

## Planning Services

### Gateway Determination Report

<b>LGA</b>	City of Parramatta
<b>PPA</b>	City of Parramatta Council
<b>NAME</b>	2 O'Connell Street, Parramatta (427 homes / 410 jobs)
<b>NUMBER</b>	PP_2017_COPAR_013_00
<b>LEP TO BE AMENDED</b>	Parramatta Local Environmental Plan 2011
<b>ADDRESS</b>	2 O'Connell St Parramatta
<b>DESCRIPTION</b>	SP201716
<b>RECEIVED</b>	Received 3 October 2017 and additional information received 18 April 2018
<b>FILE NO.</b>	IRF18/3232
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

It is proposed to amend the Parramatta Local Environmental Plan (LEP) 2011 as it applies to 2 O'Connell Street, Parramatta (also known as 5 Aird Street, Parramatta) by increasing the maximum permissible building height from 36m to 217m and maximum floor space ratio (FSR) controls from 4.2:1 to 16.2:1.

The planning proposal is accompanied by an urban design report and reference design plans (**Attachment E**). These documents present a future development concept for a 66-storey and an 11-storey mixed-use building on the site comprising:

- a 3-4-storey podium containing retail and commercial uses;
- a 61-storey residential tower above the podium containing an indicative total of 427 units (total 66 storeys) and one seven-storey residential tower above the podium containing an indicative total of 28 units (total 11 storeys); and
- basement car parking for up to 537 spaces over six storeys.

### Site description

The site area is 3283m<sup>2</sup> and contains a two-storey and three-storey commercial building occupied by strata-subdivided office suites (Figure 1, next page). The legal property description is SP20716.



Figure 1: View of the site from the corner of O'Connell and Aird Streets (source: Google Maps).

The site has frontages to O'Connell Street (west), Aird Street (north) and Campbell Street (south) and experiences a substantial fall from south to north. O'Connell Street is a classified regional state road under the management of Roads and Maritime Services (RMS) (Figure 2, next page).

Adjacent uses to the site include St John's Cemetery (west), Westfield shopping centre car park (north/east), 10-storey residential (east) and 17-storey residential (south).

City of Parramatta Council's preferred reference scheme incorporates a 3.5m-wide setback along the O'Connell Street frontage for potential road widening identified by RMS and Transport for NSW as part of the strategic transport planning for the Parramatta CBD planning proposal (as discussed later in this report).

### **Existing planning controls**

The following planning controls apply to the site under the Parramatta LEP 2011:

- B4 Mixed Use zoning;
- a maximum building height of 36m;
- a maximum FSR of 4.2:1; and
- if a mixed-use development meets the requirements of Clause 7.10 Design Excellence, a bonus FSR of up to 15% (approximately 0.63:1 FSR) is available.

### **Surrounding area**

The site at 2 O'Connell Street is located within the Parramatta CBD approximately 600m south-west of Parramatta Railway Station and 800m south-east of Old Government House and Domain (Figure 3, page 4).



Figure 2: Site and surrounding development (source: Nearmap).

### **Summary of recommendation**

The planning proposal has merit and should proceed subject to conditions. The merit assessment has demonstrated a need to carefully understand the impact of increased height and FSR within the Parramatta CBD, particularly on larger CBD sites (over 1800m<sup>2</sup>) that propose floor space incentives.

