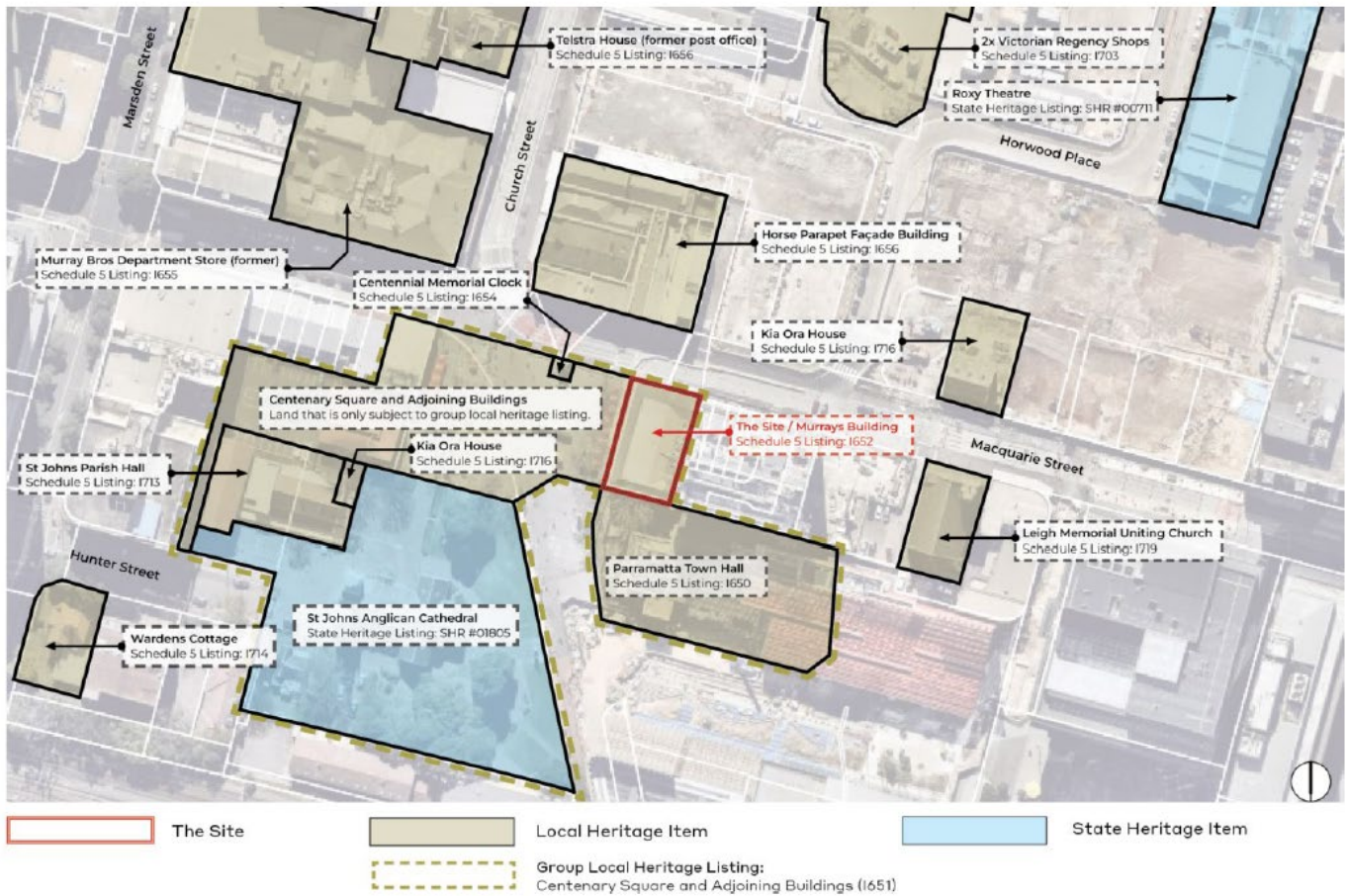


Figure 9 - Heritage map

3. Relevant Site History

This Murrays Limited Building has not had any major DAs lodged or approved on this site recently, besides internal change of use applications.

The Murrays Limited building was first constructed as a two-storey retail complex in 1926, it was later extended in 1928 to include a third storey to its current built form.

A prelodgement was held in August 2022 and the application was considered by the DEAP panel on the 11th August 2022, which was not supported at both meetings in its current form.

4. The Proposal

This concept DA seeks approval for a building envelope that makes provision for a nine storey commercial premises upon the site, comprising:

- The retention of the three-storey heritage listed Murrays' Building, namely it's façade and hipped roof features.
- Proposed the allowance of the partial demolition of the roof the rear of the building for the core and services and existing shopfronts
- A six-storey cantilevered addition with a maximum height of RL 50.15, including provision for plant and lift overrun.
- A building envelope that facilitates GFA of 3,796.7sq.m with this concept proposal, but which is capable of accommodating a total GFA of 4,366.32sq.m as part of a future Stage 2 DA. This includes up to an additional 15% FSR following a competitive design process and meeting the design excellence requirements of Clause 7.11 of the Parramatta LEP 2011

For the avoidance of doubt, this concept DA does not seek approval for the construction of a building. Nor does the application seek to benefit from the 15% bonus FSR achievable under clause 7.13(2)(b) of the Parramatta LEP 2011

for a building that 'exhibits design excellence' i.e. where the design of the building is the winner of a competitive design process and the consent authority is satisfied that the building exhibits design excellence.

A future Stage 2 DA will be submitted seeking consent for the detailed design of the proposed commercial premises and additions. Prior to the submission of the Stage 2 DA, a competitive design process will be undertaken pursuant to clause 7.12 of the Parramatta LEP 2011, which would be eligible for the 15% FSR bonus. Whilst this bonus is not sought with this Concept DA, this proposal makes clear that a future detailed DA can benefit from the bonus FSR notwithstanding the proposed building envelopes sought.

