

LEADING

ITEM NUMBER	12.3
SUBJECT	Planning Proposal at 2 O'Connell Street, Parramatta - Heritage Matter
REFERENCE	RZ/2/2017 - D06008852
REPORT OF	Project Officer
APPLICANT	Think Planners
LAND OWNER	Owners of Strata Plan 20716

PURPOSE:

The purpose of this report is to respond to Council's resolution of 26 February 2018, which resolved to bring forward a further report regarding the Planning Proposal for land at 2 O'Connell Street, Parramatta specifically referencing the impact the planning proposal may have on St. John's Cemetery.

RECOMMENDATION

- (a) **That** Council note the information presented in this report relating to the Planning Proposal for 2 O'Connell Street, Parramatta and potential impacts on St. John's Cemetery.
 - (b) **That** Council resolve that no further amendments are required to this Planning Proposal, beyond the amendments discussed in the report of 26 February 2018 on this matter.
 - (c) **That** Council endorse forwarding the amended Planning Proposal for 2 O'Connell Street, Parramatta (located at Attachment 2 of Attachment 1 to this report) to the Department of Planning and Environment in order to facilitate progression of a Gateway Determination;
 - (d) **That** Council affirm that the planning outcomes which Council sought through the original proposed structure of the Planning Proposal are unchanged;
 - (e) **Further, that** Council specifically reaffirm its position on this Planning Proposal as follows:
 - (i) That delegated authority be given to the CEO to negotiate a Voluntary Planning Agreement (VPA) with the landowner in relation to this Planning Proposal on behalf of Council, that this negotiation be undertaken in line with Council's resolution on value sharing rates of 10 April 2017 (Item 8.3), and that the outcomes of this negotiation be reported back to Council prior to public exhibition of the VPA.
 - (ii) That a site-specific Development Control Plan (DCP) be prepared in association with this Planning Proposal and reported to Council prior to its public exhibition.
 - (iii) That, pending the outcomes of the Gateway Determination for the Planning Proposal, the Planning Proposal, VPA and DCP be placed on public exhibition concurrently.
 - (iv) That Council advises the Department of Planning and Environment that
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the CEO will be exercising the plan-making delegation for this Planning Proposal as authorised by Council on 26 November 2012.

- (v) That Council grant delegated authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process for this Planning Proposal.

BACKGROUND

1. On 26 February 2018, Council considered a report (refer **Attachment 1**) on two amended Site Specific Planning Proposals (SSPPs) for 12 Hassall Street, Parramatta and 2 O'Connell Street Parramatta. The report recommended to forward both amended SSPPs to the Department of Planning and Environment (DPE) to facilitate progression of Gateway Determinations for both.
2. The purpose of amending these SSPPs was to alter their structures to more closely reflect the current structure of *Parramatta Local Environmental Plan 2011 (PLEP 2011)*. The reason for this was that DPE officers had advised that they were unable to release Gateway Determinations for these two SSPPs (in the format in which they were submitted) prior to releasing the Gateway Determination for the Parramatta CBD Planning Proposal (CBD PP). This is because release of Gateway Determinations for these SSPPs in their submitted format could be perceived as setting a statutory precedent for certain proposed clauses in the CBD PP, which has not yet received a Gateway Determination. The clauses to which DPE made particular reference were the clauses that embedded value sharing ("community infrastructure") into the LEP. This meant that these two SSPPs would need to wait for release of the CBD PP Gateway Determination prior to receiving Gateway Determination.
3. As an alternative option to progress these two SSPPs, DPE officers advised that Council could amend the structure of these two SSPPs to more closely reflect the current structure of *PLEP 2011* (which does not contain value sharing-related clauses) and resubmit them. This would allow DPE to consider and potentially issue Gateway Determinations for these two SSPPs prior to release of the Gateway Determination for the CBD PP.
4. In an effort to facilitate progression of these two SSPPs, Council officers worked with the respective applicants to amend the proposed structure of the two SSPPs. These amendments are minor in nature, and are not intended to change the planning and technical outcomes which these SSPPs seek.
5. In response to the 26 February 2018 report regarding the amended SSPPs, Council resolved:
 - a) to forward the amended SSPP for 12 Hassall Street, Parramatta to DPE (which has been actioned by Council officers); and
 - b) to request a further report in relation to the SSPP at 2 O'Connell Street, Parramatta and specifically its potential impacts on St. John's Cemetery.*

Note: The original minutes issued for the Council meeting of 26 February 2018 made reference to St. Patrick's Cemetery rather than St. John's Cemetery. The issue was clarified and the minutes formally amended at the Council meeting of 12 March 2018. Therefore, the formal resolution of Council as amended on 12 March 2018 is included at **Attachment 2 of this report.*



Figure 1: Location of St. John's Cemetery and Subject Site at 2 O'Connell Street, Parramatta

ISSUES

6. Relevant aspects of the Parramatta CBD PP process and the SSPP process for 2 O'Connell Street are discussed in detail in the following sections as follows:
 - a) Parramatta CBD PP: Urbis Heritage Study 2015
 - b) Parramatta CBD PP: December 2015 Council resolution resolving key policy directions
 - c) Parramatta CBD PP: Draft planning controls endorsed in April 2016
 - d) Parramatta CBD PP: Details of FSR Controls for the Subject Site under the Endorsed Draft CBD PP
 - e) Parramatta CBD PP: Hector Abrahams Architects study 2017
 - f) SSPP: Planning Proposal for 2 O'Connell Street and accompanying heritage report
 - g) SSPP: Council's assessment of SSPP for 2 O'Connell Street - heritage impacts
 - h) SSPP: Overshadowing diagrams
 - i) SSPP: Applicant response to resolution of 26 February 2018

Parramatta CBD PP: Urbis Heritage Study 2015

7. The original heritage study underpinning the Parramatta CBD PP was undertaken by consultants Urbis in 2015.
8. The Urbis study reviewed a number of heritage areas and items in and around the Parramatta CBD, in order to make recommendations to Council regarding how to appropriately manage heritage matters while preparing the draft Parramatta CBD PP.

9. In relation to St. John's Cemetery, the Urbis study made the following recommendation:

"The site does not presently have any controls and no FSR [floor space ratio] is proposed. Existing FSR is to be maintained on the northern and western boundaries to maintain sun access to the cemetery and to retain visual connections and 'green corridor' to Parramatta Park to the west."

10. It is noted that the Urbis study did not make specific recommendations with regards to the properties adjoining St. John's Cemetery to the south, nor to properties opposite the cemetery on the other side of O'Connell Street.

Parramatta CBD PP: December 2015 Council resolution resolving key policy directions

11. On 14 December 2015, Council resolved several key policy directions to guide finalisation of the draft Parramatta CBD PP for Council's consideration (which subsequently occurred in April 2016).
12. With relation to heritage, Council resolved at this time that heritage items in the CBD, and those adjoining, were to have FSRs the same as adjoining properties, with a few exceptions. One of the exceptions to this resolution was *"areas adjoining state heritage items within a significant landscape setting, including St John's Church and St John's Cemetery"* (refer Resolution in relation to Item 7.7, 14 December 2015).

Parramatta CBD PP: Draft planning controls endorsed in April 2016

13. The Urbis study recommendations, as amended by the 14 December 2015 resolution, were reflected in the preparation of planning controls as part of the draft Parramatta CBD PP in early 2016. The draft Parramatta CBD PP was endorsed by the former Parramatta City Council in April 2016.
14. In relation to heritage controls, and specifically St. John's Cemetery, the April 2016 Council report stated the following:
- 71. *The heritage controls in the Planning Proposal are consistent with the Council Resolution from 14 December 2015. It is noted that the Planning Proposal does not propose any amendments to the existing PLEP 2011 controls relating to heritage under Clause 5.10.*
 - 72. *The Planning Proposal seeks that heritage items within the CBD are proposed to have an incentive FSR of 10:1 and heritage items within the peripheral areas have an FSR of 6:1 except for the following:*
 - a. *Area directly to the north of Lancer Barracks, given this is an item of national heritage significance (a proposed FSR of 2:1)*
 - b. *Areas adjoining state heritage items within a significant landscape setting including St John's Church (proposed FSR of 3:1) and St John's Cemetery (with a proposed base FSR 1.5:1 and incentive FSR of 1.5:1 and 6:1).*
15. Figures 2 and 3 below illustrate the "Base" and "Incentive" FSR controls in the endorsed draft Parramatta CBD PP for St. John's Cemetery and properties in the vicinity.

16. With regards to St. John's Cemetery itself, no FSR control is proposed under the endorsed draft Parramatta CBD PP, which reflects the position that it has no redevelopment potential.
17. With regards to Incentive FSRs for those properties adjoining the cemetery, the following is noted:
- a) Northern and western boundary of cemetery: Incentive FSRs do not increase above the Base FSRs, but remain at 1.5:1 (as referenced the Council report excerpt above).
 - b) Southern boundary of cemetery: Incentive FSRs increase from 1.5:1 to 6:1 for those properties adjoining the cemetery to the south (as referenced in the Council report excerpt above). As these properties are south of the Cemetery, additional development on these sites would not result in increased overshadowing impacts.

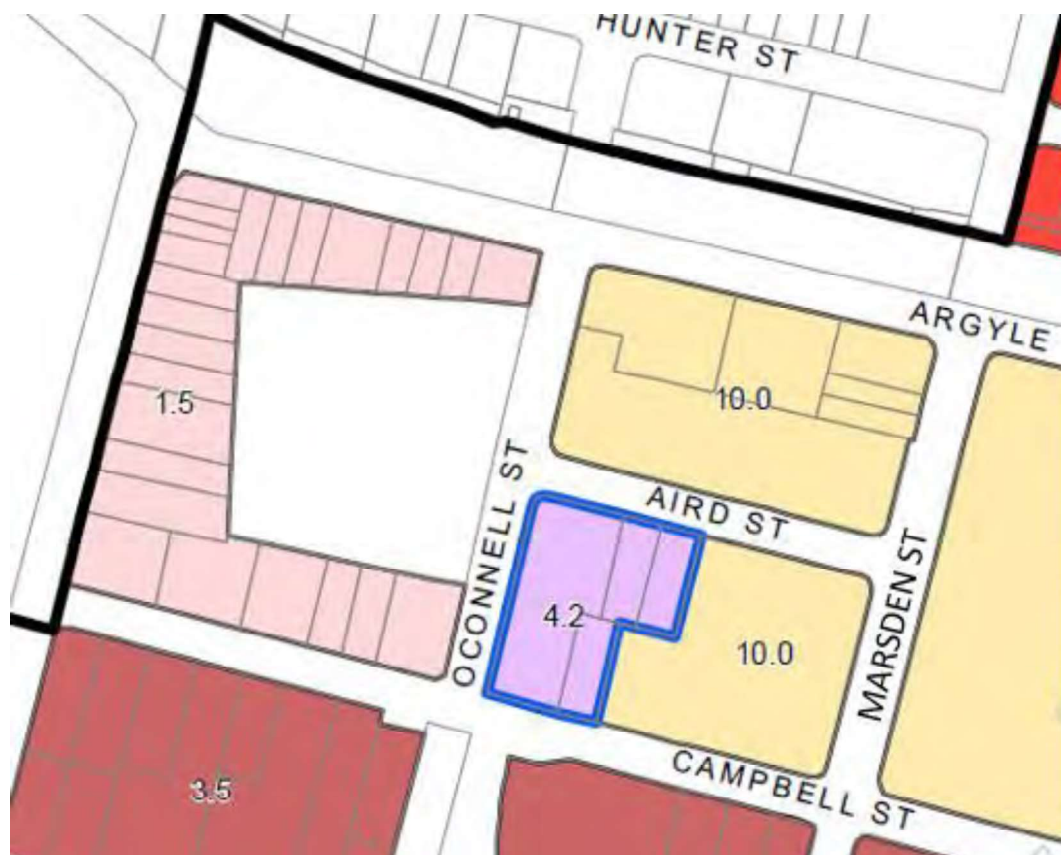


Figure 2: "Base" FSRs in the vicinity of St. John's Cemetery and subject site
Source: Parramatta CBD PP as endorsed April 2016

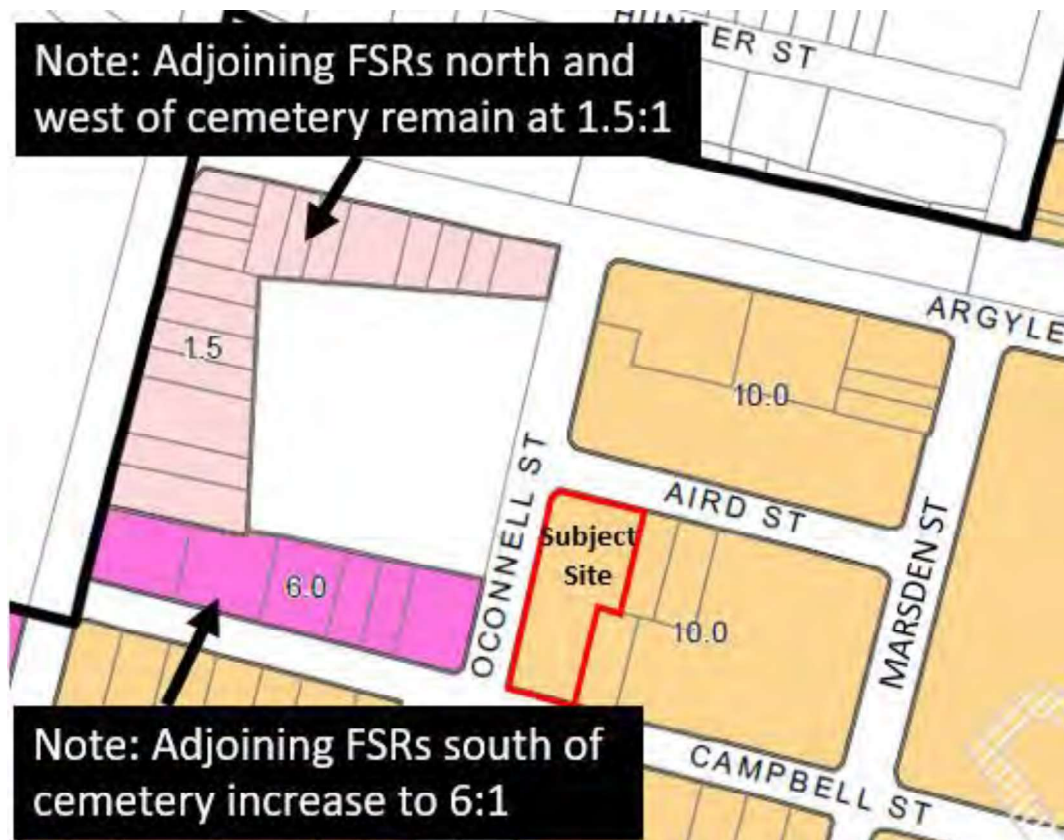


Figure 3: "Incentive" FSRs in the vicinity of St. John's Cemetery and subject site
Source: Parramatta CBD PP as endorsed April 2016

18. For those sites on the opposite side of O'Connell Street and on the western end of the block bounded by Aird, O'Connell, Campbell and Marsden Streets, Incentive FSRs increase from 4.2:1 to 10:1. This brings these sites in line with the 10:1 FSR currently in place across the rest of this block. These properties include the subject SSPP site at 2 O'Connell Street.
19. For sites on the opposite side of O'Connell Street and in the block bounded by Aird, O'Connell, Argyle and Marsden Streets, Incentive FSRs do not increase. This is because the Base (i.e. current) FSR for these sites is already 10:1.

Parramatta CBD PP: Details of FSR Controls for the subject site under the endorsed draft CBD PP

20. As illustrated in Figure 3, the subject site for this SSPP process has an Base FSR of 4.2:1 and an Incentive FSR of 10:1 under the endorsed draft CBD PP. Factoring in FSR associated with meeting criteria in the draft endorsed CBD PP relating to Design Excellence (1.5:1), High-Performing Buildings (0.5:1), and Opportunity Sites (3:1), this site would potentially be able to achieve 15:1 FSR.
21. The endorsed draft CBD PP requires provision of 1:1 FSR for commercial uses in specific parts of the CBD which are zoned B4 Mixed Use and which are generally in the vicinity of the B3 Commercial Core zone. This requirement applies to this site, which means that 1:1 of the 15:1 FSR referenced above would need to be provided for commercial floor space.
22. Additionally, under the endorsed draft CBD PP, further commercial floor space beyond the mandatory 1:1 requirement referenced above may be provided beyond the otherwise-maximum FSR. In other words, this additional

commercial floor space would not be “not counted” in the 15:1 FSR noted above.

23. The purpose of the mandatory 1:1 commercial floor space requirement and allowance for additional commercial floor space beyond the otherwise-maximum FSR is to facilitate employment-generating uses in the CBD.
24. Finally, in relation to both the Incentive FSR and Opportunity Site FSR provisions, the endorsed draft CBD PP has a provision which would require development responding to these FSR provisions to demonstrate an appropriate transition to any heritage items or conservation areas.

Parramatta CBD PP: Hector Abrahams Architects study 2017

25. In July 2017, Council considered an additional heritage study by consultants Hector Abrahams Architects (HAA) in relation to the Parramatta CBD PP. The HAA study specifically examined Heritage Interface Areas around the edge of the CBD. Because St. John’s Cemetery and the subject site are not located in a Heritage Interface Area which was examined in the HAA study, no specific additional/alternative recommendations were put forward for this sites as part of the HAA study. The HAA study also recommended formulating heads of consideration in addition to the standard LEP heritage provisions to give guidance as to what constitutes an appropriate transition to heritage items and conservations areas. Council’s Heritage Officer has reviewed the proposal against all relevant issues, and has raised no objection to the proposal (discussed further below).

SSPP: Planning Proposal for 2 O’Connell Street and accompanying heritage report

26. As noted in the 26 February 2018 Council report at Attachment 1, the structure of the 2 O’Connell Street SSPP has been amended to more closely reflect the current structure of PLEP 2011. However, the outcomes sought by the SSPP are generally consistent with the endorsed draft CBD PP as discussed previously in this report.
27. Specifically, this SSPP seeks 15:1 FSR (inclusive of 1:1 commercial floor space) with an additional 1.2:1 FSR for non-residential floor space (i.e. beyond the 15:1 FSR). The SSPP also includes a provision which would require development to demonstrate an appropriate transition to any heritage items or conservation areas, which also aligns with the endorsed draft CBD PP.
28. The Applicant’s heritage report is appended to this report at **Attachment 3**. In summary, the Applicant’s heritage report concluded that the potential impacts of this SSPP are considered acceptable, and makes the following major recommendations:

“This assessment finds that there is no significant adverse impact on the identified heritage values of the St Johns Cemetery site as set out in the NSW Heritage Office Inventory and that the potential visual impacts on the wider setting of the item can be appropriately mitigated through detailed design for any future building and landscape works.

In particular, the northern edge of the new development to Airds Street needs to consider the existing axial view from the cemetery path and the public domain landscaping of the eastern side of O’Connell Street should be enhanced.

This assessment finds that the form of development arising from the Planning Proposal is compatible with the wider setting of the heritage item located opposite this site and that the form of development is an appropriate one to define the western edge of the Parramatta CBD.

This assessment also finds that impacts on the wider setting of the World Heritage Precinct containing Old Government House would not be unreasonable in the context of this developments proximity to the emerging city centre character of Parramatta.

