

FOR ACTION

COUNCIL

10/02/2020

TO: Project Officer, Land Use Planning (Rubcic, Marko)

Subject: FOR APPROVAL: Draft Development Control Plan and draft Planning Agreement for land at 33-43 Marion Street, Parramatta
Target Date: 11/03/2020
Notes:
File Reference: <FOLDERNUMBER> D07133241

RESOLVED (Esber/Tyrrell)

- (a) **That** Council note that the subject Planning Proposal provided at Attachment 1 has been amended following the Gateway Determination and alteration received for the subject Planning Proposal and following Council's endorsement of the Marion Street Precinct Plan prepared in support of the Parramatta CBD Planning Proposal.
- (b) **That** Council endorse the draft site-specific Development Control Plan for the land at 33-43 Marion Street, Parramatta, as provided at Attachment 2, for the purpose of public exhibition.
- (c) **That** Council authorise the Chief Executive Officer to commence the legal drafting of a Planning Agreement in accordance with the terms outlined in this report and to finalise the draft agreement on behalf of Council for the purpose of public exhibition.
- (d) **That** the draft site-specific Development Control Plan and draft Planning Agreement be placed on public exhibition concurrently with the Planning Proposal for land at 33-43 Marion Street, Parramatta, for a minimum period of 28 days, and the outcome of the public exhibition be reported back to Council.
- (e) **Further, that** Council authorise the Chief Executive Officer to correct any minor inconsistencies or anomalies of an administrative nature relating to the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement documentation that may arise during the drafting and exhibition processes.

The motion moved by Councillor Esber and seconded by Councillor Tyrrell on being put was declared CARRIED.

DIVISION The result being:-

AYES: Cllrs Dwyer, Esber, Garrard, Han, Issa, Jefferies, Pandey, Tyrrell, Wilson and Zaiter

NOES: Cllrs Barrak, Bradley, Davis, Prociv and Wearne

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INNOVATIVE

ITEM NUMBER	18.4
SUBJECT	FOR APPROVAL: Draft Development Control Plan and draft Planning Agreement for land at 33-43 Marion Street, Parramatta
REFERENCE	RZ/9/2017 - D07133241
REPORT OF	Project Officer, Land Use Planning
APPLICANT	Pacific Planning Pty Ltd
LANDOWNER	Multiple landowners (details provided in Attachment 6)

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL - Nil**PURPOSE:**

To seek Council's endorsement to publicly exhibit a draft site-specific Development Control Plan and draft Planning Agreement for land at 33-43 Marion Street, Parramatta, in conjunction with the Planning Proposal previously endorsed by Council.

RECOMMENDATION

- (a) **That** Council note that the subject Planning Proposal provided at **Attachment 1** has been amended following the Gateway Determination and alteration received for the subject Planning Proposal and following Council's endorsement of the Marion Street Precinct Plan prepared in support of the Parramatta CBD Planning Proposal.
- (b) **That** Council endorse the draft site-specific Development Control Plan for the land at 33-43 Marion Street, Parramatta, as provided at **Attachment 2**, for the purpose of public exhibition.
- (c) **That** Council authorise the Chief Executive Officer to commence the legal drafting of a Planning Agreement in accordance with the terms outlined in this report and to finalise the draft agreement on behalf of Council for the purpose of public exhibition.
- (d) **That** the draft site-specific Development Control Plan and draft Planning Agreement be placed on public exhibition concurrently with the Planning Proposal for land at 33-43 Marion Street, Parramatta, for a minimum period of 28 days, and the outcome of the public exhibition be reported back to Council.
- (e) **Further, that** Council authorise the Chief Executive Officer to correct any minor inconsistencies or anomalies of an administrative nature relating to the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement documentation that may arise during the drafting and exhibition processes.

THE SITE

1. The subject site is located at 33-43 Marion Street, Parramatta, as shown in **Figure 1**. It has an area of approximately 2,367 square metres and is bound by Marion Street to the north, Station Street West to the east, Peace Lane to the south and a single-storey heritage-listed dwelling to the west.
2. The subject land itself contains six properties containing the following:
 - 33 Marion Street - a single-storey residential dwelling;
 - 35 Marion Street - a single-storey residential dwelling;
 - 37 Marion Street - a single-storey residential dwelling currently identified as a Heritage Item in the Parramatta LEP 2011, but for which development consent has been granted for demolition;
 - 39 Marion Street - a two-storey commercial building;
 - 41 Marion Street - a two-storey mixed-use building; and
 - 43 Marion Street - a three-storey commercial building.



Figure 1: The subject sites outlined in yellow

PLANNING PROPOSAL SUMMARY

Table 1: Summary of proposed controls

	Parramatta LEP 2011	Parramatta CBD Planning Proposal	Subject Planning Proposal
Site Area	2,367.5m ²		
Land Use Zoning	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of Buildings	12m	80m	80m
Floor-space ratio	2:1	6:1	6:1
Parking	In accordance with Clause 7.3	Strategic Transport Study rates	Strategic Transport Study rates
Heritage	37 Marion St listed	37 Marion St listed	37 Marion St delisted
Number of dwellings [^]	55 dwellings	167 dwellings	167 dwellings

^ The number of dwellings has been estimated based on the maximum achievable residential gross-floor area (excluding bonuses) divided by an average apartment size of 85m²

BACKGROUND

3. In May 2019, a Planning Proposal was lodged for 33-43 Marion Street, Parramatta, which sought to increase the maximum floor space ratio control from 2:1 to 10:1 and increase the maximum height of buildings control from 12 metres to 120 metres. The applicant proposed to develop a mixed-use building on the site.
4. At its meeting on 12 February 2018, Council resolved to endorse the Planning Proposal with a maximum floor space ratio of 6:1 and with no maximum height of building controls. The endorsed Planning Proposal also included the delisting of local heritage items 1729 (29 Marion Street), 1730 (31 Marion Street) and 1731 (37 Marion Street). It is noted that 29 and 31 Marion Street did not form part of the future development site.
5. On 23 April 2018, the Parramatta Local Planning Panel granted development consent for the demolition of existing buildings including the locally heritage listed dwelling at 37 Marion Street, Parramatta. As of January 2020, demolition has still not commenced.
6. On 23 July 2018, the then Department of Planning and Environment issued a Gateway Determination which required the Planning Proposal and Urban Design Report to be updated to reflect various conditions. In summary, the Gateway Determination required that the applicant provide the Department with a further assessment of the proposed built form controls and the impacts on local character and that the delisting of heritage items at 29 and 31 Marion Street be removed from the Planning Proposal. The Gateway Determination is provided at **Attachment 4**.
7. Following ongoing correspondence between Council Officers and the applicant, the additional material was provided to the Department in November 2018 and the Department issued an Alteration of the Gateway Determination on 27 May 2019 (**Attachment 5**). The amended Gateway conditions required that the Planning Proposal be consistent with the Gateway Determination for the Parramatta CBD Planning Proposal and any subsequent study prepared by Council in relation to heritage and the built form controls for Marion Street.
8. It was noted that Council had previously resolved at its meeting on 25 March 2019 to prepare a precinct plan with supporting heritage analysis for the Marion Street precinct. The applicant requested that their site-specific Planning Proposal not be progressed until the outcome of the precinct plan was known and endorsed by Council.

MARION STREET PRECINCT PLAN

9. The Marion Street precinct plan was commissioned by Council and prepared by an independent urban design and heritage consultant (SJB Urban with specialist input from Paul Davies Heritage Consultants) and investigated the heritage values of the Marion Street precinct and the potential heritage impacts resulting from the Parramatta CBD Planning Proposal.

10. The study provided recommendations which mitigate adverse impacts on heritage values through modifications to the proposed planning controls in the Parramatta CBD Planning Proposal and proposed further controls that could be incorporated into a future Development Control Plan.
11. In relation to the subject site, the precinct plan supported a floor space ratio control of 6:1 plus design excellence provisions. The study also acknowledged the existing Planning Proposal at 33-43 Marion Street and thus provided detailed built-form controls that could be incorporated into a site-specific Development Control Plan.
12. At its meeting on 25 November 2019, Council endorsed the updated draft Parramatta CBD Planning Proposal which was informed by several technical studies, including the Marion Street Precinct Plan.

DRAFT SITE-SPECIFIC DEVELOPMENT CONTROL PLAN

13. The draft site-specific Development Control Plan has been drafted in accordance with the built-form recommendations of the Marion Street precinct plan. The site-specific Development Control Plan, as provided at **Attachment 1**, seeks to:
 - Provide an improved, pedestrian-friendly environment;
 - Activate ground floor space along Marion Street and Station Street West;
 - Achieve a suitable built-form outcome that addresses its contextual surrounds;
 - Ensure a suitable interface with adjoining heritage items; and
 - Create a permeable ground plane through visual and physical connections and through-site links
14. A diagram of the proposed podium and tower setbacks is shown in **Figure 2** below.

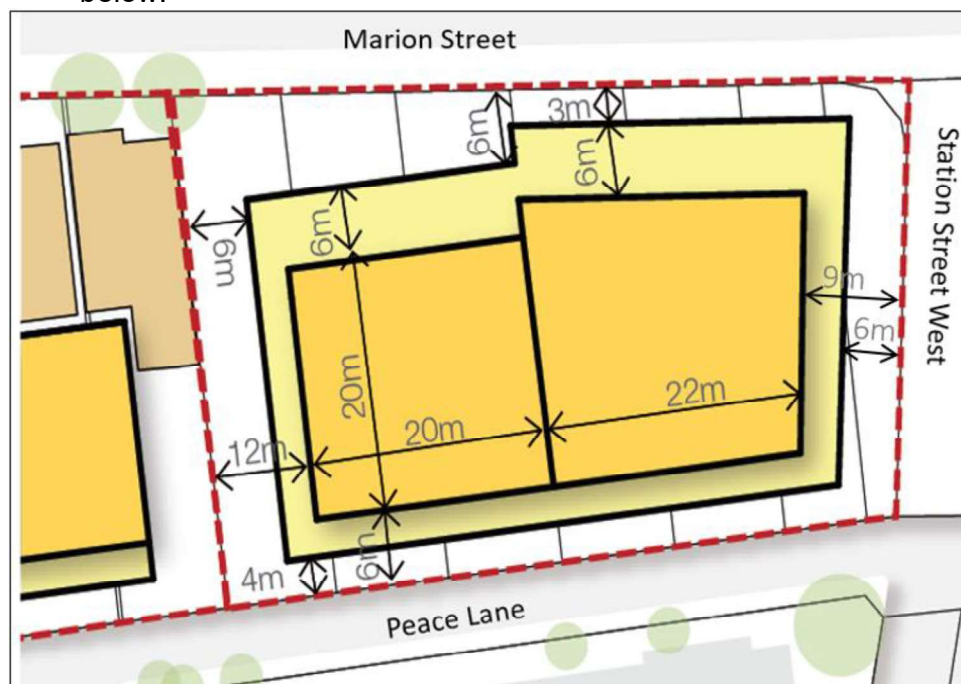


Figure 2: Podium and tower setbacks in the draft site-specific Development Control Plan

15. The site-specific DCP manages heritage interfaces by providing a three metre setback to Marion Street which increases to six metres towards the adjoining heritage item and provides a three-storey podium which responds to the low-rise scale of surrounding developments on Marion Street and Peace Lane.
16. The draft site-specific Development Control Plan has been drafted in accordance with the Council-endorsed Marion Street precinct plan and Council Officers are satisfied that the proposed built form controls will result in an appropriate urban design outcome.

PLANNING AGREEMENT LETTER OF OFFER

17. The applicant has submitted a letter of offer which is provided at **Attachment 3**. In the offer, the applicant has proposed to provide Council with a monetary contribution of \$150 per square metre for additional residential floor space facilitated by the Planning Proposal above that permitted under the current Parramatta LEP 2011 land use controls for residential floor space.
18. Based on the residential floor space uplift generated by the Planning Proposal, the Planning Agreement would result in a monetary contribution of \$1.42 million. This amount complies with Council's Planning Agreements Policy which applies a Phase 1 value-sharing amount of \$150 per square metre.
19. Phase 1 value-sharing represents the increase in FSR between the "base" FSR control and the "incentive" FSR control. The applicable value-sharing rate for Phase 1 is 20 per cent of this land value uplift. Using this methodology, the draft Planning Agreement value for the subject site is based on the following calculations:

Table 2: Calculation of the monetary contribution amount

Development parameters	
Site Area	2,367m ²
Base FSR	2:1
Base Gross Floor Area	(2 x 2,367m ²) = 4,734m ²
Incentive FSR	6:1
Incentive Gross Floor Area	(6 x 2,367m ²) = 14,202m ²
Phase 1 calculation	
Uplift in Gross Floor Area	(14,202m ² – 4,734m ²) = 9,468m ²
Increase in residential floor area multiplied by \$150	(9,468m ² x \$150) = \$1,420,200

20. However, the Gateway Determination for the Parramatta CBD Planning Proposal requires Council to review its community infrastructure framework. Council Officers are currently reviewing this framework with the goal of having the matter reported in March 2020.
21. The applicant has written to Council Officers and has agreed to draft their Planning Agreement in a manner whereby the monetary contribution can be adjusted should Council's policy position on community infrastructure for

residential floor space in the Parramatta CBD change but this only applies to residential floor space not commercial floor space (**Attachment 7**).

22. The recommendation of Council Officers is that any community infrastructure framework not require a contribution for the commercial component of any development. The applicant's amended offer provides Council security that the contribution payable will be consistent with the contribution required for residential development at the time the development application is granted but should Council change its policy in relation to a contribution for commercial floor space it would not be payable under the applicant's offer.
23. The monetary contribution is to be used by Council towards community infrastructure in the Parramatta CBD and is in addition to Section 7.11/12 development contributions payable with respect to any future redevelopment of this site.
24. Should Council accept the Planning Agreement letter of offer, the formal written agreement will be legally drafted and agreed to by both parties prior to public exhibition.

PROVISION OF PUBLIC DOMAIN

25. Existing footpaths, particularly along Station Street West, are narrow. The increase in pedestrian traffic that will occur as the Parramatta CBD develops, will significantly impact on urban amenity and safety in the area.
26. The site-specific DCP proposes a publicly accessible pedestrian through-site link along the western boundary. Additionally, three metres of the northern and western setbacks are to be publicly accessible to allow for footpath widening. These controls allow for more generous footpaths to accommodate increased pedestrian traffic and create a more permeable street network.
27. However, setbacks alone cannot ensure that footpath widening occurs as it is possible for a landowner to use the area for private activities (e.g. outdoor dining) or not grant public access over the setback area.
28. It is recommended that the Planning Agreement be negotiated so that at least part of the setbacks have easements for public access to ensure that footpath widening and through-site links are provided. The following easements are proposed and are in accordance with the draft site-specific DCP:
 - Three metres from the northern boundary (*noting the building podium is to be setback a variable 3-6 metres from the northern boundary*);
 - Three metres from the eastern boundary (*noting the building podium is to be setback six metres from the eastern boundary*); and
 - Three metres from the western boundary (*noting the building podium is to be setback six metres from the western boundary*).The areas to be publicly assessable are shown in Figure 3 below.

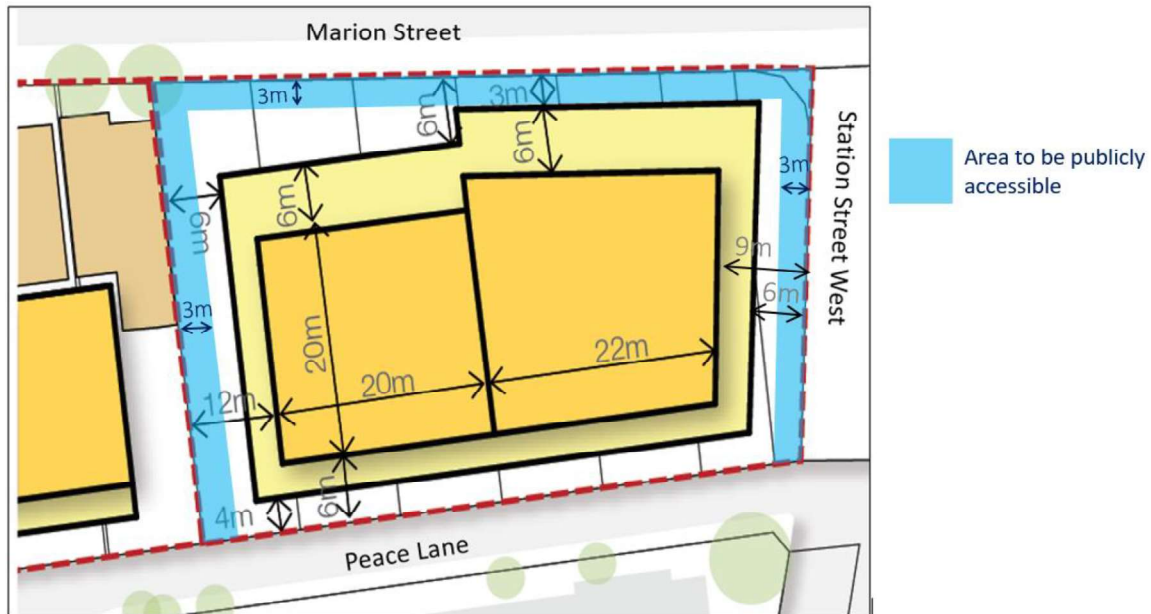


Figure 3: Area to be publicly accessible shown in blue

29. As the land subject to the easements for public access will not be dedicated to Council, the Planning Agreement should not seek to offset the land value of the easements from the monetary contribution.

FINANCIAL IMPLICATION FOR COUNCIL

30. Should the Planning Agreement be drafted in accordance with Council's Planning Agreements Policy and the terms of the applicant's letter of offer, an monetary contribution of \$1,420,500 would be provided to Council for community infrastructure in the Parramatta CBD. However, the Planning Agreement will be drafted in a manner so that the monetary contribution amount can be amended should Council adopt a different value-sharing rate.








CONCLUSION

31. It is recommended that the Chief Executive Officer be authorised to finalise the legal drafting of the draft Planning Agreement on behalf of Council for the purpose of public exhibition.
32. The draft Planning Agreement and draft site-specific Development Control Plan will be publicly exhibited concurrently with the Planning Proposal for 33-43 Marion Street, Parramatta. The outcome of the public exhibition will be reported to Council following the public exhibition period.

Marko Rubcic
Project Officer, Land Use Planning
Robert Cologna
Team Leader Land Use Planning
Jonathon Carle
Land Use Planning Manager
Jennifer Concato

Executive Director City Strategy & Development

ATTACHMENTS:

1 	Planning Proposal	67 Pages
2 	Draft site-specific Development Control Plan	5 Pages
3 	Letter of Offer	1 Page
4 	Gateway Determination July 2018	5 Pages
5 	Gateway Alteration May 2019	3 Pages
6 	List of Landowners	1 Page
7 	Applicant Letter to Council	1 Page

REFERENCE MATERIAL



PLANNING PROPOSAL

33-43 Marion Street, Parramatta

[insert Trim document No. (RZ/9/2017)]

i

Planning Proposal – 33-43 Marion Street, Parramatta

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1	Pacific Planning	9 May 2017
2	Pacific Planning	1 February 2018
3	Pacific Planning	14 November 2019

Council versions:

No.	Author	Version
1.	City of Parramatta Council	

[insert Trim document No. (PP-3/2015)]

Planning Proposal – 33-43 Marion Street, Parramatta

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[insert Trim document No. (PP-3/2015)]

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INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011* for land at 33-43 Marion Street, Parramatta ("the subject site"). It has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and the Department of Planning and Environment (DPE) guides, *'A Guide to Preparing Local Environment Plans'* (August 2016) and *'A Guide to Preparing Planning Proposals'* (August 2016).

Purpose of this Report

This planning proposal has been prepared in support of an application to amend the maximum building height control from 12 metres to 80 metres, excluding incentives for design excellence; increase the maximum floor space ratio (FSR) control from 2:1 to 6:1, excluding incentives for design excellence; delist the heritage item at 37 Marion Street (I731) from Schedule 5 Environmental Heritage of the Parramatta Local Environmental Plan 2011; and include a satisfactory arrangements clause for the provision of state infrastructure. The subject site is zoned B4 Mixed Use and no change to the land use zone is proposed.

The planning proposal will facilitate a landmark mixed use tower building, containing retail, commercial and social infrastructure land uses, and residential apartments above. The site is opposite the Harris Park railway station and within 600 metres walking distance of the Parramatta railway station.