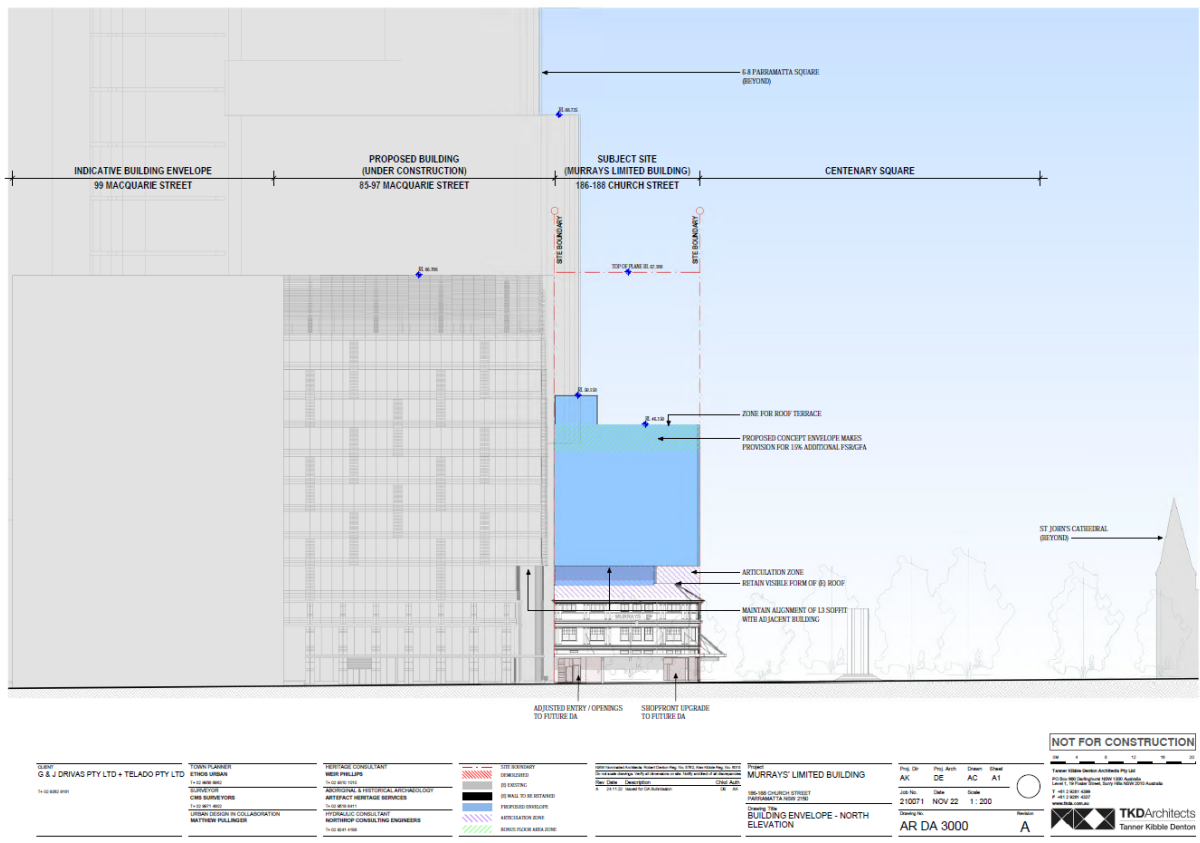


Figure 10 - Proposed northern elevation

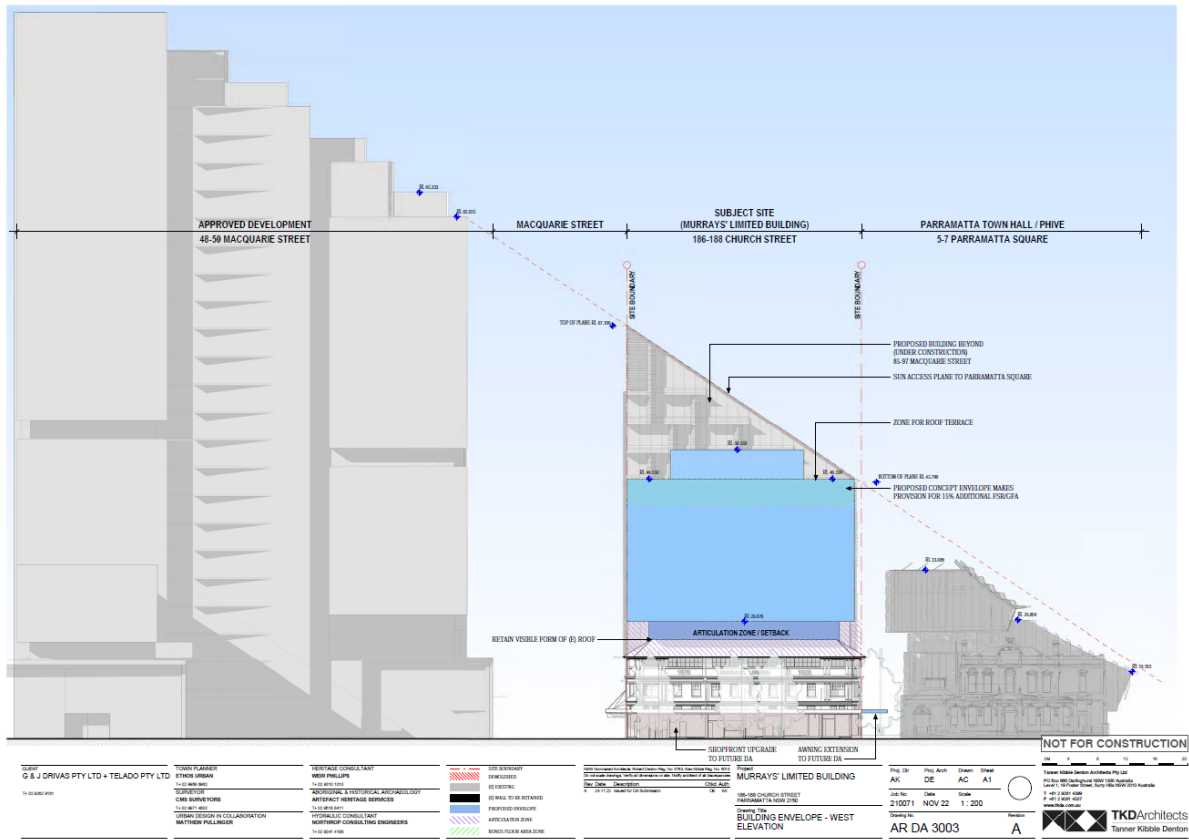


Figure 11 - Proposed western elevation



① **EXISTING PERSPECTIVE VIEW 01**

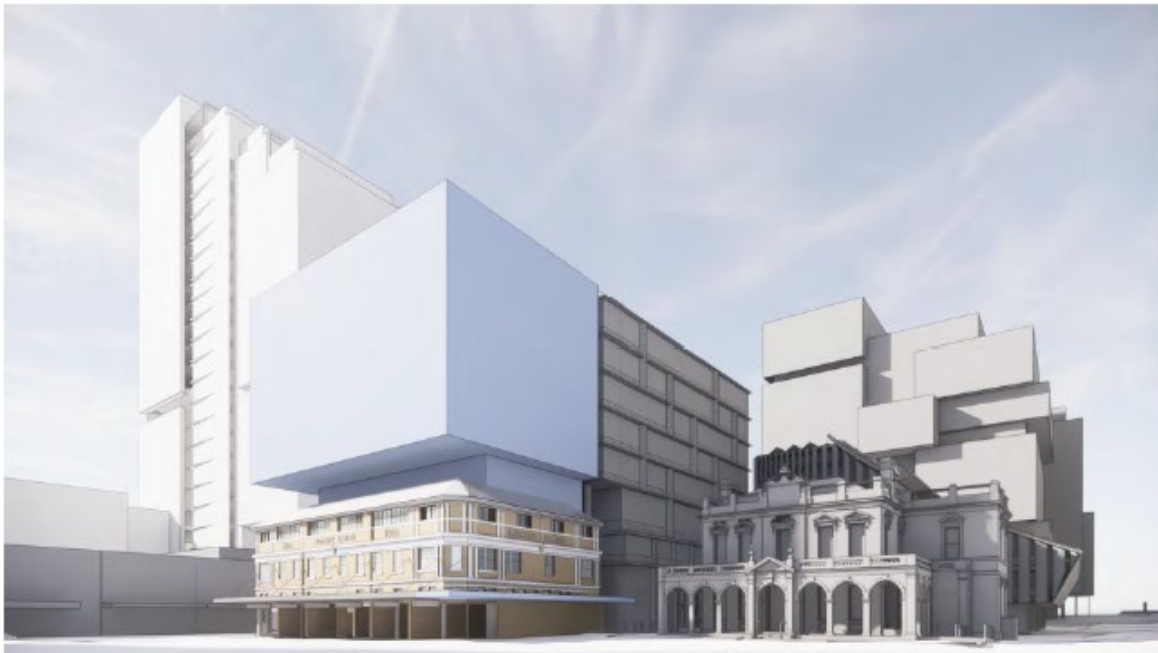


② **INDICATIVE PERSPECTIVE VIEW 01**

Figure 12 - Proposed perspective from Church St/Macquarie St intersection



1 EXISTING PERSPECTIVE VIEW 02



2 INDICATIVE PERSPECTIVE VIEW 02

Figure 13 - Perspective from Centenary Sq public domain

5. Relevant Application History

Date	Comment
1 August 2022	Prelodgement meeting held with applicant. Applicant advised that the addition as proposed would not be supported on heritage grounds
11 August 2022	Prelodgement DEAP meeting held. DEAP gave this application a red light and thought the scale of the addition and heritage impacts to be unacceptable.
8 December 2022	Subject Development Application lodged
16 December 2022 – 11 January 2023	Development application on public notification
14 December 2022	Site inspection held
23 February 2023	DEAP meeting held. The panel did not support the proposal and suggested a significant redesign

6 March 2023	Withdrawal letter sent to applicant. Application not supported on heritage and non-compliance with CBD DCP controls
12 May 2023	Applicant meeting with Council management and heritage advisor following letter
22 May 2023	Applicant advised that the DA will be determined at the June LPP meeting

6. Referrals

6.1 Design Excellence Advisory Panel

The City of Parramatta Design Excellence Advisory Panel (DEAP) provides independent expert advice on applications relating to a diverse range of developments within the City of Parramatta Local Government Area.