This report recommends approval of the Options provided in the Planning Proposal.” [Applicant’s heritage report, page 3]

29. In relation to overshadowing, the Applicant’s heritage report concluded that “*shadowing of the Cemetery is not an issue because of its relationship to the subject site*” (pg. 26). This is discussed in further detail in a further section of this report relating to overshadowing.

SSPP: Council’s assessment of SSPP for 2 O’Connell Street - heritage impacts

30. This SSPP was reported to Council’s Independent Hearing and Assessment Panel (IHAP) and Council on 20 June 2017 and 10 July 2017, respectively. Council officers’ assessment of this SSPP in relation to Heritage was summarised in the report to IHAP as follows:

41. Council’s heritage officer has reviewed the proposal and advises that whilst the planning proposal would facilitate development of a scale dramatically different to that currently on site, its lateral separation from and absence of overshadowing impact on St John’s cemetery will not unacceptably impact upon the heritage values of this State listed site.

42. It is noted that this planning proposal has been considered in view of the CBD Planning Proposal framework, which establishes a 15:1 FSR (including an Opportunity Site bonus of 3:1 FSR) and no height control for this site. This is consistent with other B4 Mixed Use sites of sufficient size that are situated in this area of the CBD. These controls have been developed through an extensive planning process, and included a heritage study by consultants Urbis which considered the impact of proposed FSR controls on Heritage items within the CBD context. In light of the Council-endorsed policy position on Opportunity Sites, and this site’s position within a relatively dense urban context, it is considered that the visual impacts on the nearby heritage item can be appropriately addressed during the Design Excellence and Development Application processes for this site.

31. In response to Council’s resolution of 26 February 2018 to bring forward this report, Council’s Heritage Officer was consulted again regarding this SSPP. Council’s Heritage Officer concurs with the original position that this proposal will not have unacceptable heritage impacts.

SSPP: Overshadowing diagrams

32. The Applicant’s preferred reference design scheme included diagrams demonstrating the preferred scheme’s overshadowing impacts at 9am, 12pm

and 3pm on 21 June. These diagrams are reproduced below as Figures 4, 5 and 6 respectively.



Figure 4: Preferred reference scheme overshadowing – 9am, 21 June



Figure 5: Preferred reference scheme overshadowing – 12pm, 21 June



Figure 6: Preferred reference scheme overshadowing – 3pm, 21 June

33. The overshadowing diagrams demonstrate little to no overshadowing of St. John's Cemetery on 21 June, particularly during the middle of the day.

SSPP: Applicant response to resolution of 26 February 2018

34. The Applicant was offered the opportunity to provide any additional information that they would like Council to consider as a result of Council's resolution of 26 February 2018 in relation to this Planning Proposal. In response, the Applicant engaged a peer review of the original heritage assessment submitted by the Applicant as part of the Planning Proposal.
35. The peer review (**Attachment 4**) takes into account issues relating to the scale of existing and proposed development in the city core, the placement of this site as a "book-end" at the western extent of the city core, and precedents set in other CBD areas in which small-scale heritage buildings and tall towers co-exist in close proximity, and the consideration that "heritage and the new development can draw upon each other for resources and inspiration...a combination [which] is both prevalent and acceptable in heritage terms as a general philosophical approach".
36. The peer review specifically notes two primary concerns in relation to this PP and the cemetery, namely, overshadowing and visual impact.
37. With regards to overshadowing, the peer reviewer has reviewed the drawings from the Planning Proposal, and noted that "there will not be any major overshadowing on the majority of the cemetery site".
38. With regards to visual impact, the peer reviewer agrees with the Applicant's original heritage assessment. This conclusion includes consideration of factors such as visual impacts of existing development, expected low impact on identified heritage values/significance of the place, no identified

heritage/archaeological significance on the PP site, the broader context of increased development in Parramatta CBD, positioning of the cemetery in relation to the CBD, future views to the proposed tower/surrounding context, proposed podium concept, and the retention of vista from Aird Street to central path of the cemetery.

39. In conclusion, the peer reviewer agrees with the original heritage assessment submitted by the Applicant, “inasmuch as the form of the development arising from the planning proposal would be compatible with a wider setting of the heritage item located opposite the development site and that its form would be appropriate at the western edge of the Parramatta CBD”.

CONCLUSION

40. In summary, this report has detailed:

- a) how Council’s process to update planning controls in the Parramatta CBD (culminating in the endorsed draft Parramatta CBD PP) has responded to the potential impacts of increasing planning controls on heritage items, specifically including St. John’s Cemetery;
- b) that the SSPP for 2 O’Connell Street is generally consistent with the endorsed draft Parramatta CBD PP; and
- c) additional peer review information submitted by the Applicant.

41. The information outlined in this report demonstrates a consistent conclusion that the subject SSPP is capable of facilitating a future development that will not have unacceptable impacts on St. John’s Cemetery. Therefore, no amendments to the SSPP (beyond those amendments to structure already detailed in the 26 February 2018 report) are recommended.

42. Therefore, consistent with Council officers’ recommendation of 26 February 2018, it is recommended that Council endorse forwarding the amended SSPP for 2 O’Connell Street to DPE in order to facilitate progression of a Gateway Determination.

CONSULTATION & TIMING

43. The aim of endorsing this amended SSPP for forwarding to DPE is to facilitate progression of a Gateway Determination. It is expected that the Gateway Determination will outline next steps for consultation.

FINANCIAL IMPLICATION FOR COUNCIL

44. No direct financial implications for Council are identified as a result of forwarding this amended Planning Proposals. However, as outlined in the report at Attachment 1, it is critical that an appropriate contribution to community infrastructure is achieved through a VPA for this SSPP, as references to community infrastructure have been removed from the proposed site-specific clause. Council officers will continue to seek to progress a VPA for this SSPP in line with Council’s endorsed position on value sharing in the Parramatta CBD.

Sarah Baker
Project Officer Land Use Planning

Robert Cologna
A/Service Manager Land Use Planning

Sue Weatherley
Director Strategic Outcomes and Development

Jim Stefan
A/Director City Services

ATTACHMENTS:

1 <u>↓</u>	26 February 2018 Council Report	83 Pages
2 <u>↓</u>	Council resolution of 26 February 2018 (as amended 12 March 2018)	1 Page
3 <u>↓</u>	Heritage Study (Submitted by Applicant)	28 Pages
4 <u>↓</u>	Peer Review of Original Heritage Study (Submitted by Applicant)	3 Pages

REFERENCE MATERIAL

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LEADING

ITEM NUMBER	13.1
SUBJECT	Amended Planning Proposals - 12 Hassall Street, Parramatta and 2 O'Connell Street, Parramatta
REFERENCE	RZ/15/2016 - D05803044
REPORT OF	Project Officer
PLANNING PROPOSAL REFERENCES	(12 Hassall Street) RZ/15/2016 (2 O'Connell Street) RZ/2/2017
APPLICANTS	(12 Hassall Street) Toplace (2 O'Connell Street) Think Planners
LAND OWNERS	(12 Hassall Street) Parra Rise Pty Ltd (2 O'Connell Street) Owners of Strata Plan 20716

PURPOSE:

This report seeks Council's endorsement to forward two amended Planning Proposals to the Department of Planning and Environment (DPE), in order to facilitate progression of Gateway Determinations for these Planning Proposals.

Note: The proposed amendments are minor in nature and are in response to options identified by DPE in relation to progression of these Planning Proposals. These recommended amendments do not intend to change the planning outcomes which these Planning Proposals seek.

RECOMMENDATION

- (a) **That** Council endorse forwarding amended Planning Proposals for 12 Hassall Street, Parramatta and 2 O'Connell Street, Parramatta to the Department of Planning and Environment in order to facilitate progression of Gateway Determinations;
 - (b) **That** Council affirm that the planning outcomes which Council sought through the original proposed structure of these two Planning Proposals are unchanged;
 - (c) **That** Council specifically reaffirm its position on these Planning Proposals as follows:
 - (i) **That** delegated authority be given to the CEO to negotiate Voluntary Planning Agreements (VPAs) with the respective landowners in relation to these Planning Proposals on behalf of Council, that these negotiations be undertaken in line with Council's resolution on value sharing rates of 10 April 2017 (Item 8.3), and that the outcomes of these negotiations be reported back to Council prior to public exhibition of the respective VPAs.
 - (ii) **That** site-specific Development Control Plan (DCPs) be prepared in association with these Planning Proposals and reported to Council prior to their public exhibition.
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- (iii) **That**, pending the outcomes of the respective Gateway Determinations, the Planning Proposal, VPA and DCP for each be placed on public exhibition concurrently.
 - (iv) **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegations for these Planning Proposals as authorised by Council on 26 November 2012.
 - (v) **That** Council grant delegated authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process for either of these Planning Proposals.
- (d) **Further, that**, for clarity, the recommendation detailed above applies to both Planning Proposals, but does not intend to link together the future progression of their separate and individual statutory processes.

BACKGROUND

1. A major strategic planning initiative undertaken by Council in recent years has been the Parramatta CBD Planning Proposal (PP), which seeks to establish a new strategic planning framework for the Parramatta CBD, and realise its role as the economic and cultural centre of Sydney's Central City. The Parramatta CBD PP was forwarded to the Department of Planning and Environment (DPE) in April 2016, and is currently awaiting Gateway Determination to allow it to proceed to public exhibition.
2. There are also approximately 30 site-specific Planning Proposals (SSPPs) in the Parramatta CBD, each of which are progressing through an individual statutory plan-making process. Council's Land Use Planning team continues to work to align the SSPPs with the endorsed Parramatta CBD PP.
3. Two Parramatta CBD SSPPs at 12 Hassall Street, Parramatta and 2 O'Connell Street, Parramatta were endorsed by Council and forwarded to DPE in mid-2017 for Gateway Determination.
4. These two SSPPs propose planning controls which reflect the proposed structure of the Parramatta CBD PP in that they are structured to provide incentives for higher FSRs based on meeting criteria relating to community infrastructure, design excellence, high-performing buildings and opportunity sites.

ISSUE

5. DPE officers have advised that they are unable to release Gateway Determinations for these two SSPPs (in their current format) prior to releasing the Gateway Determination for the CBD PP. This is because release of Gateway Determination for these SSPPs in their current format could be perceived as setting a statutory precedent for certain proposed clauses in the CBD Planning Proposal (which has not yet received a Gateway Determination). This means that these two SSPPs would need to wait for release of the CBD PP Gateway Determination prior to receiving Gateway Determination.
6. As an alternative option, DPE officers have advised that Council could amend the structure of these two SSPPs to more closely reflect the current structure of Parramatta Local Environmental Plan 2011 (PLEP 2011) and resubmit them to

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DPE. If Council is willing to undertake these amendments and resubmit the two SSPPs, then DPE would then be able to consider and potentially issue Gateway Determinations for these two SSPPs *prior* to release of the CBD PP Gateway Determination.

7. In an effort to facilitate progression of these two SSPPs, Council officers have worked with the respective applicants to amend the proposed structure of these two SSPPs. **Note: These amendments are minor in nature, and are not intended to change the planning and technical outcomes which these two SSPPs seek.**

12 HASSALL STREET PLANNING PROPOSAL

8. The SSPP for 12 Hassall Street, Parramatta was reported to Council's Independent Hearing and Assessment Panel (IHAP) in May 2017, and to Council in June 2017, when Council resolved to forward the SSPP to DPE. This SSPP was lodged with DPE in July 2017.
9. In summary, this SSPP currently seeks to amend PLEP 2011 through a site-specific clause which does the following for this site:
 - a. Amends the maximum Height of Buildings to reflect 192m;
 - b. Amends the maximum Floor Space Ratio (FSR) to reflect 15:1, which is achievable in a sequential structure as follows:
 - i. 11.5:1 FSR achievable, provided the following criteria are met:
 1. Site area greater than 2,000sqm;
 2. Mandatory 1:1 FSR commercial floor space;
 3. Appropriate transition to Heritage items/conservation area;
 4. Design Excellence requirements (as contained in PLEP 2011); and
 5. Contribution to Community Infrastructure.
 - ii. 12:1 FSR achievable, provided the following criteria are met:
 1. All requirements highlighted above for 11.5:1 FSR; and
 2. Meeting high-performing buildings standards relating to energy and water.
 - iii. 15:1 FSR achievable, provided the following criteria are met:
 1. All requirements highlighted above for 12:1 FSR;
 2. A further contribution to Community Infrastructure is made; and
 3. A site-specific Development Control Plan (DCP) is prepared.
 - c. Allows an additional 1:1 non-residential FSR, with this being excluded from the overall FSR of 15:1 outlined above; and
 - d. Includes maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study and Council resolution of 10 April 2017.
10. In order to facilitate progression of this SSPP as discussed previously in this report, it is proposed to amend the above to reflect the FSR and Height of

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Buildings planning controls in the respective LEP maps rather than through a site specific clause, as follows:

- a. The Height of Buildings map will be amended to reflect 192m; and
 - b. The FSR map will be amended to reflect 14.5:1.
11. In addition, the proposed site-specific clause will be amended as follows:
- a. Removal of references to 192m height and 15:1 FSR (with structured incentives);
 - b. Addition of a provision outlining that 14.5:1 FSR on the FSR map is *inclusive* of 15% Design Excellence bonus; and
 - c. Addition of a provision allowing an additional 0.5:1 FSR (i.e. beyond 14.5:1, bringing total to 15:1), provided that the high-performing buildings standards relating to energy and water are met.
12. The proposed site-specific clause will retain the following elements:
- a. Requirement for 1:1 FSR of commercial floor space;
 - b. Consent authority able to approve an additional 1:1 non-residential floor space beyond 15:1 FSR;
 - c. Provision requiring development to demonstrate an appropriate transition to any heritage items or conservation areas; and
 - d. Maximum car parking rates as described above.
13. **Attachment 1** of this report contains a Planning Proposal document to reflect the above amendments.

2 O'CONNELL STREET PLANNING PROPOSAL

14. The SSPP for 2 O'Connell Street was reported to Council's IHAP in June 2017, and to Council in July 2017. Council resolved then to forward the SSPP to DPE, subject to a number of amendments. The amendments as resolved by Council were made, and the SSPP was submitted to DPE in September 2017 (with alternate reference design submitted November 2017).
15. In summary, this SSPP currently seeks to amend PLEP 2011 as follows for this site:
- a. Amend the Height of Buildings map to reflect 217m;
 - b. Amend the FSR map to reflect 10:1 FSR (with incentives for higher FSR up to 15:1 in a site-specific clause, as itemised below);
 - c. Include a new site-specific clause that would:
 - i. Allow up to 11.5:1 FSR, provided the following criteria are met:
 1. Site area greater than 2,000sqm;
 2. Mandatory 1:1 FSR commercial floor space;
 3. Appropriate transition to Heritage items/conservation area;
 4. Design Excellence requirements (as contained in PLEP 2011); and
 5. Contribution to Community Infrastructure.
 - ii. Allow up to 12:1 FSR, provided the following criteria are met:

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1. All requirements highlighted above for 11.5:1 FSR; and
 2. Meeting high-performing buildings standards relating to energy and water.
 - iii. Allow up to 15:1 FSR, provided the following criteria are met:
 1. All requirements highlighted above for 12:1 FSR;
 2. A further contribution to Community Infrastructure is made; and
 3. A site-specific DCP is prepared.
 - iv. Allow an additional 1.2:1 non-residential FSR, with this being excluded from the overall FSR of 15:1 outlined above; and
 - v. Include maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study and Council resolution of 10 April 2017.
16. In order to facilitate progression of this SSPP as discussed previously in this report, it is proposed to amend this SSPP as follows:
- a. The FSR map will be amended to reflect 14.5:1;
 - b. The site-specific clause will be amended to:
 - i. Remove references to structured incentives for FSR; and
 - ii. Add a provision outlining that 14.5:1 FSR on the FSR map is inclusive of 15% Design Excellence bonus; and
 - iii. Add a provision allowing an additional 0.5:1 FSR (i.e. beyond 14.5:1, bringing total to 15:1), provided that the high-performing buildings standards relating to energy and water are met.
17. Other aspects of the original SSPP structure remain as follows:
- a. The proposed amendment to Height of Building map to reflect 217m;
 - b. Mandatory 1:1 FSR of commercial floor space required through site-specific clause;
 - c. Consent authority able to approve additional 1.2:1 non-residential floor space beyond 15:1 FSR through site-specific clause;
 - d. Provision requiring development to demonstrate an appropriate transition to any heritage items or conservation areas; and
 - e. Maximum car parking rates required through site-specific clause.
18. **Attachment 2** of this report contains a Planning Proposal document reflecting the above amendments.

CONCLUSION

19. Amended Planning Proposals documents are attached to this report at **Attachment 1** (12 Hassall Street) and **Attachment 2** (2 O'Connell Street).
20. The proposed amendments outlined in this report do not intend to change the planning intent or potential outcomes for either of these SSPPs. They are technical amendments which change the way the respective LEP amendments will be structured to achieve these outcomes.

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21. The planning outcomes which Council was previously seeking through the original structure of these two SSPPs are unchanged. These outcomes (i.e. contributions to community infrastructure) will continue to be sought via the respective Voluntary Planning Agreement (VPA) processes for these SSPPs.
22. It is important to note that the amendments proposed in this report make it critical that appropriate contributions to community infrastructure are achieved through the VPAs for both of these sites, as references to community infrastructure are being removed from the proposed site-specific clauses.

CONSULTATION & TIMING

23. The aim of endorsing these amended Planning Proposals for forwarding to DPE is to facilitate progression of Gateway Determinations. It is expected that the Gateway Determinations will outline next steps for consultation for both.

FINANCIAL IMPLICATION FOR COUNCIL

24. No direct financial implications for Council are identified as a result of forwarding these amended Planning Proposals. However, as outlined above, it is critical that appropriate contributions to community infrastructure are achieved through the VPAs for both of these sites, as references to community infrastructure are being removed from the proposed site-specific clauses. As outlined above, Council officers will continue to seek to progress VPAs for these SSPPs in line with Council's endorsed position on value sharing in the Parramatta CBD.

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Director Strategic Outcomes and Development

Jim Stefan
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ATTACHMENTS:

- 1 [12 Hassall Street, Parramatta - Amended Planning Proposal](#) 31 Pages
- 2 [2 O'Connell Street, Parramatta - Amended Planning Proposal](#) 46 Pages

REFERENCE MATERIAL



PLANNING PROPOSAL

12 Hassall Street, Parramatta

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

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Planning Proposal - 12 Hassall Street, Parramatta

Planning Proposal drafts

Proposed versions:

No.	Author	Version
1.	LJB Urban Planning	27 April 2017
2.	LJB Urban Planning	8 February 2018 - Draft amended Planning Proposal

Council versions:

No.	Author	Version
1.	City of Parramatta Council	16 May 2017 - IHAP - Meeting recommending endorsement for Gateway Determination.
2.	City of Parramatta Council	13 February 2018 - Amended Planning Proposal for Council's consideration at its meeting of 26 February 2018

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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*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (April 2013) and 'A Guide to Preparing Planning Proposals' (October 2012) and 'Guidance for merged councils on planning functions' (May 2016).

Background and context

A planning proposal for land at 12 Hassall Street, Parramatta was lodged by the applicant (LJB Planning & Toplace) in August 2016, seeking an increase to height and FSR in line with the broader Parramatta CBD Planning Proposal process. The legal description of the site is Lot 15 DP 128826 and Lot 16 DP 128826, and the site area is 2055 square metres. The site is shown in Figure 1, below.