In accordance with relevant NSW Department of Planning and Environment guidelines, including *'A Guide to Preparing Local Environmental Plans'* (2016) and *'A Guide to Preparing Planning Proposals'* (2016), this planning proposal comprises the following parts:

- Part 1 A statement of the objectives and intended outcomes of the proposed instrument
- Part 2 An explanation of the provisions that are to be included in the proposed instrument
- Part 3 The justification for those objectives, outcomes and the process for their implementation
- Part 4 Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- Part 5 Details of the community consultation to be undertaken on the planning proposal
- Part 6 The timeframe to complete the amendment

This planning proposal forms part of a package of supporting documents for consideration by Council and the Gateway under Section 3.34 of the EP&A Act 1979. This Planning Proposal application is therefore supported by the following studies and documentation:

- Urban Design Report (UDR), prepared by Aleksandar Design Group dated July 2019 (updated as per Gateway conditions October 2018 and May 2019);
- Statement of Heritage Impact, prepared by Cracknell & Lonergan Architects dated May 2017
- Heritage Fabric Analysis and Photographic Record, prepared by Cracknell & Lonergan Architects dated May 2017
- Traffic and Transport Assessment, prepared by Ason Group dated May 2017;
- Statement of Economic Impact, prepared by PPM Consulting dated May 2017;
- Landscape Plan, prepared by Jane Irwin Landscape Architecture dated May 2017;
- Heritage Assessments (x3), (for 29, 31, and 37 Marion Street) prepared by John Oultram Heritage & Design dated September 2017;
- Heritage Response to Gateway conditions report, prepared by Peter Lonergan, dated October 2018.

[insert Trim document No. (RZ/9/2017)]

1

Planning Proposal – 33-43 Marion Street, Parramatta

Site Identification

The site is located at 33-43 Marion Street, approximately 600 metres south of the Parramatta train station and 50 metres from the entrance to the Harris park train station.

The below figures illustrate the location of the site in its broader context and identifies the site.



Figure 1: Site context

Figures 2 and 3 below identify the site. Figure 2 provides an aerial view of the subject site and Figure 3 identifies the site lot layout. The UDR provides a comprehensive review of the site in its context. The site comprises seven (7) allotments and is known legally as follows:

- 33 Marion Street (Lot 10 DP 976) - 411 m²
- 35 Marion Street (Lot 11 DP 976) – 398.4 m²
- 37 Marion Street (Lot 12 DP 976) - 392 m²
- 39 Marion Street (Lot 13 DP 976) – 379.4 m²
- 41 Marion Street (Lot 14 DP 182289) – 366.7 m²
- 43 Marion Street (Lot A DP 349279) – 246.6 m² and (Lot 1 DP 747666) – 173.4m²

Total area = 2367.5m²

Planning Proposal – 33-43 Marion Street, Parramatta



Figure 2: Aerial view of the subject site

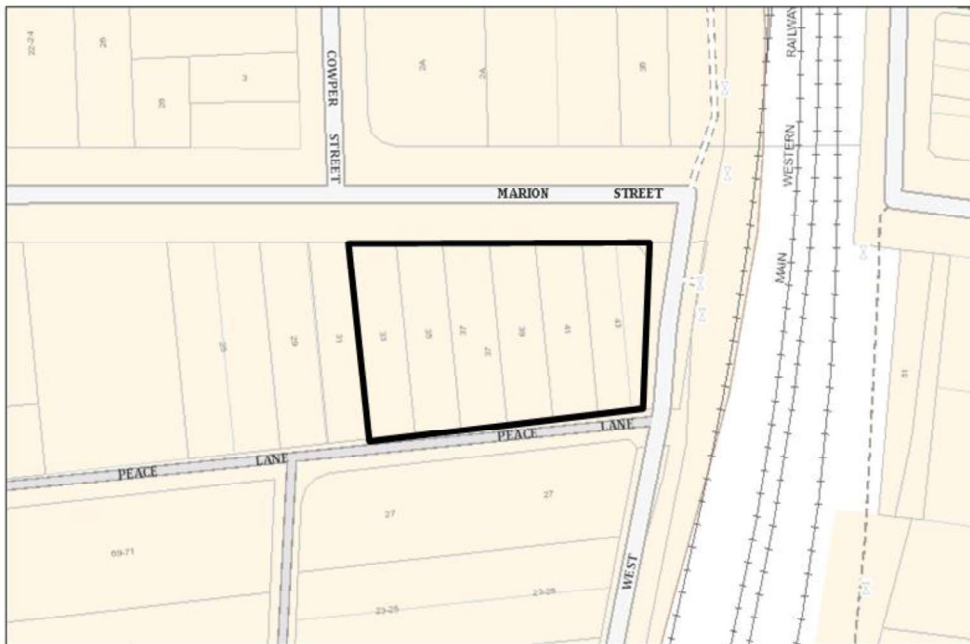


Figure 3: Site lot layout

[insert Trim document No. (PP-3/2015)]

3

Planning Proposal – 33-43 Marion Street, Parramatta

Principal Development Standards

Table 1 below summarises the Parramatta LEP 2011 principal development standards that currently apply to the subject site:

Land Zoning	Maximum Building Height	Maximum Space Ratio	Floor	Heritage
B4 Mixed Use	12 metres	2:1		Yes

Table 1: Principal development controls

The site is currently zoned B4 Mixed Use under the Parramatta Local Environmental Plan 2011. It is located on the west side opposite the Harris Park railway station and within 600 metres of the Parramatta railway station. The area is characterised by B4 zoned land, but contains a mix of newer high density buildings and older low density buildings with varying degrees of significance. The following figures show the current LEP provisions.

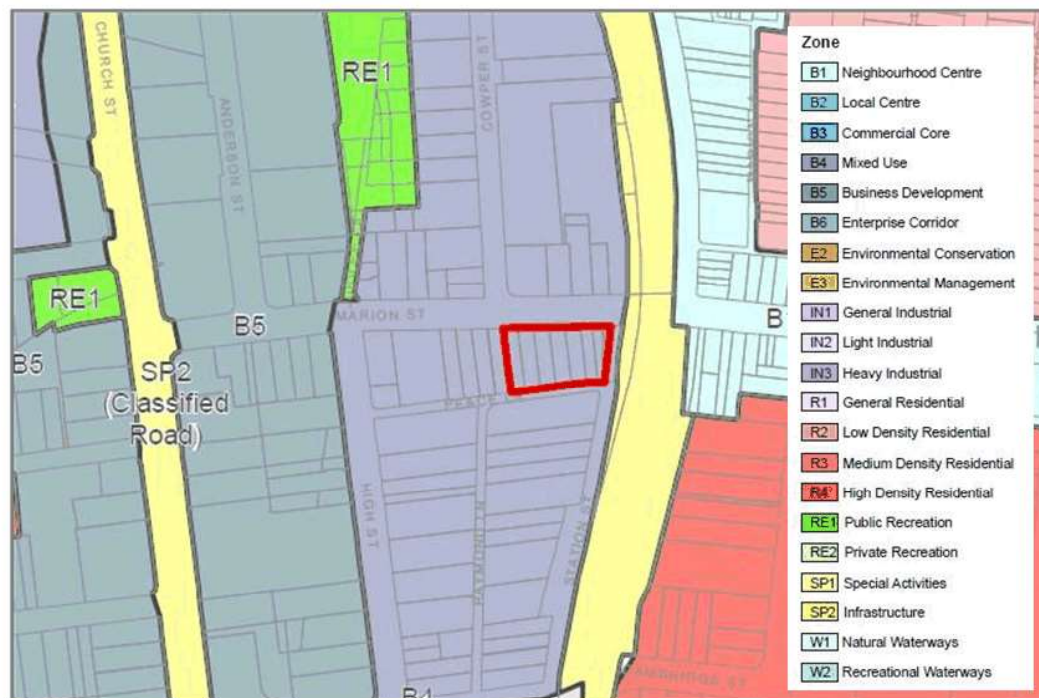


Figure 4: Parramatta LEP 2011 Zoning Map

[insert Trim document No. (PP-3/2015)]

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Planning Proposal – 33-43 Marion Street, Parramatta



Figure 5: Parramatta LEP 2011 Floor Space Ratio Map

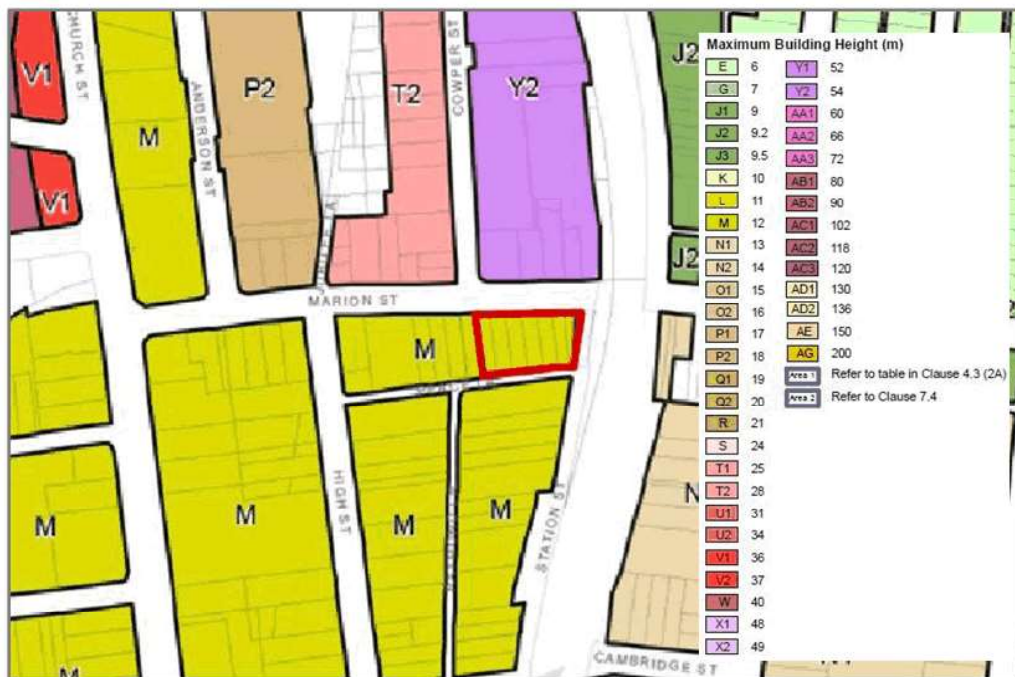


Figure 6: Parramatta LEP 2011 Height of Building Map

[insert Trim document No. (PP-3/2015)]

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Planning Proposal – 33-43 Marion Street, Parramatta



Figure 7: Parramatta LEP 2011 Heritage Map

Note: Demolition of Heritage item 1731 at 37 Marion Street (part of the subject site above) was approved (DA/823/2017) by the Parramatta Local Planning Panel on 10 April 2018.

Planning Proposal – 33-43 Marion Street, Parramatta

Background

The Planning Proposal was originally lodged with Council on 11 May 2017. On 11 April 2016, Council adopted the draft Planning Proposal for the Parramatta CBD, which generally sought to increase the FSR of most sites within the Parramatta CBD and provide incentive provisions for design excellence and high performing buildings.

The original Planning Proposal lodged with Council sought the following amendments:

- Increase the maximum FSR from 2:1 to 10:1 (excluding incentives); and
- Increase the maximum building height from 12 metres to 102 metres.

Subsequently Council considered a report on 11 December 2017 related to the Planning Proposal and heritage items within Marion Street. At this meeting Council resolved as follows:

- (a) *That Council reaffirm its position from pre administration and that Marion Street precinct (east of High Street) should have a maximum incentive FSR of 6:1 FSR with no height control in line with draft City Centre Planning Proposal as adopted by the Parramatta City Council in April 2016. This is exclusive of incentives for design excellence and incentives for high performing buildings.*
- (b) *That the Department of Planning be advised that this is Council's current position for the CBD PP in terms of informing their Gateway Assessment.*
- (c) *That Council use the two independent heritage assessments provided by the applicant and not spend the \$20,000 to complete similar work.*
- (d) *That given the compromised heritage and inaccuracies in the mapping, that no heritage conservation zone be considered in the Marion Street precinct.*
- (e) *Further, that Council officers finalise the assessment of the site-specific planning proposal and send to the State Government for Gateway Assessment in line with the above, that is:*
 - a. *maximum 6:1 FSR, excluding incentives for Design Excellence and high performing buildings*
 - b. *no heritage conservation zone*
 - c. *heritage items within and adjacent to the proposed development site (i.e. 37 Marion Street within the site and 29 and 31 Marion Street outside the site) are delisted in accordance with the two heritage reports provided by the applicant noting inaccuracies in listing, compromised heritage fabric and overall context of the sites location near the train station and within the area of the CBD planning framework.*

Subsequently, the Planning Proposal was amended and submitted to Council on 1 February 2018 in accordance with the Council resolution. The matter was then forwarded to the Department of Planning and Environment for consideration by the Gateway.

Due to the erroneous listings and errors in the LEP mapping along Marion Street, a development application was also lodged for the demolition of 37 Marion Street (Item 731). This was supported by two independent heritage reports prepared by Peter Lonergan and John Oultram. They included an analysis of their significance against the NSW Heritage Manual assessment criteria, a fabric assessment and consideration of its contribution to the local character. The demolition application was unanimously approved on 10 April 2018. In making its determination the Panel:

"agreed with the heritage reports submitted by the applicant, and its inspection of the heritage items confirmed that it is not worthy of retention, having lost most of the original fabric."

Planning Proposal – 33-43 Marion Street, Parramatta

On 23 July 2018, the Department of Planning and Environment as delegate of the Greater Sydney Commission issued a Gateway determination supporting the progression of the Planning Proposal subject to conditions.

In making its determination, the Gateway noted:

"The assessment of this planning proposal has highlighted the need for a more detailed investigation into appropriate height and floor space ratio controls that address the relationship to the existing heritage items and the Harris Park heritage conservation area. Close attention to the character of the locality needs to be considered when determining the appropriate height and floor space ratio controls. This investigation should carefully consider how the controls create a transition to the character values of the locality."

"The proposed delisting of local heritage items 29 and 31 Marion Street is not supported. Inconsistency between Council's heritage studies and the proponent's studies, and the outstanding issue regarding the methodology employed by the proponent, introduce uncertainty regarding the merit of delisting these items."

Peter Lonergan, the proponent's heritage architect and consultant, subsequently prepared a response to the Gateway conditions. This is attached to the Planning Proposal. The Urban Design Report has also been updated to reflect the detailed heritage investigation into the relationship of built form to local character and appropriate transition having regard to the Urbis and HAA reports.

The key findings of the Peter Lonergan Response are as follows (note these should not be read in isolation from the methodology of the entire report and Urban Design Report):

Heritage significance of Heritage items at 29, 31 and 37 Marion Street

It is noted that council recognises that not all items can or should be conserved and in respect of the subject Planning Proposal, both URBIS and the HAA Report acknowledge that the precinct has been degraded by "recent" uncharacteristic development

Peter Lonergan made a number of site visits during the preparation of his reports and considered the nature and characteristics of some conservation areas and items within an expanded context. Mr Lonergan's general concern was that the items in Marion Street, being "old listings" may not have been properly considered, particularly as the listing sheets were bereft of any detailed or qualitative assessment, fabric analysis or comparative or parity analysis to ensure that an acceptable level of significance was reached.

In relation to 29 and 31 Marion Street, Mr Lonergan concludes:

I do not think that the items at No. 29 + 31 meet the threshold for retention and I know that there are better examples which are more intact within an appropriate setting in the conservation areas bounding or within the interfaces area. The persistence of these places on Marion Street is anachronistic and their conservation could be perverse and I believe that in these parts of the URBIS and HAA study there is insufficient evidence (other than the old listings) to suggest specific controls which would cruel development anticipated within the study area that are neither supported by the council or the content of the HAA or URBIS studies.

It is noted however that the other autonomous and independent heritage assessment from Mr Oultram regarding 29 and 31 Marion slightly differs in the conclusion to Lonergan concluding that the items:

Planning Proposal – 33-43 Marion Street, Parramatta

For 29 Marion Street Oultram concludes:

Based on the above we consider that the property would meet two of the Heritage Division guidelines (criteria (a), (c) and (g)) for identification as a place of local significance but is at the borderline for inclusion as the house type is not unusual and the house does not display any outstanding aesthetic or technical qualities.

For 31 Oultram concludes:

.... we consider that house would only partially meet the threshold for listing as a heritage item in the LEP and that the house is of moderate significance due to its common form and detail and the loss of its setting.

It can be concluded from the two autonomous studies that the items are at best (if at all) only marginally valid for maintenance of listing due to their state and setting. However, it can therefore be considered that these items could be (at considerable and significant cost) be restored to strengthen the validity of the listing of the items.

Nevertheless, the proposed delisting of 29 and 31 Marion Street have been removed from the Planning Proposal as per the Gateway requirements. In doing so, and despite the lack of significance of these items due to derogation over time, a transfer of development rights could occur as suggested by the HAA report and the Loneragan conclusions whereby 29 and 31 Marion Street are extensively renovated via a detailed management plan to restore the fabric of the items and landscape components with the development rights transferred to the subject site. This would provide an incentive to preserve these items while allowing for the development to be realised on the unconstrained subject site.

Proponent's Methodology

The proponent's heritage methodology is discussed in detail on pages 5 and 6 of the Peter Loneragan response to the Gateway conditions. This included in summary:

- *In preparation for the assessment I reviewed the heritage mapping in the LEP noting the heritage items of the subject site and in the vicinity, as well as the conservation areas in the vicinity*
- *I paid particular attention to the proximity of the two conservation areas, Harris Park and Parramatta South, and considered why the conservation area was not simply one large area, given the number of individual items between the two areas.*
- *I made a number of site visits during the preparation of my reports and considered the nature and characteristics of some conservation areas and items within an expanded context, my general concern was that the items in Marion Street, being "old listings" may not have been properly considered,*
- *I made a detailed visual assessment of the items along Marion Street and attach a rating diagram at illustration 1.*
- *I had access to all the properties from 29 to 47 Marion Street and prepared measured studies and photographic records of 29-37 Marion Street for the purpose of a detailed fabric analysis.*
- *It is worth noting here that the HAA report was not available before it was considered by council on the 10.07.17, which was 2 months after the submission of the planning proposal,*
- *It is relevant then to examine the observations of the URBIS report and the HAA report in respect of the South Parramatta conservation area and in particular Marion Street and the items 29, 31 and 37 Marion Street.*

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Assessment of Urbis and HAA Studies

The Urbis study states that the report provides a review of the planning controls which address, heritage related impacts on items within the study area and periphery. The objectives of the study are to ensure that greater density of development takes account of heritage conservations so as to ameliorate impacts, the conservation of identified items and to establish a nexus between recommended controls and existing heritage studies.

the Urbis team notes that no reassessment of significance or condition of the identified heritage sites, and conservation areas was made, but has reviewed the existing statement of heritage significance. Whilst this is reassuring on the surface it should be pointed out that these listing sheets (in respect of 29, 31, 37 Marion Street) provide no fabric analysis, no measured study, no detailed documentary evidence and simply rely on the historic “drive by” listing. Marion Street does not fall within the identified significant views and vistas identified in the DCP 2011 or the corridors identified in the Planisphere Technical Report of 2017

The HAA study is designed to assess, at a precinct scale, the impact of Council's proposed controls on items and conservation areas within and adjacent to the interface areas and to make recommendations, which would ensure development occurs in a manner that protects and manages heritage assets.

The study identifies negative heritage impacts arising from the Parramatta CBD planning proposal and suggests that the best way to identify impacts is through the methods suggested by the NSW Heritage Manual and discusses the impacts of FSR and height on heritage houses and conservations areas.

The reports have been adopted only in part and the reasons are outlined by the council, and I think the council's reasons are sound.

Of significant concern to the integrity of the HAA Report is the reference to bullying when it comes to merit assessment of heritage items. Peter comments:

I am concerned that in relation to the Marion Street precinct or Special Study Area 12 the HAA report refers to “Bullying application to delist items”, this invective would certainly disqualify the opinions simply on the basis of a demonstrated bias that has arisen out of the application made by the proponent. No such land use control is recommended to any other study area and disrespects the presumption of professional behaviour of the proponent and their consultants. It is a fundamental pillar of the LEP that the schedules be reviewed and that any development proposal is welcome but subject to assessment.