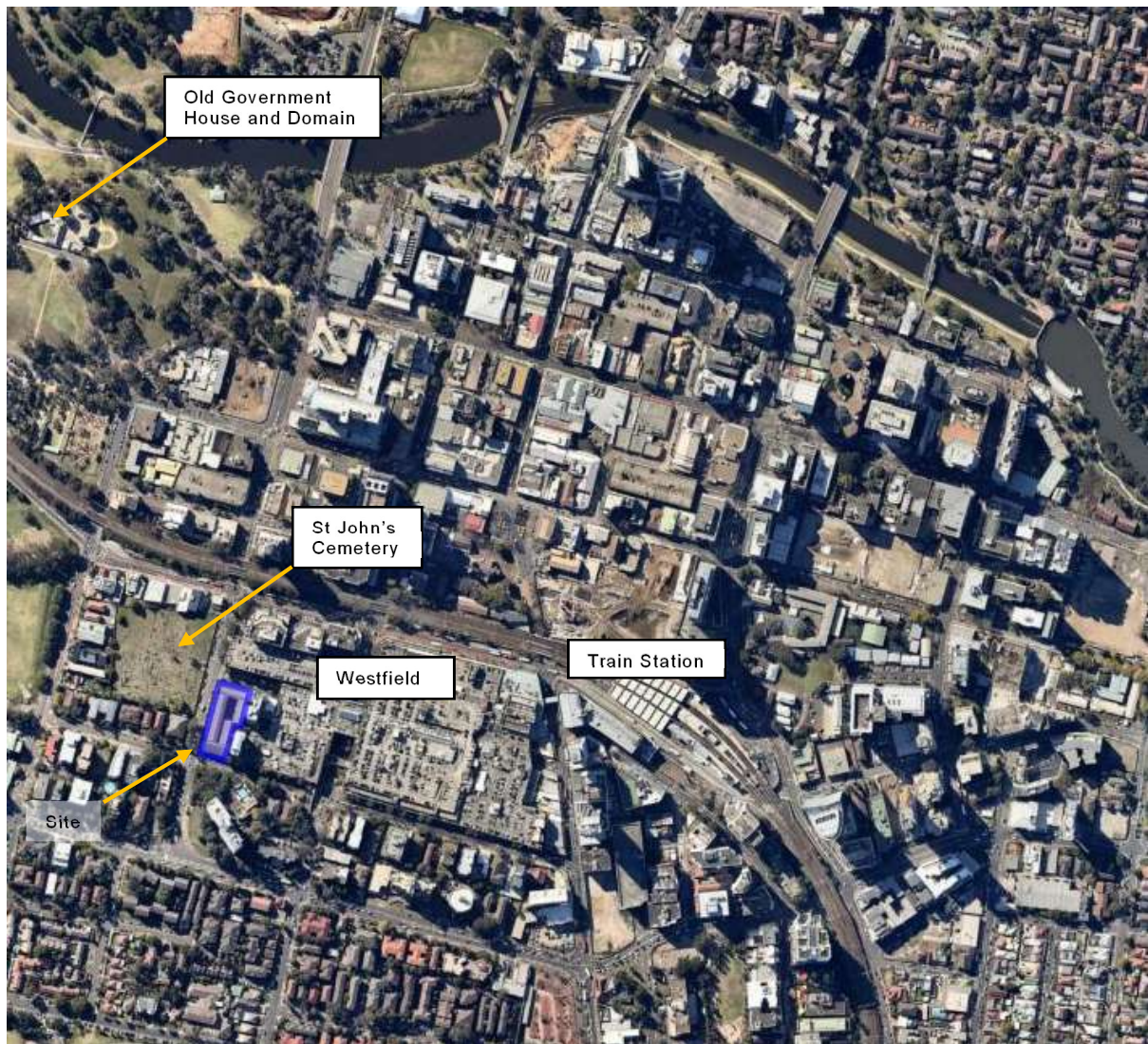


Figure 3: Site and surrounding area in the Parramatta CBD (source: Nearmap).

## PROPOSAL

### Objectives or intended outcomes

The planning proposal seeks to amend the planning controls for 2 O'Connell Street, Parramatta to permit a mixed-use development with a density and height greater than currently permitted under the Parramatta LEP 2011 controls. The intent is to permit the construction of a tall tower in a CBD context.

### Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Parramatta LEP 2011 as follows:

- amend the FSR map to permit a maximum FSR of 14.5:1;
- amend the height of building map to a maximum height control of 217m;
- amend the special area provision map to identify the site;
- add a site-specific clause under Part 7 (Additional Local Provisions – Parramatta City Centre), which addresses the following:

- a requirement to demonstrate appropriate transition to any heritage items or conservation areas;
- a requirement for minimum 1:1 commercial floor space within the maximum FSR of 14.5:1 for the proposal;
- a provision outlining that 14.5:1 FSR is inclusive of design excellence bonus;
- a provision outlining an additional 0.5:1 FSR is achievable, provided that high-performing building standards are met (bringing the FSR total to 15:1);
- a provision outlining an additional 1.2:1 non-residential FSR is achievable within the development (bringing the FSR total to 16.2:1);
- a provision outlining that the high-performing buildings incentive floor space and additional 1.2:1 non-residential FSR are not subject to any additional design excellence bonus; and
- maximum parking rates in line with Council's resolution of 10 April 2017 regarding parking rates in the Parramatta CBD planning proposal.

The planning proposal includes a draft site-specific clause. The effect of the above provisions means the planning proposal would permit a development with a maximum FSR of 16.2:1 and a maximum height of 217m on the subject site if all bonus and incentive provisions are utilised.

It is considered that the explanation of provisions does not provide sufficient detail to enable a thorough plain English understanding of the planning proposal and that the following matters need to be further explained:

- clearly articulate that while the 14.5:1 FSR is inclusive of a design excellence bonus, the proposed development will still be required to undergo a design excellence process in accordance with Clause 7.10 of the Parramatta LEP 2011;
- clearly articulate that the minimum 1:1 FSR commercial floor space is required to be provided within the 14.5:1 FSR;
- clearly articulate the uses proposed to be made permissible in the non-residential floor space (i.e. retail and commercial premise); and
- identify that the site will be subject to Clause 7.6 Airspace Operations.