Figure 1 – Site at 12 Hassall Street, Parramatta subject to the planning proposal

Under *Parramatta Local Environmental Plan 2011* the site:

- is zoned B4 Mixed Use;
- has a maximum building height of 72 metres;
- has a maximum floor space ratio (FSR) of 8:1;
- does not contain any heritage listed items; and
- is not identified as flood-prone land.

Please refer to Part 4 (Mapping) of this Planning Proposal for illustrations of the current planning controls as described above.

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable the redevelopment of land at 12 Hassall Street, Parramatta in accordance with the site's B4 Mixed use zone to facilitate a high density mixed use development, encourage the incorporation of commercial floor space, and provide for the orderly and economic development of land.

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta LEP 2011 (PLEP 2011)* as it relates to the FSR and Height maps and insert a site-specific clause, which reflects the broader Parramatta CBD Planning Proposal.

In order to achieve the desired objectives, the following amendments to the *PLEP 2011* would need to be made:

1. Amend the FSR map to permit a maximum FSR of 14.5:1.
2. Amend the Height of building map to a maximum height control of 192m.
3. Amend the Special Area Provision Map to identify this site.
4. Add a site-specific clause under Part 7 (Additional Local Provisions – Parramatta City Centre) which addresses the following:
 - Requirement to demonstrate appropriate transition to any heritage items or conservation areas
 - Requirement for minimum 1:1 commercial floor space within the development
 - Provision outlining that 14.5:1 FSR is inclusive of Design Excellence bonus
 - Provision outlining an additional 0.5:1 FSR achievable, provided that high-performing buildings standards are met (bringing FSR total to 15:1).
 - Provision outlining an additional 1:1 FSR achievable for non-residential floor space, with this additional 1:1 FSR being excluded from the overall FSR of 15:1.
 - Provision outlining that the high-performing buildings incentive floor space and additional 1:1 non-residential floor space are not subject to any additional Design Excellence bonus
 - Maximum parking rates, in line with the resolution of City of Parramatta Council on 10 April 2017 with regards to parking rates in the CBD Planning Proposal.

A draft site specific clause is provided at Attachment 2 of this planning proposal. This draft is intended as a guide only and will be subject to further legal drafting and ratification.

2.1 Other relevant matters

2.1.1 Voluntary Planning Agreement

The applicant has indicated their willingness to enter into a Voluntary Planning Agreement with Council. On 10 April 2017, Council endorsed rates of \$150/sqm for Phase 1 value sharing and \$375/sqm for Phase 2 value sharing. Under the CBD Planning Proposal, Phase 1 value sharing applies to the difference between "Base" and "Incentive" height controls (2:1 in this case), while Phase 2 value sharing applies to Opportunity Site floor space (3:1 in this case). This is basis on which Council officers would seek to negotiate a VPA, pending appropriate delegation from Council to do so.

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2.1.2 Draft DCP

A site-specific Development Control Plan (DCP) will be prepared addressing design elements such as the upper level setbacks and inter-building separation. The draft DCP (following endorsement from Council) will be exhibited alongside the planning proposal.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

3.1 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 of the proposal.

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

This Planning Proposal is not the result of any site specific study or report however it was prepared in response to the Council adopted Parramatta CBD Planning Strategy and Parramatta CBD Planning Proposal.

- Council adopted the Parramatta CBD Planning Strategy at its meeting of 27 April 2015. The Strategy is the outcome of a study which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The Strategy sets the vision for the growth of the Parramatta CBD. Council has subsequently prepared a planning proposal which has been informed by Councillor workshops held throughout 2015 and various Council resolutions.
- The Parramatta CBD Planning Proposal (CBD PP) was adopted by Council on 11 April 2016. The CBD PP seeks a potential increase in height and FSR for sites within the Parramatta CBD subject to the provision of community infrastructure. Whilst work has progressed in order for the Department of Planning and Environment to issue a Gateway determination, the CBD PP is Council's most recently adopted position on density increases in the Parramatta CBD.

The planning proposal also responds to a detailed Urban Design Analysis prepared by McGregor Coxall for the subject site (Appendix 1). This study provides the analysis and justification for the proposed amendments, and should be read in conjunction with the planning proposal. This report demonstrates that increased height and floor space can be satisfactorily achieved on the site, consistent with the strategic vision for the Parramatta CBD, but ensuring the development will be on an appropriate scale with acceptable impacts to adjacent sites.

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

A planning proposal seeking to amend PLEP2011 is the most effective way of providing certainty for Council, the local community and the landowner. The existing height and FSR standards do not respond to the emerging CBD character of Parramatta as adopted in Council's CBD PP. This planning proposal is in keeping with the scale of development in the CBD PP and will assist in delivering the new City of Parramatta as envisioned by Council.

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3.2 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 NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

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

A Plan for Growing Sydney

On 14 December 2014, the NSW Government released 'A Plan for Growing Sydney' which outlines actions to achieve the Government's vision for Sydney which is a 'strong global city and a great place to live'.

Parramatta Local Government Area (LGA) is part of the West Central Subregion. A Plan for Growing Sydney identifies the following directions, actions and priorities for Parramatta and the West Central Subregion that are relevant to the site and planning proposal:

1.2 Grow Greater Parramatta – Sydney's Second CBD

- Grow Parramatta as Sydney's second CBD by connecting and integrating
- Parramatta CBD, Westmead, Parramatta North, Rydalmere and Camellia

1.3 Establish a New Priority Growth Area – Greater Parramatta to The Olympic Peninsula

- Deliver priority revitalisation precincts

1.7 Grow Strategic Centres – providing more jobs closer to home

- Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity

2.1 Accelerate housing supply across Sydney

- Accelerate housing supply and local housing choices
- Accelerate new housing in designated infill areas (established urban areas) through the priority precincts and UrbanGrowth NSW programs

2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs

- Use the Greater Sydney Commission to support Council-led urban infill projects
- Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres

2.3 Improve housing choice to suit different needs and lifestyles

- Require local housing strategies to plan for a range of housing types

West Central Subregion

- Accelerate housing supply, choice and affordability and build great places to live
- Provide capacity for additional mixed use development in Parramatta CBD and surrounding precincts including offices and retail in Parramatta CBD, arts and culture in Parramatta, and housing in all precincts.

The planning proposal will enable the development of residential dwellings and non-residential uses, including ground floor and podium-level commercial and community

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uses that will contribute towards dwelling and employment targets on a site located within the Parramatta City Centre.

Approximately 328 units with a range of unit types are proposed to increase housing supply and choice. The reference design shown in **Appendix 1** demonstrates an indicative design option that includes 1:1 commercial floor space and 1:1 community use floor space on the site, which supports Council's vision of the growing Parramatta CBD with a commercial core nurtured by mixed developments on the periphery. The site will contribute to the vibrant character of the area by activating the ground floor with retail uses. The site is also located in close proximity to Parramatta rail station and also to significant open space opportunities, such as the Parramatta River Foreshore.

Draft West Central District Plan

The Draft West Central District Plan (DWCDP) released in November 2016 outlines the Greater Sydney Commission's 20-year vision for the West Central District which comprises Blacktown, Cumberland, The Hills and City of Parramatta local government areas (LGAs). The planning proposal has been updated to respond to the relevant overarching priorities outlined in the District Plan.

• A Productive City

Productivity priorities	Productivity actions
Integrate transport and land use planning	No relevant productivity actions
Support the growth of tourism infrastructure	
Plan for a growing and vibrant Parramatta City	
Prioritise the provision of retail floor space in centres	

The planning proposal will support the continuing development of the Parramatta CBD by providing a minimum of 2000sqm of employment generating floor space in close proximity to Parramatta Railway/Bus interchange and the proposed light rail. The planning proposal is consistent with the productivity priorities and actions.

• A Liveable City

Liveability priorities	Liveability actions
Deliver West Central's five-year housing targets	L2 - Identify the opportunities to create the capacity to deliver 20 year strategic housing supply targets L3 - Councils to increase housing capacity across the District
Deliver housing diversity	L4 - Encourage housing diversity
Facilitate the development of safe and healthy places	
Facilitate enhanced walking and cycling connections	
Conserve heritage and unique local characteristics	L14 - Conserve and enhance environmental heritage including Aboriginal, European and natural

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The residential component of the site will contribute approximately 328 units to meet the West Central's five and 20-year housing targets. The units range from 1 to 3 bedrooms, providing diversity and affordable options. The site is located in a liveable area with public transport, shops, open space, schools and related infrastructure within walking distance.

The planning proposal will be accompanied by a site specific development control plan that ensures an appropriate relationship with adjacent existing and planned development.

The planning proposal is considered consistent with the liveability priorities and actions.

Draft Regional Plans

On 22 October 2017, the Greater Sydney Commission released the Draft Greater Sydney Region Plan and draft Central City District Plan. The plans were on released for public exhibition between 22 October and the 15 December 2017. At the time this Planning Proposal was originally prepared these strategic plans had not been released. An assessment of the planning proposal against these draft plans has been provided for completeness.

Draft Greater Sydney Region Plan

The Draft Greater Sydney Region Plan is built on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places.

The vision seeks to meet the needs of a growing and changing population by transforming greater Sydney into a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City.

The purpose of the draft Plan is to:

- Set a 40-year vision (up to 2056) and establish a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters
- Inform district and local plans and the assessment of planning proposals
- Assist infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- Inform the private sector of the vision for Greater Sydney and infrastructure investments required to manage growth.

The plan is guided by 10 overarching directions relating to infrastructure and collaboration, productivity, liveability and sustainability with metrics and objectives associated with each.

The City of Parramatta is located within the Central City District.

Revised draft Central City District Plan

The draft Central City District Plan District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Draft Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The plan sets out planning priorities and actions for the development of central city district.

An assessment of the planning proposal against the relevant directions, objectives, priorities and actions of the Draft Greater Sydney Region Plan and draft Central City District Plan is set out below.

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Liveability

Draft Greater Sydney Region Revised draft Central City District Plan			
Director	Outcomes	Priorities	Actions
1. A city for people Celebrating diversity and putting people at the heart of planning	1. Services and infrastructure meet communities changing needs 2. Communities are healthy, resilient and socially connected 3. Greater Sydney's communities are culturally rich with diverse neighbourhoods	C3 - Providing services and social infrastructure to meet people's changing needs	8. Deliver social infrastructure to reflect the needs of the community now and in the future
2. Housing the city Giving people housing choices	10. Greater housing supply 11. Housing is more diverse and affordable	C5 - Providing housing supply, choice and affordability, with access to jobs and services	No specifications
3. A city of great places Designing places for people	12. Great places that bring people together 13. Environmental heritage is conserved and enhanced	C6 - Creating and renewing great places and local centres, and respecting the District's heritage	17. Deliver great places by: <ol style="list-style-type: none"> prioritising a people-friendly public realm and open spaces as a central organising design principle recognising and balancing the dual function of streets as places for people and movement providing fine grain urban form, high amenity and walkability integrating social infrastructure to support social connections and provide a community hub encouraging contemporary interpretation of heritage where possible using a place-based and collaborative approach throughout planning, design, development and management 18. Conserve and enhance environmental heritage by: <ol style="list-style-type: none"> engaging with the community early in the planning process to understand Aboriginal, European, and natural heritage values conserving and interpreting Aboriginal, European and natural heritage to foster distinctive local

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Draft Greater Sydney Region Revised draft Central City District Plan			
Directions	Objectives	Priorities	Actions
			<p>places.</p> <p>19. Use place-based planning to support the role of centres as a focus for connected neighbourhoods.</p> <p>20. In Collaboration Areas, Priority Precincts and planning for centres:</p> <p>a. investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking</p> <p>b. ensure parking availability takes into account the level of access by public transport consider the capacity for places to change and evolve, and accommodate diverse activities over time.</p>

This Planning Proposal is consistent with the objectives of the draft Sydney Region Outline Plan and the priorities and actions of the draft Central City District Plan.

The proposal will provide:

- An estimated 328 units contributing to housing targets and diversity for the district
- Contributions towards community infrastructure such as community facilities, cycleways and environmental and recreational facilities, and
- Maximum car parking rates that aim to reduce car usage, encourage public transport patronage, walking and cycling.

The proposal will facilitate the development of a well-designed building that will contribute to renewal of periphery of the CBD, through:

- The preparation of site specific development controls to support this Planning Proposal and design competition process, and
- Contributions to local infrastructure upgrades.

3.2.2 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.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region.

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The planning proposal is considered to meet the strategies and key objectives identified in the plan by allowing for an appropriate mix of residential and non-residential uses located in a centre with public transport, shops and community facilities in close proximity. The proposal will help to activate the street and improve the walkability of the city centre with commercial uses on the ground floor and in the podium. The development will also allow for the concentration of housing around transport nodes and contribute towards dwelling targets for NSW.

Parramatta CBD Planning Strategy

Council adopted the "Parramatta CBD Planning Strategy" at its meeting of 27 April 2015. The Strategy is the outcome of detailed technical studies which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The objectives of the Strategy are as follows:

1. To set the vision for the growth of the Parramatta CBD as Australia's next great city.
2. To establish principles and actions to guide a new planning framework for the Parramatta CBD.
3. To provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.

This planning proposal is consistent with the framework of the Parramatta CBD Planning Strategy.

Parramatta CBD Planning Proposal

The Parramatta CBD Planning Proposal (CBD PP) was adopted by Council on 11 April 2016. The CBD PP sets controls responding to the vision for the growth of the Parramatta CBD as Australia's next great city. The CBD PP identifies a need for significant growth in the Parramatta City Centre to which this planning proposal respond. The CBD PP generally proposes no height limit, instead allowing maximum heights to be governed by sun access planes and aviation authorities.

This planning proposal is consistent with the framework of the Parramatta CBD Planning Proposal.

3.2.3 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 (refer to Table 1 below):

Table 1 – Comparison of planning proposals with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent: Yes - ✓ No - ✗ or N/A	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 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 6 – Number of Storeys in a Building	N/A	Standard instrument definitions apply.

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SEPP No 55 Remediation of Land	✓	The subject site has existing Class 5 Acid Sulfate Soils constraints. Council is satisfied the site is suitable for mixed use purposes. The matter can be further resolved through the development application which considers finer details such as building materials and construction methods. No further contamination issues have been identified.
SEPP 60 – Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
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	✓	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 Apartment Design Guidelines 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	✓	May apply to future development of the site.
SEPP (Infrastructure) 2007	✓	May apply to future development of the site.
Sydney Regional Environmental Plan No 18 – Public Transport Corridors	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.
SEPP (Urban Renewal) 2010	✓	The Parramatta CBD is not identified as an Urban Renewal Precinct under the SEPP.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

In accordance with Clause 117(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

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- Regional planning
- Local plan making

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

Table 2 – Comparison of planning proposals with relevant Section 117 Directions

Section	Comment	Compliance
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	This Planning Proposal seeks to retain the B4 Mixed Use zoning, and will contribute at least 2,068sqm of employment generating land uses.	Yes
2. Environment and Heritage		
Direction 2.3 – Heritage Conservation	The subject site does not contain a heritage item listed under Schedule 5 of PLEP 2011. However, the site is located in close proximity to the heritage listed Lancel Barracks. The proposed height and bulk sought as part of this planning proposal would inevitably impact on views of nearby heritage items. However, these impacts are considered acceptable given the location of the subject site and heritage items in a densely built CBD context. The density proposed is consistent with the CBD PA and is therefore consistent with the desired future context of the site.	Yes
3. Housing, Infrastructure and Urban Development		
Direction 3.1 – Residential Zones	The Planning Proposal is consistent with this direction, in that it: <ul style="list-style-type: none"> • facilitates additional housing in the Parramatta City Centre that is currently not provided on the site • provides residential development in an existing urban area that is well serviced by existing infrastructure. 	Yes
Direction 3.4 – Integrating Land Use and Transport	The Planning Proposal is consistent with this direction, in that it: <ul style="list-style-type: none"> • will provide new dwellings in close proximity to existing public transport links • will enable residents to walk or cycle to work if employed in the Parramatta City Centre or utilise the heavy rail service • will maintain and provide additional commercial premises in proximity to existing transport links • makes more efficient use of space and infrastructure by increasing densities on an underutilised site 	Yes
Direction 3.5 – Development near Licensed Aerodromes	The site is located within prescribed airspace surfaces. A proposed height of 192m is greater than the Bankstown Airport Obstacle Limitation Surface (158AHD). Therefore, referral to the Commonwealth Department of Infrastructure and Regional Development will be required.	Capable of complying
4. Hazard and Risk		
Direction 4.1 – Acid Sulfate Soils	The site is identified as Class 5 on the Acid Sulfate Soils Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 5 areas however this will be addressed further at the development application stage.	Yes

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Direction 4.3 - Flood Prone Land	The site is not flood prone and is above the 1:100 year flood level. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.	Yes
6. Local Plan Making		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal will require refer to relevant aviation authorities. It is considered that this can be addressed as part of a Gateway determination on the planning proposal.	Capable of complying
Direction 6.3 - Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. It is proposed that a site specific provision be applied to the site a draft of which is contained at Attachment 2. This is in order to: <ul style="list-style-type: none"> o Ensure appropriate transition to Heritage items and conservation areas o Provide for a minimum 1:1 commercial floor space, o Ensure 14.5:1 FSR is inclusive of Design Excellence bonus o Allow an additional 0.5:1 FSR provided that high-performing building standards are met o Encourage additional 1:1 non-residential floor space o Clarify that high-performing buildings incentive FSR and additional 1:1 non-residential FSR are not subject to additional Design Excellence bonus, and o ensure parking is provided in accordance with Council's parking rates consistent with the CBD Planning Proposal. 	Yes
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	As detailed in Section 3.2.1 of this report, the planning proposal is consistent with the directions, actions and priorities of a Plan For Growing Sydney.	Yes
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The proposal is consistent with the actions in the Interim Land Use and Infrastructure Plan in that the proposal: <ul style="list-style-type: none"> • Is in line with the Parramatta CBD proposal • Will contribute towards dwelling and employment targets within the Parramatta City Centre • Assist in the funding of infrastructure 	Yes

3.3 Section C – Environmental, social and economic impact

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

3.3.1 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 it is very unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Acid Sulfate Soils (addressed in Hazard and Risk – 4.1 Acid Sulphate Soils, Section 3.2.4)
- Density
- Height
- Urban Design and Built Form
- Heritage
- Transport and Accessibility

Density

The total floor space is consistent with the CBD Planning Proposal which envisages a maximum potential FSR of 15:1 on this site, with a minimum 1:1 FSR for commercial uses required within this 15:1 FSR, and with allowance for additional non-residential FSR to be included beyond the 15:1 FSR.

The density controls for this proposal are proposed to be structured as follows:

- Amendment of FSR Map to 14.5:1
- Site-specific clause outlining:
 - 0.5:1 additional FSR achievable, provided certain high performing building standards are met (15:1 total)
 - This 15:1 FSR includes Design Excellence bonus
 - Minimum 1:1 commercial floor space of 15:1 required
 - Additional 1:1 non-residential floor space (i.e. beyond the 15:1) is achievable

The applicant has indicated a willingness to enter into a Voluntary Planning Agreement consistent with the CBD Planning Proposal value sharing.