Table 1 of the Heritage Response Report provides detail against each relevant HAA recommendation, but in summary:

- The inclusion of Marion Street as a precinct is curious as both reports record that it is degraded by development and its setting and qualities are diminished by site amalgamations and development. The areas have been incorrectly mapped in the LEP (as confirmed by staff and not identified by the HAA and Urbis reports), and the development which degrades the “precinct” predates the LEP, the original heritage study, and the EPAA 1979.
- The recommendations relating to high street and the ‘open sky’ to the west are not offended by the proposal.
- The recommendation ‘to retain’ the FSR at 2:1 is not borne out of either study, and the HAA study illustrates methodologies that would support a far higher FSR and unlimited heights to allow for nuanced site specific forms.

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- The notion that the heritage significance of the conservation areas and views and vistas are adversely impacted by shadows at mid-winter is not the case broadly speaking, and a control which seeks to ban shadows on curtilage as well as items or any part of a conservation area is unreasonable and unsustainable.

Relationship of built form to local character

Firstly, in relation to local character, the Lonergan response notes *“that the local character lacks cohesion and my experience has been there is no sense of place and this is a character which is not worth retaining and certainly does not meet any threshold for listing as a conservation area, the conservation areas in the LGA are larger and comprise of a number of blocks which are cohesive and tend to exhibit development from key period, similar scale and size and contain many more items with a greater degree of intactness and integrity.”*

Notwithstanding, the Council has provided an illustration of the principal approach to heritage interface by URBIS, HAA and the Council. The proposal, which is the subject of this response is consistent with the HAA Report

There should be no further amelioration required in respect of any of these edge conditions and certainly no more onerous for an individual item than a conservation area. These matters are dealt with well in the HAA Study where it is clearly illustrated that development can occur adjacent to items. The subject development will site adjacent to the items at 31 and 29 Marion Street and is consistent with the HAA diagram

The HAA report contemplates the visual impact on streetscapes and views and presents some useful photographs (Appendix B of the Lonergan response), which deal with such potential impacts. These matters cannot deal with scale and usually are resolved at ground/street level interface. The subject development presents a high level of public interface, transparency and through site links. As a corner site with proximity to Harris Park station, the design takes the opportunity to enhance the public transition from station through the site to Marion Street. Marion Street is wide in comparison to the surrounding streets and does maintain, by virtue of its width, good sky views and a broad perspective does not crowd or “canyon” the view of the items along Marion Street and in this respect will improve the existing situation, where there is currently a row of haphazard and poorly designed infill development.

The Lonergan Response, while addressing the matters raised in the Gateway in much more detail, concludes:

“The HAA report is somewhat critical of the simplicity of council’s method proposed for the interface. I am further critical of the fact that there is little interface proposed to the Parramatta park complex, which bounds the length of the Western edge of the CBD. But broadly the shape and location of the interface appears to take away the finer grain potential of site specific responses and the more nuanced controls of the HAA report would, in respect of the heritage and by extension edge condition suggest that there is no need to lessen the FSR from the general control of 10:1. However to apply the controls implicitly in the illustration and general precepts proposed by HAA and therefore I am satisfied that the current height and FSR of 9.26:1 with the opportunity of design excellence is acceptable. “

Therefore, from a heritage interface perspective, the findings are that the height and density of a future built form are not as important as the ground floor interface. This has been considered in great detail with setbacks and open space. Tall buildings adjoining heritage items are supported by the HAA Report and Marion Street does not bear any real significant of local character. The Report therefore recommends that a building with up to an FSR of 10:1 and 102 metres can be supported on heritage interface grounds.

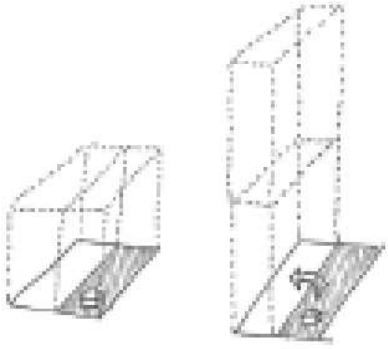
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The planning proposal has been amended to reflect the Gateway conditions, but the above recommendation should be noted.

The table below summarises the changes to the Planning Proposal in accordance with the Gateway conditions:

Gateway Condition	Comments
1. Prior to public exhibition:	
(a) all references to the Environmental Planning and Assessment Act 1979 in the proposal are to be updated to reflect the amended clause references as of 1 March 2018;	All references have been updated.
(b) all references and mapping regarding the delisting of local heritage items at 29 and 31 Marion Street are to be removed;	<p>References to the delisting of 29 and 31 Marion Street have been removed.</p> <p>The attached Heritage Response concludes however that these items do not meet the threshold for listing or are at best marginal. The Response also makes a suggestion that if the items were to be preserved that a transfer of development rights could facilitate this albeit that the costs of restoration would be significant. It is requested that this be considered further in the assessment process.</p> <p>The HAA Report illustrates this opportunity as follows:</p> 
(c) the planning proposal is to be updated to refer to the approved demolition of 37 Marion Street;	Commentary on the approved demolition of 37 Marion Street has been included on pages 6 and 7 of the Planning Proposal.

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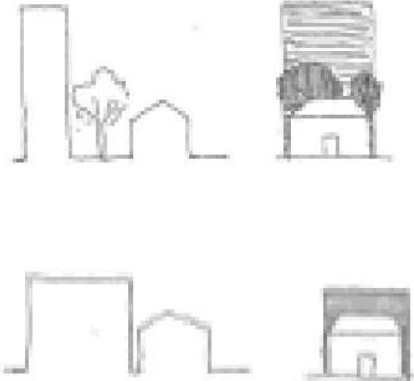
Planning Proposal – 33-43 Marion Street, Parramatta

	Note: the demolition was approved by the Parramatta Local Planning Panel on 10 April 2018.
(d) the planning proposal is to be updated to address consistency with the Greater Sydney Plan;	The planning proposal has been updated under Section 3 to address the Greater Sydney Plan.
(e) the planning proposal is to be updated to address consistency with the Central District Plan;	The planning proposal has been updated under Section 3 to address the Central District Plan.
(f) the planning proposal is to be updated with the City of Parramatta Council logo and formatting;	As can be seen the planning proposal has been updated with the City of Parramatta formatting and the logo on the cover page.
(g) a site identification map is to be included in the proposal;	The site identification maps have been updated on pages 2 and 3 of the Planning Proposal. Further site analysis is included in the Urban Design Report attached.
(h) the planning proposal is to address and justify inconsistencies with the Parramatta CBD heritage study by Urbis (2015), the HAA heritage study of interface areas (2017) and Council's response to the HAA study;	The attached Lonergan response comprehensively addresses the inconsistencies and relationships between these reports. A summary was provided above.
(i) the planning proposal is to be amended to include an assessment of the relationship of the proposed height and floor space and resulting built form, with the local character. This assessment will need to account for the preservation of view corridors along Marion Street, visual impacts on streetscape, the retention of local character, the interface with heritage items and overshadowing issues. The proposed land use and development controls should be justified and amended accordingly, if required;	<p>The Lonergan Response comprehensively addresses this condition which is also reflected in the Urban Design Report. In summary:</p> <ul style="list-style-type: none"> • There is very limited local character within this area. • There are no significant view corridors identified along Marion Street. Those identified are further away. The view corridor from Church and Marion Street (included in Urban Design Report) illustrates that the building does not impact any view corridor. Further, the sites within the foreground are proposed to be over 100 metres and will have a much greater impact from this view point. • The most important part of a visual impact is the ground plane interface. 1240sq.m of the 2367sq.m site area is

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	<p>to be publicly accessible space, meaning the footprint is small to ensure the impacts to streetscape are sensitive.</p> <ul style="list-style-type: none"> While there are no overshadowing issues, as discussed in the Loneragan response and illustrated in the urban design report, the interface has been carefully considered. The interface of the tall building with the heritage items and setting is illustrated in the HAA Report as follows:  <p>Figure 15: A building of a greater height but which preserves a more appropriate setting to a house (above) is preferable to a building of greater bulk that reduces the setting (below)</p>
(j) the planning proposal is to be amended to include a maximum height of building;	The planning proposal has been amended to include a maximum building height of 90 metres.
(l) the high performance building bonus of 0.5:1 FSR is to be removed from the planning proposal; and	The high performance building bonus has been removed from the planning proposal, so that the maximum FSR achievable on the site is 6.9:1. However, Council's endorsed position still provides for incentives to create better buildings in the CBD.
(m) the planning proposal is to include a satisfactory arrangements clause for the provision of state infrastructure.	The provision of a satisfactory arrangements clause has been included in

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	the explanation of provisions, and will be drafted at a later stage.
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Table 2: Assessment against Gateway determination conditions – 23 July 2018

The updated planning proposal and urban design report were subsequently forwarded to the Department of Planning and Environment seeking endorsement and approval to exhibit in accordance with condition 2 of the Gateway determination dated 23 July 2018, which stated:

- “2. An updated urban design report and planning proposal will need to be provided to the Department for approval prior to public exhibition to reflect the requirements of condition 1”.

On 27 May 2019, in issuing an altered Gateway determination, the Department determined that, subject to a number of amendments being made, the Department was satisfied that the planning proposal could proceed to public exhibition.

The required amendments are addressed below in table 3.

Gateway Requirements	Comments
<ul style="list-style-type: none"> Update the Planning Framework within the Urban Design Report to remove buildings within the CBD that are no longer proposed at the height depicted, for example, 197 Church Street; 	The Planning Framework has been updated no remove buildings that are no longer proposed at the height depicted.
<ul style="list-style-type: none"> Remove the reference design proposal with a 9.26:1 FSR; 	The reference design proposal at 9.26:1 has been removed from the urban design report and planning proposal.
<ul style="list-style-type: none"> Update the design reference to demonstrate a building with a maximum FSR of 6:1 with a design excellence bonus of 15%, as endorsed by Council, noting that the final development outcome for this site will be subject to further assessment post-exhibition and having regard to the outcomes of the Parramatta CBD planning proposal; 	<p>The reference design in the urban design report and planning proposal reflects a future building with a maximum FSR of 6:1 (plus design excellence of 15% and high performance building bonus of 5%) to a total of 7.2:1.</p> <p>It is noted that the final development outcome will be subject to further assessment post-exhibition and will have regard to the outcomes of the CBD planning proposal which was issued a Gateway determination in December 2018 (discussed below).</p>
<ul style="list-style-type: none"> The Department will consider a high performance buildings bonus for this site only if it reflects the broader CBD PP gateway conditions. Within the Parramatta CBD planning proposal the 	The planning proposal has been updated to include a provision for a high performance building bonus of 5% of the base FSR, in accordance with the altered Gateway

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<p>high performance buildings bonus is proposed to be 5% of the base FSR for sites with a maximum FSR of 6:1. This is less than the 0.5:1 bonus currently demonstrated. In order to include this potential bonus, the planning proposal will need to be updated and as such, the Gateway determination has been amended and is attached; and</p>	<p>determination of 27 May 2019, which provided as follows:</p> <p>1. <i>Delete:</i> <i>“condition 1(l)”</i></p> <p><i>and replace with a new condition 1(l):</i> <i>“the planning proposal may be amended to include a high-performance buildings bonus that is no more than 5% of the mapped Floor Space Ratio with an explanation of the provision to be provided in the planning proposal”.</i></p>
<ul style="list-style-type: none"> • Provide further justification for the intended height of building based on the revised proposal and FSR provisions. 	<p>As discussed below the controls sought by the planning proposal align with the findings of the Marion Street Precinct Study which provide for a incentive FSR of 6:1 and an incentive height of 80 metres.</p> <p>With design excellence this provides for an FSR of 6.9:1 and height of 92 metres. Further, with the better building bonus, a total FSR of 7.2:1 can be achieved and this is reflected in the reference design that supports the planning proposal.</p> <p>Further justification for the height based on the revised FSR provisions is included below.</p>

Table 3: Assessment against Gateway determination requirements – 27 May 2019

The amending Gateway determination of 27 May 2019 also introduced a new condition 6 as follows:

Delete:

“condition 6”

and replace with a new condition 6: “Prior to submitting the proposal to the Department for finalisation, the proposal is to be reviewed, and amended where necessary, to have regard to the Floor Space Ratio and height controls endorsed by the Gateway determination for the Parramatta CBD planning proposal and any subsequent study prepared by Council in relation to heritage and the built form controls for Marion Street. Council is to ensure that the planning proposal is consistent with the outcomes in the Parramatta CBD planning proposal”.

Note: in deleting and introducing a new condition 6, a new condition 7 was also introduced that provided a revised timeframe for the completion of the LEP to 23 January 2020.

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As previously discussed, the CBD planning proposal received a conditional Gateway determination on 13 December 2018, allowing the proposal to proceed subject to 34 conditions.

The amending Gateway determination in relation to the site-specific planning proposal for 33-43 Marion Street noted:

"The Department recognises that following the issue of the Gateway determination for the site, the Parramatta CBD planning proposal received a conditional Gateway. There are a number of conditions within this conditional Gateway for the broader CBD that apply to Marion Street.

Consistent with other planning proposals that have been approved in the Parramatta CBD where there is potential for policy inconsistencies, Council is required to consider the consistency of the site-specific planning proposal with the intended outcomes for the Parramatta CBD planning proposal."

Marion Street is located within the South-West Parramatta Interface Area, and condition (k)(i) of the CBD Planning Proposal Gateway determination is relevant as follows:

"carry out further investigations of heritage interface areas and clearly identify where there are inconsistencies between the intended outcomes in the planning proposal and the heritage reports that have been prepared. Council is to provide further information to identify where the inconsistencies exist, the extent of the inconsistencies and how they are proposed to be addressed".

To address the above condition, Council commissioned SJB Urban Design and Planning to prepare an urban design, planning and heritage study for the Marion Street Precinct. The Study did not test the validity of the heritage listings and noted that not all have thorough statements of significance or detailed physical assessments. Detailed fabric analysis would require access to the properties which was not available.

Further, the Study did not test density on any site above 6:1 despite a density adjoining the study area of 10:1. This would have assisted understand whether greater heights could be accommodated in terms of overshadowing impacts to nearby conservation areas as required by condition (k)(ii) of the CBD planning proposal Gateway determination, and ensure these areas receive a minimum of two hours' direct sunlight between 9am and 3pm at midwinter (21 June).

Notwithstanding, the proposed initiatives to inform future development include, but aren't limited to:

- *Retain the existing listed heritage items: however, do not schedule the Marion Street Precinct as a heritage conservation area,*
- *Focus density and height at each end of the heritage core, to harmonise with the scale of development proposed within the Auto Alley Precinct and to frame the view corridor from Marion Street east,*
- *Deliver a through-site link between Marion Street and Peace Lane to improve north-south connectivity,*
- *Reinforce the street edge with podium developments,*
- *Maximise setback between new building and heritage buildings to minimise impacts on the heritage items and streetscape character,*
- *Preserve solar access to Marion Street and heritage items,*
- *Footpath widening along both sides of Marion Street (east of Cowper Street) with increased boundary setback (up to 3 metres) to facilitate landscaping and pedestrian movement.*

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As it relates to 33-43 Marion Street, the Study recommends:

“An incentive FSR of 6:1 for sites at the eastern of Marion Street”

In adopting the Study's recommendations and core urban design principles, the CBD Planning Proposal also provides for a maximum height of 80 metres at the eastern end of Marion Street.

The Planning Proposal for 33-43 Marion Street achieves a number of the core urban design principles, including the through site link between Marion Street and Peace Lane, the setback to the adjoining heritage, and maximising pedestrian space and human movements. The development outcome rationale slightly differs, in that a tall slender tower has less of an overshadowing impact on existing and future properties to the south, provides for more open space and permeability around the development and creates a less intimidating interface with Marion Street.

Further, the Planning Proposal studied greater height and density on the site, which the SJB Precinct Study did not, but came to the same conclusion that heights up to 100 metres and 10:1 density achieved the same core urban design principles.

Notwithstanding, the Planning Proposal has adopted the controls proposed by the CBD Planning Proposal of 8:1 and 80 metres (plus design excellence and better building bonus (FSR only)). The height is informed by two commercial levels, 24 storeys (in a split arrangement) and room for lift overrun and servicing.

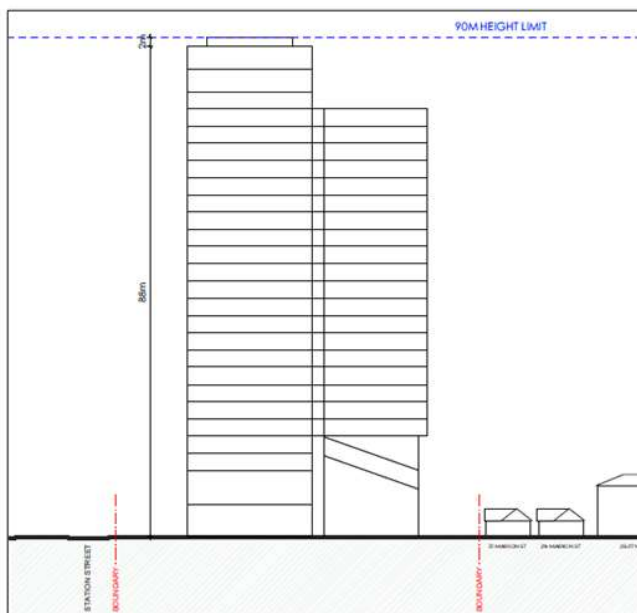


Figure 8: Indicative height and elevation diagram

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PLANNING PROPOSAL

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcome for the site is to facilitate a mixed use building comprising residential levels above commercial, retail and community infrastructure uses.

The detail design of the overall building will be finalised following the DA process and its associated requirements. In broad terms, however the optimum built form has been identified in the attached "Urban Design Report" prepared by Aleksandar Design Group Architects (Appendix 1).

The proposed amendment will facilitate an application for a tower form building with a smaller footprint to reduce the impacts of overshadowing and also create significant public pedestrian space and links throughout the site. It will also promote an increase in employment generating floorspace and community infrastructure facilities.

The main objectives of the Planning Proposal therefore include:

- To support urban growth in the Parramatta City Centre;
- To support the principle of transit orientated development by locating housing next to major public transport infrastructure;
- To support Parramatta as Sydney's second CBD;
- To support growth within the geographic centre of Greater Sydney, provide housing and jobs for a young and diverse labour force, and facilitate an affordable urban lifestyle for future residents;
- To provide housing close to public transport for a growing workforce in Greater Sydney;
- To provide appropriate controls to facilitate a landmark building with an appropriate density for the site's location;
- To facilitate the provision of additional housing close to public transport, the Sydney road network, jobs and employment opportunities and the Harris Park and Parramatta town centres;
- To protect the heritage core of Marion Street, to focus height and density at each end of Marion Street and harmonise scale of development proposed within the Auto Alley Precinct;
- To preserve solar access to Marion Street and heritage items; and
- To deliver a through-site link between Marion Street and Peace Lane to improve north-south connectivity.

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PART 2 – EXPLANATION OF PROVISIONS

	Current PLEP 2011	Planning Proposal – Parramatta CBD	Planning Proposal
Zoning	B4	B4	B4
Height of Building	12m ("M")	54m ("Y2")	80m ("AB1"), excluding incentives for design excellence
FSR	2:1 ("T1")	6:1 ("AA1")	6:1 ("AA1"), excluding incentives for design excellence
Heritage	Yes	Yes	Remove 37 Marion Street (I731) within the subject site.

Table 4: Summary of proposed changes to planning controls

This Planning Proposal seeks to amend the *Parramatta Local Environmental Plan (LEP) 2011*, to achieve the objectives outlined in Part 1, as follows:

1. Amendment of the Parramatta Local Environmental Plan 2011 **Floor Space Ratio Map** (Sheet FSR_010) from **"T1" (2:1) to "AA1" (6:1)**, excluding incentives for design excellence, as shown in Part 4 - Mapping.
2. Amendment of the Parramatta Local Environmental Plan 2011 **Height of Building Map** (Sheet HOB_010) from **"M" (12 metres) to "AB1" (80 metres)**, as shown in Part 4 – Mapping.
3. Amendment of the Parramatta Local Environmental Plan 2011 Schedule 5 Environmental Heritage and the **Heritage Map** (Sheet HER_010) to delist and remove 37 Marion Street (I731)
4. Include a site-specific provision for design excellence such that the site be subject to a competitive design process in accordance with the current provisions of the Parramatta LEP 2011 and that the provision of a 15 percent bonus to the FSR apply.
5. Include a site-specific provision that provides for additional floor space (above that already permitted by the LEP) by up to 5 percent where development achieves certain high performing building criteria to the satisfaction of the consent authority.
6. Include a site specific provision to require satisfactory arrangements for the provision of state infrastructure.