The above provisions will need to be amended prior to community consultation and submitted to the Department for approval in accordance with the recommendations in this report and the conditions of the Gateway determination.

### **Mapping**

The subject planning proposal seeks to amend the Parramatta LEP 2011 height of buildings, FSR and special provisions area maps. The mapping will be required to be amended prior to community consultation in accordance with the conditions of the Gateway determination.

### **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is in response to an owner-initiated request to increase the development potential of the site. The proposed height and FSR are intended to reflect the built form outcomes in the Council-adopted Parramatta CBD Planning Strategy and CBD planning proposal, which suggest an FSR of 10:1 across the core

areas of the Parramatta CBD, with additional FSR permitted on sites that meet certain design requirements and demonstrate design excellence.

A site-specific planning proposal seeking to amend the Parramatta LEP 2011 is the most effective way of providing certainty for Council, the community and the landowner while the Parramatta CBD planning proposal is being considered by the Department. This site-specific planning proposal relies heavily on proposed planning policy embedded within the CBD planning proposal.

As no Gateway has been issued for the Parramatta CBD planning proposal, it is considered that it is premature to rely on the policies within the CBD planning proposal and therefore a site-specific merit assessment is required to be undertaken to enable the subject planning proposal to proceed. It is recognised that the subject site is in a highly accessible location within the CBD and that consolidation of the site should be encouraged. This planning proposal and Gateway determination seek to implement an appropriate planning framework that will enable further consideration of the proposal in the plan-making process.

## **STRATEGIC ASSESSMENT**

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### **Regional / district**

#### Greater Sydney Region Plan

The Greater Sydney Region Plan provides a 40-year vision and 20-year plan for the delivery of 725,000 dwellings and an extra 817,000 jobs in the Greater Sydney region. The plan recognises the Parramatta CBD as the core of the Central River City.

With its emphasis on planning for future floor space for jobs and housing in the Parramatta CBD, the planning proposal is consistent with the focus of the plan to increase housing capacity (Objective 10) and deliver places that bring people together (Objective 12).

The Gateway determination requires the planning proposal to be updated to consider the plan as finalised in March 2018.

#### Central City District Plan

The Central City District Plan commits to a 21,650-dwelling five-year housing target by 2021 for Parramatta, which is to be supported by additional capacity for jobs growth (Planning Priority C5) and growing Parramatta as a metropolitan centre to create a stronger and more competitive Greater Parramatta (Planning Priority C7).

Action 23 commits to expanding the Parramatta office market and balancing residential development with the needs of commercial development.

The proposal is consistent with the priorities and actions set by the district plan. The planning proposal provides an opportunity to deliver additional housing and jobs for a growing commercial office market by permitting a future mixed residential and commercial development in a highly accessible location in the Parramatta CBD.

The Gateway determination requires the planning proposal to be updated to consider the district plan as finalised in March 2018.

## Local

### Parramatta 2038 Community Strategic Plan

The planning proposal meets the strategies and key objectives identified in Council's strategic plan by allowing for an appropriate mix of residential and non-residential uses in a centre with public transport, shops and community facilities nearby. The proposal will help to activate the street frontages and improve the walkability of the city centre, with commercial uses on the ground floor of the site and at podium level. The proposal will also allow for the concentration of housing around existing and future transport nodes and contribute towards dwelling targets for Parramatta.

### Parramatta CBD Planning Strategy and CBD planning proposal

The Parramatta CBD Planning Strategy is a Council-endorsed vision that incorporates a series of preliminary built form controls, which, subject to further testing, were intended to inform a planning proposal for the entire Parramatta CBD. A key principle of the strategy is to 'create an attractive and distinctive city skyline, defined by tall, slender towers', and the planning proposal has the potential to contribute to the emerging skyline of Parramatta.

The Parramatta CBD Planning Strategy informed the preparation of the Parramatta CBD planning proposal. The subject planning proposal is found to be generally consistent with the Parramatta CBD planning proposal, noting that the planning mechanisms to achieve the development outcome envisaged for the site must be delivered in the context of the existing planning framework, being the Parramatta LEP 2011, and based on a site-specific merit assessment.

Previous Gateway determinations for site-specific planning proposals have not fully endorsed or have proposed variations to the Parramatta CBD planning proposal as a result of the site-specific merit assessment. For example, the Department has not agreed to the removal of maximum building heights as proposed in the Parramatta CBD planning proposal. Council considers that the site can achieve a 16.2:1 FSR and has proposed to map the site at 14.5:1, with site-specific clauses to enable the additional floor space up to an FSR of 16.2:1. This is shown in Table 1 (next page).