The DEAP comments are provided to assist both the applicant in improving the design quality of the proposal and the City of Parramatta in its consideration of the application. A proposal for the site was previously reviewed by the DEAP on 11 August 2022 for a prelodgement, and the comments made therein have been considered.

The following comments were provided for the proposed concept design:

- The proposal's site context is very prominent and highly sensitive. Aside from providing a key heritage edge to the eastern side of Centenary Square, it reinforces a scale and character that is stipulated in the LEP and DCP, reinforced by existing built form to the north side of Church Street (where low scale buildings must be retained) and existing built form to the west side of the square. The scale of the existing Murrays Limited Building (MLB) is not only a dominant feature of historical and contemporary images of Centenary Square, it is also recognized by the 12m high podium currently proposed for the St John's redevelopment opposite. The MLB also directly informs the scale and character of northern edge of the forecourt to the Parramatta Town Hall, itself having recently been added to at great public expense, with its much larger addition dutifully setback to maintain the scale and character not only of the Hall but Centenary Square beyond.*
- Centenary Square provides a backdrop to St Johns, the longest operating Cathedral in Australia. On perusal of LEP and DCP documents, as well as public and private local commentary, its scale and character is considered highly appropriate - perhaps increasingly so, with each new high scale development in its adjacent and broader context. Against this planning, heritage and highly public context, the notion of introducing additional massing above the MLB is very challenging.*
- The Panel commends the thoroughness and objectivity brought to the proposal via the Built Form Study prepared since the last DEAP meeting, which eloquently describes the built form and landscape setting of the subject site. While the Panel can understand how such the planning framework has been developed, it cannot agree that nearby large scale development can justify the imposition of a new 7-12 storey datum onto the subject site itself. In fact, the Church Street view corridor (depicted on page 23 of the report) clearly illustrates the planning and spatial logic of its eastern alignment, which retains the north side of Macquarie Street, the MLB and the front portico of the Town Hall as a low scale heritage edge to Centenary Square.*
- While existing and future depictions of streetscape, sun angles, view lines etc. are highly useful in assessing the proposal, it is hard to conclude that the MLB's existing qualities – its scale and character, its interface with higher built form to its east, its expression and familiar roof form – require significant change to “mediate” with larger scale built form or fit in with adjacent spatial networks. On the contrary, the Built Form Study consolidates the Panel's view that the retention of items such as the MLB are not only essential to the scale and character of Centenary Square but also to complement the higher scaled environments proposed elsewhere.*
- Similarly, while the Panel can understand how the form and scale of the proposal has been generated, it cannot support the massing as proposed. Hovering a large rectilinear prism above a relatively low scaled hipped roof built form is a very crude manner in which to enlarge an existing building – especially a building that has been added to before. Its alignment with walls below would surely ask, what role does the roof have in the resultant composition? Nor does the proposed addition adequately address the western façade of 85-97 Macquarie Street, which is clearly (and quite successfully) designed to look out over the MLB's existing roofscape.*
- The overshadowing of Parramatta's Town Hall forecourt draws attention to the fact that the proposal would overwhelm the front façade of Parramatta's key public building. This is an especially unfortunate outcome that cannot be supported.*
- The Panel notes that the massing now proposed is almost unchanged since the last DEAP meeting. This is despite issues being raised regarding the proposal's scale, interface with 85-97 Macquarie Street, impact on*

the heritage listed MLB and response to the Church Street DCP Controls. It was recommended in fact that “careful consideration will need to be given to how the site can be appropriately developed so it can contribute to the collective heritage fabric and not overwhelm the Murrays building in the process. It is important that a series of approaches be developed and discussed in response to context and heritage...”.

8. *Alternative approaches that could have been studied would include : removing the roof and extending upwards in a traditional masonry (as per the historical enlargement of the Customs House in Circular Quay); removing the roof and extending upwards in an aligned alternative material (as per numerous contemporary examples including Herzog de Meuron’s Elbphilharmonie in Hamburg); replacing the existing roof with an alternative and larger roof form (as per the Irving Street Brewery by Tzannes); departing from the symmetrical form below to create a more compact built element, perhaps emerging out of the existing roof form etc etc. However, as pointed out at the meeting, all the reference examples discussed and cited within – including those noted above - the Design Report, are within completely different contexts with entirely different constraints.*
9. *With the Urban Design Report and the Built Form Study firmly convincing the Panel that the scale and character of the existing built form is both appropriate and desirable within the existing and future context, it cannot be recommended that further investigations be undertaken into how large scale volumes can be added to the subject site. Instead, the Panel would strongly recommend that the proposal be withdrawn and more modest options, such as a single level extension into the existing (or slightly modified) roof form be studied. Not only could this result in the most acceptable urban design outcome for the subject site - including the heritage significance of the existing MLB building, adjacent streetscape, Parramatta Town Hall, St John’s Cathedral and Centenary Square - it would also have the most chance of being supported at a public and assessment level.*

Panel Recommendation

The Panel does not support the proposal, significant re-design is recommended to respond to the issues noted above.

6.2 Internal Referrals

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

Referral	Comment
Urban Design (Built Form)	No comment, deferred to DEAP for comment on design
Heritage	<p>Council’s Heritage Advisor does not support the proposal in its current form. While an addition can be accommodated, they find that the proposed current envelope form, scale and height is overwhelming to the site itself and its context.</p> <p>While the fast-changing context is acknowledged in its delivering of new, tall, and slender towers and the subsequent modification to the former City scale, several heritage buildings facing on Centenary Square maintain the balance and traditional street front datum of 2-3 storey i.e., Town Hall, the Horse parapet building. As the site is included within the Church Street Special Area due to its alignment, a proposed addition must carefully respect the significance of this prime location building with the proposal that reflects right balance of proportion and that would be capable to retain a satisfactory interpretation and correlation of site within its context both heritage and new built form. The current addition does not do this and disregards the DCP controls for planning for this site.</p> <p>A well-articulated addition within the hipped roof single storey addition which will not be visually prominent from Centenary Sq is suggested to reduce the overbearing bulk and scale the current addition proposes to the heritage item and to the Church St Special Area.</p>
Heritage Advisory Committee	<p>Considered on 7th March 2023 meeting. The committee resolved that:</p> <p><i>“That the Committee does not support adding a single storey as its significantly intruding the setting. The Committee does not support the extra 15% and the DA to be redesigned in a way that does not touch the roof of the building and gives the building enough visual curtilage around.”</i></p>

Traffic and Transport	Support the provision of no parking spaces. However, Traffic and Transport recommended that the applicant considers how loading and unloading will take place and that a Construction Traffic Management Plan be considered at this stage considering the proposal is on the light rail route.
Social Outcomes	No comment
Public Domain	Commented that they did not support the removal or trimming of the plane trees surrounding this development. This is not proposed but could have been conditioned at the stage 2 detailed DA.
Waste Servicing	Requested that the applicant considers the Waste Management Guidelines in the Parramatta DCP as no waste loading space is proposed. This could have been considered further by the applicant in the stage 2 detailed DA.
Catchment Engineer	<p>The application is unclear how much of the existing building will be retained behind the façades. As it seems unlikely that much will be retained beyond the ground floor of the existing façade any new construction within the shell may need to have floor levels at or above the flood planning level as per the Parramatta CBD DCP, in the range from RL 10.9m AHD to RL 11.2m AHD. This requires a substantial transition up from ground level, which should occur in a minimal area just inside the building. There may be difficulties with the higher floors without damaging the Heritage building.</p> <p>The laneway at rear plays an important part in drainage design, surface flow paths and level changes for this site and 5PS. Similarly, this should be worked through with Council if the design advances to a Design Competition stage.</p>
Trees and Landscaping	No comment, but did not support any tree removal in Centenary Sq for future DAs
Wind Advisor	<p>Councils Independent Wind Assessors have considered the wind impact statement provided by the applicant.</p> <p>It is found that the wind impacts will be generally satisfactory subject to some minor details which could have been provided in a detailed stage 2 DA.</p>

6.3 External Referrals

Referral	Comment
TfNSW (Parramatta Light Rail)	No objection to the proposal, however, TfNSW would like a Construction Traffic Management Plan, Loading and Servicing Management Plan and a Green Travel Plan should the proposal advance to a Stage 2 DA,.