The Planning Proposal, while seeking to increase the FSR to 6:1 will provide for incentives for design excellence and a better building bonus in accordance with the draft CBD Planning Proposal. As such, any site-specific provisions will need to be legally drafted and included within the Parramatta Local Environmental Plan 2011. This will include:

Design Excellence

The provisions within the Parramatta Local Environmental Plan 2011 relating to a competitive design process for certain buildings in the Parramatta CBD will apply to the subject site. In this regard, the subject planning proposal will be subject to an architectural design competition, and a 15% development bonus if design excellence is achieved. This is because future development is likely to be greater than 55 metres (40 metres under the CBD Planning Proposal).

High Performing Building Bonus

Draft Clause 7.6A of the draft Parramatta CBD Planning Proposal will apply to the subject site, and in accordance with the Gateway determination for 33-43 Marion Street of 27 May 2019 has been

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incorporated within this planning proposal. This includes additional floor space above the applicable FSR for the site by up to 5% where development achieves certain sustainability and performance criteria to be drafted in a future clause but aligns with draft Clause 7.6A of the CBD Planning Proposal.

The above amendments will facilitate the future redevelopment of the site in accordance with the objectives of the zone and the permissible land uses, with the consent of Parramatta City Council and the Department of Planning and Environment.

Existing Land Use Zone

The site is zoned B4 Mixed Use and no change to the land use zone is proposed. The zone objectives and permissible uses within the B4 Mixed Use zone as set out in Parramatta LEP 2011 are as follows:

1 Objectives of zone

- 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.

2 Permitted without consent

Home Occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Signage; Storage premises;

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Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

The B4 Mixed Use zone under the Parramatta LEP 2011 is a 'open zone' which provides for a broad range of land uses and allows greater flexibility allowing a mix of commercial, residential, tourist and visitor and social infrastructure activities. The zone therefore suits the desired future outcome for a high density mixed use development. No change to the zone is proposed.

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PART 3 – JUSTIFICATION

In accordance with Departmental guidelines, this section describes the reasons and justification for the proposed outcomes and development standards in the planning proposal.

Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

1. Is the Planning Proposal a result of any study or report?

Not directly, however the Planning Proposal for the Parramatta CBD places the site within the City Centre – South Precinct as part of a city-wide review of controls for the CBD area as set out in the Parramatta CBD Planning Strategy. The strategy identifies an incentive FSR of 6:1 and incentive height of 80 metres for the subject site.

Detailed interrogation of an appropriate building for the site having regards to its location, heritage value and general impacts has been undertaken over a number of years through a number of processes. There is also little evidence for the original listings and confirmed errors in the heritage mapping and historical references.

This planning proposal has also examined the entire precinct to look at its future development capability, examined the heritage merits of the site and the ability of the site to accommodate a larger development while also providing significant public benefit. This additional work is formally submitted within the context of the broader review being undertaken and presents a more thorough examination of the fabric, history and internal/external condition of the heritage items.

Following confirmation of the limited heritage value and significance of the heritage items, an urban design analysis was prepared which concluded that a large building opposite the station could be supported that provided a landmark building, minimal impacts, through site links and activated ground floor uses. This is also consistent with the findings of the SJB Marion Street Precinct Study.

Therefore, through the studies prepared in support of the Planning Proposal, the amendment to the Parramatta Local Environment Plan 2011 principal development controls and heritage mapping is justified and has site specific and strategic planning merit for the following reasons:

- The site is within the Parramatta CBD, Sydney's second CBD.
- The site is located opposite a piece of major transport infrastructure, being Harris Park train station., the site is also located only 600 metres from Parramatta train station.
- The site is also close to the arterial road network, the M4 Western Motorway and the Parramatta Road urban renewal corridor.
- Strategically the site is extremely well located to meet the objectives for urban renewal in accordance with the Greater Sydney Plan, the Central District Plan, the Greater Parramatta and Olympic Peninsula Growth Area, and the Parramatta CBD Planning Strategy.
- Detailed heritage analysis has been provided by the thorough assessment conducted applying the protocols of the NSW Heritage Manual contained in the John Oultram and Cracknell Loneragan reports (attached).
- There is no evidence or detailed professional analysis supporting the listing of the heritage item along this part of Marion Street and demolition has been approved for 37 Marion Street. Until the professional heritage reports supporting this Planning Proposal were

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prepared, no such heritage assessment seems to have ever been available. The heritage reports that supported the CBD Planning Proposal did not consider the heritage significance of items that influenced recommendations on height and FSR.

- In relation to the three heritage listings, the photographic analysis and detailed fabric conditions have concluded:
 - 29 Marion Street is a Victorian style cottage, which is fairly original in that there is been little alteration, however is in fair to poor condition.
 - 31 Marion Street is an Inter War Californian bungalow style house, in reasonable condition, but is not extraordinary at all in its heritage contribution.
 - 37 Marion Street is also a Victorian style cottage and is in a heavily altered state where almost no original heritage fabric remains. There is also a 2 storey residential building constructed at the rear of the item that further undermines any remaining integrity that may have originally existing.
 - However, only 37 Marion Street is proposed to be delisted under this planning proposal as per the Gateway conditions.
- The draft CBD Planning Proposal provides for an FSR of up to 6:1 at the eastern end of Marion Street and also includes heights of up to 100 metres with FSR's of 10:1 to the west of Marion Street, including land on Anderson Street that abuts heritage items. This is an acknowledgement, supported by numerous examples throughout the Parramatta CBD that heritage and taller buildings can interface and abut with sensitive urban design and architecture.
- The site is a large amalgamated parcel of land, greater than 2000sq.m with a large frontage to Marion Street. Nearby development to the north (where the FSR is 6:1) has resulted in bulky box buildings. The urban design analysis for the subject site therefore, presents a concept for a point tower. This has been proposed and will be facilitated by the proposed controls for the following reasons:
 - To mitigate any overshadowing to the south of the site, and ensure a fast-moving shadow would provide sun access to surrounding residential properties.
 - To provide for ground floor open space, through links and active frontages to create a strong public realm through to the train station.
 - To define the end of Marion Street, create an entry point from the train station, and a logical extension of tall buildings on the east side of Cowper Street.
 - The concept of a tall building next to or nearby smaller heritage items is not unusual or uncommon, particularly throughout the Parramatta CBD, with example of buildings even cantilevering over heritage items.
- The detailed heritage and fabric analysis undertaken by the heritage consultant and the additional autonomous expert assessment underpins the development controls and delisting's sought by this Planning Proposal.
- Therefore, given the extensive historical and fabric heritage analysis that has been undertaken where no analysis previously existing; the ambitions of Parramatta CBD to become Sydney's second City; the strategic location next to a train station and within 600 metres of Parramatta train station; and the heights and densities proposed nearby and existing nearby, the Planning Proposal is considered to have site specific and strategic planning merit, and will facilitate a great building, housing supply and employment generating uses in an excellent location.
- A response to the Gateway conditions prepared by Peter Lonergan has found that the concept and controls generally align with that of the HAA Report in relation to transition i.e. tall buildings next to heritage items in a CBD. The complete response is attached.
- The SJB Marion Street Precinct Study supports the controls sought by this Planning Proposal, noting that the Study did not interrogate greater heights and densities, which the proponent has found to be acceptable.

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2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the most appropriate means of achieving the stated objectives and intended outcomes.

Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the Greater Sydney Commission's Greater Sydney Region Plan – A Metropolis of Three Cities, the Central City District Plan, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission released The Greater Sydney Region Plan: A Metropolis of Three Cities, the new strategic document to bring to life the vision of Greater Sydney as a vibrant and sustainable metropolis of the Eastern Harbour City, Central River City and Western Parkland City.

The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The three cities include:

- the Western Parkland City
- the Central River City
- the Eastern Harbour City.

The subject site is within the Central River City. The population of the Central River City is projected to increase from 1.3 million people to 1.7 million people over the next 20 years. This will transform many parts of the city from a suburban to an urban environment.

The Metropolitan Centre of Greater Parramatta is the core of the Central River City, which encompasses the Parramatta CBD, North Parramatta and Westmead and Parramatta Park.

Unprecedented public and private investment is contributing to new transport such as the Metro West rail link delivering faster and more efficient transport from the Harbour CBD to Greater Parramatta.

The subject site is to the south of the Parramatta CBD, approximately 500 metres from the Parramatta train station. It also adjoins the Harris Park station and is therefore in the heart of Parramatta. The site is ideally situated to accommodate and contribute to the new neighbourhoods and urban renewal envisaged by the Greater Sydney Plan.

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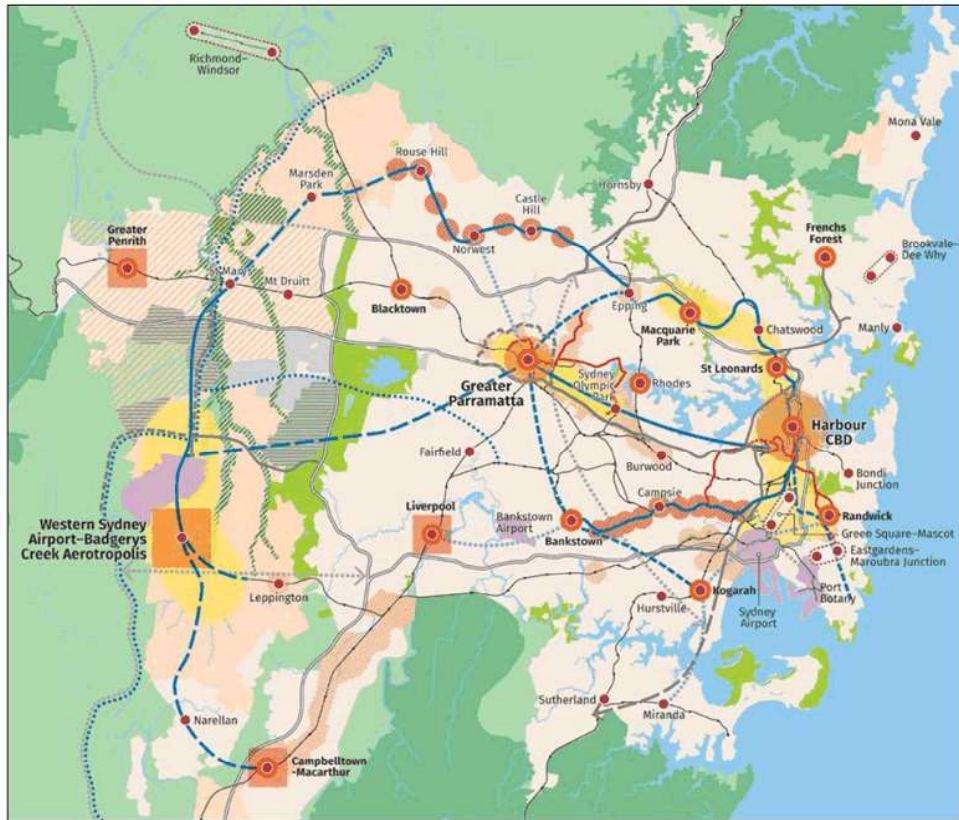


Figure 9: Structure Plan for Metropolis of Three Cities

The Greater Sydney Plan identifies ten directions for the three cities to deliver and monitor the objectives to create a liveable, productive and sustainable City. These include:

1. A city supported by infrastructure
2. A collaborative city
3. A city of people
4. Housing the city
5. A city of great places
6. A well-connected city
7. Jobs and skills for the city
8. A city in its landscape
9. An efficient city
10. A resilient city

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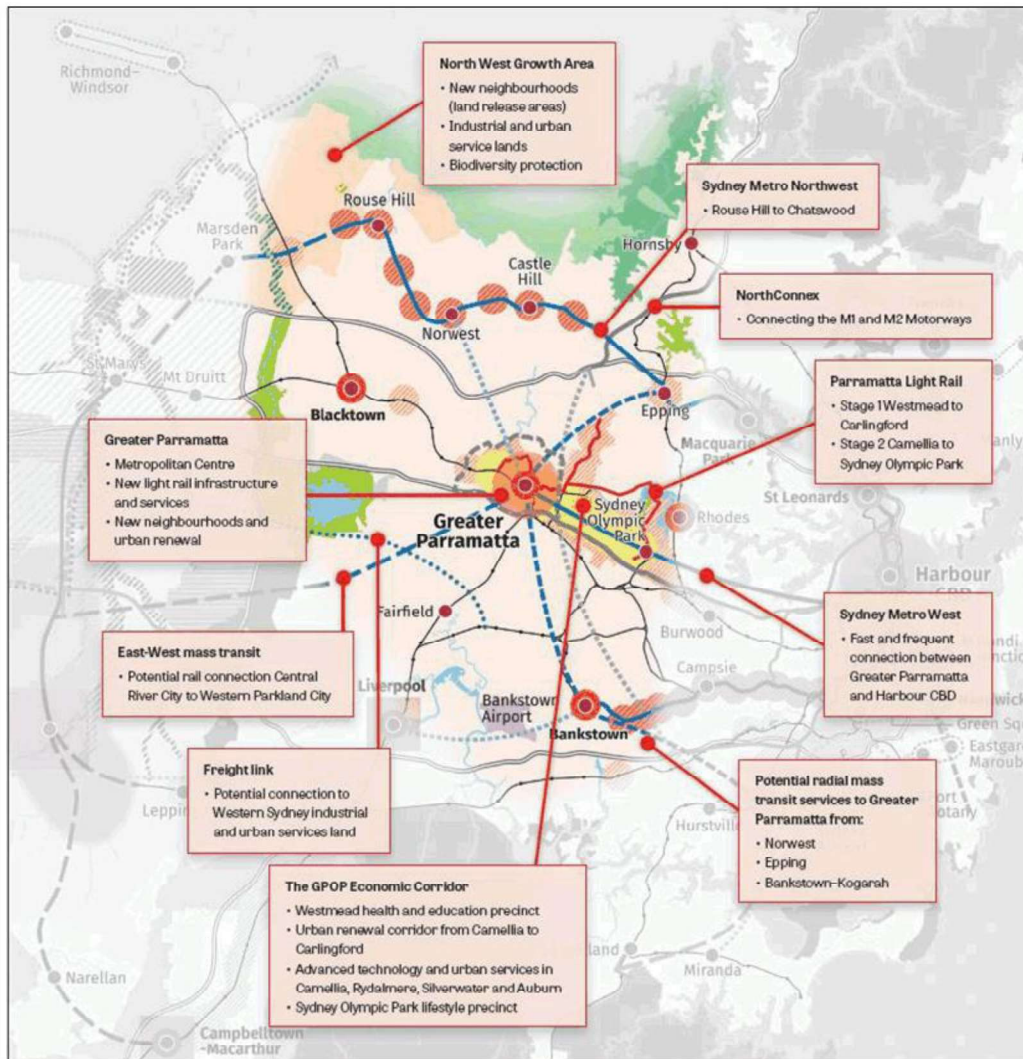


Figure 10: Central River City Structure Plan

To achieve the objectives for the Central River City, the plan includes 10 directions and 40 objectives, supporting actions and priorities for each "City". Relevant directions and objectives with which this Planning Proposal is consistent include:

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DELIVERING AND MONITORING THE PLAN - OBJECTIVES		
A CITY SUPPORTED BY INFRASTRUCTURE		
1	Infrastructure supports the Three Cities	<p>Consistent</p> <p>The Planning Proposal will facilitate housing, jobs and employment opportunities in the Central River City. The site is well connected to public and private transport infrastructure connecting future residents and jobs to Greater Sydney and the other Cities.</p> <p>Place based priorities will also continue to be considered as growth and change is experienced in and around Greater Parramatta and the Central River City. This includes upgrades to the M4 Western Motorway, the construction of WestConnex, upgrades to Parramatta Road including rapid transit associated with the Parramatta Road Corridor Urban Transformation Strategy, and Sydney Metro West.</p> <p>Notwithstanding all the major investments in infrastructure, the site has excellent existing access to infrastructure due to its central location.</p>
2	Infrastructure aligns with forecast growth – growth infrastructure compact	
3	Infrastructure adapts to meet future needs	
4	Infrastructure use is optimised	
A COLLABORATIVE CITY		
5	Benefits of growth realised by collaboration of governments, community and business	<p>The Planning Proposal seeks to facilitate a mixed use development within the Parramatta CBD close to transport, jobs and community facilities. This will support the emergence of the southern end of the CBD and support the growth of this area. Consultation with the community during the Part 3 plan making and Part 4 DA processes will assist understand the needs and requirements of existing and future residents and employees in the area.</p>
A CITY FOR PEOPLE		
6	Services and infrastructure that reflects the needs of the community now and in the future	<p>While the site is within the Parramatta CBD it is also within walking distance of major transport, employment opportunities, shopping, recreation and open space. This builds the social networks and enhances individual and community health.</p> <p>The current controls on the site do not reflect the changing and envisaged built form for this part of the CBD and the opportunities associated with being so close to significant amenities.</p> <p>The proposed mixed-use development of the site seeks to improve physical, social and spatial accessibility for the local community.</p> <p>While the Planning Proposal only seeks to amend the planning controls to facilitate future development applications, the mixed use</p>
7	Communities are healthy, resilient and socially connected	
8	Greater Sydney's communities are culturally rich with diverse neighbourhoods	
9	Greater Sydney celebrates the arts and supports creative industries and innovation	

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		<p>development will be designed to be a place accessible by all people including older people and people with a disability.</p> <p>As the planning and development of the site progresses a place-based planning approach will be able to be applied to ensure cultural diversity in the community is recognised and future land uses respond to the different ways in which people of all cultures and linguistic backgrounds engage and contribute to the community.</p>
HOUSING THE CITY		
10	Greater housing supply	<p>The site currently accommodates three commercial buildings and three dwelling houses. The Planning Proposal will accommodate approximately 186 dwellings and 1,360sq.m of commercial floorspace in an ideal location.</p> <p>While number 37 Marion Street is heritage listed, it's lack of heritage significance has been tested during a Part 4 development application process and demolition approved. The relationship and interface of future development with other heritage in the area has been extensively discussed in the supporting documentation.</p> <p>The Planning Proposal therefore supports additional housing in a strategically identified location creating a place with access to public transport and jobs, connecting homes with work; a place that is safe and attractive and is characterised by quality urban design and architecture.</p> <p>Further, the Greater Sydney Commission will work with Council and public agencies to prepare 6-10 year housing targets.</p> <p>The NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections.</p> <p>The Central River City, within which the site is located, has a housing supply target of 53,500 from 2016-2021 and 207,500 to 2036.</p> <p>The Planning Proposal supports these objectives of greater housing supply.</p>
11	Housing is more diverse and affordable	
A CITY OF GREAT PLACES		
12	Great places that bring people together	<p>The Planning Proposal while not seeking development consent will facilitate future development applications. This stage in the planning will set the future land use controls and zoning to allow for the design of future buildings, streets and spaces.</p>

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		<p>The proposed development concept seeks to facilitate a strong ground floor interface with the public realm, given its location so close to the Harris Park train station. It is intended to become a focal point for the locality, somewhere that fosters community pride.</p> <p>The principles of 'Great places that bring people together' will be invaluable to achieving a vibrant pedestrian orientated environment, that is accessible and easy to move within and around.</p> <p>The commercial and retail component will ensure a vibrant and interesting public realm that is safe and inviting for all members of the community.</p>
13	Environmental heritage is identified, conserved and enhanced	<p>As previously discussed, the site contains a heritage item that has a demolition approved due to the lack of heritage significance. The Planning Proposal seeks to remove the listing. The Parramatta LEP also contains erroneous and incorrect listings, such as Marion Street itself, that gives the warped appearance of significance within the area. Council has identified that more extensive analysis of heritage significance needs to be undertaken, particularly given the listings do not interrogate the interior or intactness of many items in the area.</p> <p>Extensive analysis of the site, adjoining items at 29 and 31 Marion Street and interface has been undertaken. These are attached to the Planning Proposal. The latest report that responds to the Gateway conditions finds:</p> <ul style="list-style-type: none"> • <i>the local character lacks cohesion and my experience has been there is no sense of place and this is a character which is not worth retaining and certainly does not meet any threshold for listing as a conservation area;</i> • <i>the conservation areas in the LGA are larger and comprise of a number of blocks which are cohesive and tend to exhibit development from key period, similar scale and size and contain many more items with a greater degree of intactness and integrity, such as that to the east on the other side of the railway line;</i> • <i>The subject development will site adjacent to the items at 31 and 29 Marion Street and is consistent with the HAA diagram. Fortunately, the proposal will not overshadow either of the conservation areas due only to good fortune, however I do not consider the slender fast moving winter shadow to have</i>