Table 1: FSR provisions for subject site

<b>Planning control</b>	<b>Parramatta LEP 2011 (current provisions)</b>	<b>Parramatta CBD planning proposal provisions</b>	<b>2 O'Connell Street provisions</b>
<b>Base FSR</b>	Base FSR: 4.2:1	Base FSR: 4:1 (including minimum 1:1 commercial floor space)	14.5:1 (including minimum 1:1 commercial floor space)
<b>Incentive FSR (beyond base controls – provided a contribution to community infrastructure is made)</b>	N/A	6:1 (total 10:1)	NA
<b>Design excellence bonus</b>	0.63:1 (15% of 4.2:1) (total 4.83:1)	1.5:1 (15% of 10:1) (total 11.5:1)	No bonus, but design excellence required via site-specific clause
<b>High-performing buildings bonus</b>	N/A	0.5:1 (total 12:1)	0.5:1 (total 15:1)
<b>Incentive commercial FSR</b>	NA	Unlimited on sites over 1800m <sup>2</sup> and 40m wide	Proposed additional 1.2:1 FSR for commercial uses
<b>Opportunity site</b>	N/A	3:1 (total 15:1)	NA
<b>Total FSR</b>	<b>4.83:1</b>	<b>15:1*</b>	<b>16.2:1</b>

\*Plus additional commercial floor space on certain sites that meet minimum size and frontage criteria.

While the consistency with the envisaged FSRs in the Parramatta CBD planning proposal are acknowledged, Council has not carried out any detailed urban design testing to determine the cumulative impact of the incentive FSR provisions, particularly those considered to be 'opportunity sites'. The urban design testing submitted with the Parramatta CBD planning proposal mainly considers an FSR of 10:1 across the CBD but suggests an additional FSR of 3:1 on 'opportunity sites' that are of a sufficient dimension to be considered for extra density.

The risk is that too many buildings at this density would have an adverse impact on the liveability and amenity considerations within the Parramatta CBD. Further, on the southern CBD fringe there is increased opportunity of overshadowing of surrounding low-density areas. The subject planning proposal is required to be considered on its merits, taking into account the suitability of the site to accommodate a 16.2:1 FSR. This assessment is provided later in this report.

## **Section 9.1 Ministerial Directions**

The planning proposal is consistent with relevant section 9.1 Directions, except Directions 2.3, 3.5, 4.1 and 6.3 as discussed below.

### Direction 2.3 Heritage Conservation

The planning proposal intends to introduce a site-specific provision to require that any future development demonstrates an appropriate transition to heritage items and conservation areas. The planning proposal is accompanied by a heritage report, which found there is no significant adverse impact on the identified heritage values of St John's Cemetery and the Old Government House and Domain precinct.

The proposed clause does not assess cumulative impacts or building heights within this precinct to ensure a reasonable transition to heritage items and the broader conservation area. The Department considers it appropriate that this is done at the LEP plan-making stage. Of concern is the potential cumulative impact of several tall buildings along the southern end of the Parramatta CBD.

It is recommended that this Direction remains unresolved until further assessment of the cumulative impacts of tall towers in this locality is assessed and the Office of Environment and Heritage – Heritage Division has been consulted. This is discussed in detail below.

### Direction 3.5 Development Near Licensed Aerodromes

The site is located within prescribed airspace surfaces. The proposed height of 217m is greater than the Bankstown Airport obstacle limitation surface (156m AHD). Therefore, to address this Direction, consultation with the federal Department of Infrastructure and Regional Development must occur, and the proposal amended if required prior to exhibition.

It is recommended that this Direction remains unresolved pending further consultation with relevant authorities, noting that Clause 7.6 Airspace Operations will be required to apply to the site should a maximum building height greater than 156 AHD be proposed and the planning proposal is amended to reflect this.

### Direction 4.1 Acid Sulfate Soils

The site is identified as class 5 acid sulfate soil. The proposal is inconsistent with this Direction as an acid sulfate soils study is required when intensification of land is proposed. A study has not been prepared by the proponent.

This inconsistency is justified based on being of minor significance as the issue can be readily addressed at the development application stage.

### Direction 6.3 Site Specific Provisions

There are several site-specific provisions contained within the planning proposal to facilitate the intended development outcomes on the site. It is recommended that as the nature of the site-specific provisions is subject to assessment and legal opinion, this Direction remains unresolved.

## **State environmental planning policies (SEPPs)**

The planning proposal is consistent with all relevant SEPPs.