PLANNING ASSESSMENT

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Parramatta Local Environmental Plan 2011 (PLEP 2011)
- Parramatta Development Control Plan 2011 (PDCP 2011)

Compliance with these instruments is addressed below.

7.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 10 SYDNEY HARBOUR CATCHMENT

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (erosion control, etc) could have been managed by conditions of consent in any detailed stage 2 DA.

7.3 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND

This Concept DA does not propose any physical works. Detailed design approval for the proposed commercial addition could have been required under a separate (Stage 2) DA. The potential for ground contamination at the site will be considered and addressed as necessary when this approval is sought.

Notwithstanding this, it is acknowledged that there are no known historic land uses which may have contaminated the site. As this Concept DA does not propose physical works including excavation at the site, it is considered that site conditions are suitable for the continued use of the site for commercial activity.

7.4 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development are outlined below.

Clause 2.98 Development adjacent to rail corridors – This DA does not propose any physical works but is located along the Parramatta Light Rail route which is an identified rail corridor. As such this clause is not triggered, but the DA has been referred to TfNSW for comment, see referrals section above. This DA could have been sent to TfNSW under this clause for the detailed stage 2 DA.

Clause 2.99 Excavation in, above, below or adjacent to rail corridors - Subclause 2.99(1) establishes that the provisions under Clause 2.99 relate to activities that involve the penetration of ground to a depth of at least 2m on land within 25m of a rail corridor. While the site is adjacent to the Parramatta Light Rail, this Concept DA does not propose any physical works. Therefore clause 2.99 is not relevant to the assessment of this Concept DA.

2.122 Traffic-generating development - This section applies to development specified in Column 1 of the Table to Schedule 3 that involves an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity more than 2,500sq.m. If this proposal meets the design excellence provisions it will have a net increase in GFA of more than 2500sq.m and be considered Traffic-generating development. Design excellence bonuses could have been considered under a detailed stage 2 DA.

8. Environmental Planning and Assessment Act 1979

This application is made under division 4.4 of the Environmental Planning and Assessment Act 1979 for concept development applications. As per this section of the act the consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications. As such some parts of the EPI assessment have not been considered under this DA and could have been deferred to a detailed stage 2 DA assessment.

8. Parramatta Local Environmental Plan 2023

Clause 1.8A Savings provision relating to development applications states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The current DA was lodged before this date and therefore shall be assessed under Parramatta LEP 2011. There are no material changes under PLEP 2023 to the sites principal planning controls such as height or FSR as these were amended under the CBD Planning Proposal (aka PLEP 2011 Amendment 56) on 14 October 2022.

9. Parramatta Local Environmental Plan 2011

The relevant matters considered under the PLEP 2011 for the proposed development are outlined below:

Clause 1.2 Aims of Plan

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage a range of development, including housing, employment and recreation, that accommodates the needs of the existing and future residents, workers and visitors of Parramatta,*
- (b) to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city,*
- (c) to identify, conserve and promote Parramatta’s natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,*
- (d) to improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling,*
- (e) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,*
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Parramatta, by incorporating principles of ecologically sustainable development into land use controls,*
- (g) to improve public access along waterways where natural values will not be diminished,*
- (h) to enhance the amenity and characteristics of established residential areas,*
- (i) to retain the predominant role of Parramatta’s industrial areas,*
- (j) to ensure that development does not detract from the economic viability of Parramatta’s commercial centres,*
- (k) to ensure that development does not detract from the operation of local or regional road systems,*
- (l) to ensure development occurs in a manner that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependant ecosystems,*
- (m) to protect and enhance the viability, identity and diversity of the Parramatta City Centre and recognise it as the pre-eminent centre in the Greater Metropolitan Region,*
- (n) to encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.*

It is considered that the development satisfactorily meets the aims of the plan, with the exception of aim (c) relating to the identity and conservation of heritage as detailed in this report.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned B4 Mixed Use. The aims and objectives for the B4 zone in Clause 2.3 – Zone Objectives are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

The proposal is consistent with these objectives, except for the last point as explained further in the DCP assessment table below due to the proposal’s noncompliance on the Church St Special area.

Standards and Provisions	Compliance
Part 4 Principal development standards	
4.3 Height of buildings Allowable: Area 2 (Sun Access Plane)	Proposed: 39.55m The proposal does not overshadow the Parramatta Sq Sun access plane.

4.4 Floor space ratio	See 7.3 Floor Space Ratio
4.6 Exceptions to Development Standards	No variations proposed
Part 5 Miscellaneous provisions	
5.10 Heritage conservation	<p>As the proposal is seeking conceptual approval for partial demolition of the roof and the rear of the building for services to the development, consent as per 5.10(2) is required.</p> <p>The Statement of significance describes the site as “<i>An important element of the buildings around Bicentennial Square (now called Centenary Square), at the heart of Parramatta</i>”.</p> <p>The site forms one of a number of 2 to 3 storey heritage items that frame Centenary Square, including the State Listed St John’s Cathedral. These items, including the Centenary square clock, have an important heritage interrelationship, especially in the context of larger developments that occur further back from the Square.</p> <p>The Parramatta DCP 2011 controls for the Church St Special Area and the heritage controls within the DCP are written to ensure that any proposal is respectful of its interface with the heritage items and Centenary Sq, by requiring a 12m street wall.</p> <p>The proposed 6 storey addition would unbalance the relationship between the heritage items resulting in an architecturally overbearing building that negatively impacts on the existing building and this important heritage context at the heart of the city.</p> <p>The proposed extension would also detrimentally impact the heritage fabric of the Murrays Building in two key ways:</p> <ul style="list-style-type: none"> • Significantly adverse impacts to appearance and form of the roof. • Significantly adverse impacts to internal elements which contribute to the heritage fabric and significance of the building, such as the timber structure. <p>The proposal is considered to be unacceptable in relation to both the impact on the heritage fabric of the building itself and in relation to the broader Centenary Square context.</p> <p>As such this proposal does not comply with 5.10(4) relating to the effect of the proposed development on heritage significance.</p> <p>Archaeological impacts could have been considered further in any detailed stage 2 application.</p>
5.21 Flood Planning	See section 7.9 Floodplain Risk Management
Part 7 – Parramatta City Centre	
7.3 Floor Space Ratio Allowable: 6:1 (3796.8sq.m)	This Concept DA seeks approval for an FSR of 5.99:1 (GFA 3,796.7m2), which complies with this control. However, for the reasons set out below the FSR sought under this proposal is not appropriate from a heritage impact perspective.

	Any extra GFA shown on the concept plan would rely on design excellence bonuses obtained through a successful design competition and subsequent stage 2 DA approval.
7.5 Sun access	The proposal has been designed to not overshadow any part of the Parramatta Square Sun Access plane between midday and 2PM.
7.8 Active Frontages	The proposal will maintain the active shop frontages to Centenary Sq, Macquarie St and introduce new ones to the rear laneway.
7.9 Floodplain risk management	<p>The proposal was reviewed by Councils Catchment Engineer. The existing floor levels of the heritage item are below the flood planning level. The current application is concept only and as does not specify if the existing ground floor will be upgraded to comply with flood planning requirements.</p> <p>The Heritage Impact Statement does not specify how much of the ground floor internals will be retained beyond the façade, any new construction at the rear for the core may need to have floor levels at or above the flood planning level as per the Parramatta CBD DCP, in the range from RL 10.9m AHD to RL 11.2m AHD. This requires a substantial transition up from ground level, which should occur in a minimal area just inside the building. There may be difficulties with the higher floors without damaging the Heritage building and the flooding mitigation will be considered in the context of the heritage controls within the Parramatta DCP at Design Competition stage.</p> <p>The laneway at the rear plays an important part in drainage design, surface flow paths and level changes for this site and 5PS. Similarly, this should be worked through with Council as the design emerges during a Design Competition stage.</p>
7.11 Design Excellence	While the Design Excellence clauses are not required to be satisfied for concept DA's, considerations regarding FSR, height, overall bulk, scale and form, as well as setbacks and general amenity impacts are to be considered as these would inform a future design competition should the proposal have progressed that far.
7.15 Car Parking – general	No car parking is proposed. Given the sites strategic location near future and existing transport links this is acceptable
7.20 Managing heritage impacts	<p>As per 7.20(3) development consent must not be granted unless the following have been satisfied:</p> <ol style="list-style-type: none"> The extent to which the carrying out of the development is likely to affect the heritage significance of the relevant heritage item. The proposal is considered to unacceptably affect the heritage significance of the Murrays Building as discussed in this report. A Heritage Impact Statement has been submitted, as required. Council does not agree with the following conclusion of this report the <i>“design by TKD for a commercial building above the heritage listed Murrays’ Building has an acceptable impact on the significance of the site and surrounding Centenary Square in consideration with its current and evolving context.”</i> Lot amalgamation is not proposed and this control does not apply The location of a tower, having regard to the need to achieve an acceptable relationship with the heritage item or heritage conservation area on, or adjacent to, the land in terms of separation, setbacks, amenity and urban form. This development is beyond the street wall maximum height of 21m and is considered to be a tower, therefore the tower controls would apply. It is considered that the proposal does not have an acceptable relationship with the heritage item on or adjacent to the subject site (Centenary Square, Parramatta Town Hall). The proposal has