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		<p><i>any adverse impact on the heritage significance of a conservation area.</i></p> <p>The heritage analysis finds that a tower can sit comfortable next to heritage items, something that is common within the CBD already, and will be a common reality within this area of the CBD in coming years. Architectural design and ground floor interface will be important however and should be further interrogated during the DA stage.</p>
A WELL CONNECTED CITY		
14	A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	<p><i>“A 30 – minute city is where most people can travel to their nearest metropolitan centre or cluster by public transport within 30 minutes; and where everyone can travel to their nearest strategic centre by public transport seven days a week to access jobs, shops and services”.</i></p> <p>The site is located 600 metres from the Parramatta train station and core of the CBD. This is walkable in just a few minutes. Trains are highly frequent. The bus station here also provides access to other areas of Greater Sydney.</p> <p>The site also adjoins Harris park station, and while not as frequent connects the site in a matter of seconds to public transport.</p> <p>In terms of private transport, the upgrades to the M4 Western Motorway have been completed and the construction of WestConnex is well advanced. When complete, the site will have excellent access to Sydney’s arterial road network.</p> <p>It is noted that the Greater Sydney Commission will coordinate, seek expertise and insight from councils, State agencies, businesses and the community to develop a growth infrastructure compact for GPOP by December 2018.</p> <p>The subject site is well located in proximity to future infrastructure, such as the Metro West rail line and WestConnex.</p>
15	The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	
16	Freight and logistics network is competitive and efficient	
17	Regional connectivity is enhanced	
JOBS AND SKILLS FOR THE CITY		
18	Harbour CBD is stronger and more competitive	N/A
19	Greater Parramatta is stronger and better connected	The subject site will benefit from the construction of WestConnex, Sydney Metro West and the Parramatta Light Rail, connecting the site; the Parramatta CBD, Greater Parramatta and the GPOP to the rest of Greater Sydney and regional NSW.
20	Western Sydney Airport and Badgerys Creek Aerotropolis are	N/A

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	economic catalysts for Western Parkland City	
21	Internationally competitive health education research and innovation precincts	<p>The planning proposal will support this objective by providing additional jobs within 30 minutes of employment precincts providing an additional workforce to support economic growth. Parramatta is identified by the Greater Sydney Region Plan as a Metropolitan Centre and Westmead as a Health and Education Precinct. The subject site is within the Parramatta CBD and a short distance from Westmead.</p> <p>The future development will become a local a focal point for the community and a location that includes jobs, retail, goods and services and local activity. It is of a scale that serves this part of the CBD in a mixed use zone.</p> <p>Many of the principles for activity in Centres will be adopted in the development phase of the project to ensure an attractive and safe place, efficient movement of people and traffic and walkable neighbourhoods with good accessibility and permeability.</p>
22	Investment and business activity in centres	
23	Industrial and urban services land is planned, retained and managed	
24	Economic sectors are targeted for success	
A CITY IN ITS LANDSCAPE		
25	The coast and waterways are protected and healthier	N/A
26	A cool and green parkland city in the South Creek corridor	N/A
27	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Consistent
28	Scenic and cultural landscapes are protected	<p>The subject site adjoins two heritage items and is within the vicinity of a heritage conservation zone.</p> <p>The relationship of the proposal and tower point build form has been extensively assessed against the Council's Urbis Report, the HAA Report, the Council response and the SJB Marion Street Precinct Study. The Peter Lonergan response (attached) ties these various reports together to consider the impact on the cultural landscape and the interface with adjoining areas.</p> <p>The conclusion is that this specific area lacks any meaningful local character and has already been detrimentally altered. Nevertheless, the ground plain is important to how it relates to adjoining development and the concept has been designed to ensure the ground level interface is sensitive and not overbearing. This minimises bulk, which is a key factor of the HAA Report. In relation to height, this is considered acceptable due to the shape and bulk of the</p>

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		building. The view analysis also demonstrates a minimal impact especially when included in the context of the Parramatta CBD rather than in isolation. The supporting Lonergan Response should be considered when assessing against the scenic and cultural landscape within the Parramatta CBD.
29	Environmental, social and economic values in rural areas are protected and enhanced	N/A
30	Urban tree canopy cover is increased	A detailed Landscape Plan is included as part of the application. Given the focus on the public realm and the relationship of future development to the streetscape, tree planting and landscape is of the highest importance. This will be further enhanced and refined during the DA process.
31	Public open space is accessible, protected and enhanced	The site is within close proximity to Jubilee Park, being approximately 200 metres walking distance, and Rosella park on the east of the railway station. Links through the railway station provide good connectivity, and excellent way finding in Parramatta provide good access to other nearby open space such as Robin Thomas Reserve to the north and Parramatta Park to the north west.
32	The Green Grid links parks, open spaces, bushland and walking and cycling paths	
AN EFFICIENT CITY		
33	A low-carbon city contributes to net zero emissions by 2050 and mitigates climate change	With good access to nearby public transport and proximity to metropolitan clusters and health and education precincts the development seeks to achieve the objective of reducing trip generation and car dependency. This is also achieved through the small commercial/retail component of the centre which will provide job and employment opportunities and convenience retail, further encouraging resident retention in the area and reducing car dependency.
34	Energy and water flows are captured, used and re-used	Consistent The Planning Proposal does not consider energy efficiency and water flows, but during the detailed development application stage consideration will be given to opportunities to generate energy sustainably, and to store, distribute and use energy more efficiently. This also considers the way of using resources, so energy, water and waste are used efficiently and continually recycled and re-used.
35	More waste is re-used and recycled to support the development of a circular economy	N/A

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A RESILIENT CITY		
36	People and places adapt to climate change and future shocks and stresses	<p>Consistent</p> <p>The Planning Proposal includes a high performing building bonus, whereby an additional 5% floor space can be achieved where certain sustainability and performance criteria is met.</p> <p>Such incentives can produce better buildings and it is important that Parramatta CBD leads the way with unprecedented development.</p>
37	Exposure to natural and urban hazards is reduced	
38	Heatwaves and extreme heat are managed	

Table 5: Consistency with the Greater Sydney Region Plan – A Metropolis of Three Cities

Central City District Plan

Greater Sydney's three cities identified in the Greater Sydney Region Plan – A Metropolis of Three Cities reach across five districts. The Central City District is forecast to grow substantially, capitalising on its location close to the geographic centre of Greater Sydney. It incorporates the local government areas of The Hills, Blacktown, Parramatta and Cumberland.

Greater Parramatta – the metropolitan centre – is the core of the Central River City and Central City District. Its economy is centred on world-class health, education and research institutions as well as finance, business services and administration. Greater Parramatta and the Olympic Peninsula (GPOP) – taking in the Westmead health and education precinct; advanced technology and urban services in Camellia, Rydalmere, Silverwater and Auburn; and the Sydney Olympic Park lifestyle precinct – will be supported by the Parramatta Light Rail and Sydney Metro West.

The Central City District Plan was released in March 2018 to set the priorities and actions for improving the quality of life for residents as the district grows and changes.

"The vision for Greater Sydney as a metropolis of three cities means residents in the Central City District will have quicker and easier access to a wider range of jobs, housing types and activities as part of the transformation of their District. The vision will improve the District's lifestyle and environmental assets."

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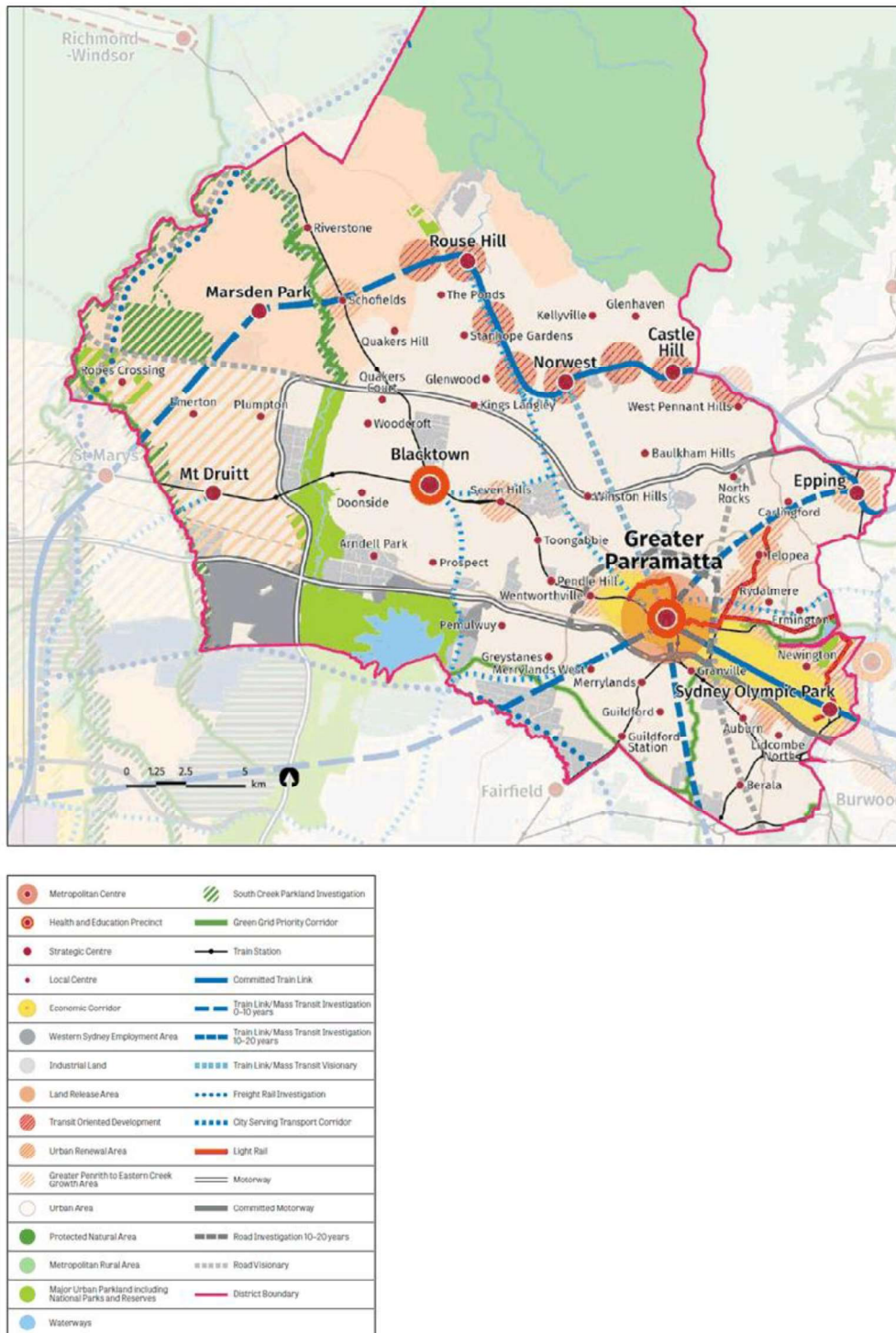


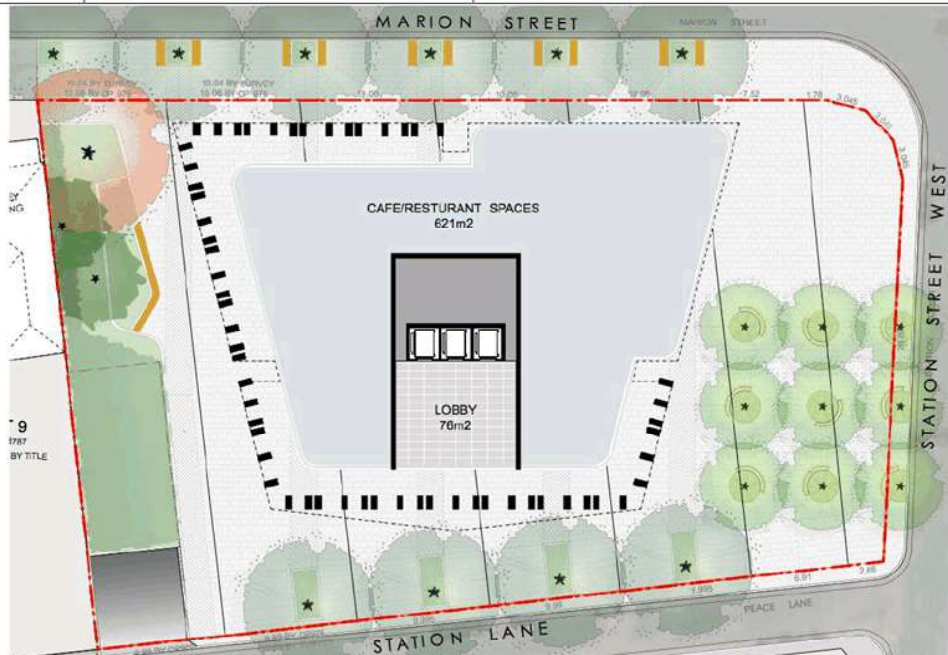
Figure 11: Central City District Structure Plan

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Consistency with the Central City District planning priorities and indicators is considered in Table 5 below:

A COLLABORATIVE CITY		
DIRECTION: WORKING TOGETHER TO GROW A GREATER SYDNEY		
P.1	<p><u>Potential Indicator:</u></p> <p>Increased use of public resources such as open space and community facilities</p>	<p>The Greater Sydney Commission is collaborating with local councils to improve regional open space and deliver Greater Sydney's Green Grid through the administration and management of the Metropolitan Greenspace Program.</p> <p>The Planning Proposal includes a significant area of land that will be accessible on the ground plane (1240sq.m of the 2367sq.m site area). This is to provide permeability through the site and create a strong public realm that interfaces with the ground floor uses.</p> <p>Further, Jubilee Park is within 200 metre walking distance to the north west and Rosella Park is 400 metres walking distance to the east (on the other side of the railway station). James Ruse Reserve, Ollie Webb Reserve and Parramatta Park are also within walking distance.</p>
		
C.1	<p><u>Planning Priority C1</u></p> <p>Working through collaboration</p>	Consistent

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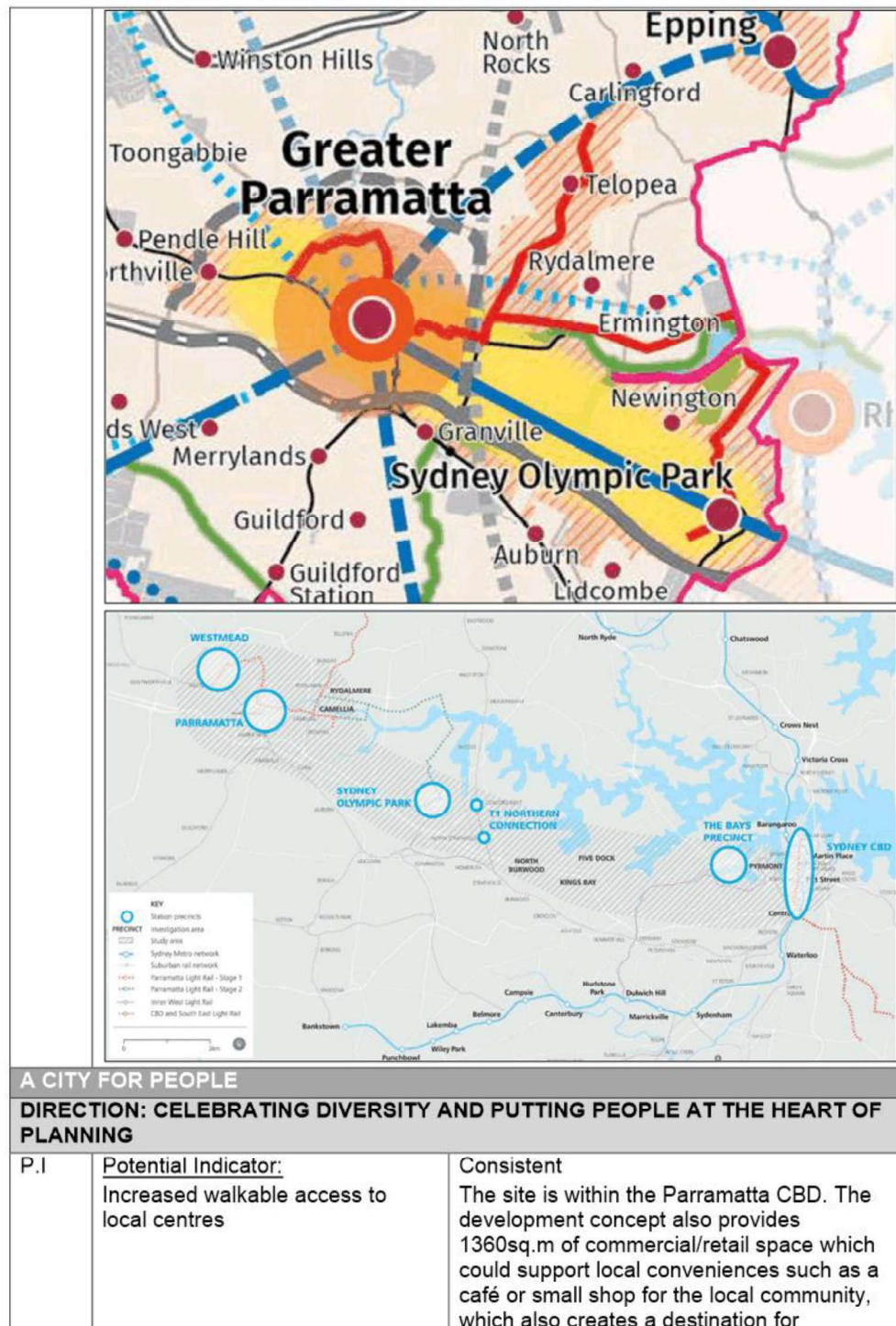
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A CITY SUPPORTED BY INFRASTRUCTURE		
DIRECTION: INFRASTRUCTURE SUPPORTING NEW DEVELOPMENTS		
P.1	<p><u>Potential Indicator:</u> Increased 30-minute access to a metropolitan centre/cluster</p>	<p>Parramatta is identified by the Greater Sydney Region Plan as a Metropolitan Centre and Westmead as a Health and Education Precinct. The subject site is within the Parramatta CBD and a short train ride to Westmead. The Parramatta train station and the core of the CBD is 600 metres away or a short walk.</p> <p>Therefore, the site is well within meeting this objective and supports the vision to provide homes close to jobs, employment, education, health, retail, recreation and education. The site is very well placed to deliver this.</p>
C.2	<p><u>Planning Priority C2</u> Planning for a city supported by infrastructure</p>	<p>New infrastructure at local, district or metropolitan levels, is to be planned and delivered to meet the needs of Greater Sydney as a metropolis of three cities. For the Central City District this includes radial transport links to and from Greater Parramatta. Links to the north, south, east and west – and approved east-west connections – will increase the number of skilled workers who live within easy reach of Greater Parramatta.</p> <p>Aligning land use and infrastructure planning will maximise the use of existing infrastructure. A growth infrastructure compact could be used to align infrastructure with growth. This approach is being piloted in Greater Parramatta and the Olympic Peninsula (GPOP).</p> <p>The site is so close to the CBD that it doesn't necessarily rely on infrastructure to access the core of the Parramatta Metropolitan centre. Notwithstanding, it does adjoin the Harris Park train station which is a 600 metre journey to the Parramatta train station.</p> <p>The planned infrastructure discussed above also connects the CBD and therefore the subject site to Greater Parramatta, other parts of the Central River City and also to the other Cities importantly the Sydney CBD and the Aerotropolis.</p>