## SITE-SPECIFIC ASSESSMENT

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### **Social**

The commercial and retail components of the development will contribute to the activation of O'Connell Street and the surrounding area. The ground-floor uses will provide for the daily needs of future residents while contributing to a renewed streetscape with retail uses. The dominant residential use will deliver housing options close to public transport, employment and community facilities.

### **Environmental**

#### Height of building – heritage

The subject site is adjacent to St John's Cemetery, an item of national significance that is on the State Heritage Register. The site is also approximately 400m north of the South Parramatta Heritage Conservation Area and approximately 700m north-west of the Harris Park West Heritage Conservation Area (Figure 4, next page).

#### *Department assessment*

The Department does not object to the addition of tall buildings to the Parramatta skyline and considers that a distinctive and unique skyline is a desirable outcome for the Parramatta CBD. However, the proposed building height will result in potential overshadowing of heritage conservation areas south of the site

The shadow diagrams (Figure 5, next page) show the impact of overshadowing at 12pm and 3pm in midwinter. Residential properties within the conservation areas will be impacted by the shadows created by future tall development at the periphery of the Parramatta CBD. This demonstrates the impact of the subject site in isolation and does not consider the cumulative impact of the broader redevelopment of this locality.

The Department is concerned about the extent of shadows extending across these residential areas, and this issue has been raised with Council in relation to 14-20 Parkes Street (PP\_2016\_PARRA\_007\_00). While one building shadow may be acceptable, it is not evident that the cumulative impacts of these shadows have been considered.

It is recommended that Council investigate cumulative overshadowing impacts from existing buildings, existing site-specific planning proposals and the potential impact of the proposed controls in the Parramatta CBD planning proposal. An appropriate planning framework is required to be established for this locality to ensure the residential properties south of the CBD receive an adequate level of sunlight throughout the year.

There is a growing body of evidence within site-specific planning proposals and the Parramatta CBD planning proposal that the planning controls intended for this locality have the potential to overshadow the adjoining heritage conservation areas, and the Department requires further consideration of the potential outcomes in this regard. This analysis should be undertaken and submitted to the Department for further consideration and approval prior to community consultation. This may require the urban design outcomes for the subject site to be revised.

The planning proposal states that Council's heritage officer has reviewed the planning proposal and raises no immediate concerns with how the proposed development will impact on St John's Cemetery. A condition has been imposed on the Gateway determination requiring consultation with the Office of Environment and Heritage – Heritage Division and the Heritage Council of NSW on this matter.



Figure 4: Location of the site and South Parramatta and Harris Park West heritage conservation areas (source: Urbis heritage study).



Figure 5: Midwinter shadow diagrams from the site at 12pm (left) and 3pm (right).

## Urban design and built form

The planning proposal seeks a maximum FSR of 16.2:1, which is a significant uplift from the current 4.2:1 FSR control for the site.

The accompanying urban design report (**Attachment E**) indicates a preferred FSR of 17:1. The report illustrates the massing of the preferred proposal within the future skyline and contrasts the proposal with the western edge of the Parramatta CBD (Figure 6).