	minimal setbacks to the boundary of the property which is overbearing on the existing heritage item and is a poor urban form outcome for the subject site and facing Centenary Square. The heritage impacts are discussed further in the assessment below.
7.21 End of journey facilities	End of journey facilities are required and could have been considered further in a stage 2 detailed DA
7.22 Dual water systems	Dual water piping upgrade is required and could have been considered further in a stage 2 detailed DA
7.23 High performing building design	This clause does apply however as the additional GFA for the purposes of residential accommodation has not been applied for under this DA
7.24 Commercial premises in Zone B4 Mixed Use	This development provides a minimum 1:1 commercial FSR
7.25 Concurrence of Planning Secretary	This site is not captured by this section, refer to section 8.1
7.25A Additional floor space ratio for office premises	This site is not captured by this control
8.1 Arrangements for designated State public infrastructure	No residential FSR is proposed therefore the clause is not triggered
8.2 Public Utility Infrastructure	The development site has adequate arrangements for water, electricity and gas infrastructure. This clause could have been considered further in the detailed stage 2 DA

10. Parramatta Development Control Plan 2011

A consideration of the relevant sections of the PDCP 2011 is provided below

Development Control	Comment	Comply
<i>Part 2 Site Planning</i>		
2.4.1 Views and Vistas	The site is not identified as containing significant views.	Yes
2.4.2 Water Management	Refer to CBD controls under section 6.7 of the DCP	-
2.4.3 Soil Management	Soil management could have been considered further in a detailed stage 2 DA	-
2.4.4 Land Contamination	The land has not been identified as contaminated. Further assessment could have been considered in the stage 2 detailed DA as per SEPP (Resilience and Hazards)	-
2.4.5 Air Quality	The proposal is not considered to reduce air quality	Yes
2.4.6 Development on Sloping Land	The development responds to the topography of the site which is generally flat.	Yes
2.4.7 Biodiversity	There are no trees on the subject site	Yes
2.4.8 Public Domain	The proposal will maintain the active street frontages that encourage pedestrian movement and pedestrian access which connects to and addresses the public domain. The proposal would be generally accessible to the street. Detailed Public Domain upgrade plans could have been considered further under a detailed stage 2 DA.	-
<i>Part 3 Development Principles</i>		
3.1 Preliminary Building Envelope		

Not applicable. See 'Parramatta City Centre' controls below.		
3.2. Building Elements		
<ul style="list-style-type: none"> • Building Form and Massing • Building Façade and Articulation • Roof Design • Energy Efficient Design • Streetscape 	The building elements of this design are assessed further under Part 6 Parramatta City Centre DCP assessment below.	Yes
3.3 Environmental Amenity		
3.3.1 Landscaping	No trees are on the subject site. Detailed landscape plans and impacts on the could have been considered under a stage 2 DA detailed landscape plans will be required for any rooftop terrace as well as details on how the development can be delivered without impacting the existing plane trees within Centenary Sq on the western and southern elevations.	Yes
3.3.2 Private and Communal Open Space	N/A for commercial developments	-
3.3.3 Visual Privacy 3.3.4 Acoustic Amenity	N/A for commercial developments	-
3.3.5 Solar Access and Cross Ventilation	N/A	-
3.3.6 Water Sensitive Urban Design Water Efficiency Stormwater Drainage Grey Water	Water Sensitive Urban Design Provisions and Water Efficient Stormwater and grey water requirements could have been considered further under a detailed stage 2 DA.	-
3.3.7 Waste Management	The application does not show any detailed locations for ongoing waste management; however, this could have been considered further under a detailed stage 2 DA.	-
3.4 Social Amenity		
3.4.1 Culture and Public Art	A Public Art Concept Plan could have been considered further under a detailed stage 2 DA	-
3.4.2 Access for People with Disabilities	This Concept DA is capable of facilitating a detailed design outcome for the site that is capable of complying with the applicable provisions of the Disability Discrimination Act 1992. A detailed Accessibility Report could have been required during the assessment of a detailed stage 2 DA	-
3.4.3 Amenities in Building Available to the Public	Toilet facilities for the public and retailers within the existing and proposed building could have been considered under a detailed stage 2 DA	-
3.4.4 Safety and Security	CPTED requirements could have been considered under a detailed stage 2 DA	-

3.4.5 Housing Diversity and Choice	N/A	-
3.5 Heritage		
3.5.1 General 3.5.2 Archaeology 3.5.3 Aboriginal Cultural Heritage	Heritage impacts of the proposal is considered further in the assessment below in relation to this Clause and in the context of the 6.6 Parramatta CBD Heritage DCP controls. While many of the controls in section 3.5 of the DCP are applicable to residential buildings it is considered appropriate that the proposal considers the heritage design principles. The proposal does not meet the heritage design principles in section 3.5.1 as the scale of the addition is considered to overwhelm the original building given the bulk, scale and position of the extension in relation to the original building.	No
3.6 Movement and Circulation		
3.6.1 Sustainable Transport		
Car Share	Given the sites strategic location and the existing heritage items no car share spaces are provided. This has been deemed acceptable to Councils Traffic and Transport team.	Yes
Green Travel Plan Required for development within 800m radial catchment of a railway station	Not provided, could have been considered for a detailed stage 2 DA	-
3.6.2 Parking and Vehicular Access		
Car Parking Control	No car parking proposed. This is considered acceptable given the sites strategic location and the existing heritage items no car share spaces are provided. This has also been deemed acceptable to Councils Traffic and Transport team. However, access and provisions of loading facilities remains outstanding.	No
6 Strategic Precinct - Parramatta City Centre		
6.1.2 General Objectives	The proposal does not promote urban and architectural design quality through planning procedures that foster design excellence nor reinforces the distinctive attributes and qualities of the Church St Special Area as detailed further in this report. The development also impacts the existing heritage on and surrounding the site and does not celebrate its respectful interpretation.	No
6.2 Design Quality	The proposed envelope is not considered to be a suitable starting point for a design competition.	No
6.3 Built Form		
6.3.1 Guiding principles	This proposal does not meet any of the design principles. Due to the proposals bulky size and scale design principles 01-04 are not met as this development is well above the street wall controls. All development above the street wall control should be setback to reinforce the scale of the street and protect amenity in streets and public places. This proposal does not do that. The proposal also does not meet the required street wall height and building separation under the applicable DCP controls which has a negative impact on the amenity of the public domain , contrary to principle 05. The proposal does not promote any slenderness in its form for the component over the street wall. Further, as detailed in principle 08 <i>“The gross floor area permissible under the applicable maximum FSR for each Development Lot in some circumstances may not be achievable when all planning, urban design and assessment considerations are taken into account. These may include, but</i>	No