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		commuters and transport users to and from the station.
C.3	<u>Planning Priority C3</u> Providing services and social infrastructure to meet people's changing needs	Consistent As discussed above the zoning is for mixed-use and the development concept provides 1360sq.m of commercial/retail space to potentially providing some services and social infrastructure, noting the proximity to the Harris Park centre and the Parramatta core.
C.4	<u>Planning Priority C4</u> Fostering healthy, creative, culturally rich and socially connected communities	Consistent
HOUSING THE CITY		
DIRECTION: GIVING PEOPLE HOUSING CHOICES		
P.1	<u>Potential Indicator:</u> Increased housing completions (by type)	Consistent The 5-year housing supply target for Parramatta local government area to 2021 is 21,650. The concept plan associated with the Planning Proposal has the capacity to accommodate an additional approximately 186 dwellings in this time at an FSR of 7.2:1 (with design excellence and high performing building bonuses). The Lonergan heritage response, however found that greater heights and densities could easily be accommodated on the site while complying with the recommendations of the HAA Report.
	Number of councils that implement Affordable Rental Housing Target Schemes	N/A
C.5	<u>Planning Priority C5</u> Providing housing supply, choice and affordability with access to jobs, services and public transport	Consistent The Planning Proposal facilitates housing supply and choice within an affordable housing product as part of a mixed-use development. While creating jobs and homes, it also supports the local economy. It adjoins a train station and is 500 metres from the Parramatta CBD/Metropolitan Centre train station.
A CITY OF GREAT PLACES		
DIRECTION: DESIGNING PLACES FOR PEOPLE		
P.1	<u>Potential Indicator:</u> Increased access to open space	Consistent As previously discussed the concept includes a significant area of land that will be accessible on the ground plane. Further, Jubilee Park in within 200 metre walking distance to the north west and

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		Rosella Park is 400 metres walking distance to the east (on the other side of the railway station). James Ruse Reserve, Ollie Webb Reserve and Parramatta Park are also within walking distance.
C.6	<u>Planning Priority C6</u> Creating and renewing great places and local centres, and respecting the District's heritage	<p>The Planning Proposal is informed by a concept that will be further refined during the development application process. This will include design principles to ensure that the mixed use development is a great place for residents and the local community.</p> <p>While the planning proposal seeks to delist 37 Marion Street, which has a demolition approval, the site does have other items of heritage nearby. The conservation area to the east is remarkable and worthy of listing. However, many items on this side of Marion Street are not worthy of listing. At this time however, no other changes to the heritage schedule are proposed and therefore the relationship to the areas heritage has been heavily studied and discussed throughout this planning proposal and the supporting studies/reports.</p>
A WELL CONNECTED CITY		
DIRECTION: DEVELOPING A MORE ACCESSIBLE AND WALKABLE CITY		
P.1	<u>Potential Indicator:</u> Percentage of dwellings located within 30 minutes by public transport of a metropolitan centre/ cluster	Consistent The site is within the Parramatta CBD or Metropolitan Centre.
	Percentage of dwellings located within 30 minutes by public transport of a strategic centre	Consistent
C.7	<u>Planning Priority C7</u> Delivering integrated land use and transport planning and a 30-minute city	Consistent
JOBS AND SKILLS FOR THE CITY		
DIRECTION: CREATING THE CONDITIONS FOR A STRONGER ECONOMY		
P.1	<u>Potential Indicator:</u> Increased jobs in metropolitan and strategic centres	Consistent The supply of housing and population associated with the planning proposal will support the Parramatta Metropolitan centre by providing an available workforce in close proximity as the Greater Parramatta and Olympic Peninsula economy corridor grows.
C.8	<u>Planning Priority C8</u> Growing a stronger and more competitive Greater Parramatta	Consistent The future development will support the businesses within Greater Parramatta and

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		the Olympic Peninsula, having such close access to the Parramatta core and major rail infrastructure. This reduces trips and creates a more competitive business environment.
C.9	<u>Planning Priority C9</u> Delivering a more connected and competitive GPOP economic corridor	Consistent
C.10	<u>Planning Priority C10</u> Growing investment, business and job opportunities in strategic centres	Consistent
C.11	<u>Planning Priority C11</u> Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land	N/A
C.12	<u>Planning Priority C12</u> Supporting growth of targeted industry sectors	Consistent
A CITY IN ITS LANDSCAPE		
DIRECTION: VALUING GREEN SPACES AND LANDSCAPE		
P.1	<u>Potential Indicator:</u> Increased urban tree canopy	The attached Urban Design Report present the Landscape Plan for the site. As a considerable area of the ground floor plane of the site will be open to the public, to ensure permeability through the site to the train station and allow for activated outdoor space in association with the ground floor uses, it is important that planting and landscaping occur, which will include an increased tree canopy. Detailed concepts for public planting will be created and supported by a detailed Landscape Plan at development application stage.
	Expanded Greater Sydney Green Grid	Consistent.
C.13	<u>Planning Priority C13</u> Protecting and improving the health and enjoyment of the District's waterways	N/A
C.14	<u>Planning Priority C14</u> Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element.	N/A
C.15	<u>Planning Priority C15</u>	N/A

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	Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes	
C.16	<u>Planning Priority C16</u> Increasing urban tree canopy cover and delivering Green Grid connections	Consistent Discussed above
C.17	<u>Planning Priority C17</u> Delivering high quality open space	The Landscape Plan illustrates how the urban environment will be treated as part of the concept plan.
C.18	<u>Planning Priority C18</u> Better managing rural areas	N/A
AN EFFICIENT CITY		
DIRECTION: USING RESOURCES WISELY		
P.I	<u>Potential Indicator:</u> Reduced transport related greenhouse gas emissions	With good access to nearby public transport and proximity to metropolitan and strategic centres and the employment opportunities associated with the Parramatta CBD, the planning proposal seeks to achieve the objective of reducing trip generation and car dependency. The commercial/retail component of the centre will provide job and employment opportunities for local residents and reduce movements. All these aspects encourage retention in the area and reduce car dependency. The Planning Proposal originally sought a better building bonus to incentivise future development to consider energy efficiency and water flows, and to pursue opportunities to generate energy sustainably, and to store, distribute and use energy more efficiently. This would also considers the way of using resources, so energy, water and waste are used efficiently and continually recycled and re-used. Unfortunately this has been removed from the planning proposal and is therefore unlikely to occur. The Council has a policy that seeks better buildings in it CBD and look to industry to create innovative ways to achieve better buildings.
	Reduced energy use per capita	
C.19	<u>Planning Priority C19</u> Reducing carbon emissions and managing energy, water and waste efficiently	
A RESILIENT CITY		
DIRECTION: ADAPTING TO A CHANGING WORLD		
P.I	Number of councils with standardised state-wide natural hazard information	N/A

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P.20	Planning Priority W20 Adapting to the impacts of urban and natural hazards and climate change	Consistent
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Table 6: Consistency with the Central City District Plan

Greater Parramatta and the Olympic Peninsula

In October 2016 the Greater Sydney Commission released its draft vision for the Greater Parramatta Olympic Peninsula (GPOP) to direct Greater Sydney's growth and shape the Greater Sydney of tomorrow.

The GPOP is a 4,000 hectare area of land in Greater Sydney and spans 13 km east–west from Strathfield to Westmead, and 7 km north–south from Carlingford to Lidcombe and Granville. GPOP is the geographic and demographic centre of Greater Sydney.

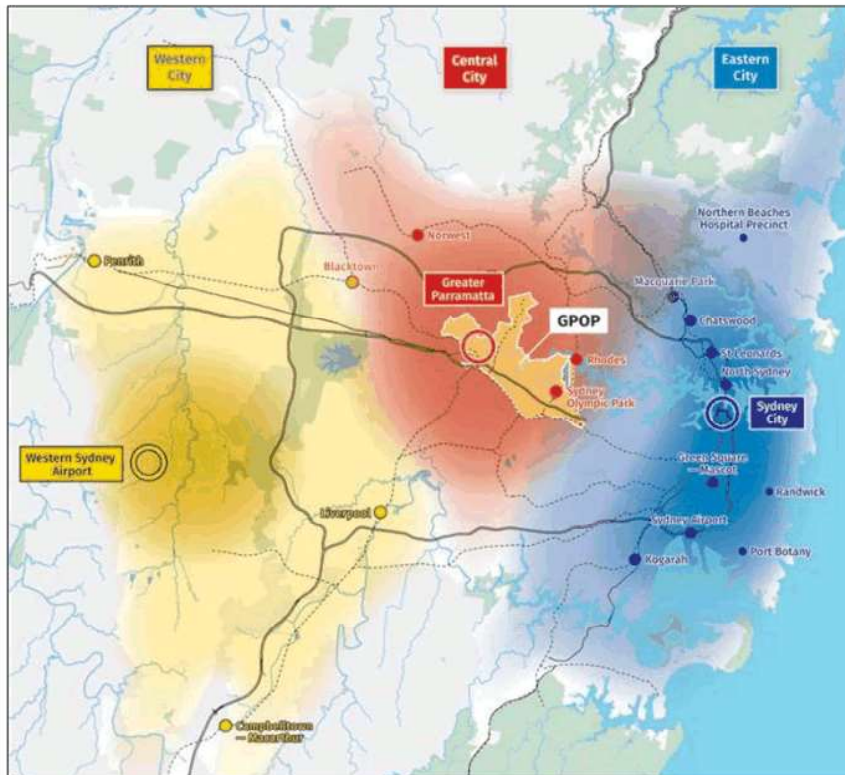


Figure 12: Location of GPOP

The subject site is identified within Quarter 1: the Parramatta CBD Westmead Health and Education Precinct. The key objectives of this Quarter are to:

- Grow the Westmead health and education precinct as a world-class innovation district;
- Increase the attractiveness and productivity of Parramatta CBD; and
- Coordinate and optimise urban renewal opportunities to deliver greater liveability outcomes.

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In November 2019, the draft Greater Parramatta and Olympic Peninsula (GPOP) Place-based Infrastructure Compact Pilot (PIC) was released for public comment and feedback by the greater Sydney Commission. The PIC is a “strategic planning model that looks holistically at a place to better align growth with the provision of infrastructure”.

The PIC proposed 26 Precincts within GPOP and high-level sequencing for the alignment of growth with the provision of infrastructure. 33-43 Marion Street is within the Parramatta South Precinct which falls under proposed action 1 – to “focus on precincts where growth can be aligned with already committed infrastructure to support job creation and new development”.

This precinct was assessed as being a strategic precinct to facilitate development and land use changes aligned with investment in services and infrastructure. It was found to be more cost-effective than other precincts in GPOP. The Planning Proposal therefore aligns with and is consistent with the PIC.

As identified above, the planning proposal is an urban renewal opportunity within the Parramatta CBD, supporting housing growth and choice, and providing an available workforce for business growth. It also provides good proximity to health and education associated with the Westmead Precinct.

Urban Design Report

In addition to the strategic merit of the proposal, the UDR (Appendix 1) also examines the proposal in terms of its relationship to other centres. While Harris Park is within the Parramatta CBD, it is assessed in its own right against other centres in the region (03 Planning Framework – HOB around transport hubs).

The hierarchy of centres is appropriate in this CBD context. The UDR also examines the range of building heights in the CBD and the potential heights achieved under the proposal in no way diminishes from the status of the commercial core area of the CBD which has buildings of between 100m and 200m in height and much greater FSR controls. Section 03 “Massing Comparison” provides a powerful 3D image of the proposal within the CBD context, illustrating the suitability of the project.

4. Is the planning proposal consistent with the local council’s Community Strategic Plan or other local strategic plan?

The following strategic planning documents are relevant to the planning proposal.

Planning Proposal Parramatta CBD (Amendment to Parramatta LEP 2011):

In recognition of Parramatta’s growing role, Council resolved in 2013 to prepare a study based on world’s best practice to identify how Parramatta City Council can develop and implement a planning framework to create a world class city. This resulted in the Parramatta CBD Planning Strategy which underpins the proposed LEP amendments.

Several actions within the Parramatta CBD Planning Strategy were outlined and these led to the Parramatta CBD Planning Strategy’s Implementation Plan. These are noted in Council’s CBD Planning Proposal and need not be restated here. Sufficient to note is that a range of specialist studies would be required within the CBD. Relevantly to this Proposal they included urban design modelling, heritage studies and a needs analysis of community infrastructure. This proposal has completed a revised urban form for the site and has undertaken a comprehensive heritage study on the site and the locality.

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The proposal is consistent in that it is seeking to increase density controls for the subject site and the entire CBD. This proposal seeks to amend the potential yield being considered. Due to unwarranted heritage listings (addressed in the Heritage Report at Appendices 2 and 3) the site is being examined at a yield well below what is capable of being developed. It is evident that heritage is a constraint to the height and FSR controls because land to the west of the site is being considered to have an FSR of 10:1 and it is further away from Harris Park Station. The site is not within a conservation area and the heritage report contends that poor isolated listings derogate from the quality of high quality listings and conservation areas. It is contended that the original listings were made without having carried out a detailed site inspection.

This site is also within an area that the Strategy identified as “*subject to further urban design refinement*”. While this Planning Proposal has carried out this refinement and offers the proposed new site controls on the basis of this work, the SJB commissioned Marion Street Precinct Plan has also come to similar conclusions for the site, noting that it did not examine heights and densities greater than 80 metres and 6:1.

Parramatta 2038 Community Strategic Plan

The proposal will assist in the attainment of many of the objectives in the Parramatta 2038 Community Strategic Plan. The Plan itself seeks to implement some big vision into 2038 which will be its centenary as a City. This vision has large aims involving the establishment of riverfront parklands and entertainment precincts, light rail systems and strong employment centres.

For this vision to be achieved centres must be allowed to develop with people living in them which in turn will foster a strong diversity and sense of community. From this foundation the vision can be met. A city that has no life or residential presence after dark struggles to thrive and also can become very unsafe. Furthermore, the vision for new transport system also requires significant users. Density within and near the major centres is crucial to delivering this vision sustainably.

Page 9 of the Strategy answers the question: “What might change?”

Areas around the CBD, Westmead, Rydalmere and Camellia will change the most. When plans for improving the city with better parklands, light rail, river pathways, and better motorway connections (M4, M2 and WestConnex) are realised, more housing and more jobs will be created in a sustainable way that minimizes impacts on existing and future residents. Growth is likely along light rail corridors, around rail stations and on bus priority routes.

This proposal provides the appropriate density at a location that will help achieve this vision. This site is over the road from a railway station, in proximity to bus services and ring-road connections. This is where people should be living within Parramatta CBD.

One of the noted indicators of success for Urban Vitality is “increase in people counts (CBD locations)”. A strong residential population within the CBD will greatly assist with creating strong vitality within the town centre which is required to stimulate the new business which is desired for the area.

Parramatta currently provides a significant proportion of higher density housing and this is identified as needing to continue to meet appropriate housing supply:

Housing supply and choice shape an area's socio-demographic make-up, quality of life, rate of growth, level of investment, cost of housing and service needs. Housing costs can exclude service workers from choosing jobs in areas that they can't afford to live near. Parramatta must meet this demand, and provide housing choice so executives and senior managers can also live close to work.

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This proposal supports this initiative. The attached Economic Assessment demonstrates the extent of investment that the proposal will introduce.

5. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site.

State Environmental Planning Policies (SEPPs)	Consistent:	Comment
SEPP No 1 Development Standards	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP No 55 Remediation of Land	YES	No known contamination exists on the site. To be further considered at development application stage, noting that the site contains approval for demolition both via development application approval and a complying development certificate.
SEPP 60 – Exempt and Complying Development	N/A	N/A
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	YES	Detailed compliance with SEPP 65 will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal. During the design development phase, detailed testing of SEPP 65 and the Residential Flat Design Code was carried out and the indicative scheme is capable of demonstrating compliance with the SEPP.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed amendment.
SEPP (BASIX) 2004	N/A	Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	YES	May apply to future development of the site.
SEPP (Infrastructure) 2007	YES	May apply to future development of the site.

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Sydney Regional Environmental Plan No 18– Public Transport Corridors	N/A	N/A
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	Not relevant to proposed amendment.
SEPP (Urban Renewal) 2010	YES	The Planning Proposal will stimulate renewal of a underutilised site and will contribute to the housing, employment and job targets for the area.

Table 7 – Consistency of planning proposals with relevant SEPPs

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1(2) of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

Section	Comment	Compliance
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	<p><i>The objectives of this direction are:</i></p> <p><i>(a) encourage employment growth in suitable locations,</i></p> <p><i>(b) protect employment land in business and industrial zones, and</i></p> <p><i>(c) support the viability of identified strategic centres.</i></p> <p><i>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</i></p> <p><i>This Direction aims to preserve such lands, however a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the</i></p>	Yes

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	<p>Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objective of this direction, and</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p> <p>This Planning Proposal does not alter the zoning of the site or change the range of permissible uses. Residential Flat Buildings are permissible in the zone along with commercial premises.</p>	
2. Environment and Heritage		
Direction 2.3 - Heritage Conservation	<p>The objective of this direction is:</p> <p>(1) to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council,</p>	Yes

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	<p><i>Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p> <p>This Planning Proposal seeks to delist 37 Marion Street. 37 Marion Street has an approved consent for demolition. To that end this Proposal is consistent with this Direction.</p> <p>Notwithstanding, as the site is near and adjoins other items, the Direction states:</p> <p>(5) <i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</i></p> <p>(a) <i>the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or</i></p> <p>(b) <i>the provisions of the planning proposal that are inconsistent are of minor significance.</i></p> <p>The subject site contains one listed item (37 Marion Street) and is adjoined to the west by two heritage items (29 and 31 Marion Street). The Statement of Heritage Impact (attached) includes a detailed historical overview, an assessment of the internal and external fabric and condition of the items and the contribution and integrity of the listings as heritage items.</p> <p>The assessment concludes that 37 Marion Street along with 29 and 31 Marion Street are poor examples of heritage, considerably altered and not worthy of retention. The buildings have suffered from having no real plan over the last 30 years and are not part of a conservation area because they are not integrated or connected in their heritage significance. Further detail is provided below under Section 8.1 of the individual items.</p> <p>The study also notes that the proposed development being considered in the vicinity to heritage items is supportable and something that Councils, including Parramatta have previously approved. It supports the ultimate demolition of the heritage items on the basis they are poor examples of heritage items.</p>	
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	In this context and given the detailed supporting autonomous heritage studies that support the removal of the heritage items from the Parramatta LEP 2011, it is considered that any inconsistency is of minor significance.	
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	<p><i>The objectives of this direction are:</i></p> <p><i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p><i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services,</i></p> <p><i>(c) to minimise the impact of residential development on the environment and resource lands.</i></p> <p>The Planning Proposal accords with the objectives outlined above, particularly by locating housing near existing CBD infrastructure and transport nodes. The gentrification of existing underutilised CBD land also minimises environmental impacts and uses land resources more efficiently.</p>	Yes
Direction 3.4 - Integrating Land Use and Transport	<p><i>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight.</i></p> <p>The proposal achieves these objectives by virtue of maximising housing with access to existing transport infrastructure and significant employment lands. It particularly creates new pedestrian transport links enhancing access to Harris Park Station.</p>	Yes

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	This demonstrates the project's suitability having regard to this Direction particularly in relation to access to Westconnex and nearby employment land.	
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	Council's planning maps indicate that the site is affected by acid sulphate soils. The site is noted as Category 5. The planning proposal is consistent with the Direction on Acid Sulphate Soils and the entire suburb is affected. Further studies are not necessary until the DA stage.	Yes
6. Local Plan Making		
Direction 6.1 - Approval and Referral Requirements	None provided. A VPA will comprise part of the Proposal to potentially deal with site-specific matters.	Yes
7. Metropolitan Planning		
Direction 7.1 - Implementation of A Plan for Growing Sydney	Consistent Assessment against A Metropolis of Three Cities was considered in detail under Part 3 Section B of this Planning Proposal.	Yes
Direction 7.3 - Parramatta Road Corridor Urban Transformation Strategy	The proposal is within the "Parramatta CBD precinct of the Greater Parramatta to Olympic Peninsula Urban Renewal area". Harris Park precinct is located immediately to the north of the western end of the Parramatta Road Corridor Urban Transformation Strategy area and therefore the site is not subject to this Direction.	Yes
Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Consistent The Greater Parramatta Interim Land Use and Infrastructure Implementation Plan was released in July 2017. The interim Plan identifies how more jobs, homes and essential services will be accommodated in the priority growth area over the next 20 years. It includes a land use framework to guide future redevelopment of the priority growth area, identifies key actions for the short term and allows the Greater Sydney Commission and other government agencies to identify and plan for the infrastructure required to unlock its potential. In November 2019, the draft GOP PIC Pilot was released for public comment and feedback by the greater Sydney Commission. The PIC proposed 26 Precincts within GOP and high-level sequencing for the alignment of growth with the provision of infrastructure. 33-43 Marion Street is within the Parramatta South Precinct which falls under proposed action 1 – to "focus on precincts where growth can be	Yes

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aligned with already committed infrastructure to support job creation and new development”.