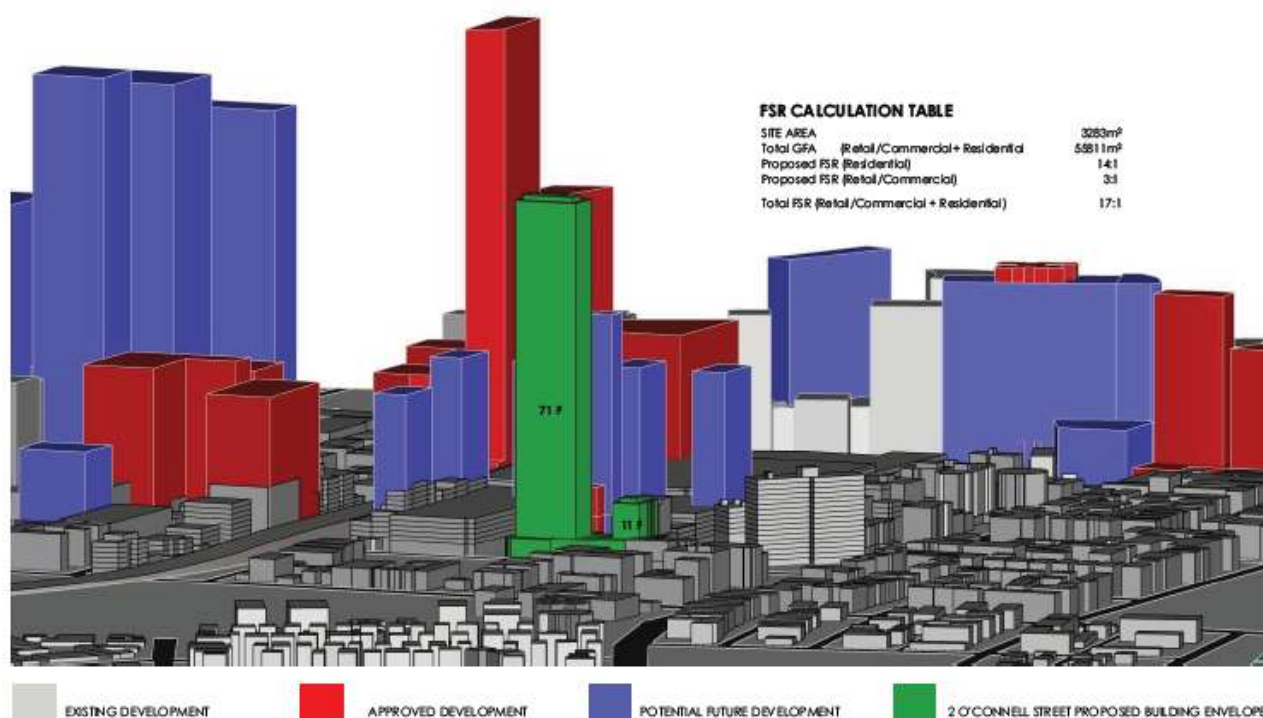


Figure 6: Massing of preferred proposal (green) (source: the proponent's urban design report).

On 27 April 2015, Council endorsed FSR controls of 10:1 (city centre) and 6:1 (transition areas) for the Parramatta CBD Planning Strategy subject to urban design testing and refinement (Figure 7, next page).

#### *Department assessment*

The planning proposal intends to allow additional floor space for commercial uses and building performance outcomes. As the Parramatta CBD planning proposal also proposes to apply an incentive clause to permit an additional FSR of 3:1 for 'opportunity sites' and unlimited commercial floor space for sites over 1800m<sup>2</sup>, this proposed policy will require the environmental impacts of the additional floor space to be considered at the development assessment stage. As a result, clearly defined development controls must be in place to ensure that any additional floor space does not have a detrimental impact on the urban environment. It is therefore considered that any development that proposes additional floor space should be subject to a design excellence process (but not a design excellence bonus on top of the additional floor space).

The Gateway determination has been drafted to reflect the above concerns and clarify the potential built form outcome for the site.