Community Use FSR: The Applicant has indicated they are in discussion with community service providers to continue the presence of a community use at site, and proposes to provide 1:1 floor space of "community uses" to support this (or a similar) outcome in the podium of the reference design. The Applicant submits that the total floor space sought for this site (15:1) should not include this 1:1 community use floor space. Council officers are of the view that this is an acceptable approach, as, in the event that the community use does not eventuate and ultimately reverts to an additional 1:1 commercial floor space, this additional floor space (i.e. any commercial floor space beyond the required 1:1 addressed in paragraph 20 above) would be exempted from FSR controls under the CBD PP. A site-specific clause can ensure that the requirement for the excluded 1:1 floor space to be either community or commercial uses is met; this is included in the draft site-specific clause as part of the Planning Proposal at Attachment 2.

Height

The reference design features an indicative height of 61 storeys, or 192m. While the CBD PP removes maximum HOB for most sites in the CBD (including this site); a previous Gateway determination received for another site-specific CBD planning proposal required insertion of a numeric HOB control. It is therefore proposed to be

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consistent with that advice by amending the HOB map to correspond to the reference design for the site (see Attachment 1).

It is noted that referral to appropriate aviation authorities would likely form part of the requirements of a Gateway determination on this project, as the Parramatta CBD is affected by a number of protected airspace surfaces. For example, the submitted reference design would exceed the Bankstown Airport Obstacle Limitation Surface of 156m AHD. Appropriate consultation with aviation authorities will be undertaken in line with any relevant conditions of a resulting Gateway determination for this planning proposal.

Urban Design and Built Form

The final amended reference design is deemed an acceptable response to the site conditions. It has been demonstrated that the proposed FSR and HOB can be accommodated on the site, and the reference design indicates that a resulting development would be capable of complying with the Apartment Design Guide. To ensure the final concept also responds to the context of the site, it is recommended to prepare a site-specific Development Control Plan to clearly address compliance with the Apartment Design Guide, including appropriate street frontage heights, setbacks, and solar and natural ventilation requirements. The DCP will inform any future design competition brief for the site based on this planning proposal.

Heritage impacts

Council's heritage officer has reviewed the proposal and advises as follows:

- The site has little archaeological potential (European or Aboriginal) and is not of heritage interest in its own right.
- It is favourable that there are no items immediately South of the site.
- The proposal will imply changes on the horizon in terms of views of items in the vicinity, including (but not limited to) the Lancer Barracks.
- A consistent height and FSR along the street block bound by Smith, Macquarie, Charles and Hassall should be applied, and a reasonable transition should be provided to the surrounding heritage items.
- The subject site should be zoned consistently with near-by and immediately surrounding areas; a landmark tower on this site is not deemed particularly desirable from a heritage perspective.

In line with the comments above, it is anticipated that any impacts on nearby Heritage Items will be addressed during the Design Excellence and Development Application processes for this site. A provision requiring that development demonstrate appropriate transition to Heritage Items and conservation areas is proposed; this is consistent with the CBD Planning Proposal for this site.

Transport

Council's traffic and transport team have reviewed the proposal and advises as follows:

- The maximum total parking provision on any site subject to a Planning Proposal within the CBD should be the same as if the development for the site was at an FSR of 10:1
- Traffic modelling is no longer required to be required to be conducted, as Council is conducting a detailed traffic study investigating the impacts of traffic generation under

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- a. 10:1 FSR growth scenario. Discussion is still required around the parking rate sought for the subject site and vehicular access points to the site.
- c. If this Planning Proposal proceeds to Gateway, it should not be determined until the findings and recommendations of the CBD Traffic and Transport study are finalized (as it may recommend parking rates lower than what is currently permitted under the 10:1 growth scenario).

Since that referral was undertaken, Council has since endorsed a Strategic Transport Study for the Parramatta CBD and resolved to include reduced parking rates in the CBD PP, pending results of the forthcoming mesoscopic study (Resolution on 10 April 2017). This resolution was in part to allow site-specific Planning Proposals to proceed ahead of the mesoscopic modelling. The rates resolved on April 10 are summarised as follows:

a. Residential rates

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	7 spaces/unit
1-bedroom	3 spaces/unit
Studio	1 spaces/unit

b. Commercial rates

If the FSR > 3.5:1

$$M = (G \times A) / (50 \times T)$$

where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (m²);

A = Site Area (m²);

T = Total GFA of all buildings on the site (m²)

If the FSR <= 3.5:1

Office/Business:

1 space / 175 sqm GFA

Retail:

1 space / 90 sqm GFA

The current reference design indicates 328 apartments; the unit mix and resulting maximum residential parking spaces under the Council-resolved rates are described in the below table.

Type of Apartment	Spaces/unit	Units indicated in reference design	Total
3-bedroom	1 space/unit	28	28
2-bedroom	7 spaces/unit	243	170.1
1-bedroom	3 spaces/unit	57	17.1
		TOTAL	215

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The current reference design indicates 4,110 m² of commercial and/or community floor space. Applying the above formula to the current reference design yields a maximum of 5 car parking spaces for the commercial/community uses, as follows:

$$M = (G * A) / (50 * T)$$

$$M = (4,110 * 2,055) / (50 * 32,880)$$

$$M = 8,446,050 / 1,644,000$$

$$M = 5.14 \text{ (round to 5)}$$

The total number of 220 car parking spaces indicated above (215 + 5 = 220) is very close to the 224 indicated on the detailed area schedule for the reference design. It is recommended that a site-specific clause can ensure compliance with the above maximum parking rates, as previously resolved by Council, as shown in the draft clause, included as part of the Planning Proposal. Council's traffic and transport team have concurred with this approach, advising that this Planning Proposal should assume a parking rate that is consistent with the rate in the CBD Planning Proposal resolved by Council in April 2017.

Please note: the above estimated maximum car parking rates apply to the current reference design, and would likely be altered during subsequent design competition and development application processes. However, the numbers above can be taken as an indication of the scale of the quantum of car parking that would be expected to result at this site. Determining the final number of approved car parking spaces is a matter for the development application stage.

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

There is adequate justification for this planning proposal which will facilitate an increase in housing and employment generating floor space.

The commercial and community use components of the development will contribute to the activation of Hassall Street and the surrounding area. The ground floor uses will provide for the daily needs of nearby residential uses, whilst contributing to a renewed streetscape with vibrant retail uses. The dominant residential use will deliver a range of housing options located in close proximity to public transport, employment and community facilities. A proposed community use which the applicant has indicated may eventuate on this site would support the social and cultural life of residents of this and nearby properties, as well as the community more broadly. If the community use were to revert to commercial uses, this would enhance the employment generating benefits described above.

The proposed scale of the building is appropriate given the location of the site on the interface between B4 and B3 zones.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The site is located within very close proximity (~200m) of Parramatta rail station and bus interchange, and also within walking distance (~600m) of Parramatta ferry quay. The site is also within walking distance (~600m) of major open space and active transport opportunities associated with the Parramatta river foreshore, and a number of other open space areas are easily accessible (i.e. Parramatta Park).

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

To be advised following the issue of the Gateway determination by the Department of Planning and Environment. As noted above, it is expected that consultation with relevant aviation authorities will form part of the consultation requirements.

PART 4 – MAPPING

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

4.1 Existing controls

This section contains map extracts from *PLEP 2011* which illustrate the current controls applying to the site.

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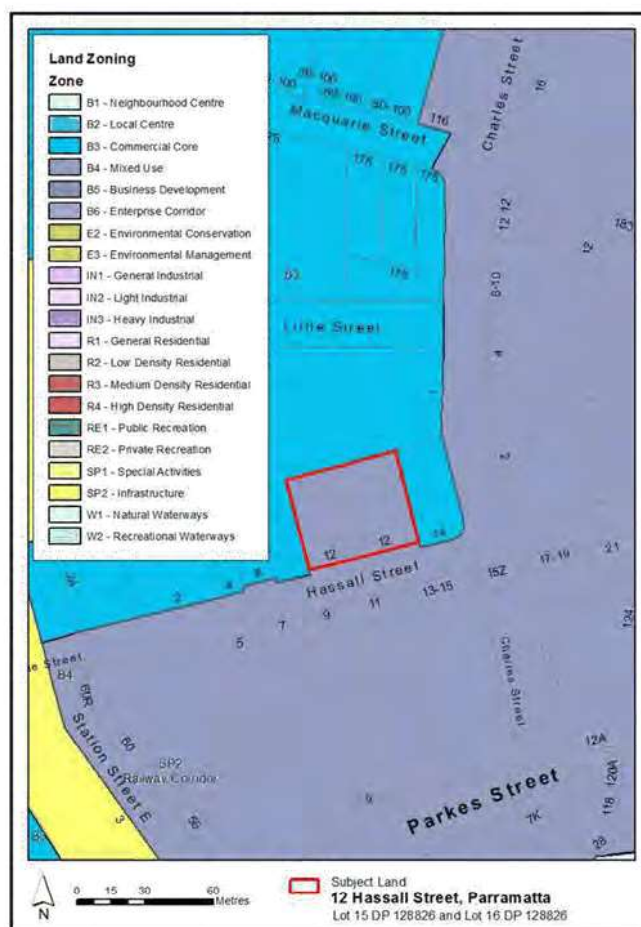


Figure 3 – Existing zoning extracted from the PLEP 2011 Land Zoning Maps

Figure 3 above illustrates the existing B4 Mixed Use zone over the site.

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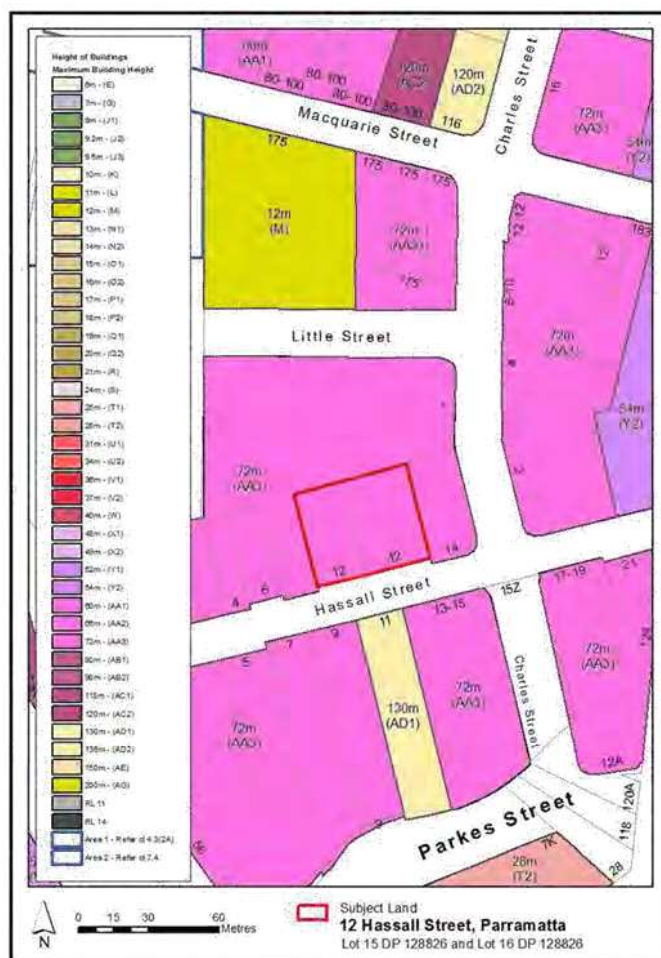


Figure 4 – Existing building heights extracted from the PLEP 2011 Height of Buildings Maps

Figure 4 above illustrates the existing 72 metre height applying to the site.

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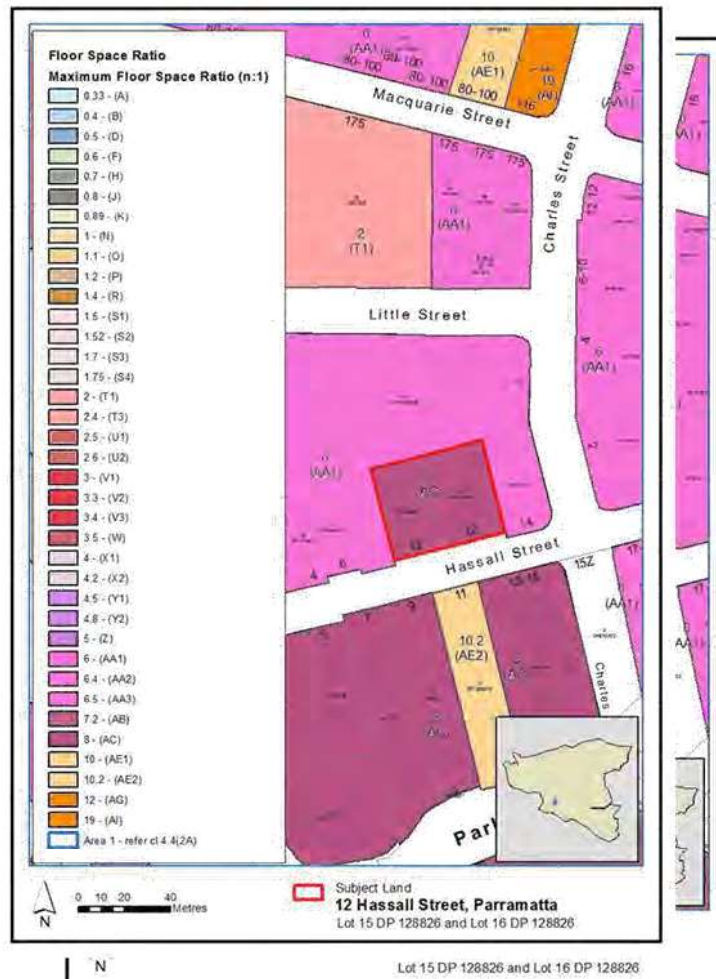


Figure 5 – Existing floor space ratio extracted from the PLEP 2011 Floor Space Ratio Map

Figure 5 above illustrates the existing 8:1 FSR which applies to the entire site.

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Figure 6 – Existing heritage items extracted from the PLEP 2011 Heritage Map

Figure 6 above illustrates the heritage sites which are located in proximity to the site.

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4.2 Proposed controls

The figures in this section illustrate the proposed controls sought by this planning proposal.

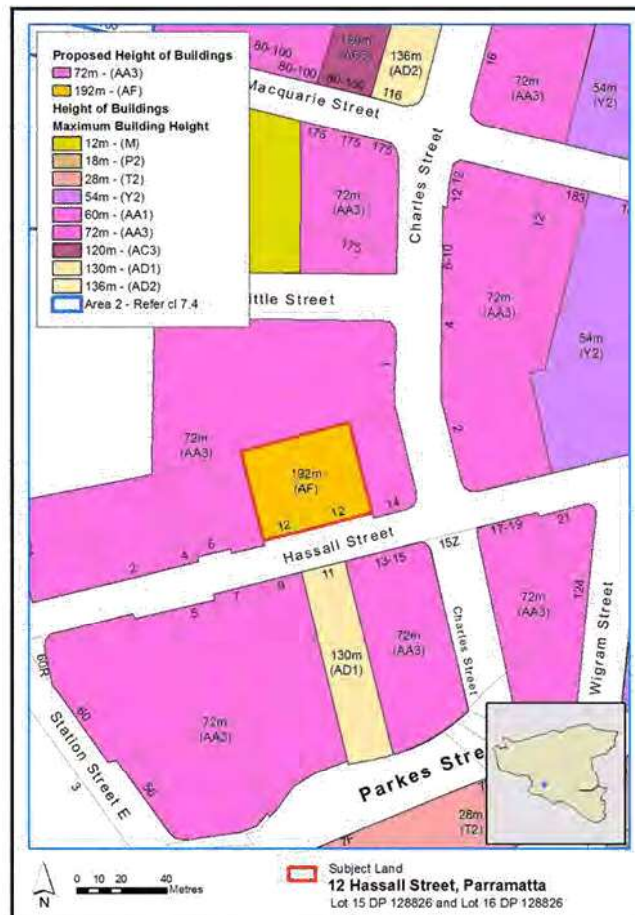


Figure 7 – Proposed amendment to the PLEP 2011 Height of Buildings Map

Figure 7 above illustrates the proposed amendment of the HOB map to reflect 192m.

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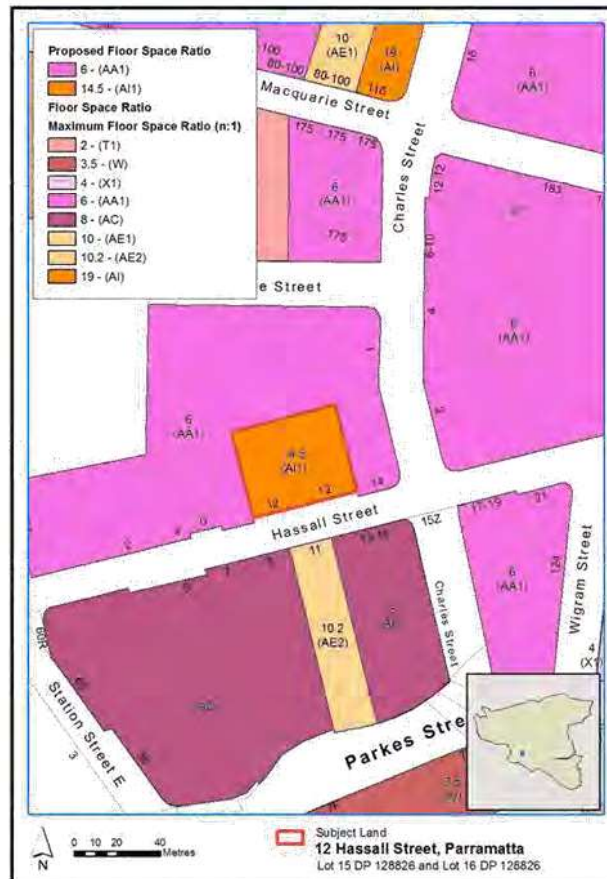


Figure 8 – Proposed amendment to the PLEP 2011 FSR Map

Figure 8 above illustrates the proposed amendment of the FSR map to reflect 14.5:1.

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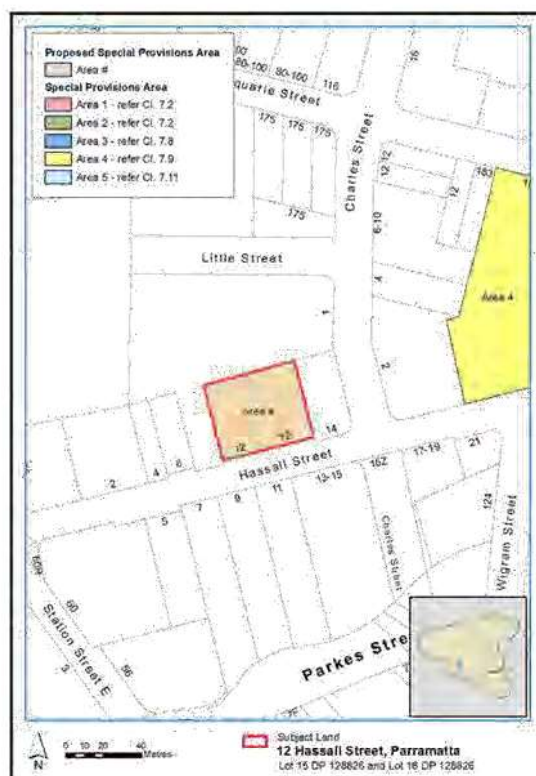


Figure 9 – Proposed amendment to the PLEP 2011 Special Provisions Area Map.

Figure 9 above illustrates an amendment to the Special Provisions Area Map, to be accompanied by a detailed site specific clause; a draft of which is provided at Attachment 2.