This precinct was assessed as being a strategic precinct to facilitate development and land use changes aligned with investment in services and infrastructure. It was found to be more cost-effective than other precincts in GPDP. The Planning Proposal therefore aligns with and is consistent with the PIC.

As can be seen from the Key Actions for Greater Parramatta Priority Growth Area diagram below, the site is within the Parramatta CBD which includes a ‘current review underway’ and to ‘work with City of Parramatta to advance the planning proposal’. This planning proposal aligns with the Parramatta CBD planning proposal including the supporting HAA Report and has been endorsed by Council and received Gateway determination. This proposal has been updated to reflect the conditions of the Gateway, however is ultimately in accordance with the Priority Growth Area vision and objectives and the planning proposal therefore is consistent with this S9.1 Direction.

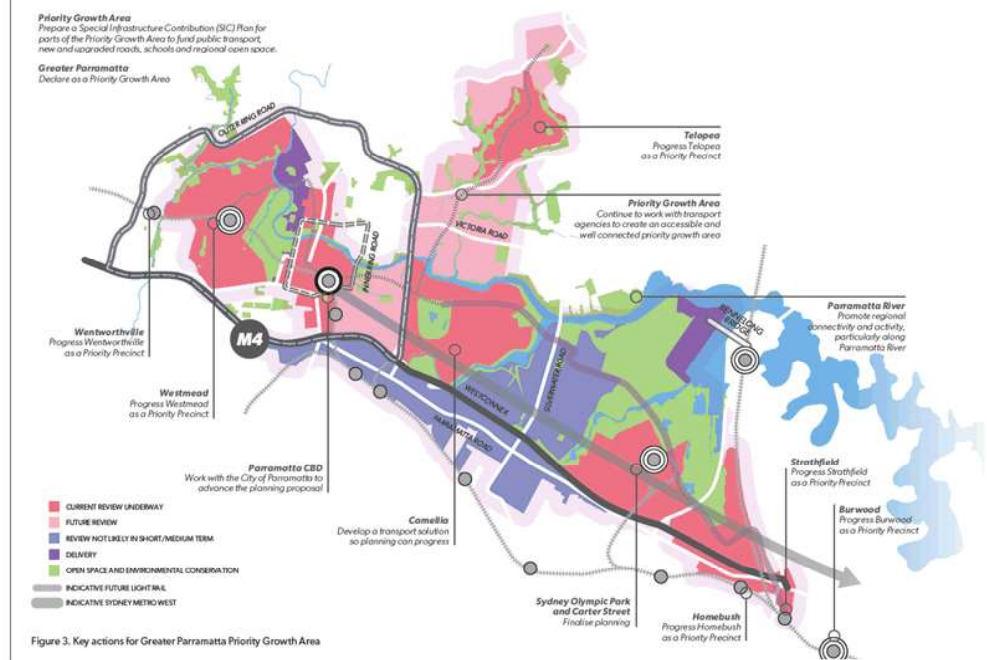


Table 8: Consistency of planning proposal with relevant Section 9.1 Directions

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Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is located within a highly modified urban environment and unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no proposed changes to the zone and therefore no significant land-use issues requiring consideration at this stage. The following matters are relevant:

8.1 Heritage:

A formal Statement of Heritage Impact and Heritage Fabric Analysis and Photographic Record has been prepared for this proposal and is appended to this report. Further an additional autonomous heritage assessment of each of the items has been undertaken and is also included. These reports have been prepared in accordance with the NSW Heritage Manual and in particular, guidelines for the preparation of "Statement of Heritage Impact".

Following the issuing of the Gateway determination a further Response Report was prepared by Peter Lonergan. This has been discussed throughout this report.

37 Marion Street

In relation to 37 Marion Street, which is within the subject site to which the proposed development controls apply (being a maximum FSR of 6:1, excluding design excellence), the Statement concludes:

"The subject site, 37 Marion Street is in no way worthy of being retained. The study evidenced that the listed items are disintegrated with items of questionable quality, integrity and significance amongst the tail of urban development and are in themselves of altered poor condition. The site is not part of a Heritage Conservation Area and the predominant characteristic of the area is to have heritage items interspersed with high density new developments which surpass their scale and typology." Cracknell Lonergan Architects

Further, the second Heritage Assessment concludes:

"we consider that house would not meet the threshold for listing as a heritage item in the LEP and that the house is of low significance due to the level of change and the loss of its setting." John Oultram Heritage and Design

Conclusion

Heritage Conservation Areas exist in proximity to the area and contain higher quality items and more significant groupings of dwellings. The heritage reports demonstrates that the controls sought by the planning proposal will have no unacceptable impact on heritage context or individual items and this should not be a barrier to an increase in density on the site.

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It is self-evident that heritage has been a strategic consideration in this locality that has restricted density and building height. Heights of 20 – 26 storeys along Dixon Street (west of the site) adjoin heritage items on Lansdowne Street demonstrating a precedence for taller buildings as a backdrop to listed items. A detailed examination of the heritage item on, and around, the site indicate the poorer quality of these items when compared to those within the Heritage Conservation Area on the eastern side of the railway lines. These poorer quality items have been listed long ago and appear to have been reconfirmed by an external or desktop assessment only. The attached Statement of Heritage Impact provides the more comprehensive assessment that has been lacking on this site. It confirms there are no heritage impediments to a large building at this location. It also suggests that weak listing effectively damage heritage retention in a locality. It supports the future demolition of the item on the site.

Section 05 of the UDR also examines precedent buildings which act similar to an 'urban marker' which define locality and sit alongside smaller scale heritage buildings. Amongst new urban towers, appropriately retained heritage items serve town centres in a similar fashion to an attractive historic piece of furniture in a living room. Historic items are just as attractive in a new home context and indeed they stand out even more.

SJB Marion Street Precinct Study

Marion Street is located within the South-West Parramatta Interface Area, and condition (k)(i) of the CBD Planning Proposal Gateway determination is relevant as follows:

"carry out further investigations of heritage interface areas and clearly identify where there are inconsistencies between the intended outcomes in the planning proposal and the heritage reports that have been prepared. Council is to provide further information to identify where the inconsistencies exist, the extent of the inconsistencies and how they are proposed to be addressed".

To address the above condition, Council commissioned SJB Urban Design and Planning to prepare an urban design, planning and heritage study for the Marion Street Precinct. The Study did not test the validity of the heritage listings and noted that not all have thorough statements of significance or detailed physical assessments. Detailed fabric analysis would require access to the properties which was not available.

Further, the Study did not test density on any site above 6:1 despite a density adjoining the study area of 10:1. This would have assisted understand whether greater heights could be accommodated in terms of overshadowing impacts to nearby conservation areas as required by condition (k)(ii) of the CBD planning proposal Gateway determination, and ensure these areas receive a minimum of two hours' direct sunlight between 9am and 3pm at midwinter (21 June).

Notwithstanding, the proposed initiatives to inform future development include, but aren't limited to:

- *Retain the existing listed heritage items: however, do not schedule the Marion Street Precinct as a heritage conservation area,*
- *Focus density and height at each end of the heritage core, to harmonise with the scale of development proposed within the Auto Alley Precinct and to frame the view corridor from Marion Street east,*
- *Deliver a through-site link between Marion Street and Peace Lane to improve north-south connectivity,*
- *Reinforce the street edge with podium developments,*
- *Maximise setback between new building and heritage buildings to minimise impacts on the heritage items and streetscape character,*

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Planning Proposal – 33-43 Marion Street, Parramatta

- Preserve solar access to Marion Street and heritage items,
- Footpath widening along both sides of Marion Street (east of Cowper Street) with increased boundary setback (up to 3 metres) to facilitate landscaping and pedestrian movement.

As it relates to 33-43 Marion Street, the Study recommends:

"An incentive FSR of 6:1 for sites at the eastern of Marion Street"

In adopting the Study's recommendations and core urban design principles, the CBD Planning Proposal also provides for a maximum height of 80 metres at the eastern end of Marion Street.

The Planning Proposal for 33-43 Marion Street achieves a number of the core urban design principles, including the through site link between Marion Street and Peace Lane, the setback to the adjoining heritage, and maximising pedestrian space and human movements. The development outcome rationale slightly differs, in that a tall slender tower has less of an overshadowing impact on existing and future properties to the south, provides for more open space and permeability around the development and creates a less intimidating interface with Marion Street.

8.2 Traffic:

The Traffic and Transport report (Appendix 4) details the strategic significance of the site in terms of access to transport infrastructure. This includes rail, bus, road, pedestrian and cycleway services. This analysis details the strategic merit of the site in terms of appropriateness for higher density living at this location.

In terms of local impacts the report notes that it is quite modest and manageable. The following comments summarise the findings of the report and that the Planning Proposal is supportable in terms of traffic:

Development traffic will access Peace Lane which is of sufficient width to cater for the increased traffic as a result of the subject development. It is noted that Peace Lane is one-way (westbound) with No Stopping restrictions applying in proximity to its intersections to facilitate turning movements.

The proposed increase in FSR will result in an increase of 17 and 13 vehicles per hour during the weekday morning and evening peak periods, respectively.

Furthermore, it can be seen from Section 7.2 that the relative increase in traffic at key intersections on the periphery of the study area will be a maximum of 6 veh/hr for any one movement. This equates to a single additional vehicle every 10 minutes which will have negligible impact on the performance of the surrounding road network

Note: above quotes are based on a potential density on the site of up to 10:1, greater than that sought by the Planning Proposal.

There are no emerging traffic matters that would preclude this planning proposal. More detailed matters can be considered at the Development Application stage.

8.3 Site Capability:

The UDR models a building form based on a density which is appropriate in terms of its hierarchy to other similar centres and the heights and densities within the Parramatta CBD (Section 3 – Planning Framework).

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The interrogation in the UDR is thorough and also incorporates general DCP principles into the building design concept.

Exploring several models and building forms, the UDR concludes that a tower element without a podium represents the most appropriate outcome on the site. This enhances solar access to southern properties and creates significant pedestrian links across the site which enhances access to the railway station.

The UDR carries out a contextual analysis of the proposed building as compared to what is currently being considered by Council as part of the CBD density review. (Refer to 05 Planning Framework – Massing Comparison Parramatta CBD). The UDR considered the Heritage Impact Statement in the preparation of the preferred building model. The Heritage Impact Assessment also considered the final building in its assessment of appropriateness within the context. The site and locality are capable of accommodating the proposed building.

8.4 Overshadowing:

The site is located within a CBD context where tall buildings cast shadows. The Planning Proposal seeks a maximum FSR of 6:1, excluding design excellence incentives and building performance bonuses. The proposal also seeks a maximum height of 80 metres (92 metres with design excellence) which will be subject to further detailed design. This proposal, however, seeks to facilitate a narrower tower option which minimises overshadowing to the southern properties and provides through site links.

The UDR models the overshadowing around the site demonstrating its acceptability in a CBD context.

The proposed building form can ensure compliance with the ADG solar access requirements for itself and nearby buildings.

9. How has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal will not have any significant economic consequences as no change is proposed to the zoning of the site or uses permissible in that zone. This focusses the examination on the impacts of additional density on the site, as distinct from any new uses.

This proposal supports the overall vision to see Parramatta CBD thrive and grow as a vital centre. This Planning Proposal does not oppose any of these objectives and will impact positively in this regard. In detailed terms this Planning Proposal has the potential to provide assistance with public projects around the CBD and should also result in the ability to provide streetscape works in the vicinity.

Vibrant CBDs have people living in them. This Planning Proposal is a tremendous way of stimulating local businesses, encouraging passive surveillance after business hours and creating places which attract tourists. The street level is to be activated with retail spaces (retail/cafes/bars) which will serve new and existing residents. The building layout on the site encourages pedestrian activity through the site which will also stimulate retail activation and increase the permeability of the site to and from the train station. It will also create passive surveillance in the immediate area around Marion Street and towards the railway station which is a significant social benefit. Further commercial and/or community infrastructure space is intended to be provided above ground.

Planning Proposal – 33-43 Marion Street, Parramatta

The additional housing will generate some demand for community and educational services. Parramatta is well placed to monitor such demand as the city grows into its role as a second CBD. Demand for schools is monitored by the State Government.

A formal Economic Report has been prepared to examine the site and the proposed building outcome in its context. This report analyses:

- the expected cost and sales of the building, required as the key input into the economic effect of construction;
- the economic and employment benefits (direct and indirect) to the Parramatta economy of building the development;
- the economic and employment benefits (direct and indirect) to the Parramatta economy of the active retail/commercial space; and
- State tax and local government rates revenue as a result of the development.

The report concludes:

The proposed development at 33-43 Marion Street, Harris Park, brings considerable economic benefits.

Depending on the scenario modelled, the building is estimated to create between 183 and 262 full-time equivalent jobs in the Parramatta local government area during the construction phase. In addition, the active frontage retail/commercial aspect will create 23 FTE jobs in the first year of operation, rising to 55 in 10 years.

The development is projected to raise significant taxes for state and local government. It is estimated that over \$7.2 million would be generated in stamp duty, as well as over \$347,000 per year in land tax and over \$160,000 per year in rates.

In addition to the public and private benefits outlined in this report, the proposed development will increase housing supply in the Harris Park area, is close to public transport, and increases the amenity of the local area.

Note: the final economic benefit will be dependent on the final density achieved. The Economic Report considers a number of scenarios which will be refined as the process progresses and the development scenario occurs.

In specific terms the total benefit to the Parramatta economy of the proposal is \$22.49M per annum. The detailed examination of this direct and flow-on spend is outlined in Appendix 1 of the Economic Report.

The overall proposal will have a positive economic impact in the terms quantified in the report. In social terms the benefit will also be positive with enhanced surveillance, retail services, site access and increase in the provision of community services as a result of the additional population.

Public Benefit:

The applicant lodged a detailed public benefit offer by letter with a draft Voluntary Planning Agreement (VPA) prepared by Colin Biggers and Paisley lawyers, (based off council staff recommended VPA format). The general provisions of the offer included the consideration of the provision of affordable housing units, through site links and other items. This offer was subsequently rejected with a preference for an offer in line with the CBD strategy. Further negotiation and discussion can occur to achieve more benefits above that of the CBD rate.

Planning Proposal – 33-43 Marion Street, Parramatta

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal prepared for the overall CBD notes that the review of density controls is expected to result in additional demand for existing public infrastructure as follows:

- Utilities, waste management and recycling services
- Public transport and roads
- Essential Services
- Community Infrastructure
- Aeronautical operations

The broader review of densities within the CBD will include a review of all essential services and augmentation requirements. It is relevant that this density is contained in the same footprint and adjacent to transport infrastructure. This is minor within the CBD context and essential services are available to the site.

Council are engaged with State Agencies in relation to the Infrastructure Delivery Plan and Infrastructure Models Funding Study as part of the overall CBD review, and consultation will occur with State Agencies and local service providers during the Plan Making process after a Gateway determination has been issued.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The planning proposal received a Gateway determination on 23 July 2018 from the Department of Planning and Environment as delegate of the Greater Sydney Commission. The Gateway stated:

(4) Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:

- Office of Environment and Heritage
- Transport for NSW; and
- Roads and Maritime Services

Therefore, consultation will occur with the state authorities in accordance with the Gateway.

Planning Proposal – 33-43 Marion Street, Parramatta

PART 4 – MAPPING

This section contains the proposed mapping for this planning proposal in accordance with the DPI&E's guidelines on LEPs and Planning Proposals.

The figures in this section illustrate the proposed land use zoning, building height and floor space ratio controls sought by this planning proposal.

Proposed Floor Space Ratio – 6:1 “AA1”

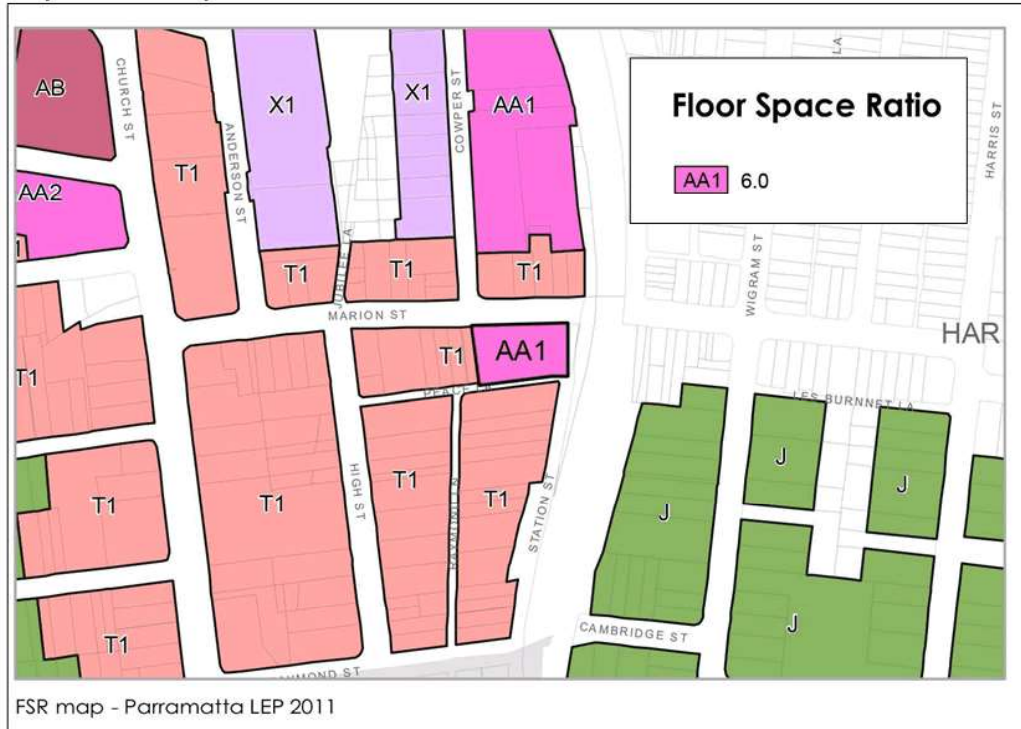
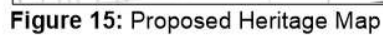


Figure 13: Proposed Maximum FSR



Planning Proposal – 33-43 Marion Street, Parramatta

PART 5 – COMMUNITY CONSULTATION

A Gateway determination was issued by the delegate of the Greater Sydney Commission on 23 July 2018 under Section 3.34(1) of the EP&A Act 1979. As it relates to community consultation, the determination requires:

- (3) *Public exhibition is required under Section 3.34(2) and Schedule 1 Clause 4 of the Act as follows:*
 - (a) *the planning proposal must be made publicly available for a minimum of **28 days**; and*
 - (b) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016)*

On 27 May 2019 the Gateway determined that the planning proposal could proceed subject to certain requirements. These requirements have been addressed through this proposal. Therefore, community consultation will be undertaken in accordance with the above condition and is likely to include a notice in the local newspaper and on Council's web site as well as written notice to land owners in the vicinity of the site and key stakeholders.