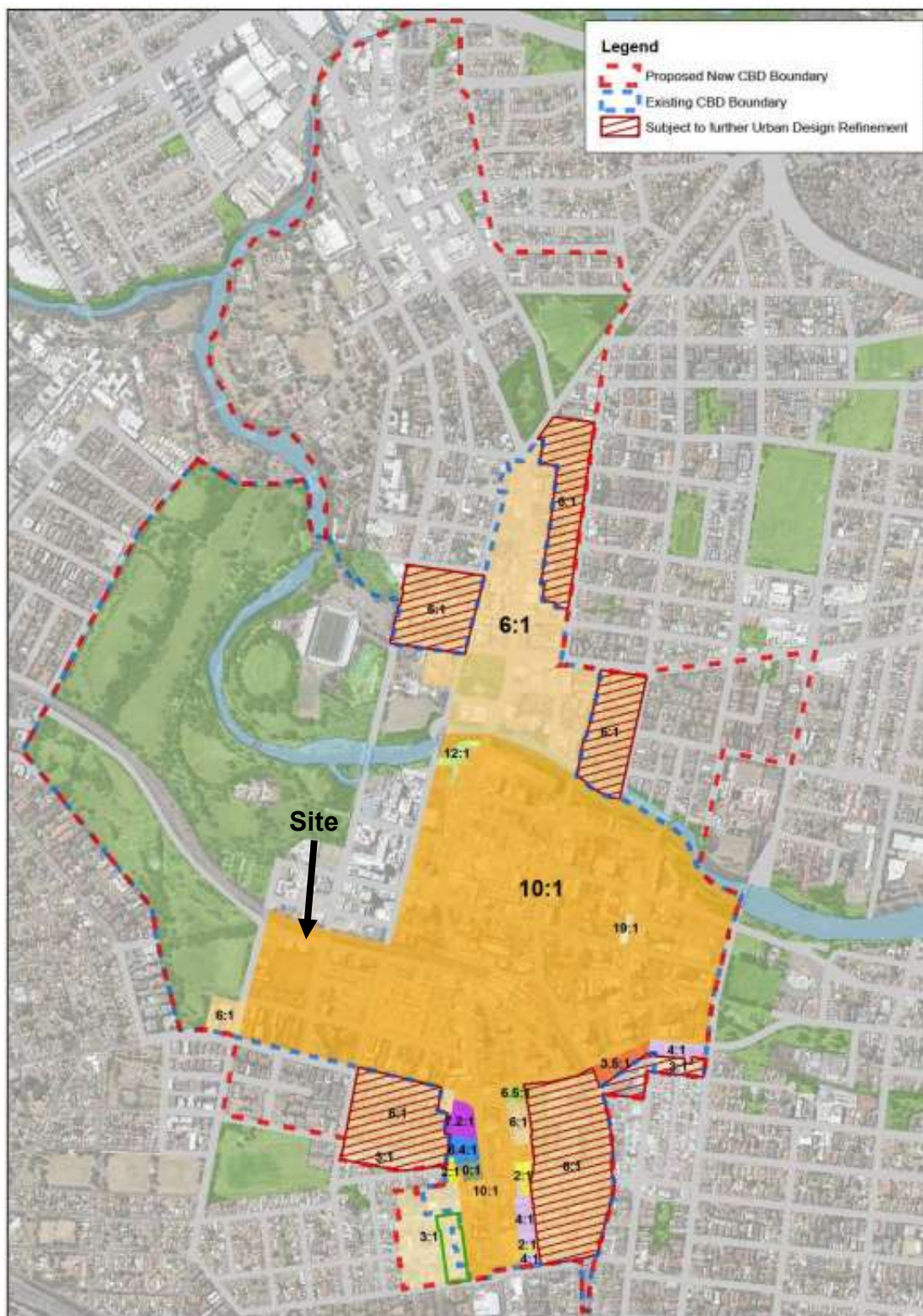


Figure 7: FSRs for the city centre (10:1) and transition areas (6:1) adopted in Council's Parramatta CBD Planning Strategy.

### Traffic and car parking

The reference designs include the preferred scheme and an alternate reference design. The alternate reference design includes a 3.5m-wide setback along the O'Connell Street frontage of the site for potential road widening reservation as

identified by RMS and Transport for NSW (TfNSW) as part of the strategic transport planning for the Parramatta CBD planning proposal.

To avoid complete saturation of the Parramatta CBD road network from proposed increases in density as part of the Parramatta CBD planning proposal, Council adopted reduced parking rates for the Parramatta CBD on 10 April 2017 to allow certain proposals to proceed ahead of a mesoscopic traffic study being undertaken for the Parramatta CBD planning proposal.

The subject planning proposal's site-specific clause proposes maximum residential and non-residential parking rates for future development of the site in line with Council's reduced parking rates for the CBD.

As O'Connell Street is a classified regional road, comments provided by RMS (**Attachment F**) raise no objection in-principle to the planning proposal subject to a traffic and transport study being undertaken to identify the cumulative traffic impact.

A condition has been included in the Gateway determination requiring the planning proposal to be forwarded to TfNSW and RMS as part of the exhibition period and updated in accordance with any further comments received. Further, it is considered that the 3.5m setback for road widening should be included in the urban design study accompanying the planning proposal.

#### Building performance

As per the Parramatta CBD planning proposal high-performing building bonus FSR provisions, the residential component of the subject planning proposal is proposed to meet the following additional energy and water requirements:

- the energy target is a minimum 10-point increase in the BASIX score compared to current requirements; and
- the water target is a minimum 10-point increase in the BASIX score compared to current requirements.

It is proposed that the subject site also be required to comply with the high-performing building provisions for commercial premises within a mixed-use building, which requires compliance with the following:

- the energy target is a maximum 140kg/m<sup>2</sup> per year; and
- the water target is a maximum .65kL/m<sup>2</sup> per year.

A site-specific clause can ensure that the high-performing building requirements are met. To ensure the basis for this policy is understood, it is recommended that the high-performing buildings study (**Attachment G**) that was submitted with the Parramatta CBD planning proposal be included in the subject planning proposal.

#### **Economic**

It is considered that the planning proposal will provide economic benefits through the provision of jobs and housing in a highly desirable location, close to amenities and services. The site is in excess of 1800m<sup>2</sup>, which represents a significant consolidated site, and is therefore considered suitable for increased density.

The provisions for commercial floor space will contribute to the activation of O'Connell Street and the surrounding area. Potential retail or commercial ground-floor uses can provide for the daily needs of nearby residential uses while contributing to a renewed

streetscape with vibrant retail uses. The dominant residential use will deliver housing options near public transport, employment and community facilities.

The Department supports the planning proposal proceeding on this basis and notes the above concerns regarding the potential cumulative impact of overshadowing and built form outcomes.