	<p><i>are not limited to, matters such as street and tower setbacks, width of street frontage, the shape and size of the site, heritage curtilage, significant trees being retained, and significant archaeology on the site.”.</i></p> <p>This principle is important in relation to this site. Whilst the FSR is compliant the development is not considered to be acceptable when that floorspace is considered in the context of the heritage and built form controls.</p>	
6.3.2 Minimum Site Frontage	The proposal has a 32.11m street frontage to Centenary Sq and a 19.71m frontage to Macquarie St. Given that this site cannot be amalgamated with any adjoining sites as they are either developed or public land the proposed frontage is considered acceptable as per C.04	Yes
6.3.3 The Building Envelope	<p>6.3.3.1 Street Setbacks Steet Setbacks for this site are prescribed under the Church St Special Area controls.</p> <p>While a pedestrian laneway is provided to the east at 85 Macquarie St no setback is provided by either building. This is consistent with the approach for the development at 85 Macquarie St.</p> <p>6.3.3.2 Building Separation The development at 85 Macquarie St (DA/638/2019) has been built to the boundary. The owner for the subject site provided a submission to that DA at the time objection to the fact that the proposal was positioned on the boundary. In discussing the merits of the application the assessing officer concluded that the 0 lot setback was acceptable and would not limit any development potential for the subject site which would be assessed on its merits through any future application.</p> <p>This development may necessitate the removal of some of the glass and balconies on the western elevation at 85 Macquarie St, or at the very least would block outlook from these areas. This issue was identified as a possibility at the time 85 Macquarie Street. There is no planning concern in relation to this and the details relating to construction etc could have been further explored in any detailed stage 2 DA.</p> <p>6.3.3.3 Tower Slenderness The maximum floorplate of 469.6sq.m complies with the development control maximum of 2000sq.m.</p> <p>6.3.3.4 Floor Heights The commercial floor to floor heights could have been considered further under the detailed stage 2 DA.</p>	<p>See Church St Special area controls</p> <p>Yes</p> <p>Yes</p>
6.3.4 The Street Wall	The Street Wall is created by the existing heritage item which is 12m high as per the Church St special areas controls. The addition does not however respect setbacks required beyond the street wall.	No, however addressed further in the Church St Special Area controls
6.3.5 Ground Floor	<p>6.3.5.1 Non Flood affected site Controls do not apply</p> <p>6.3.5.2 Flood affected Site The ground floor will be required to be upgraded to comply with flood mitigation measures in the Design Competition and Stage 2 detailed DA, if</p>	Yes

	<p>approval was sought, while maintaining the existing ground floor retail. Heritage impacts will be considered further and may reduce the amount of flood mitigation design measures for the ground floor.</p> <p>6.3.5.2.3 Floodwater Management Design Elements The laneway at the rear of the site between the Town Hall is a surface flow path. Any level changes for the ground floor could have been considered further in the Design Competition and stage 2 detailed DA to ensure that a clear flow path is maintained.</p> <p>6.3.5.4 Services and Utilities The services and plant area are at the rear of the site in the roof of the core. This will meet the flood mitigation measures.</p>	-
6.3.6 Above Ground Parking	N/A	-
6.3.7 Residential Apartment Design Quality	N/A	-
6.3.8 Wintergardens	N/A	-
6.3.9 Dwelling Mix and Flexible Housing	N/A	-
6.4 Public Domain		
6.4.1 Solar access to significant parks and spaces	The proposal will not cause any overshadowing of Ollie Webb Reserve, Rosella Park, Robin Thomas and James Ruse Reserve or St Johns Cemetery in the nominated times.	Yes
6.4.2 Awnings and Trees on Streets	<p>6.4.2.1 Awnings have priority Awnings are required along Macquarie St under this control. The existing awning is being maintained along Macquarie St, Centenary Sq and one is being added to the southern laneway. The awnings will be made to accommodate the existing plane trees along the southern elevation.</p> <p>6.4.2.2 Street trees have priority Street trees are proposed to be retained. Any mitigation impacts to ensure these trees are not impacted during construction will be considered under a stage 2 detailed DA.</p> <p>4.2.3 Semi Recessed Awnings N/A</p>	Yes
6.4.3 Design of Awnings	The awning design has adequately considered these controls considering existing infrastructure.	Yes
6.4.4 Pedestrian lanes, shared zones and service lanes	The pedestrian laneway along 85 Macquarie St and along the southern boundary is not identified under the DCP. This proposal will lead to the enclosure of the natural light entering this laneway, this was an accepted risk in the determination of 85 Macquarie St which is built over the laneway and is not sought as a reason for refusal.	Yes

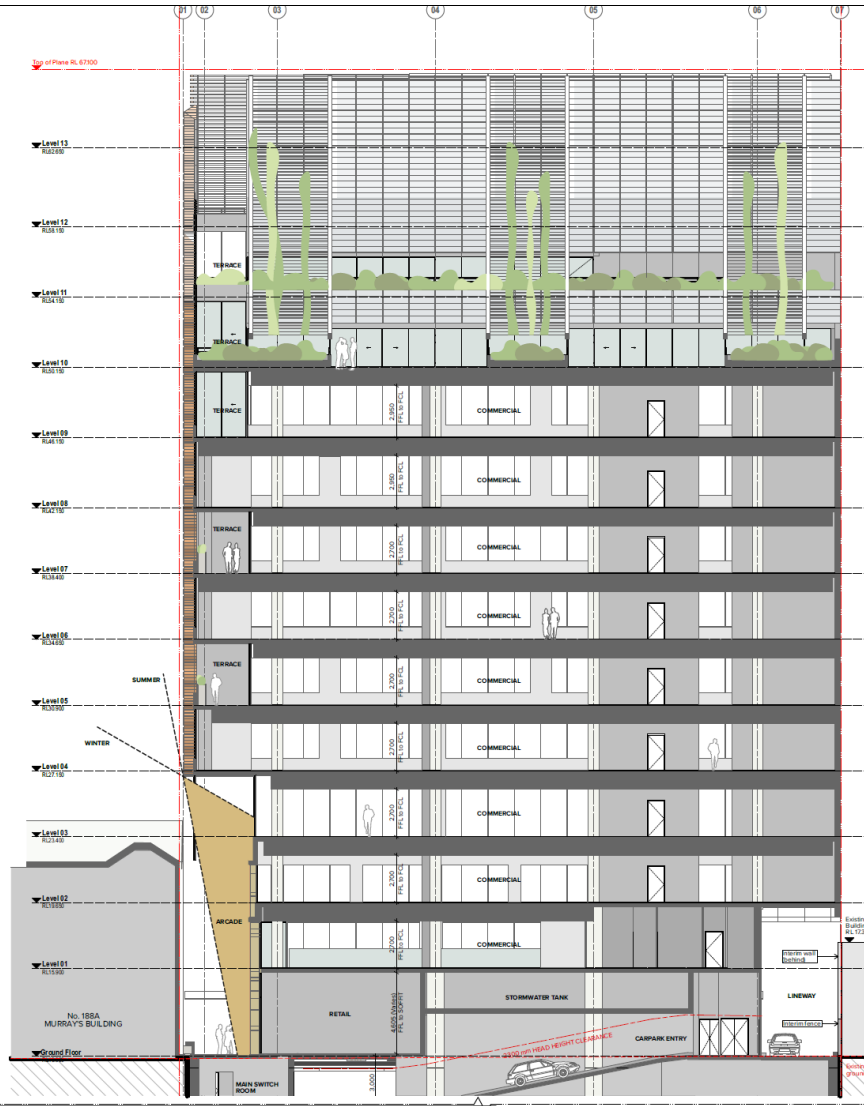


Figure 14 - Section of 85 Macquarie St showing proposed light for laneway

6.4.5 Pedestrian Overpasses and Underpasses

N/A

-

6.4.6 Vehicle Footpath Crossings

No vehicle entry point is proposed under this DA. This site has never historically had any site access point.

Yes

6.4.7 Views

This proposal will not impact view corridor 3 down Church St. This control is focused on retaining the views from Church Street towards St John's Cathedral to allow the silhouette of the Cathedral spires to be seen against the sky, see figure 15 below.