Planning Proposal – 33-43 Marion Street, Parramatta

PART 6 – PROJECT TIMELINE

Table 7 below illustrates the timeline proposed for the progression of the Planning Proposal:

Key Milestone	Timeframe:	Milestone
Planning Proposal submitted to City of Parramatta Council	May 2017	Complete
Assessment and consideration by City of Parramatta Council	May-December 2017	Complete
Update on Planning Proposal considered by Council	December 2017	Complete
Council to formally endorse Planning Proposal for progression to Gateway	February 2018	Complete
Planning Proposal submitted to Department of Planning and Environment for consideration and assessment	February 2018	Complete
Gateway Determination issued – 23 July 2018	July 2018	Complete
Amendments and additional heritage analysis to be undertaken as per Condition 1 of the Gateway determination	July – October 2018	Complete
Planning Proposal and supporting documentation submitted to Department of Planning and Environment seeking approval to exhibit	October – November 2018	
Approval from Department of Planning and Environment to exhibit	May 2019	
Public Exhibition and Government Agency consultation	December 2019 – January 2020	
Consideration of submissions and reporting to Council	February 2020	
Submission to Department to finalise the LEP	March – April 2020	
Legal drafting of LEP	April – May 2020	
Making of the Plan (Council as delegate for the Minister)	June 2020	

Table 9: Proposed Project Timeline

Planning Proposal – 33-43 Marion Street, Parramatta



Prepared by City of Parramatta

PARRAMATTA WE'RE BUILDING **AUSTRALIA'S NEXT GREAT CITY**

[insert Trim document No. (PP-3/2015)]

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DEVELOPMENT CONTROL PLAN

33-43 Marion Street, Parramatta

33-43 Marion Street, Harris Park

1. 33-43 Marion Street, Harris Park

1.1 Land to which this DCP applies

This site specific Development Control Plan (DCP) applies to land located at 33-43 Marion Street, Harris Park as illustrated in Figure 1 below. The subject site comprises seven (7) allotments and is known legally as follows:

- 33 Marion Street (Lot 10 DP 976) - 411 m²
- 35 Marion Street (Lot 11 DP 976) - 398.4 m²
- 37 Marion Street (Lot 12 DP 976) - 392 m²
- 39 Marion Street (Lot 13 DP 976) - 379.4 m²
- 41 Marion Street (Lot 14 DP 182289) - 366.7 m²
- 43 Marion Street (Lot A DP 349279) - 246.6 m² and (Lot 1 DP 747666) - 173.4m²

Total area = 2367.5 sq.m.

Scope of this DCP

This DCP sets relevant development controls for the built form and urban design objectives for development at 33-43 Marion Street, Harris Park, including setbacks, pedestrian and heritage interface, vehicular access and movement, and landscaping.

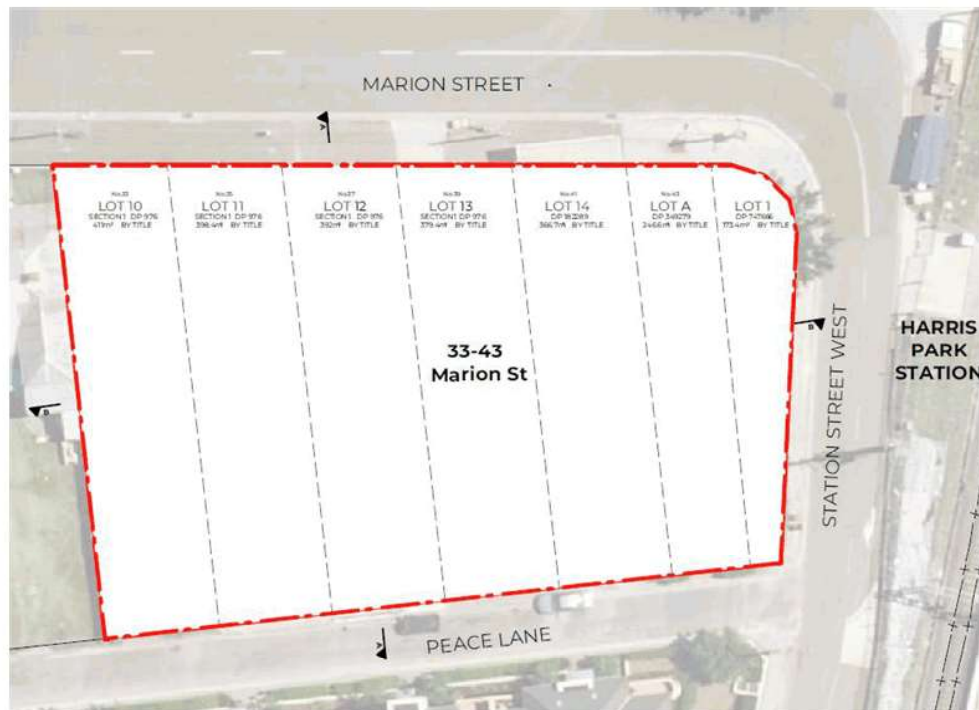


Figure 1: Land covered by this part

33-43 Marion Street, Harris Park

1.2 Relationship to other planning documents

This site specific DCP is to be read in conjunction with other parts of the Parramatta DCP and the Parramatta Local Environmental Plan (PLEP 2011).

If there is any inconsistency between this part of the DCP and other parts of the Parramatta DCP 2011, this part of the DCP will prevail. This part establishes objectives and controls to be applied to the preparation and assessment of a development application for the site.

It should be noted that future development will be subject to a design excellence competition process under the Parramatta LEP 2011. The scope of this brief will be informed by the urban design outcomes and principles identified by this DCP.

1.3 Built form objectives

The site has two main frontages, with 62 metres to Marion Street and 35 metres to Station Street West. The site has a secondary frontage to the south to Peace Lane of 60 metres, and a 40 metre boundary to a heritage item to the west at 31 Marion Street.

The objectives have been developed to respond to the context of the site, and in doing so maximise the building interface with the two primary frontages, encourage permeability at the ground plane and to manage the interface between existing and new development.

Objectives

- O.1 To facilitate the provision of a mixed-use development on the site.
- O.2 To provide an improved, pedestrian-friendly environment.
- O.3 Activate ground floor space, particularly along Marion Street.
- O.4 Ensure a suitable interface with adjoining heritage items.
- O.5 Create a permeable ground plane through visual and physical connections and maximise permeability.
- O.6 To provide for access and vehicular movements away from the two key active frontages along Marion Street and Station Street West.

1.4 Built form controls

1.4.1 Alignment

- C1. The site is to have a variable alignment to Marion St. Buildings located on the eastern portion shall be parallel to Marion Street. Buildings located on the western portion of the site are to be setback and align with the adjoining heritage item and be perpendicular to the subdivision pattern. Refer to Figure 1

33-43 Marion Street, Harris Park

1.4.2 Podium Setbacks

- C2. Minimum of 3 metres from northern boundary (eastern half of building) and a Minimum of 6 metres (western part of building).
- C3. Minimum 6 metre setback to the east (Station Street West).
- C4. Minimum 4 metre setback to the south (Peace Lane).
- C5. Minimum 6 metre setback to the west (31 Marion Street).

1.4.3 Basement Setbacks, Planting and ingress/egress

- C6. Eastern and western setbacks to be deep soil zones – no basement underneath.
- C7. Vehicle entry to be located on the south of the site via Peace Lane.
- C8. Ingress and egress points must be contained within the envelope of the building.

1.4.4 Tower setbacks from boundary

- C9. 9 metres and variable to northern boundary (Marion Street).
- C10. 9 metres to the eastern boundary (Station Street West).
- C11. 6 metres to southern boundary (Peace Lane).
- C12. 12 metres to western boundary (31 Marion Street)

1.4.5 Built form

- C13. Maximum tower building length of 45 metres.
- C14. Maximum tower building depth of 23 metres.
- C15. Maximum podium footprint of 1,565sqm.
- C16. Maximum tower footprint of 955sqm.

1.4.6 Public Domain

- C17. Tree planting is to be maximised across the site.
- C18. If awnings are provided, they are to be consistent with Council's Public Domain Guidelines.
- C19. Publicly accessible through-site link is to be provided along the western setback to 31 Marion Street.
- C20. 3 metres of the northern setback and 3 metres of the western setback are to be publicly accessible to allow for footpath widening.
- C21. Active frontages are to be provided on Marion Street and Station Street West.

33-43 Marion Street, Harris Park

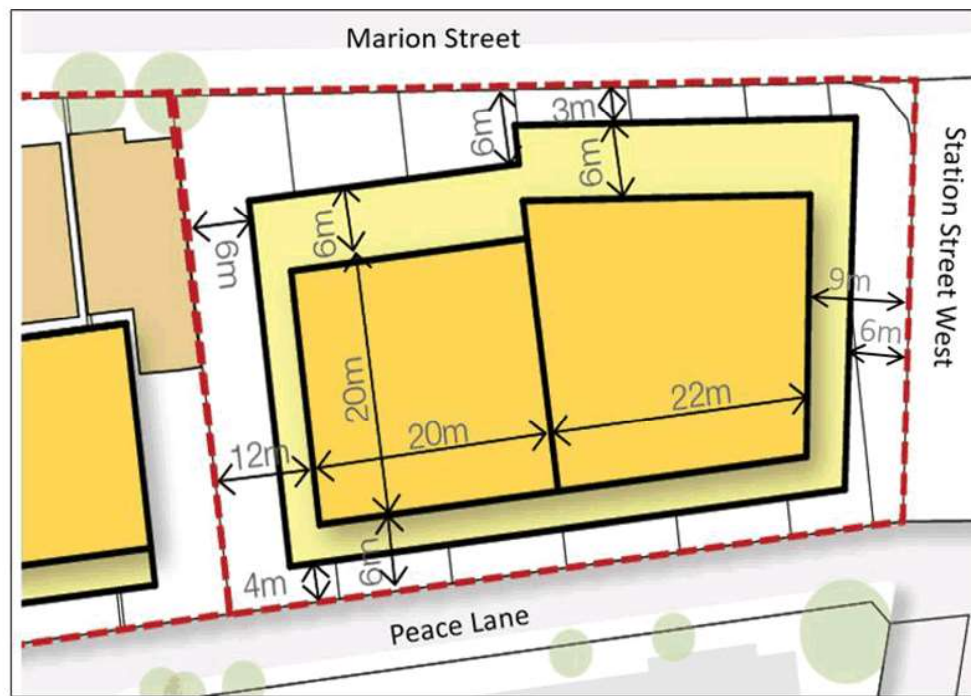


Figure 1: Building alignment and setbacks

**Pacific Planning Pty Ltd**

Property | Planning | Project Management

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6 November 2019

Mr Brett Newman
Chief Executive Officer
City of Parramatta Council
126 Church Street
PARRAMATTA NSW 2150

By email: council@cityofparramatta.nsw.gov.au**Letter of Offer - Planning Proposal 33 – 43 Marion Street, Parramatta (PP_2018_COPAR_001_00)**

Attn: Marco Rubcic

Dear Mr Newman

We are on behalf of the registered land owners the appointed Development Managers and Urban Planners for properties at 33-43 Marion Street, Parramatta. We write to you in relation to a Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979 in connection with a Planning Proposal for land at 33 – 43 Marion Street, Parramatta.

We provide this letter to confirm that the landowner seeks to enter into a voluntary planning agreement (VPA) between Parramatta City Council and the landowner as part of the process that has been sought to change the Parramatta Local Environment Plan for the land and that it will be consistent with council's adopted Planning Agreements Policy. We note that this offer replaces all previous offers made in relation to this project.

Our client has considered Council's Planning Proposal for the Parramatta CBD which Council adopted on 11 April 2016, and the "value sharing" rates proposed by Council. The proposed "value sharing rates" put forward by our client are dependent on the eventual FSR that will apply to the site once the Planning Proposal is finalised. For clarity the FSR dependant "value sharing phases" proposed is the "Phase One Value Sharing" rate of \$150/m² for additional residential floorspace facilitated by the Planning Proposal above that permitted under the current land use controls for residential floor space.

We propose to issue Council with a draft VPA using the Council's template agreement once Council staff confirm it is appropriate to proceed with such draft. We look forward to progressing negotiations with Council further in view to forming a draft VPA.

**Matthew Daniel –
Development Director
Pacific Planning Pty Ltd**

1/ | Pages





PP_2018_COPAR_001_00/(IRF18/1073)

Mr Mark Stapleton
Chief Executive Officer
City of Parramatta Council
PO Box 32
PARRAMATTA NSW 2124

Dear Mr Stapleton

Planning proposal PP_2018_COPAR_001_00 to amend Parramatta Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to facilitate a mixed-use development at 33-43 Marion Street, Harris Park.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The assessment of this planning proposal has highlighted the need for a more detailed investigation into appropriate height and floor space ratio controls that address the relationship to the existing heritage items and the Harris Park heritage conservation area. Close attention to the character of the locality needs to be considered when determining the appropriate height and floor space ratio controls. This investigation should carefully consider how the controls will create a transition to the character values of the locality.

The proposed delisting of local heritage items 29 and 31 Marion Street is not supported. Inconsistency between Council's heritage studies and the proponent's studies, and the outstanding issue regarding the methodology employed by the proponent, introduce uncertainty regarding the merit of delisting these items.

As such, Council will need to obtain the agreement of the Department of Planning and Environment's Secretary (or delegate) to comply with the requirements of relevant section 9.1 Directions 2.3 Heritage Conservation and 6.3 Site Specific Provisions. Council should ensure this occurs prior to community consultation.

I have determined not to condition the Gateway for Council to be the local planning authority due to other planning proposals operating in the area and the need to coordinate these proposals at state level.


The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the

exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Christine Gough to assist you. Ms Gough can be contacted on 9860 1531.

Yours sincerely

 23 July 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2018_COPAR_001_00): to permit a mixed-use development at 33-43 Marion Street, Harris Park.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (LEP) 2011 to permit a mixed-use development at 33-43 Marion Street, Harris Park should proceed subject to the following conditions:

1. Prior to public exhibition:
 - (a) all references to the *Environmental Planning and Assessment Act 1979* in the proposal are to be updated to reflect the amended clause references as of 1 March 2018;
 - (b) all references and mapping regarding the delisting of local heritage items at 29 and 31 Marion Street are to be removed;
 - (c) the planning proposal is to be updated to refer to the approved demolition of 37 Marion Street;
 - (d) the planning proposal is to be updated to address consistency with the Greater Sydney Region Plan;
 - (e) the planning proposal is to be updated to address consistency with the Central City District Plan;
 - (f) the planning proposal is to be updated with the City of Parramatta Council logo and formatting;
 - (g) a site identification map is to be included in the proposal;
 - (h) the planning proposal is to address and justify inconsistencies with the Parramatta CBD heritage study by Urbis (2015), the HAA heritage study of interface areas (2017) and Council's response to the HAA study;
 - (i) the planning proposal is to be amended to include an assessment of the relationship of the proposed height and floor space ratio and resulting built form, with the local character. This assessment will need to account for the preservation of view corridors along Marion Street, visual impacts on streetscape, the retention of local character, the interface with heritage items and overshadowing issues. The proposed land use and development controls should be justified and amended accordingly, if required;
 - (j) the planning proposal is to be amended to include a maximum height of building;

PP_2018_COPAR_001_00 (IRF18/1073)



Planning & Environment

- (l) the high-performance building bonus of 0.5:1 FSR is to be removed from the planning proposal; and
 - (m) the planning proposal is to include a satisfactory arrangements clause for the provision of state infrastructure.
- 2. An updated urban design report and planning proposal will need to be provided to the Department for approval prior to public exhibition to reflect the requirements of condition 1.
- 3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
- 4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:
 - Office of Environment and Heritage – Heritage Division;
 - Transport for NSW; and
 - Roads and Maritime Services.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
- 5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

PP_2018_COPAR_001_00 (IRF18/1073)



Planning & Environment

6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 23rd day of July 2018.


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission

PP_2018_COPAR_001_00 (IRF18/1073)



PP_2018_COPAR_001_00/IRF18/7076

Mr Rik Hart
Acting Chief Executive Officer
City of Parramatta
PO Box 32
PARRAMATTA NSW 2124

Dear Mr Hart

**Reassessment of Planning proposal PP_2018_COPAR_001_00 to amend
Parramatta Local Environmental Plan 2011**

Thank you for your correspondence concerning the reassessment and endorsement of the above planning proposal.

I note Council has amended the planning proposal and supporting documentation and has requested endorsement of the proposal prior to exhibition in accordance with condition 2 of the Gateway determination.

Condition 1(i) of the Determination highlighted the need for a detailed investigation into a more appropriate height and floor space ratio (FSR) control for the site. This investigation was to critically analyse the local character of Marion Street, and how these controls will create a transition to the existing character of the locality. I also recognise that Council is currently undertaking a body of work for the Marion Street precinct in accordance with the gateway conditions for the Parramatta CBD Planning Proposal, issued in December 2018.

While it is acknowledged that the additional information has sought to address the requirement of this condition for the site-specific planning proposal, concerns remain surrounding the inconsistency of the planning proposal outcomes and the updated Urban Design Report. The Urban Design Report contains two reference designs detailing an outcome that exceeds what is explained in the Planning Proposal, and creates uncertainty surrounding the intended outcomes of a future development application on the site. The Urban Design Report is required to contain one reference design that is consistent with the Planning Proposal and Gateway conditions.

In order to enable exhibition of the planning proposal, it is required that the Urban Design Report and Planning Proposal are amended as follows:

- Update the Planning Framework within the Urban Design Report to remove buildings within the CBD that are no longer proposed at the height depicted, for example, 197 Church Street;
- Remove the reference design proposal with a 9.26:1 FSR;
- Update the design reference to demonstrate a building with a maximum FSR of 6:1 with a design excellence bonus of 15%, as endorsed by Council, noting

that the final development outcome for this site will be subject to further assessment post-exhibition and having regard to the outcomes of the Parramatta CBD planning proposal;

- The Department will consider a high performance buildings bonus for this site only if it reflects the broader CBD PP gateway conditions. Within the Parramatta CBD planning proposal the high performance buildings bonus is proposed to be 5% of the base FSR for sites with a maximum FSR of 6:1. This is less than the 0.5:1 bonus currently demonstrated. In order to include this potential bonus, the planning proposal will need to be updated and as such, the Gateway determination has been amended and is attached; and
- Provide further justification for the intended height of building based on the revised proposal and FSR provisions.

If these amendments are made, the Department is satisfied that the planning proposal may proceed to public exhibition.

The Department recognises that following the issue of the Gateway determination for the site, the Parramatta CBD planning proposal received a conditional Gateway. There are a number of conditions within this conditional Gateway for the broader CBD that apply to Marion Street.

Consistent with other planning proposals that have been approved in the Parramatta CBD where there is potential for policy inconsistencies, Council is required to consider the consistency of the site-specific planning proposal with the intended outcomes for the Parramatta CBD planning proposal. Therefore, as delegate of the Minister for Planning and Public Spaces, I have amended the Gateway determination under section 3.34(7) to reflect the above requirement and to enable exhibition of the proposal. The amended Gateway determination is enclosed for your information.

I have also extended the timeframe to make the LEP by a further 6 months given the original timeframe to make the plan was 23 July 2019.

Should you have any further enquiries about this matter, I have arranged for Ms Christine Gough of the Department of Planning and Environment's Sydney Region West team to assist you. Ms Gough can be contacted on 9860 1531.

Yours sincerely



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

27/5/2019



**Planning &
Environment**

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2018_COPAR_001_00)

I, Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 July 2018 for the proposed amendment to the Parramatta Local Environmental Plan 2011 as follows:

1. Delete:

"condition 1(l)"

and replace with a new condition 1(l): "the planning proposal may be amended to include a high-performance buildings bonus that is no more than 5% of the mapped Floor Space Ratio with an explanation of the provision to be provided in the planning proposal;"

2. Delete:

"condition 6"

and replace with a new condition 6: "Prior to submitting the proposal to the Department for finalisation, the proposal is to be reviewed, and amended where necessary, to have regard to the Floor Space Ratio and height controls endorsed by the Gateway determination for the Parramatta CBD planning proposal and any subsequent study prepared by Council in relation to heritage and the built form controls for Marion Street. Council is to ensure that the planning proposal is consistent with the outcomes in the Parramatta CBD planning proposal."

3. Insert:

new condition 7: "The timeframe for completing the LEP is 23 January 2020."

Dated 27th day of May 2019.

**Ann-Maree Carruthers
Director Sydney Region West
Planning Services
Department of Planning and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**

PP_2018_COPAR_001_00

List of Landowners

Address	Landowner
33 Marion Street, Parramatta	V Groutsis
35 Marion Street, Parramatta	H Ligonis
37 Marion Street, Parramatta	CN Marion Pty Ltd
39 Marion Street, Parramatta	CN Marion Pty Ltd
41 Marion Street, Parramatta	G Lantouris
43 Marion Street, Parramatta	Loura Petroleum Pty Ltd

Wednesday, 29 January 2020 5:22 PM

RE: draft VPA - Marion and emerging CBD policy

Hi Jonathon,

Thanks for the email.

As I understand it, as it relates to 22-43 Marion Street, you are seeking confirmation that the amount payable will be determined by the community infrastructure policy to be considered by Council in March. This will identify the adopted rate payable on approval of the DA, until such a time as the policy framework is change and superseded in the future.

If this is the case, we agree to this approach so we can make the meeting on 10 February.

We have put allot of work into this draft VPA so I will ask the team to add a clause for consideration and send that through tomorrow.

Thanks

Matt

Pacific Planning
Property | Project Management | Planning

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