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PART 5 – COMMUNITY CONSULTATION

The planning proposal (as revised to comply with the Gateway determination) is to be publicly available for community consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

Pursuant to Section 57(8) of the EP&A Act 1979 the Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

PART 6 – PROJECT TIMELINE

The detail around the project timeline is expected to be prepared following the referral to the Minister for review of the Gateway Determination. The following steps and timeline are anticipated:

- Initial submission to Department of Planning and Environment (July 2017)
- Resubmission to Department of Planning and Environment (March 2018)
- Referral to the Minister for review of the Gateway Determination (April 2018)
- Gateway Determination Issued (May 2018)
- Exhibition and referral (June 2018)
- Consideration of submissions (July 2018)
- Consideration of proposal post exhibition and reporting to Council (August 2018)
- Submission to the Department to finalise the LEP (September 2018)
- Notification of Instrument (November 2018)

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Appendix 1 – Urban Design Report

Refer separate attachment.

Appendix 2 – Draft Site-Specific Clause

Part 7 Additional Local Provisions – Parramatta City Centre

Clause 7.xx Development on land at 12 Hassall Street, Parramatta

- (1) This clause applies to land at 12 Hassall Street, Parramatta, being Lot 15 and Lot 16 in DP 128826 and identified as area ## on the Special Provisions Area map.
- (2) Any development involving the construction of a new building proposed under this clause must include:
 - a. Commercial floor space of at least 1:1 floor space ratio; and
 - b. The development is able to demonstrate an appropriate transition to any heritage items or conservation areas.
- (3) Despite Clause 7.10(8):
 - a. the maximum FSR outlined on the Floor Space Ratio map is inclusive of any Design Excellence incentive floor space.
 - b. The maximum height outlined on the Height of Buildings maps is inclusive of any Design Excellence incentive height.
- (4) The consent authority may grant consent to a development including additional 0.5:1 FSR beyond the maximum FSR outlined on the Floor Space Ratio map provided that the following High Performing Buildings standards are met:
 - a. Any part of the building used for office premises must comply with the following standards:
 - i. The energy target is a maximum 140 kg/m² per year.
 - ii. The water target is a maximum 65 kL/m² per year.
 - b. Any part of a mixed use development which is used for commercial premises must comply with the following standards:
 - i. The energy target is a maximum 140 kg/m² per year.
 - ii. The water target is a maximum 65 kL/m² per year.
 - c. Any part of the building used for retail premises (if the total retail premises gross floor area of the development is 5,000 square metres or greater) must comply with the following standards:
 - i. The energy target is a maximum 100 kg/m² per year.
 - ii. The water target is a maximum 95 kL/m² per year.
 - d. Any part of the building used for a dwelling must comply with the following standards:
 - i. The energy target is a minimum 10-point increase in the BASIX score compared to current requirements.
 - ii. The water target is a minimum 10-point increase in the BASIX score compared to current requirements.
 - e. A report prepared by a qualified consultant is provided to the satisfaction of the Council which verifies that, if all of the commitments relating to the building design (namely the building form and layout) listed in the report are fulfilled, the development will comply with all of the targets which apply to the development under subclause 7.xx(4), as the case may require.

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- (5) The consent authority may grant consent to a development including additional 1:1 non-residential floorspace (beyond the 1:1 minimum commercial floorspace required in 7.xx(2)(a)) which may be excluded from the maximum floorspace otherwise described on the FSR map and in this clause; and
- (6) The additional floor space referred to in sub-clauses 7.xx(4) and 7.xx(5) above are not subject to a Design Excellence Incentive floorspace or height as outlined in Clause 7.10(8)
- (7) The maximum parking rates for any development proposed under this clause are as follows:
- a. The maximum parking rates which apply to any part of the building used as a dwelling are:
 - i. For each studio dwelling – 0.1 spaces; and
 - ii. For each 1 bedroom dwelling – 0.3 spaces; and
 - iii. For each 2 bedroom dwelling – 0.7 spaces; and
 - iv. For each 3 or more bedroom dwelling – 1 space.
 - b. The maximum parking rates for any part of a building used for the purposes of commercial or community uses is established by the following formula:
- $$M = (G \times A) / (50 \times T)$$
- Where:
- M is the maximum number of parking spaces;
 - G is the gross floor area of all commercial and community uses in the building in square metres; and
 - A is the site area in square metres; and
 - T is the total gross floor area of all buildings on the site in square metres.

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Prepared by City of Parramatta

PARRAMATTA WE'RE BUILDING AUSTRALIA'S NEXT GREAT CITY

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PLANNING PROPOSAL

2 O'Connell Street, Parramatta

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

Item 13.1 - Attachment 2**2 O'Connell Street, Parramatta - Amended Planning Proposal**

Planning Proposal - 2 O'Connell Street, Parramatta

Planning Proposal drafts:**Proponent versions:**

No.	Author	Version
1.	Think Planners	February 2017

Council versions:

No.	Author	Version
1.	City of Parramatta Council	13 February 2018 - Amended Planning Proposal for Council's consideration at its meeting of 26 February 2018

P2/2017

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2 O'Connell Street, Parramatta - Amended Planning Proposal

Planning Proposal - 2 O'Connell Street, Parramatta

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Item 13.1 - Attachment 2

2 O'Connell Street, Parramatta - Amended Planning Proposal

Planning Proposal – 2 O'Connell Street, Parramatta

INTRODUCTION

This planning proposal seeks to amend the *Parramatta Local Environmental Plan (PLEP) 2011* to modify the maximum building height and floor space ratio (FSR) controls that apply to land at 2 O'Connell Street, Parramatta (legally described as SP201716); consistent with the broader Parramatta CBD Planning proposal.

These amendments are sought with the intent to erect a mixed use development comprising a podium comprising commercial uses and two residential towers above.

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's:

- 'A Guide to Preparing Local Environment Plans' (August 2016), and
- 'A Guide to Preparing Planning Proposals' (August 2016).

Description of the site and surrounds

The subject site is located at 2 O'Connell Street, Parramatta (also known as St John's Terrace, 5 Aird Street). The legal description of the site is SP 20716.

The site area is 3,283 square metres (sqm) and contains a two and three storey commercial building occupied by a number of (strata subdivided) office suites. It has frontages to O'Connell Street (West), Aird Street (North) and Campbell Street (South) and experiences a substantial fall from south to north. The site is highlighted in Figure 1 below.

The site is located towards the western edge of the CBD within the B4 Mixed Use Zone which is characterized by a mixture of residential and commercial uses. Surrounding development consists of:

- Westfield shopping complex to the north and further east
- A newly constructed residential tower to the east
- The heritage listed St John's cemetery to the west

The figures below illustrate existing development at the site and the surrounds.



Figure 1: Location map

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Figure 2: The site viewed from the corner of O'Connell and Aird Streets



Figure 3: The site viewed from Aird Street facing West with St John's Cemetery in the background

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Figure 4: The site viewed from the corner of O'Connell and Campbell Street



Figure 5: Adjacent development to the south

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2 O'Connell Street, Parramatta - Amended Planning Proposal

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Figure 6: Westfield Aird Street multi-deck car park and Beaurepairs Service Centre at the ground floor.



Figure 7: St John's Cemetery and other medium/high density developments along Campbell Street in the background

Existing planning controls

Pursuant to Parramatta Local Environmental Plan 2011 (PLEP 2011):

- The site is Zoned B4 Mixed Use
- Has a maximum building height of 36m and maximum Floor Space Ratio (FSR) 4.2:1
- The site is not identified as an item of local heritage significance, however is in close proximity to the State listed St John's Cemetery
- Is subject of additional local provisions under Part 7 given the sites location within the Parramatta city centre
- Identified as Class 5 Acid Sulfate Soils.

Further, the site is not identified as being flood-prone, as it is located outside of the 20-year and 100-year Average Recurrence Interval (ARI) events, and is also outside of the Probable Maximum Flood (PMF) event.

Refer Part 4.1 of this report for maps illustrating the current planning controls that apply to the site.

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2 O'Connell Street, Parramatta - Amended Planning Proposal

Planning Proposal - 2 O'Connell Street, Parramatta

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable the redevelopment of land at 2 O'Connell Street, Parramatta (SP 20716) to facilitate a high density mixed use development in accordance with the site's B4 Mixed Use zoning.

To facilitate the site's redevelopment, it is proposed the *Parramatta Local Environmental Plan 2011* (PLEP) is proposed to be amended to:

- Allow a maximum building height of 217m and a maximum FSR of 15:1
- Include an additional site specific clause requiring a mandatory 1:1 of commercial floor space
- Include an additional site specific clause allowing the consent authority to grant consent to an additional FSR of 1.2:1 of non residential floor space in addition to the 15:1 FSR
- Include maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study and resolution of Council on 10 April 2017.

It is anticipated that the amendment of these controls will facilitate an increase in housing supply and employment generating floor space in the Parramatta CBD.

PART 2 – EXPLANATION OF PROVISIONS

In order to achieve the desired objective, the following amendments to *PLEP 2011* would need to be made:

- 1) Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB_010) to 217m. Refer to Figure 16 in Part 4 of this planning proposal.
- 2) Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR_010) to 14.5:1. Refer to Figure 17 in Part 4 of this planning proposal.
- 3) Amend the **Special Area Provision Map** (Sheet CL1_010) to identify the site. Refer to Figure 18 in Part 4 of this planning proposal.
- 4) Insert a new Clause in Part 7 to include site specific provisions as follows:
 - a) Requirement to demonstrate appropriate transition to any heritage items or conservation areas
 - b) Requirement for minimum 1:1 commercial floor space within the development
 - c) Provision outlining that 14.5:1 FSR is inclusive of Design Excellence bonus
 - d) Provision outlining an additional 0.5:1 FSR achievable, provided that high-performing buildings standards are met (bringing FSR total to 15:1).
 - e) Provision outlining an additional 1.2:1 FSR achievable for non-residential floor space, with this additional 1.2:1 FSR being excluded from the overall FSR of 15:1.
 - f) Provision outlining that the high-performing buildings incentive floor space and additional 1.2:1 non-residential floor space are not subject to any additional Design Excellence bonus
 - g) Maximum parking rates, in line with the resolution of City of Parramatta Council on 10 April 2017 with regards to parking rates in the CBD Planning Proposal.

Refer to **Appendix 1** for an example of a potential draft site specific provision.

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2 O'Connell Street, Parramatta - Amended Planning Proposal

Planning Proposal - 2 O'Connell Street, Parramatta

2.1 Other relevant matters

2.1.1 Voluntary Planning Agreement

It is expected that a Voluntary Planning Agreement (VPA) will be negotiated as part of planning proposal process. On 10 April 2017, Council endorsed rates of \$150/sqm for Phase 1 value sharing and \$375/sqm for Phase 2 value sharing. This is the basis, upon which, Council officers will seek to negotiate a VPA. On the basis of 19,041sqm the planning proposal could result in a contribution of \$2,856,210.00.

2.1.2 Draft DCP

A site specific Development Control Plan (DCP) will be prepared addressing design elements such as street wall setbacks and inter-building separation. The draft DCP following endorsement from Council will be exhibited alongside the planning proposal and VPA. The DCP will also inform any future design competition brief for the site based on this planning proposal.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

3.1 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.

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

The planning proposal is a result of an application from the landowner seeking to increase the density of development permitted on the site. The planning proposal was amended to reflect the Parramatta CBD Planning Strategy (the Strategy) and the Parramatta CBD Planning Proposal (CBD PP).

Council adopted the Parramatta CBD Planning Strategy at its meeting of 27 April 2015. The Strategy is the outcome of a study which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The Strategy sets the vision for the growth of the Parramatta CBD. Council has subsequently prepared a planning proposal which has been informed by workshops and Council resolutions.

The CBD PP was adopted by Council on 11 April 2016 and submitted to the Department of Planning and Environment. The CBD PP seeks a potential increase in height and FSR for sites within the Parramatta CBD subject to the provision of community infrastructure. While the Department is yet to issue a Gateway determination, the CBD PP is Council's most recently adopted position on density increases in the Parramatta CBD.

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

A planning proposal seeking to amend *PLEP 2011* is the most effective way of providing certainty for Council, the local community and the landowner. The existing height and FSR standards do not permit the density envisaged in the CBD PP nor do the existing controls respond to the emerging CBD character of Parramatta.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the priorities, directions and actions outlined in key local and state strategic planning policy documents.

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

A Plan for Growing Sydney

On 14 December 2014, the NSW Government released 'A Plan for Growing Sydney' which outlines actions to achieve the Government's vision for Sydney which is a 'strong global city and a great place to live'.

Parramatta local government area is part of the West Central Subregion. A Plan for Growing Sydney identifies the following directions, actions and priorities for Parramatta and the West Central Subregion that are relevant to this site and planning proposal:

1.2 Grow Greater Parramatta – Sydney's Second CBD

- Grow Parramatta as Sydney's second CBD by connecting and integrating Parramatta CBD, Westmead, Parramatta North, Rydalmere and Camellia.

1.3 Establish a New Priority Growth Area – Greater Parramatta To The Olympic Peninsula

- Deliver priority revitalisation precincts

1.7 Grow Strategic Centres – providing more jobs closer to home

- Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity

2.1 Accelerate housing supply across Sydney

- Accelerate housing supply and local housing choices
- Accelerate new housing in designated infill areas (established urban areas) through the priority precincts and UrbanGrowth NSW programs

2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs

- Use the Greater Sydney Commission to support Council-led urban infill projects
- Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres

2.3 Improve housing choice to suit different needs and lifestyles

- Require local housing strategies to plan for a range of housing types

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- Accelerate housing supply, choice and affordability and build great places to live
- Provide capacity for additional mixed use development in Parramatta CBD and surrounding precincts including offices and retail in Parramatta CBD, arts and culture in Parramatta and housing in all precincts

The proposal is consistent with the actions and objectives of 'A Plan for Growing Sydney' as the proposal will:

- Enable the development of residential dwellings and non-residential uses that will contribute towards dwelling and employment targets on a site located within the Parramatta City Centre. Approximately 455 units with a range of unit types are proposed to promote housing supply and choice
- Provide approximately 7,222sqm of commercial floor space that will support Council's vision of the growing Parramatta CBD with a commercial core nurtured by mixed use developments on the periphery as stipulated by the zoning maps in PLEP 2011 and the Parramatta CBD Planning Proposal.
- Have good access to public transport (within 500 metres of the Parramatta Railway Station/Bus Interchange), employment and educational opportunities, and public open space such as Ollie Web Reserve and Parramatta Park.

Towards Our Greater Sydney 2056

In November 2016, the Greater Sydney Commission released Towards Our Greater Sydney 2056 (TOGS), a draft amendment to A Plan for Growing Sydney, for public exhibition. TOGS aligns with the district plans, released on the same date. Both TOGS and the district plans were on exhibition until March 2017.

The vision for the future of Sydney as identified in TOGS is for decentralisation with centres supported by public transport. TOGS introduces the concept of three cities: The Eastern City, the Central City, and the Western City. Parramatta CBD is identified as the Central City and is anticipated to cater for the greatest area of growth over the next decade.

This planning proposal is in keeping with the vision of TOGS by providing employment and housing opportunities in close proximity to public transport in the Central City.

TOGS identifies the integration of the economy, social needs and the environment to move Sydney forward. The district plans provide further detail as to how a productive Sydney, a liveable Sydney and a sustainable Sydney will be achieved. A response to the relevant district plan is outlined below.

Greater Parramatta to the Olympic Peninsula (GPOP) Vision

In October 2016, prior to the release of the draft district plans, the Greater Sydney Commission released a Visioning document for the Greater Parramatta to the Olympic Peninsula (GPOP) area. GPOP is a centreplace of the Greater Sydney Commission's draft District Plan for the West Central District, within which the bulk of GPOP is located.

The vision for GPOP is: "Our 2036 vision: GPOP will be Greater Sydney's true centre – the connected, unifying heart".

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It is focused on driving 12 directions to deliver the GPDP Vision. The document also notes that the GPDP area is the subject of several land use planning activities which are to progress alongside, and consistent with, the developing GPDP Vision, such as the GPDP Land Use and Infrastructure Strategy, Department of Planning and Environment.

The site is located within the Parramatta CBD Westmead Health and Education Super Precinct. The planning proposal is consistent with the vision and directions of GPDP Vision as it will:

- Deliver additional housing and employment within Parramatta CBD that will revitalise the city centre and support the commercial core;
- Provide a mix of housing (studios and 1 – 3+ bedroom units) to suit individual household needs, preferences and budgets;
- Respect the heritage values of items within the vicinity of the site (Refer Section 3.3.2 of this report);
- Facilitate the development of a high quality and well-designed mixed use development through a design competition process;
- Redevelop a site that has good access to public transport, jobs, services, recreational, educational and other opportunities; and
- Negotiate 5% to 10% of new floor space for affordable housing in line with Council's affordable housing policy.

Draft West Central District Plan

The Draft West Central District Plan was released for exhibition by the Greater Sydney Commission from November 2016 to March 2017, and is yet to be finalised.

This district is now known as the Central City District as determined by the Minister on the 22 September 2017.

An assessment of the proposal against the relevant priorities and actions outlined in the draft District Plan is addressed below.

A Productive City

Productivity priorities	Productivity actions
Overarching priorities <ul style="list-style-type: none"> • Driving the growth of the Central City • Planning for job target ranges for strategic and district centres • Improving access to a greater number of jobs and centres within 30 minutes Specific priorities <ul style="list-style-type: none"> • P1: Integrate transport and land use planning • P3: Manage growth and change in strategic and district centres and, as relevant, local centres • P4: Plan for a growing and vibrant Parramatta City • P8: Prioritise the provision of retail floor space in centres 	Action P1: Collaborate to create, own and deliver GPDP

Action P1 identifies the CBD PP as one of the key land use activities that is consistent with the developing the GPDP vision. The objective of CBD PP is to:

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- Drive population and employment growth in the Parramatta CBD.
- Provide for an expanded and more intense commercial core to strengthen and facilitate the role of Parramatta as a dual CBD, and
- Support the CBD as a vibrant centre by surrounding the core with higher density mixed use.

The proposal aligns with the Parramatta CBD PP, and is consistent with the productivity priorities and actions of the draft district plan in that it will:

- Support the continuing development of the Parramatta CBD by contributing to housing and employment targets with approximately 7,222sqm of non-residential floor space and 455 residential units.
- Provide employment and housing opportunities in proximity to Parramatta Railway Station/Bus Interchange, retail and commercial opportunities and open space.
- Manage car parking through the implementation of maximum car parking rates.
- Provide a range of dwelling types to meet the different needs, preferences and budgets of the community.
- Provide retail opportunities at the ground floor to meet the future retail and service needs of the community.
- Respect the heritage values of items within the vicinity of the site (Refer Section 3.3.2 of this report).
- Ensure the provision of retail space through a specific clause which requires a minimum of 1:1 of the floor space to be reserved for commercial/retail floor space, and
- Enhance the urban amenity of the centre, through:
 - The requirement to demonstrate design excellence through a competitive Design Excellence Process
 - Contribute to local and regional infrastructure upgrades to support the growth of the city centre.