Yes



Figure 15 - DCP view corridors, subject site highlighted in yellow

6.5 Special Areas

6.5.1 City River	N/A	-
6.5.2 Civic Link	<p>This site is identified as being within block 1 of the Civic Link special area. The only applicable control that applies to this site is that along the Macquarie St frontage any development must be built to the boundary, the proposal complies.</p> <p>However, it is noted that the site is only included in block 1 to indicate a possible amalgamation.</p>	Yes
6.5.3 George St	N/A	-
6.5.4 Church St	<p>The site is affected by the Church St controls.</p> <p>C.01 – The addition does not comply with the required 12m street wall height, the development is proposing to extend the street wall from the boundary to Centenary Sq to a total street wall height of 35.6m. Further, under C.02 tower developments are not permissible on this site as it is affected by the Church St view corridor,</p> <p>C.02 – This site is identified within the Church St view corridor in figure 6.4.5.1 of the DCP, see figure 16 below. Tower developments such as the proposed are not allowed, as such, the development does not comply with this control.</p>	<p>No</p> <p>No</p>

	 <p>Figure 16 - Extract of Church St and Centenary Sq view corridor in dashed lines, subject site in green</p> <p>C.03 – The DCP requires retail tenancies 6m wide, however, the proposal provides retail tenancies between 4.6m and 5m.</p> <p>C.04 – The proposed colours of the heritage item will not be amended under this proposal. Any restoration works completed under a stage 2 DA, if approval was sought, will be required to be consistent with the Church St Colour Schemes.</p> <p>The proposal is not consistent with Church St Special Precinct controls detailed above and objective O.03 which requires the “<i>Preservation of the low rise setting of Centenary Square created by the existing 2 to 3 storey heritage items that flank it as shown in Figure 6.5.4.2 to protect the heritage relationship between these buildings and their unique framing of Centenary Square.</i>” It is for the preservation of the Church St controls and objective O.03 that this application is recommended for refusal under this part of the DCP.</p>	<p>No</p> <p>N/A</p> <p>No</p>
6.5.5 Marion St	N/A	-
6.5.6 Campbell St and Great Western Highway	N/A	-
6.5.7 Auto Alley	N/A	-
6.5.8 Station St West	N/A	-
6.5.9 Creek Corridors	N/A	-
6.5.10 Park Edge	N/A	-
6.6 Heritage		
6.6.1 Guiding Principles	<p>The proposal is an identified local heritage site, the development does not respect guiding principles 06, 08, 09 and 11, these principles are shown below:</p> <p><i>P.06 Heritage listed places are retained, conserved and enhanced.</i></p> <p><i>P.08 The heritage values of a heritage place, as well as the contribution of the broader context, including views, and the immediate setting, to the heritage values of the place (the relationship of a heritage place to its area), are understood prior to making decisions about changes to a place, including new development.</i></p> <p><i>P.09 New development situated alongside existing heritage places is accommodated in a way that is respectful and appropriate, and in a way that will enhance the heritage values of a place.</i></p> <p><i>P.11 New development is carefully designed to protect and enhance the setting of heritage places and to acknowledge and strengthen the relationships between heritage places in the City Centre.</i></p>	<p>No</p>

	<p>The addition is considered to have excessive bulk and does not respect the identified urban design structure of podiums of 12m of height and setback towers above. The current design will dominate not only the Murrays Limited Heritage item but also the adjoining Centenary Sq as a heritage item and a public space as well as the Parramatta Town Hall.</p>	
6.6.2 Understanding the Place	<p>As per C.03 the heritage significance of local heritage places must be conserved and enhanced. The work is to be guided by the management recommendations set out on Council's heritage inventory sheet for the place, or in a relevant heritage management document such as a conservation management plan that Council has found acceptable.</p> <p>C.04 A Heritage Impact Statement has been submitted for this DA as per the format required under C.05 and C.06. Council does not support the findings of this statement for the reasons set out in this report.</p>	No
6.6.3 Heritage Relationships	<p>C.01 the subject heritage item and the surrounding heritage items such as the Parramatta Town Hall and Centenary Sq are all low scale developments of approximately 12m in height framing Centenary Square. This critical relationship is negatively impacted by the proposal which erodes the 12m height datum with the proposed additions.</p> <p>C.02 It is perceived that the addition will not isolate the heritage item but may reduce the contribution of the Murrays Building as a heritage item contributing to the low scale context that flank Centenary Sq.</p> <p>C.03 This proposal physically overhangs the Murrays building and reduces the positive visual curtilage that the Murrays building contributes to Centenary Sq as a low scale heritage item. It is not agreed that there is a 6-8 storey emerging datum as the applicant has argued in their report. While St Johns Cathedral is undergoing a planning proposal for its redevelopment, the existing 12m street wall heights will be retained under its site specific DCP.</p> <p>C.06 The proposed sloped roof surrounding the heritage item will be largely retained.</p> <p>C.07 The proposed use will not significantly change the existing fabric as it will be retained as a largely commercial building as was the original use</p> <p>C.08 No upgrades to the heritage item are required by the addition</p> <p>C.09 No new uses are proposed</p> <p>C.10 The proposal will not form part of the backdrop of the heritage item and this control would not apply.</p> <p>C.11 The proposal is not considered to respond to the visual character of the heritage item on the site or surrounding heritage items. The proportion of the addition and modulation which overhangs the item is excessive and does not meet this control.</p> <p>C.12 The materials would be considered further under the Design Competition were the proposal progress that far</p> <p>C.13, C14 The ground plane will be retained within the flooding protection measure constraints that could have been considered further under the stage 2 DA</p> <p>C.15 The existing ground levels have not been raised</p> <p>C.16 Materials and finishes of the addition could have been considered under a future Design competition</p> <p>C.18 The scale of the addition has not complied with the required setbacks for the Church St Special Area. The bulk and scale is also excessive over the Murrays building and diminishes the low scale setting that surrounds Centenary Sq.</p> <p>C.19 The proposal will impact the views of the heritage item when viewed from Centenary Sq. The addition will be overbearing and is not in the</p>	No

	perceived context of the DCP controls of Centenary Sq and the Church St Special Area C.20 The existing plane trees within Centenary Sq will be required to be retained and appropriate protection measures could have been considered under a future stage 2 DA	
6.6.4 Demolition	The proposal is seeking the part demolition of some of the rear of the heritage item for services and the internal roof to for a new L3 commercial space. This demolition is considered to be acceptable as the components of the heritage item such as the hipped roof and façade are being retained.	Yes
6.6.6 Development to benefit a heritage item	It is considered that the proposal is significantly unsympathetic to the existing heritage item and thereby will not will retain the character and setting of the Murrays building within the context of Centenary Sq as detailed above.	No
6.6.7 Interpretation	Interpretation of the existing ground floor shopfront widths is proposed under this DA. It is not considered that this interpretation will impact the heritage item.	Yes
6.7 Flood Risk Management		
6.7 Flood Risk Management	A Flood Risk Management Plan could have been required for a stage 2 detailed DA	-
6.7.1 Assessment and minimisation of flood hazards, risks and potential for harm	The subject site is flood affected, a flood hazard and risk assessment could have been considered under a future detailed stage 2 DA. Levels on the ground floor retail will have to be considered within the context of the existing heritage façade.	-
6.7.2 Land Use and building levels	The applicant has not given any consideration to floor levels within the context of the existing heritage building and C.05. This is not acceptable in this case.	-
6.7.3 Sesnitive and Critical Uses	Commercial development is not defined as a sensitive or critical use as per table 2.4.2.1.1 of the PDCP	Yes
6.7.4 Flood Warning and Emergency Response Planning	A Flood Emergency Response Plan could have been required under a stage 2 detailed DA	-
6.7.8 Car park basements in flood prone areas	N/A	N/A
6.8 Environmental Sustainability		
6.8.1 High Performing Buildings	The proposal is not seeking the High Performing Building target and a NABERS Commitment Agreement has not been submitted.	-
6.8.2 Dual Water Systems	A dual water system could have been conditioned appropriately under a stage 2 detailed DA	-
6.8.3 All Electric Buildings	All electric energy could have been conditioned appropriately under a stage 2 detailed DA	-
6.8.4 Electric Vehicle Charging Infrastructure	No car parking proposed	N/A
6.8.5 Urban Cooling	6.8.5.1 Roof Surfaces Can be considered under a stage 2 detailed DA 6.8.5.2 Facades Can be considered under a stage 2 detailed DA 6.8.5.3 Heating and Cooling Systems – Heat Rejection Can be considered under a stage 2 detailed DA 8.5.4 Green Walls or Roofs Can be considered under a stage 2 detailed DA	-