## **Infrastructure**

### Local

The developer will be required to pay section 94A contributions. Council has indicated that the proponent will enter into a voluntary planning agreement (VPA) to enable the proponent to appropriately contribute towards the provision of identified local infrastructure that will meet the demands of the future community. This is considered an acceptable outcome.

### State

As the planning proposal is located within the Greater Parramatta and Olympic Park corridor and proposes new dwellings, a satisfactory arrangements clause must be included in the planning proposal for a contribution towards state infrastructure. This contribution will more than likely be required through the imposition of a special infrastructure contribution (SIC).

## **CONSULTATION**

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### **Community**

A community consultation period of 28 days is considered appropriate to gauge the community's response. Consultation should extend to all landowners who are impacted by the proposal, including land within adjoining residential areas that may be impacted by overshadowing.

### **Agencies**

The following agencies will be required to be consulted as part of the plan-making process:

- Transport for NSW;
- Roads and Maritime Services;
- Office of Environment and Heritage – Heritage Division;
- Heritage Council of NSW;
- federal Department of Infrastructure and Regional Development; and
- Civil Aviation Safety Authority.

## **TIME FRAME**

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The proposed time frame to finalise this planning proposal is 12 months, which is considered appropriate given the scale and complexity of the project and the need for additional urban design studies. The project time frame within the planning proposal will be required to be updated prior to community consultation.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested authorisation to be the local plan-making authority in relation to this planning proposal. It is recommended that authorisation is not issued due to the

site's location within the Parramatta CBD, the strategic importance of the Parramatta CBD and the need to coordinate several site-specific planning proposals and the CBD planning proposal to ensure a consistent application of policy outcomes.

## **CONCLUSION**

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The planning proposal should proceed subject to conditions as it reflects the strategic aims of the Parramatta CBD. Further evidence is required to be submitted to ensure the proposed building height does not have a detrimental impact on surrounding low-density heritage conservation areas.

While the proposed provisions are generally consistent with the intent of the Parramatta CBD planning proposal, further justification is required to demonstrate the suitability of the site for the proposed height and FSR. This further documentation is required to be submitted to the Department for approval prior to community consultation.

## **RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 4.1 Acid Sulfate Soils is justified; and
2. note that the inconsistencies with section 9.1 Directions 2.3 Heritage Conservation, 3.5 Development Near Licensed Aerodromes and 6.3 Site Specific Provisions remain unresolved and will require further consideration and/or justification following community consultation.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to:
  - (a) address the Greater Sydney Region Plan and the Central City District Plan;
  - (b) assess the potential cumulative overshadowing impact on the northern section of the South Parramatta and Harris Park West heritage conservation areas. This should include an assessment of the impact of the proposed height of building, any approved surrounding buildings and the proposed increase in FSR and height under the Parramatta CBD planning proposal (inclusive of additional FSR provisions). The results of this analysis may require the urban design outcomes for the site to be reviewed;
  - (c) address the comments provided by Roads and Maritime Services (dated 13 February 2018);
  - (d) update the urban design study to reflect a maximum FSR of 16.2:1 and include a 3.5m setback for local road widening;
  - (e) update the explanation of provisions to articulate:
    - i. that while the 14.5:1 FSR is inclusive of a design excellence bonus, the future development will be required to undergo a design excellence process in accordance with Clause 7.10 of the Parramatta LEP 2011;
    - ii. that the minimum 1:1 FSR commercial floor space is required to be provided within the 14.5:1 FSR;

- iii. the uses that will be permissible in the non-residential floor space component (i.e. commercial premise and retail premises); and
  - iv. that the site will be subject to Clause 7.6 Airspace Operations;
- (f) include a provision requiring the application of a satisfactory arrangements clause to enable contributions towards the funding of state infrastructure; and
- (g) include the high-performing buildings study submitted with the Parramatta CBD planning proposal with the exhibition material.
2. Council is to consult with the federal Department of Infrastructure and Regional Development prior to exhibition, as required by Section 9.1 Direction 3.5 Development Near Licenced Aerodromes. The proposal is to be amended, if required, in accordance with the outcome of that consultation.
  3. The amended planning proposal, supporting studies and related documentation are to be referred to the Department for endorsement by the Director, Sydney Region West prior to the commencement of community consultation.
  4. Community consultation 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).
  5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
    - Transport for NSW;
    - Roads and Maritime Services;
    - Office of Environment and Heritage – Heritage Division;
    - Heritage Council of NSW;
    - federal Department of Infrastructure and Regional Development; and
    - Civil Aviation Safety Authority.

Each public authority/organisation 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.

6. 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).

7. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.



27/8/2018

**Christine Gough**  
**Team Leader**  
**Sydney Region West**



7/09/2018

**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**