A Liveable City

Priorities	Actions
Overarching priorities <ul style="list-style-type: none"> • Improve housing choice • Improve housing diversity and affordability. • Create great places • Foster cohesive communities • Respond to people's need for services 	<ul style="list-style-type: none"> • LA3: Councils to increase housing capacity across the District • L9: Coordinate infrastructure planning and delivery for growing communities • AL11: Provide design led planning to support high quality urban design
Specific priorities <ul style="list-style-type: none"> • LP1: Deliver West Central's five-year housing targets • LP2: Deliver housing diversity • LP3: Implement the Affordable Rental Housing Target • LP5: Facilitate the development of safe and healthy places • LP6: Facilitate enhanced walking and cycling connections • LP7: Conserve heritage and unique local characteristics 	

The Planning Proposal is generally consistent with the liveability priorities and actions of the draft district plan.

The residential component of the site will contribute an estimated 455 units to meet the West Central District's five and 20-year housing targets. The site is located in area ideal for higher

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density living, with the site within walking distance to public transport, retail and commercial areas, park and recreation facilities, schools and other community facilities.

The proposal will also aim to enhance the urban amenity of the centre, through:

- Undertaking of a competitive Design Excellence Process
- Contributions to local and regional infrastructure upgrades. This will include public domain improvements and the provision of entertainment and events spaces. Collectively, this will facilitate the development of an accessible, safe, healthy and inclusive city.

Further, Liveability Priority 3 seeks a target of 5% to 10% of new floor space for affordable housing to be applied at the rezoning stage so that it can be factored into the development equation. This will be negotiated in accordance with Council's affordable housing policy.

A Sustainable City

Priorities	Actions
Overarching priorities <ul style="list-style-type: none"> • Enhancing the West Central District in its landscape • Protect and conserve the values of the Parramatta River and Sydney Harbour • Enhance access to the Parramatta River and Sydney Harbour foreshore and waterways • Delivering Sydney's Green Grid • Align strategic planning to the vision for the Green Grid • Creating an efficient West Central District planning for a resilient West Central District • Mitigate the urban heat island effect urban heat 	<ul style="list-style-type: none"> • AS11: Support the development of initiatives for a sustainable low carbon future • AS13: Incorporate the mitigation of the urban heat island effect into planning for urban renewal projects and Priority Growth Areas
Specific priorities <ul style="list-style-type: none"> • SP2: Protect and conserve the values of the Parramatta River and Sydney Harbour • SP3: Enhance access to the Parramatta River and Sydney Harbour foreshore and waterways • SP5: Align strategic planning to the vision for the Green Grid 	

The Planning Proposal is consistent with the sustainability priorities and actions of the draft district plan.

The planning proposal includes provisions that provide for a bonus FSR subject to certain requirements relating to Ecologically Sustainable Development (ESD) being met. The objective of these provisions is to encourage high performing building design that minimises the consumption of energy and water and provides increased amenity to occupants over the long term.

Infrastructure contributions will contribute to the protection and enhancement of the Parramatta River Foreshore, which forms part of Sydney's metropolitan Green Grid and which has been identified as a priority project in the draft district plan.

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Draft Regional Plans

On 22 October 2017, the Greater Sydney Commission released the Draft Greater Sydney Region Plan and draft Central City District Plan. The plans were on released for public exhibition between 22 October and the 15 December 2017. At the time this Planning Proposal was originally prepared these strategic plans had not been released. An assessment of the planning proposal against these draft plans has been provided for completeness.

Draft Greater Sydney Region Plan

The Draft Greater Sydney Region Plan is built on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places.

The vision seeks to meet the needs of a growing and changing population by transforming greater Sydney into a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City.

The purpose of the draft Plan is to:

- Set a 40-year vision (up to 2056) and establish a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters
- Inform district and local plans and the assessment of planning proposals
- Assist infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- Inform the private sector of the vision for Greater Sydney and infrastructure investments required to manage growth

The plan is guided by 10 overarching directions relating to infrastructure and collaboration, productivity, liveability and sustainability with metrics and objectives associated with each.

The City of Parramatta is located within the Central City District.

Revised draft Central City District Plan

The draft Central City District Plan District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Draft Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The plan sets out planning priorities and actions for the development of central city district.

An assessment of the planning proposal against the relevant directions, objectives, priorities and actions of the Draft Greater Sydney Region Plan and draft Central City District Plan is set out below.

Liveability

Draft Greater Sydney Region Plan		Revised draft Central City District Plan	
Direction	Objective	Priority	Action
1. A city for people Celebrating diversity and putting people at the heart of the city	1. Services and infrastructure meet communities' changing needs 2. Communities are healthy, resilient and	C3 - Providing services and social infrastructure to meet people's changing needs	8. Deliver social infrastructure to reflect the needs of the community now and in the future

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Draft Greater Sydney Region Plan		Revised draft Central City District Plan	
Direction	Objectives	Priorities	Actions
the heart of planning	3. Greater Sydney's communities are culturally rich with diverse neighbourhoods		
2. Housing the city Giving people housing choices	10. Greater housing supply 11. Housing is more diverse and affordable	C5 - Providing housing supply, choice and affordability, with access to jobs and services	No specific actions.
3. A city of great places Designing places for people	12. Great places that bring people together 13. Environmental heritage is conserved and enhanced	C6 - Creating and renewing great places and local centres, and respecting the District's heritage	<p>17. Deliver great places by:</p> <ul style="list-style-type: none"> a. prioritising a people-friendly public realm and open spaces as a central organising design principle b. recognising and balancing the dual function of streets as places for people and movement c. providing fine grain urban form, high amenity and walkability d. integrating social infrastructure to support social connections and provide a community hub e. encouraging contemporary interpretation of heritage where possible f. using a place-based and collaborative approach throughout planning, design, development and management <p>18. Conserve and enhance environmental heritage by:</p> <ul style="list-style-type: none"> a. engaging with the community early in the planning process to understand Aboriginal, European and natural heritage values b. conserving and interpreting Aboriginal, European and natural heritage to foster distinctive local places <p>19. Use place-based planning to support the role of centres as a focus for connected neighbourhoods</p> <p>20. In Collaboration Areas, Priority Precincts and planning for centres:</p> <ul style="list-style-type: none"> a. investigate opportunities for precinct-based provision of

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Draft Greater Sydney Region Plan		Revised draft Central City District Plan	
Directions	Objectives	Priorities	Actions
			adaptable car parking and infrastructure in lieu of private provision of car parking b. ensure parking availability takes into account the level of access by public transport consider the capacity for places to change and evolve, and accommodate diverse activities over time.

This Planning Proposal is consistent with the objectives of the draft Sydney Region Outline Plan and the priorities and actions of the draft Central City District Plan.

The proposal will provide:

- An estimated 455 units contributing to housing targets and diversity for the district
- Contributions towards community infrastructure such as community facilities, cycleways and environmental and recreational facilities, and
- Maximum car parking rates that aim to reduce car usage, encourage public transport patronage, walking and cycling.

The proposal will facilitate the development of a well-designed building that will contribute to renewal of periphery of the CBD, through:

- The preparation of site specific development controls to support this Planning Proposal and design competition process, and
- Contributions to local infrastructure upgrades.

3.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

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

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region. Of relevance is the growth of Parramatta CBD.

The planning proposal is considered to meet the strategy and key objectives identified in the plan by allowing for an appropriate mix of residential and non-residential uses located in a centre with public transport, shops and community facilities in close proximity. The proposal will activate the street and improve the walkability of the city centre with retail on the ground floor. The development will also allow for the concentration of housing around transport nodes and contribute towards dwelling targets for NSW.

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Parramatta CBD Planning Proposal

The CBD PP was adopted by Council on 11 April 2016. The CBD PP is the outcome of detailed technical studies which reviewed the current planning framework. The CBD PP seeks controls responding to the vision for the growth of the Parramatta CBD as Australia's next great city. The CBD PP identifies a need for significant growth in the Parramatta City Centre to which this planning proposal responds.

In line with the Strategy, Council subsequently prepared the Parramatta CBD Planning Proposal (CBD PP), which was informed by Councillor workshops held throughout 2015 as well as various Council resolutions. Council adopted the CBD PP on 11 April 2016. In general terms, the CBD PP seeks to increase heights and FSR's in the Parramatta CBD, subject to the provision of community infrastructure and other requirements. The CBD PP remains Council's most recently endorsed policy position on density increases in the Parramatta CBD. Council is currently awaiting a Gateway Determination on the CBD PP from the Department of Planning and Environment.

Under the CBD PP, the following key planning controls are identified for the site at 2 O'Connell Street:

- **Zoning:** The current B4 Mixed Use zoning is retained
- **Height of Buildings:** The "Base" HOB control for this site retains the current planning control of 36m, while there is no "Incentive" HOB control assigned to this site. This is consistent with the general policy direction of the CBD Planning Proposal, which is that – for most sites in the CBD – there are no Incentive height controls, with maximum building heights instead being effectively controlled by sun access planes and aviation operational parameters.
- **FSR:** The total maximum FSR achievable for this site under the CBD PP is 15:1, comprising the following:
 - ⊗ The "Base" FSR control for this site is 4.2:1 in the draft CBD PP maps also noted is that the CBD PP requires the provision of 1:1 commercial floor space in this area of the B4 zone.
 - ⊗ The Incentive FSR control for this site is 10:1. Under the CBD PP, Incentive FSR controls are achievable provided that an appropriate contribution to Community Infrastructure is made (discussed further in this report).
 - ⊗ 15% bonus of the Incentive FSR (i.e. 1.5:1 in this case), provided that a Design Excellence process has been undertaken in accordance with the PLEP 2011.
 - ⊗ An additional 0.5:1 FSR is achievable, provided that High Performing Building standards are met.
 - ⊗ This site is also identified as an Opportunity Site, meaning that an additional 3:1 FSR is potentially available, provided that a number of criteria are met (including that certain site area, Incentive, Design Excellence and High Performing Buildings requirements are met, and that a further contribution to Community Infrastructure is made).

A summary of the proposed controls for the site in line with the CBD PP are detailed below.

Height

The CBD PP proposes that no maximum height limit (incentive height) apply to the majority of land within the CBD subject to the delivery of community infrastructure.

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While the CBD PP removes maximum HOB for most sites in the CBD (including this site), previous Gateway Determinations received for site-specific CBD planning proposals required insertion of a numeric HOB control. Accordingly, it was recommended that a numeric HOB control that corresponds to the reference design for the site be included in this planning proposal.

Council endorsed position is that a maximum building height of 217m is proposed for the site.

Floor Space Ratio (FSR)

Under the CBD PP the majority of sites in the CBD are identified on the new Incentive Floor Space Ratio Map as 10:1, with additional floorspace bonuses on certain sites up to 15:1.

The planning proposal has been amended to apply an FSR of 15:1 (in line with CBD Planning Proposal) with a mandatory 1:1 FSR of commercial floor space provided (also in line with CBD planning proposal).

0.5:1 of this 15:1 FSR is also an incentive for achieving high-performing building standards relating to water and energy; because of this, the FSR map is proposed to be amended to 14.5:1. This is consistent with the CBD Planning Proposal.

The 14.5:1 FSR is inclusive of a 15% Design Excellence Bonus.

Further, the planning proposal includes a site specific clause that allows the consent authority to approve an additional 1.2:1 non-residential floor space above the 15:1 FSR. This is consistent with the CBD Planning Proposal, in that the CBD PP allows additional commercial floorspace beyond the minimum 1:1 requirement to be exempted from FSR controls.

Therefore, a total FSR of 16.2:1 is possible on the site, subject to Design Excellence Competition.

Non-residential floor space

A local clause is proposed in the CBD PP that requires a minimum 1:1 FSR of commercial floor space to be provided as part of a mixed use development on certain sites zoned B4 Mixed Use.

The policy objective of this control is to contribute employment generating floor space consistent with Parramatta's role as a key employment centre in western Sydney. The current market conditions have seen the majority of B4 zoned sites obtain approvals for and be developed for almost entirely residential purposes with nominal ground floor retail uses.

The planning proposal also seeks to provide an additional 1.2:1 commercial floor space located in the podium in addition to the 1:1 required under the CBD planning proposal. This additional 1.2:1 floor space will not be counted towards the maximum FSR of the site.

Site specific clause

As the CBD PP has yet to receive a Gateway Determination, a site specific clause has been included in this planning proposal to:

- Ensure appropriate transition to Heritage items and conservation areas
- Provide for a minimum 1:1 commercial floor space.
- Ensure 14.5:1 FSR is inclusive of Design Excellence bonus
- Allow an additional 0.5:1 FSR provided that high-performing building standards are met (bringing total to 15:1)

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- Encourage additional 1:2:1 non-residential floor space beyond 15:1 FSR.
- Clarify that high-performing buildings incentive FSR and additional 1:2:1 non-residential FSR are not subject to additional Design Excellence bonus; and
- ensure parking is provided in accordance with Council's parking rates consistent with the CBD Planning Proposal.

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

An assessment of the planning proposal against the applicable State Environmental Planning Policies (SEPPs) relevant to the site is detailed in the table below (Table 1).

Table 1 – Assessment of consistency of the planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Assessment of consistency
SEPP No 55 Remediation of Land	
Provides state-wide planning controls for the remediation of contaminated land. Clause 6 of the policy states that land must not be rezoned unless contamination has been considered and, where relevant, land has been appropriately remediated.	Not relevant to proposed amendment. The proposal does not involve the rezoning or change of use of the land. Accordingly, the contamination issues will be addressed at the DA stage.
SEPP 64 Advertising and signage	
Provides a consistent approach to the management of outdoor advertising so that adverse impacts on the amenity of the built and natural environment are avoided.	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	
Raises the design quality of residential apartment development across the state through the application of a series of design principles and guidelines.	Consistent. The built form presented in the reference designs have satisfactorily demonstrated that the site is able to accommodate the FSR being sought and indicates that a resulting development would be capable of complying with the Apartment Design Guideline (ADG). As part of the Design Excellence process compliance with the ADG requirements will be required in the future DA approval.
SEPP (BASIX) 2004	
Operates in conjunction with provision of the EP&A regulation to encourage sustainable residential development (BASIX scheme). The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, which would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	Consistent. Detailed compliance with SEPP (BASIX) for residential component 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	
Seeks to provide for exempt and complying development in certain local government areas that have not provided for those types of development through a local environmental plan.	Consistent. May apply to future development of the site.
SEPP (Infrastructure) 2007	
Aims to facilitate the effective delivery of infrastructure across the State along with providing for consultation with	Consistent. To be addressed as part of future DA for the site.

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State Environmental Planning Policies (SEPPs)	Assessment of consistency
relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. In particular, Traffic generating development (clause 104) requires that a proposal for an apartment or residential flat building with 300 or more dwellings is required to be referred to the Roads and Maritime Services.	
State Environmental Planning Policy (State and Regional Development) 2011	
Applies to development with a Capital Investment Value (CIV) of over \$20 Million, the proposal is defined for the purposes of this SEPP as 'Regional Development'. The consent authority for regional development will be the Sydney West Planning Panel.	Consistent. Should the planning proposal proceed, it is likely that any future DA would have a CIV value of >\$20 million and be determined by the Sydney West Planning Panel.
Regional Environmental Plan (REP) Sydney Harbour Catchment 2005 (deemed SEPP)	
The Plan covers the area of Sydney Harbour, including the Parramatta River and its tributaries and the Lane Cove River. The plan aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole. The SREP includes a range of matters for consideration by consent authorities assessing development within the Foreshores and Waterways Area of the Plan. These are aimed at ensuring better and consistent development decisions and include such issues as ecological and scenic quality, built form and design, maintenance of views, public access and recreation and working harbour uses. The REP includes provisions relating to heritage conservation and wetlands protection and provides planning controls for strategic foreshore sites.	Consistent. The whole of the Parramatta is covered by the REP. Any matters for consideration will be addressed as part of any future DA.

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3.2.4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

In accordance with Clause 117(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.

An assessment against the Ministerial Directions applicable to the subject planning proposal is detailed in the table below.

Table 2 – Assessment of consistency of the planning proposal with applicable Ministerial Directions

Section	Comment	Consistent
1. Employment and Resources		
Direction 1.1 - Business and Industrial Zones	The planning proposal will maintain the existing B4 Mixed Use zone which allows for a mix of residential and non-residential uses. The proposal will support the mixed use character of the area and the nearby commercial core, by providing commercial uses and increasing the residential population thereby delivering homes close to employment.	Yes
2. Environment and Heritage		
2.3 - Heritage Conservation	The site is not listed as a heritage item or located within a heritage conservation area under the Parramatta LEP 2011. The site is not identified as having an Aboriginal or archaeological significance in the Parramatta DCP 2011 or Council's GIS data records. The site is, however, within proximity to the state heritage listed St John's Anglican Cemetery at 1 O'Connell Street (legal described as Lot 5, DP 1023282) referenced item #00049 in the PLEP 2011 (Refer 4.1 of this report for an excerpt of the heritage map). Council's heritage officer has reviewed the proposal and advised that while the planning proposal would facilitate development of a scale dramatically different to that currently on site, its lateral separation from and absence of overshadowing impact on St John's cemetery will not unacceptably impact upon the heritage values of this State listed site. This was informed by a detailed study prepared by Urbis as part of the CBD PP. Refer Section 3.3.23.3.2 of this report for further detail.	Yes
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	The planning proposal is consistent with the objectives of this direction in that it will: <ul style="list-style-type: none"> • Increase residential densities and housing choice in a location that is close to public transport, shops, employment and recreational opportunities • Provide for a high density development through the application of appropriate height and FSR controls • Be of high quality design facilitated through a design competition process • Provide a mix of housing including studios, one, two and three bedroom apartments • Make more efficient use of existing infrastructure and services through urban consolidation. 	Yes
Direction 3.4 - Integrating Land Use and Transport	Increasing the density of development within the walking catchment of transport nodes, namely the Parramatta Railway Station and Bus Interchange as well as implementing maximum car parking rates will support the viability of existing and proposed public transport services and reduce dependence on cars.	Yes

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Planning Proposal - 2 O'Connell Street, Parramatta

Section	Comment	Consistent
Direction 3.5 - Development near Licensed Aerodromes	Banksstown Airport is subject to the <i>Federal Airports Act 1996</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i> . Airspace above the Parramatta CBD is affected by operational requirements for this airport. A building that penetrates the Obstacle Limitation Surface (OLS) requires approval under that legislation, via the Commonwealth Department of Infrastructure and Regional Development. If the planning proposal is to proceed, it is expected that consultation with the Department of Infrastructure and Regional Development will be required.	Yes
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	With the exception of several small blocks, the majority of Parramatta City Centre (including the site) is affected by Class 4 or Class 5 Acid Sulfate soils. Despite this constraint, Parramatta has accommodated medium to high density development throughout the CBD. This application for a planning proposal acknowledges that the site is affected by Class 5 Acid Sulfate Soils. An Acid Sulfate Soils Management Plan may be required to support any future DA in accordance with the existing provisions of PLEP 2011. (Refer Section 4.1 of this report for except of acid sulfate soils map)	Yes
Direction 4.3 - Flood Prone Land	The site is not identified as being flood-prone, as it is located outside of the 20- and 100-year Average Recurrence Interval (ARI) events, and is also outside of the Probable Maximum Flood (PMF) event. (Refer Section 4.1 of this report for except of flood map)	Yes
5. Local Plan Making		
Direction 5.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral requirements.	Yes
Direction 6.3 - Site Specific Provisions	This planning proposal proposes the addition of a site specific provision to be applied to the site that would: <ul style="list-style-type: none"> Ensure appropriate transition to Heritage items and conservation areas; Provide for a minimum 1:1 commercial floor space; Ensure 14.5:1 FSR is inclusive of Design Excellence bonus; Allow an additional 0.5:1 FSR provided that high-performing building standards are met (bringing total to 15:1); Encourage additional 1:2:1 non-residential floor space; Clarify that high-performing buildings incentive FSR and additional 1:2:1 non-residential FSR are not subject to additional Design Excellence bonus; and ensure parking is provided in accordance with Council's parking rates consistent with the CBD Planning Proposal. <p>The clause requiring a minimum of 1:1 of commercial floor space aims to ensure there is sufficient facilities and businesses to support the incoming resident population. The additional floor space not to be included as FSR seeks to further encourage non-residential development in the B4 zone.</p> <p>The Urban Design Report submitted demonstrates a design option that included 2:2:1 commercial floor space. A site specific clause ensures a minimum 1:1 commercial floor space with an additional 1:2:1 not included as part of FSR in accordance with Council's latest position.</p> <p>In relation to the maximum parking rates provision, a site specific provision would ensure that should the redevelopment of the site under the proposed controls commence prior to the gazettal of the CBD PP the maximum parking rates as endorsed by Council on 10 April 2017 will be consistent with the future CBD controls.</p> <p>This planning proposal is consistent with this Direction.</p> <p>Refer to Appendix 1 for an example of a potential draft site specific provision.</p>	Yes

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Planning Proposal - 2 O'Connell Street, Parramatta

Section	Comment	Consistent
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	As detailed in Section 3.2.1 of this report, the planning proposal is consistent with the directions, actions and priorities of a Plan For Growing Sydney.	Yes
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>The proposal with is consistent with the actions in the Interim Land Use and infrastructure Plan in that the proposal:</p> <ul style="list-style-type: none"> • Is in line with the Parramatta CBD proposal • Will contribute towards dwelling and employment targets within the Parramatta City Centre • Assist in the funding of infrastructure. 	Yes

3.3 Section C – Environmental, social and economic impact

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

3.3.1 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 it is very unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Heritage,
- Urban Design and Built Form, and
- Transport and Accessibility.