6.8.6 Solar Light Reflectivity (Glare)	The proposal is not considered to cause any undue solar reflectivity given its size in the context of the CBD heights. A reflectivity report will be required under a stage 2 detailed DA	Yes
6.8.7 Natural Refrigerants in Air Conditioning	Could have been considered under a stage 2 detailed DA	-
6.8.8 Bird Friendly Design	Could have been considered under a stage 2 detailed DA	-
6.8.9 Wind Mitigation	The proposal is not considered to impact wind conditions given its size in the context of the area.	Yes
6.9 Vehicular Access, Parking and Servicing		
6.9.1 Vehicle Driveways and Maneuvering	No driveway or parking is proposed under this DA.	N/A
6.9.2 On Site Car Parking	Bicycle parking could have been considered under a stage 2 detailed DA	Yes
6.9.3 Bicycle Parking and End of Trip Facilities	6.9.3.1 Bicycle Parking Bicycle parking and end of trip facilities could have been considered under a stage 2 detailed DA 9.3.2 End of Trip Facilities Could have been considered under a stage 2 detailed DA as per the PLEP controls	-
5 Other Provisions		
5.5 Signage	No signage proposed.	N/A

11. Development Contributions

As this is a concept development application and no physical works are proposed under this DA contributions are not applicable and could have been required to be paid following the determination of a detailed stage 2 DA.

12. The likely impacts of the development

The assessment demonstrates that the proposal will significant adverse impacts upon the Murrays Building heritage item and the adjoining heritage items as the development does not comply with key heritage and built form planning instruments and controls. The development will be overbearing on Centenary Sq and will be a significant variation to the Church St Special Area DCP controls if approved and would have an unacceptable precedence in how the surrounding low scale heritage developments frame Centenary Sq and Church St. In the context of the site and the assessments provided by Council's experts, the development is considered to have an unacceptable impact on the site.

13. Suitability of the Site


The subject site is a commercial building already with ground floor retail. The uses within the heritage building will not change under this application. While the uses are existing and the additions FSR is compliant under 7.3 of PLEP 2011 there must be a balance where that zoning and development standards confer a development right as opposed to a development potential which responds appropriately to the characteristics of a site, similar to constraints such as flooding or overshadowing.

This development has not addressed the heritage values of not only the Murrays Building but also the surrounding heritage items. It has not demonstrated that given these heritage constraints a development of this size is suitable for the site.

14. Public Consultation

In accordance with the City of Parramatta Consolidated Notification Plan the Development Application was notified and advertised between the 16th December 2022 and 11th January 2023. Three submissions were received two being from organisations and one being from a member of the public.

Key concerns raised in the submissions are addressed below.

Issue	Response
Heritage fabric will be ruined	It is agreed that the proposal will have an unacceptable impact on the heritage item when assessed against 5.10(4) of the PLEP 2011 and the heritage controls within the Parramatta DCP as addressed in this report.
Impacts on Centenary including overshadowing	The proposed addition will have a detrimental impact on Centenary Sq. It is agreed that the additions bulk and overall scale will not be compliant with the objectives of the Church St Special Area in the Parramatta DCP and the development controls for the site. It is recommended for refusal for this reason.
Impact on view corridors to the Town Hall	There are no view corridors to the Town Hall. The proposal complies with the St Johns Cathedral view corridor as specified under 6.4.7 of the DCP down Church St.
Overshadowing of Town Hall	The proposal will overshadow the Town Hall. While there are no specific overshadowing controls limiting the overshadowing of the Town Hall, the development must be considered as to how the addition will be viewed in the context of a group of heritage items that frame Centenary Sq. The subject site will not subsequently have a street wall height of 12m, as per the Church St Special Area controls require and the existing heritage items approximately have.
Refurbishment to be undertaken as per an approved Conservation Management Plan	A Conservation Management Plan for the refurbishment of the Murrays Building will be required in any future detailed Stage 2 DA.
The removal of the roof will impact on the significance of the item and how it is viewed from nearby areas	<p>The existing roof to be removed will not impact the significance of the item. The existing hipped roof, that will be retained, is the main portion of the roof that can be viewed from the street. As shown in figure 17 below the existing roof to be removed is a cliplock roof.</p>  <p><i>Figure 17 - Picture of the existing cliplock roof (Source Wier Phillips Heritage and Planning, 2022)</i></p>
Little detail on the articulation zone	The use of the articulation zone will be detailed in the Design Competition or the detailed stage 2 DA. This DA only secures the height and setbacks.

The proposal is inconsistent with the DCP planning controls for this area	This DA is inconsistent with the Church St Special Area DCP controls and the CBD Heritage controls. These are both sought as reasons for refusal.
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15. Public interest

Given the issues outlined above and the submissions received the proposal is not in the public interest. This is sought as a reason for refusal.

16. Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. The heritage status of the subject building as well as the significant heritage context to which it contributes is a determinative issue in the assessment of this proposal.

The development cannot be supported in its current form and is not consistent with the Church St Special Area DCP controls. These controls look to preserve the heritage setting created by the existing 2 to 3 storey heritage items that uniquely frame Centenary Square and comprise much of its heritage significance. The proposals bulk and scale weakens the heritage relationship between these buildings and thereby the unique heritage context of this pre-eminent area of public domain within the CBD.

Further to this, the development will have an unacceptable impact on the heritage fabric of the existing Murrays Building in terms of impacts to the roof and the internal construction.

It is noted that the proposal is compliant with the FSR and height controls. However, these standards are maximum development potentials and not development rights. Potential is realised through a thorough assessment of all relevant planning matters that may relate to a site. Standards such as FSR and height must be weighed against other site development constraints such as heritage in this case. The development proposal has not adequately demonstrated that the proposed addition is appropriate in relation to the heritage item or its setting, as per the objective of FSR under the PLEP 2011. It is further contended that redevelopment of the site to the scale proposed is not possible regardless of architectural design of the new building works. This is because the critical issues adversely impacting heritage values relate fundamentally to scale and bulk.

For these reasons, it is considered that the proposal is not satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is recommended for refusal for the reasons in the recommendation below.

17. Recommendation

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

- A. **That** the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, refuse development consent to DA/960/2022 for the stage 1 concept proposal for a six-storey cantilevered commercial extension atop the existing heritage listed Murrays building. Including allowance for the future part demolition of the heritage item including internal realignment, amendments to the shopfronts and part removal of the roof on land at 188 Church Street, Parramatta for below reasons for refusal.

1. Parramatta Local Environmental Plan 2011

- a) **Section 4.4 (1)** – The proposed bulk and scale is not appropriate in relation to the heritage site or its setting.
- b) **Section 5.10(4)** – The proposed development will have an unacceptable impact on the heritage significance of the Murrays Building (1562) and surrounding heritage items
- c) **Section 7.20(3)** – The proposed tower will have an unacceptable relationship with the heritage item on the site and that surround it, including the separation, setbacks, amenity and urban form

2. Parramatta Development Control Plan 2011

- a) **Section 3.5.1** - Heritage Design Principles – Does not comply as the scale of the addition overwhelms the existing heritage item
- b) **Section 6.1.2** - The proposals urban design and heritage outcomes does not comply with many of the general objectives of the Parramatta City Centre DCP
- c) **Section 6.3.1** – The development does not comply with many of the built form guiding principles, it does not respect the street wall controls or tower setbacks
- d) **Section 6.5.4** - Church St Special Area – The proposal does not comply with the objectives nor many of the controls of the Church St Special Area
- e) **Section 6.6.1** – The CBD Heritage Guiding principles are not complied with
- f) **Section 6.6.3** – The proposed addition does not provide an adequate heritage relationship; it doesn't respect the items bulk or scale nor its relationship with the surrounding low scale heritage items and how they flank Centenary Sq
- g) **Section 6.6.4** – The addition does not benefit the heritage item and is not sympathetic to the item nor its surrounding heritage context.

3. Environmental Planning and Assessment Act 1979

- a) **Section 4.15(1)(a)(i), (ii) and (iii)** – The development will lead to environmental impacts to the built environment it is not suitable for this development and is not in the public interest.

B. **Further, that** submitters are advised of the decision.