Heritage

The site is not listed as a heritage item or located within a heritage conservation area under the PLEP 2011. The site is not identified as having an Aboriginal or archaeological significance in the Parramatta DCP 2011 or Council's GIS data records.

The site is however, within proximity to the state heritage listed St John's Anglican Cemetery at 1 O'Connell Street (legal described as Lot 5, DP 1023282) referenced as Item #00049 in the PLEP 2011 (Refer Section 4.1 of this report).

A Heritage study was prepared by NBRS Architecture in support of the proposal. The study concluded that the proposed development is compatible with the wider setting of the heritage item and that the form of development is an appropriate one to define the western edge of the Parramatta CBD.

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Key recommendations included:

- The significant vista along Airds Street to the central path of the cemetery will remain unaltered and should be reinforced in any final design proposal for the site on either side of that street
- Adequate provision for street tree planting along the eastern side of O'Connell Street should form part of any final design resolution to re-establish a more landscaped setting for the Cemetery.

Refer to Heritage Study included at Appendix 2.

Council's heritage officer has reviewed the proposal and advised that while the planning proposal would facilitate development of a scale dramatically different to that currently on site, its lateral separation from and absence of overshadowing impact on St John's cemetery will not unacceptably impact upon the heritage values of this State listed site.

It is noted that this planning proposal has been considered in view of the CBD Planning Proposal framework, which establishes a 15:1 FSR (including an Opportunity Site bonus of 3:1 FSR) and no height control for this site. This is consistent with other B4 Mixed Use sites of sufficient size that are situated in this area of the CBD. These controls have been developed through an extensive planning process, and included a heritage study by consultants Urbis which considered the impact of proposed FSR controls on Heritage items within the CBD context. In light of the Council-endorsed policy position on Opportunity Sites, and this site's position within a relatively dense urban context, it is considered that the visual impacts on the nearby heritage item can be appropriately addressed during the Design Excellence and Development Application processes for this site. A provision requiring that development demonstrate appropriate transition to Heritage Items and conservation areas is proposed; this is consistent with the CBD Planning Proposal for this site.

Urban Design and Built Form

The planning proposal is accompanied by an Urban Design Report and two reference design drawings prepared by project Tourism International Architecture P/L and is included at Appendix 3.

The reference designs include Council's 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 identified by identified by the Roads & Maritime Service (RMS) and Transport for New South Wales (TfNSW) as part of the strategic transport planning for the CBD Planning Proposal.

Both designs reflect Council's resolution. The Urban Design Report includes descriptions and plans of the site, an overview of the existing planning controls and an analysis of the site context.

The reference designs provide a concept for 66 storey and 11 storey mixed-use buildings on the site that include the following features:

- 3-4 storey podium containing retail and commercial uses;

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- 1 x 61-storey residential tower above podium containing an indicative total of 427 units (total 65 storeys) and 1 x 7 storey residential tower above podium containing an indicative total of 28 units (total 11 storeys);
- Separate entrances & lobby spaces for commercial/community and residential uses; and
- Basement car parking - area schedules indicate 537 car parking spaces over 6 levels.

Refer Figure 8 below for an illustration of the proposed development.

The reference designs, however still contain several matters that require further detailed design resolution. These include issues such as:

- The quality of communal open space provided;
- Street wall setbacks;
- Intersection of under-croft with vehicle entry points and basement entry gradients;
- Provision for successful street tree provision;
- Quality of active street edges due to terrain; and
- Relationship to 24 Campbell Street and materiality).

Broadly, the reference designs have satisfactorily demonstrated that the site is able to accommodate the FSR being sought and indicates that a resulting development would be capable of complying with the ADG.

To ensure the final concept also responds to the context of the site and meets criteria for Opportunity Site FSR, a site-specific DCP will be prepared to clearly address compliance with the ADG and any other relevant criteria such as:

- Appropriate street frontage heights;
- Setbacks; and
- Solar and natural ventilation requirements.

The DCP will inform any future design competition brief for the site based on this planning proposal. As such, it is expected that the above issues will be addressed through the Design Excellence and DA process.

As the level of certainty over the need for the road widening is unlikely to be resolved in the short term it is envisaged that both options will be advanced (in a DCP and any future design competition brief) until such time as this issue is resolved. This will allow the proposal to progress in the shorter term yet still provide options depending on the ultimate resolution of this issue.

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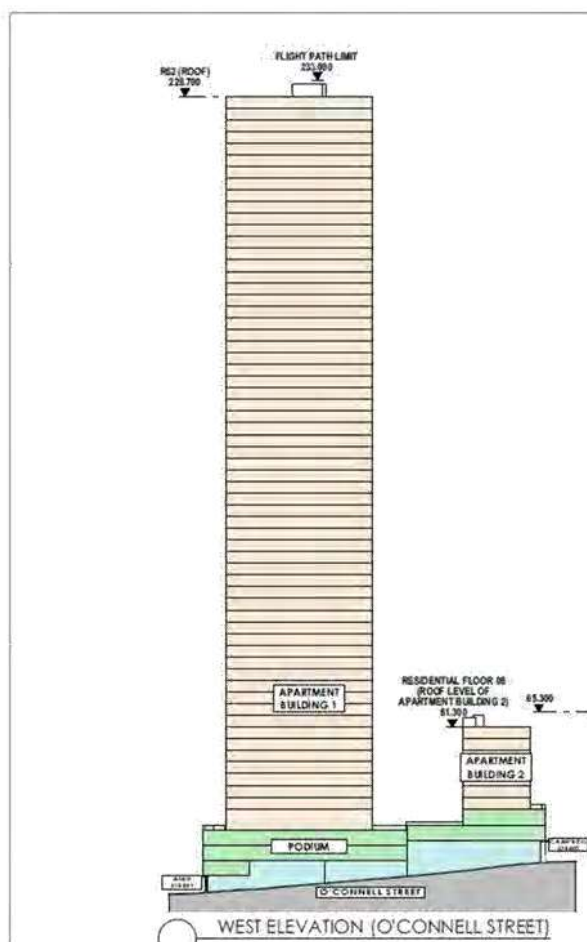


Figure 8: Reference design West Elevation – Council's preferred scheme

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Transport and Accessibility

Council's traffic and transport team initially reviewed the planning proposal and advised that due to the status of the CBD Planning Proposal and uncompleted detailed traffic modelling that the maximum total parking provision on any site subject to a planning proposal within the CBD should be the same as if the development for the site was at an FSR of 10:1.

Since that referral was undertaken (February 2017), Council's resolved (10 April 2017) to endorse the Strategic Transport Study for the Parramatta CBD and include reduced parking rates in the CBD Planning proposal, pending results of the forthcoming mesoscopic study.

This resolution was in part to allow site-specific planning proposals to proceed ahead of the mesoscopic modelling. Council's traffic and transport team have advised that they agree with the approach of applying the recently resolved rates to this planning proposal.

A site-specific clause to be included within PLEP 2011 (refer to Appendix 1). This will apply the following parking rates to the site:

Residential development

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	0.7 spaces/unit
1-bedroom	0.3 spaces/unit
Studio	0.1 spaces/unit

Commercial development (If the FSR > 3.5:1)

$$M = (G \cdot A) / (50 \cdot T)$$

where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (m²);

A = Site Area (m²);

T = Total GFA of all buildings on the site (m²).

The current preferred reference design indicates a total of 455 apartments; the unit mix and resulting maximum residential parking spaces under the Council-resolved rates are described in the table below.

Residential component

Type of Apartment	Spaces/unit	Units Indicated in reference design	Total
3-bedroom	1 space/unit	122	122
2-bedroom	0.7 spaces/unit	256	180.6
1-bedroom	0.3 spaces/unit	75	22.5
TOTAL			325

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The current reference design indicates 7,297m² of commercial floor space. Applying the above formula to the current reference design yields a maximum of 5 car parking spaces for the commercial uses, as follows:

$$M = (G * A) / (50 * T)$$

$$M = (7297 * 3283) / (50 * 48,864)$$

$$M = 23956051 / 2443200$$

$$M = 9.8 \text{ (round to 10)}$$

The total number of 335 car parking spaces indicated above (325 + 10 = 335) is well below the number (537) indicated on the detailed area schedule for the reference design. It is proposed that a site-specific clause be applied to the site that can ensure compliance with the above maximum parking rates, as previously resolved by Council, as shown in the draft clause included as part of the Planning Proposal.

Please note: the above estimated maximum car parking rates apply to the current reference design, and would likely be altered during subsequent design competition and development application processes. However, the numbers above can be taken as an indication of the scale of the quantum of car parking that would be expected to result at this site. Determining the final number of approved car parking spaces is a matter for the development application stage.

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

There is adequate justification for this planning proposal, which will facilitate an increase in density of housing and employment.

The commercial components of the development will contribute to the creation of employment and job opportunities in the Parramatta CBD.

The dominant residential use will deliver a range of housing options located in close proximity to public transport, recreation, employment and community facilities.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The site has good access to public transport being within 500 metres of the Parramatta Railway Station/Bus Interchange.

Contributions towards additional public infrastructure to cater for the incoming population will be facilitated through the VPA process, s94 contributions and State Infrastructure Contribution (SIC) currently being developed for the GPDP area.

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Planning Proposal – 2 O'Connell Street, Parramatta

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

To be advised following the issuing of the gateway determination by the Department of Planning and Environment.

However, it is expected that consultation will be required with the following State and Commonwealth agencies:

- Department of Infrastructure and Regional Development
- Endeavour Energy
- NSW Office of Environment and Heritage
- Sydney Water
- Transport for NSW and Roads and Maritime Services

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PART 4 – MAPPING

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

4.1 Existing controls

This section contains map extracts from *PLEP 2011* which illustrate the current controls applying to the site.

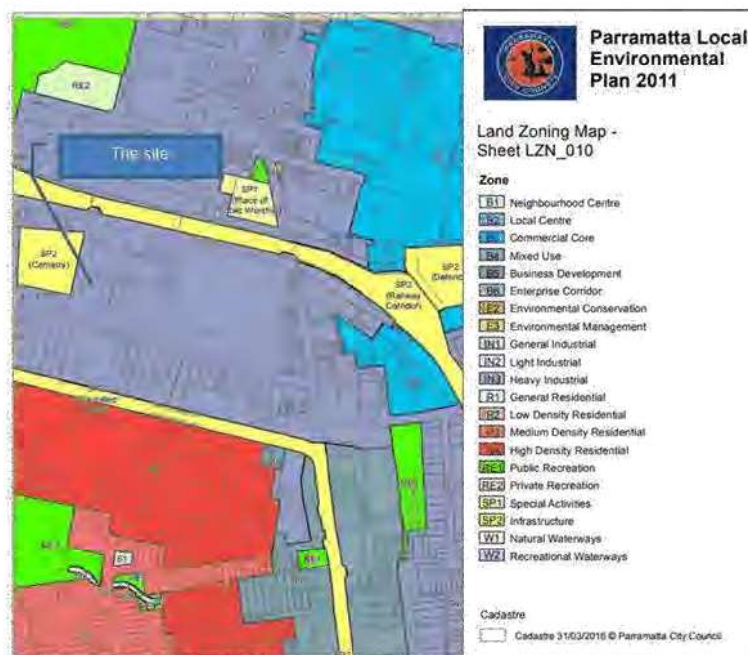


Figure 9 – Existing zoning extracted from the *PLEP 2011* Land Zoning Maps

Figure 9 above illustrates the existing B4 Mixed Use zone over the site. There is no proposed change to the zone.

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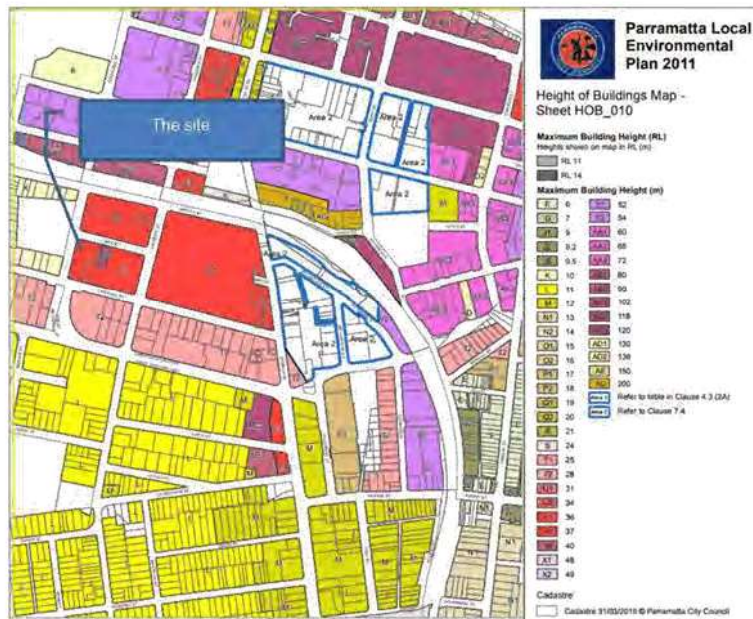


Figure 10 – Existing building heights extracted from the PLEP 2011 Height of Buildings Maps

Figure 10, above illustrates the existing 36m metre height restriction which applies to the site.

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Figure 11 – Existing floor space ratio extracted from the PLEP 2011 Floor Space Ratio Map

Figure 11, above illustrates the existing FSR of 4.2:1 which applies to the site.

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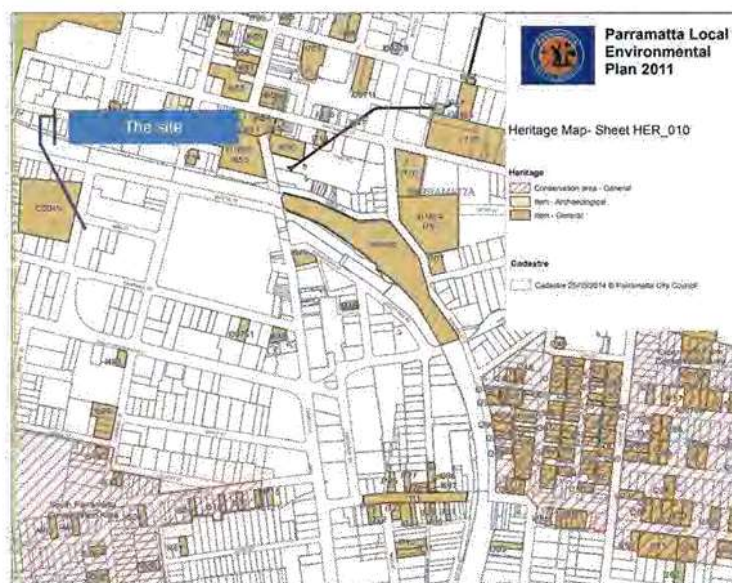


Figure 12 – Existing heritage items extracted from the PLEP 2011 Heritage Maps

Figure 12 above illustrates the heritage items in the locality.

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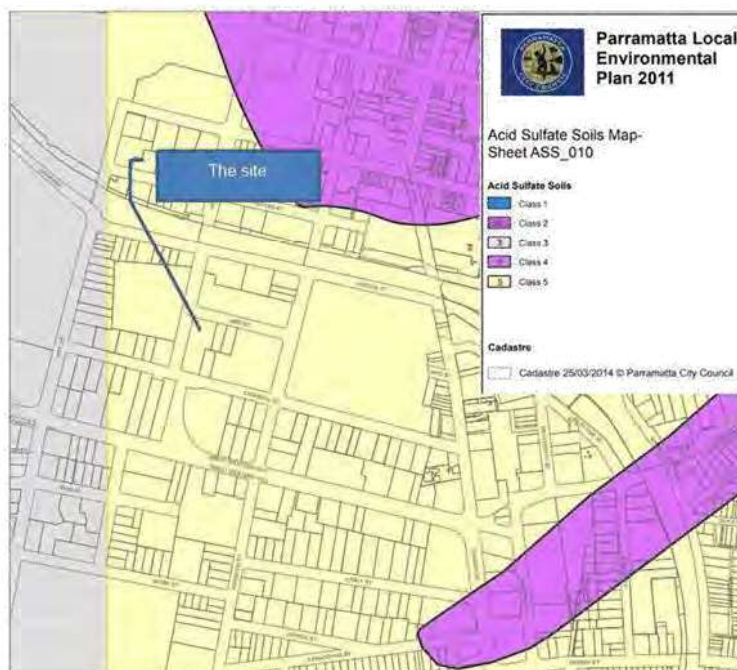


Figure 13 – Existing acid sulfate soils extant extracted from the *PLEP 2011* Acid Sulfate Soils Map

Figure 13 above illustrates the site is identified as Class 5 Acid Sulfate Soils.

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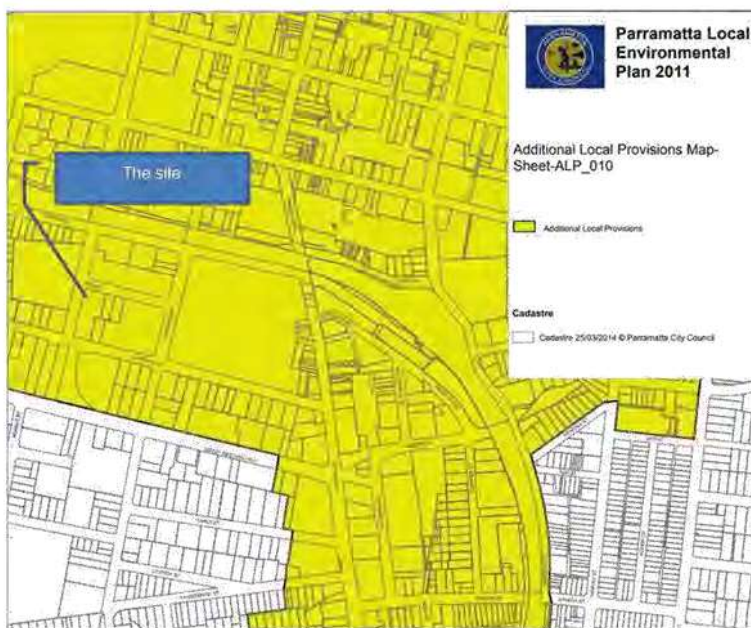


Figure 14 – Additional local provisions map from the PLEP 2011 Additional Local Provisions Map

Figure 14 above illustrates the site is subject of additional local provisions.

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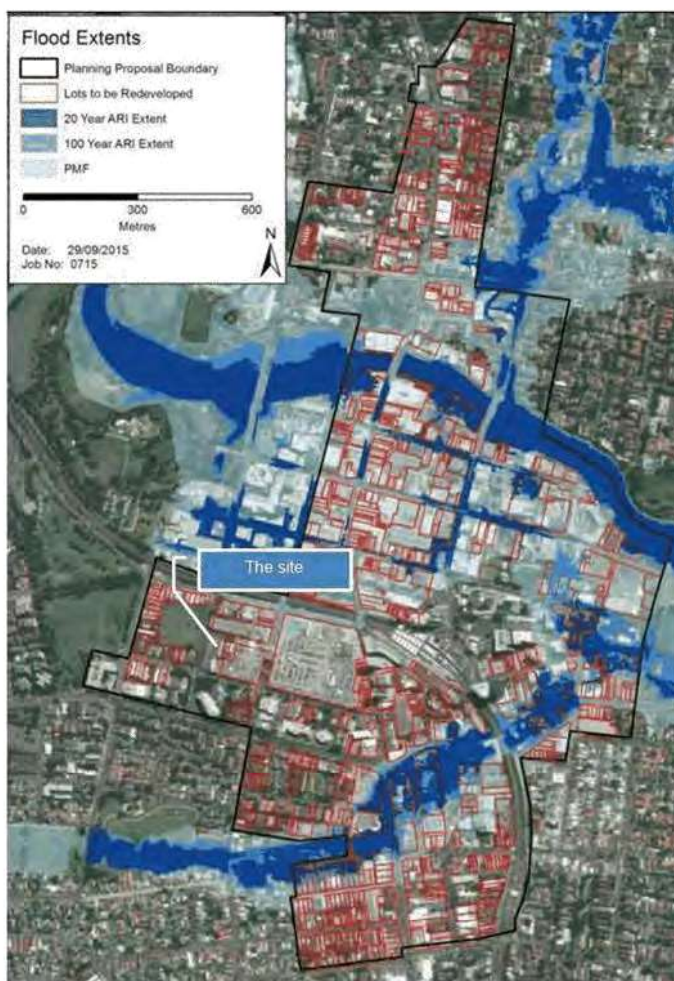


Figure 15 – Existing flooding extent extracted from the Draft Updated Parramatta Flood Risk Management Plans

Figure 15 above illustrates the site is not affected by flooding constraints.

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4.2 Proposed controls

The figures in this section (Figures 10 and 11) illustrate the proposed building height and floor space ratio controls sought by this planning proposal.

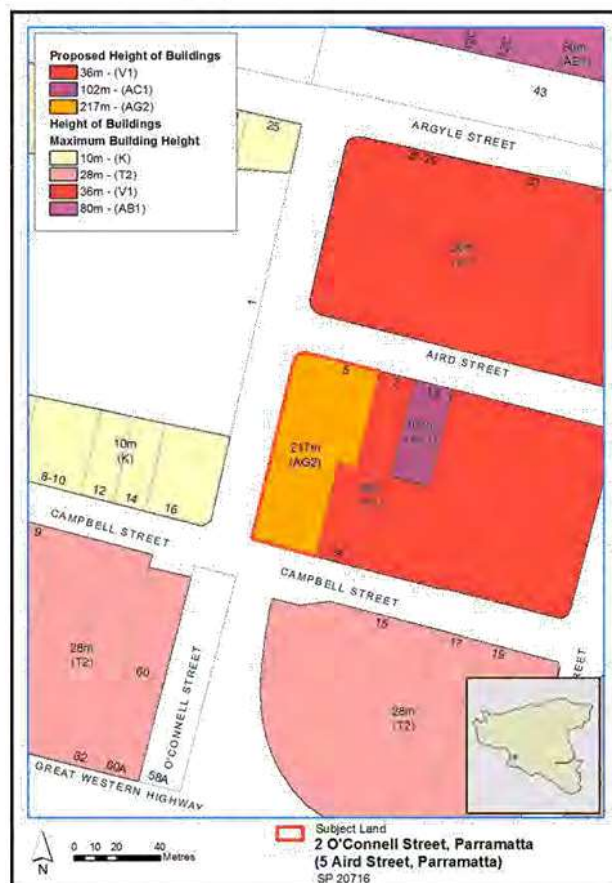


Figure 16 – Proposed amendment to the PLEP 2011 Height of Building Map
Figure 16 above illustrates the proposed 217m maximum building height.

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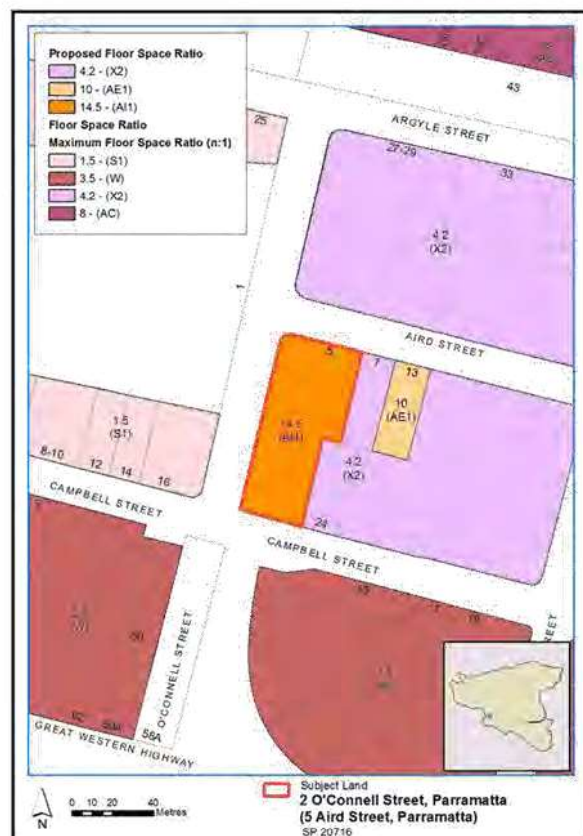


Figure 17 – Proposed amendment to the PLEP 2011 Floor Space Ratio Map
 Figure 17 above illustrates the proposed 14.5:1 FSR over the site.

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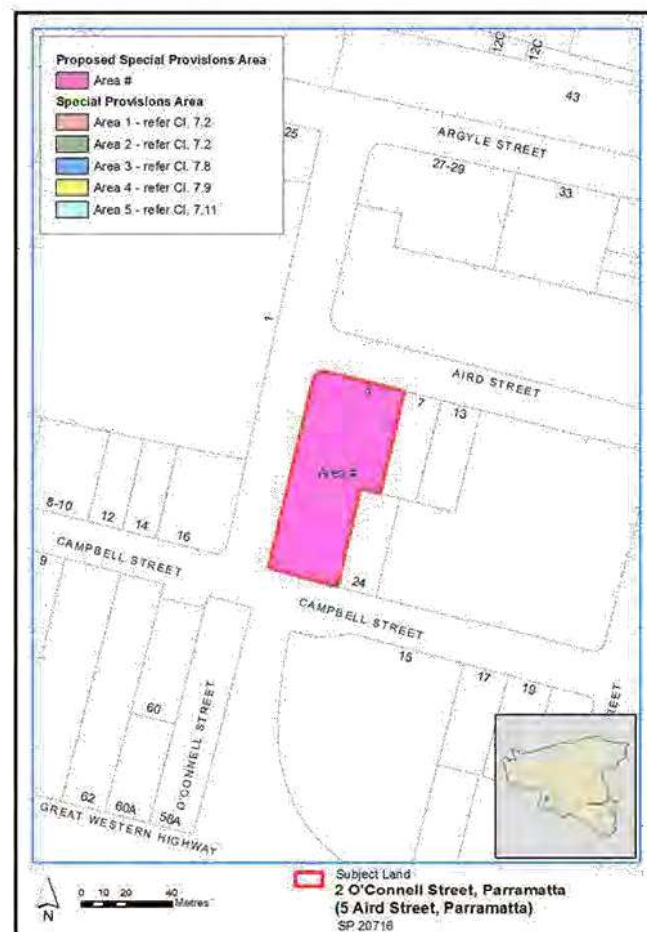


Figure 18 – Proposed amendment to the PLEP 2011 Special Provisions Map

Figure 18 above illustrates the proposed addition of "Area #" to the Special Provisions Map, to which a new site specific "Clause 7.#"¹ will apply.

¹ The Clause number will be determined prior to the gazettal of the amendment to PLEP 2011.

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2 O'Connell Street, Parramatta - Amended Planning Proposal

Planning Proposal - 2 O'Connell Street, Parramatta

PART 5 – COMMUNITY CONSULTATION

In accordance with Section 57(2) of the *EP&A Act 1979*, the planning proposal (as revised to comply with the determination under section 56 and in a form approved by the Secretary) is to be made publicly available during the period of community consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

Pursuant to Section 57(8) of the *EP&A Act 1979* the Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

PART 6 – PROJECT TIMELINE

The detail around the project timeline is expected to be prepared following the referral to the Minister for a Gateway Determination.

The following steps are anticipated:

- Referral to Minister for a Gateway determination (September 2017)
- Resubmission to Department of Planning and Environment (March 2018)
- Referral to the Minister for review of the Gateway Determination (April 2018)
- Gateway Determination Issued (May 2018)
- Exhibition and referral (June 2018)
- Consideration of submissions (July 2018)
- Consideration of proposal post exhibition and reporting to Council (August 2018)
- Submission to the Department to finalise the LEP (September 2018)
- Notification of instrument (November 2018)

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Appendix 1 – Draft Site-specific clause

Potential Draft Clause to be included in the Parramatta LEP.

Note: The clause is draft only to demonstrate the intent of the clause and may be amended post-exhibition as part of the legal drafting process and prior to this amendment coming into force.

Clause 7. # Development on land at 2 O'Connell Street, Parramatta

- (1) This clause applies to land at 2 O'Connell Street, Parramatta, Parramatta, legally known as SP 20716 and identified as "Area # " on the Special Provisions Area map.
- (2) Any development involving the construction of a new building proposed under this clause must include:
 - a. Commercial floor space of at least 1:1 floor space ratio; and
 - b. The development is able to demonstrate an appropriate transition to any heritage items or conservation areas.
- (3) Despite Clause 7.10(8):
 - a. the maximum FSR outlined on the Floor Space Ratio map is inclusive of any Design Excellence incentive floor space;
 - b. The maximum height outlined on the Height of Buildings maps is inclusive of any Design Excellence incentive height
- (4) The consent authority may grant consent to a development including additional 0.5:1 FSR beyond the maximum FSR outlined on the Floor Space Ratio map provided that the following High Performing Buildings standards are met:
 - a. Any part of the building used for office premises must comply with the following standards:
 - i. The energy target is a maximum 140 kg/m2 per year.
 - ii. The water target is a maximum .65 kL/m2 per year.
 - b. Any part of a mixed use development which is used for commercial premises must comply with the following standards:
 - i. The energy target is a maximum 140 kg/m2 per year.
 - ii. The water target is a maximum .65 kL/m2 per year.
 - c. Any part of the building used for retail premises (if the total retail premises gross floor area of the development is 5,000 square metres or greater) must comply with the following standards:
 - i. The energy target is a maximum 100 kg/m2 per year
 - ii. The water target is a maximum .95 kL/m2 per year
 - d. Any part of the building used for a dwelling must comply with the following standards:
 - i. The energy target is a minimum 10-point increase in the BASIX score compared to current requirements.
 - ii. The water target is a minimum 10-point increase in the BASIX score compared to current requirements.
 - e. A report prepared by a qualified consultant is provided to the satisfaction of the Council which verifies that, if all of the commitments relating to the building design (namely the building form and layout) listed in the report are fulfilled, the development will comply with all of the targets which apply to the development under subclause 7.xx(4); as the case may require.
- (5) The consent authority may grant consent to a development including additional 1.2 non-residential floorspace (beyond the 1:1 minimum commercial floorspace required in 7.xx(2)(a)).

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which may be excluded from the maximum floorspace otherwise described on the FSR map and in this clause, and

(6) The additional floor space referred to in sub-clauses 7.xx(4) and 7.xx(5) above are not subject to a Design Excellence incentive floorspace or height as outlined in Clause 7.10(6).

(7) The maximum parking rates for any development proposed under this clause are as follows:

a. The maximum parking rates which apply to any part of the building used as a dwelling are:

- i. For each studio dwelling - 0.1 spaces, and
- ii. For each 1 bedroom dwelling - 0.3 spaces, and
- iii. For each 2 bedroom dwelling - 0.7 spaces, and
- iv. For each 3 or more bedroom dwelling - 1 space.

b. The maximum parking rates for any part of a building used for the purposes of commercial or community uses is established by the following formula:

$$M = (G \times A) / (50 \times T)$$

Where:

M is the maximum number of parking spaces;

G is the gross floor area of all commercial and community uses in the building in square metres, and

A is the site area in square metres, and

T is the total gross floor area of all buildings on the site in square metres.

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Appendix 2 – Heritage Study

Refer to separate attachment or contact Council's Project Officer, Vas Andrews on 9806 5804.

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Planning Proposal - 2 O'Connell Street, Parramatta

Appendix 3 – Urban Design Report and Reference Designs

Refer to separate attachment or contact Council's Project Officer, Vas Andrews on 9806 5804.

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Prepared by City of Parramatta

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

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Attachment 2:

Council resolution of 26 February 2018, as amended 12 March 2018

- a. **That** Council endorse forwarding amended Planning Proposals for 12 Hassall Street, Parramatta to the Department of Planning and Environment in order to facilitate progression of Gateway Determinations;
- b. **That** Council affirm that the planning outcomes which Council sought through the original proposed structure of these two Planning Proposals are unchanged;
- c. **That** Council specifically reaffirm its position on these Planning Proposals as follows:
 - i. **That** delegated authority be given to the CEO to negotiate Voluntary Planning Agreements (VPAs) with the respective landowners in relation to these Planning Proposals on behalf of Council, that these negotiations be undertaken in line with Council's resolution on value sharing rates of 10 April 2017 (Item 8.3), and that the outcomes of these negotiations be reported back to Council prior to public exhibition of the respective VPAs.
 - ii. **That** site-specific Development Control Plan (DCPs) be prepared in association with these Planning Proposals and reported to Council prior to their public exhibition.
 - iii. **That**, pending the outcomes of the respective Gateway Determinations, the Planning Proposal, VPA and DCP for each be placed on public exhibition concurrently.
 - iv. **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegations for these Planning Proposals as authorised by
That Council grant delegated authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process for either of these Planning Proposals.
- d. **That** for clarity, the recommendation detailed above applies to both Planning Proposals, but does not intend to link together the future progression of their separate and individual statutory processes.
- e. **Further, that** Council bring forward a report regarding the Planning Proposal for land at 2 O'Connell Street, Parramatta specifically referencing the impact the planning proposal may have on the significant heritage item that is St John's Cemetery which is the oldest burial ground in the Colony of NSW.

PLANNING PROPOSAL HERITAGE ASSESSMENT



2 O'Connell Street Parramatta

DECEMBER 2016

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ISSUED	REVIEW	ISSUED BY
Dec 2016	Final	Robert Staas



EXECUTIVE SUMMARY

This report has been prepared to accompany a Planning Proposal for the redevelopment of land at 2 O'Connell Street Parramatta that is located in the vicinity of the St Johns Cemetery, an item of National significance that is entered on the State Heritage Register under the NSW Heritage Act.

The Cemetery is clearly defined by its boundary wall that forms the frontage of that site to O'Connell Street opposite the subject site. Existing development surrounding the cemetery has a visual impact on its setting both from the outside of the wall in the public domain and from within the enclosed space.

The development that would arise from an approval of the current planning proposal options would have an increased visual impact on the cemetery but would have relatively low impact on the identified heritage values and significance of the place.

The existing building occupying the subject site is not identified as a heritage item and there are no other heritage items in the immediate vicinity apart from the cemetery. The site has no identified archaeological potential.

Parramatta City centre and the perimeter areas are undergoing a substantial change in character as major developments continue to be implemented as a 21st century overlay to the early colonial layout of the town. These developments have been considered in the light of their impact on the surviving Colonial heritage items and spaces within the town centre.

The St Johns Cemetery occupies a site that is at the very edge of this new development pattern in the CBD and because of its clearly defined open character with a surrounding wall is somewhat isolated from it.

Views of the tower elements of the proposed development will in time be read against higher development already approved for the town centre and will not result in significant adverse impact on the wider setting of the cemetery. The proposed Podium concept for O'Connell Street provides for an adequate transition in scale that also provides a unified presentation on the street frontage opposite the heritage item.

The significant vista along Airds Street to the central path of the cemetery will remain unaltered and should be reinforced in any final design proposal for the sites on either side of that street.

Adequate provision for street tree planting along the eastern side of O'Connell Street should form part of any final design resolution to re-establish a more landscaped setting for the Cemetery.

Major Recommendations

This assessment finds that there is no significant adverse impact on the identified heritage values of the St Johns Cemetery site as set out in the NSW Heritage Office Inventory and that the potential visual impacts on the wider setting of the item can be appropriately mitigated through detailed design for any future building and landscape works.

In particular, the northern edge of the new development to Airds Street needs to consider the existing axial view from the cemetery path and the public domain landscaping of the eastern side of O'Connell Street should be enhanced.

This assessment finds that the form of development arising from the Planning Proposal is compatible with the wider setting of the heritage item located opposite this site and that the form of development is an appropriate one to define the western edge of the Parramatta CBD.



This assessment also finds that impacts on the wider setting of the World Heritage Precinct containing Old Government House would not be unreasonable in the context of this developments proximity to the emerging city centre character of Parramatta.

This report recommends approval of the Options provided in the Planning Proposal.

A handwritten signature in black ink that reads "Robert Staas".

ROBERT STAAS
Associate Director / Heritage Consultant
NBRSARCHITECTURE.

December 2016



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PLANNING PROPOSAL FOR 2 O'CONNELL STREET PARRAMATTA

1.1 INTRODUCTION

This Heritage Assessment was prepared for Stata Plan 20716, by NBRS+PARTNERS to accompany a Planning Proposal for the potential redevelopment of land at 2 O'Connell Street Parramatta involving an increase in allowable height and density for the site over that currently available under the existing planning controls. The site is located in an area of the city identified as City Core. The site does however form the perimeter of that area.

1.2 DEFINITION OF THE STUDY AREA

The site is located on the western edge of the Parramatta Central Business Area south of the railway corridor. The site has its principal frontage to O'Connell Street and secondary frontages to Aird Street and Campbell Street. Located to the west of the site is the heritage listed St Johns Cemetery. Located to the east is the large commercial complex comprising Westfield Shopping Centre.

The location and its context is shown in Figure 1 and Figure 2.

NSW Land & Property Information describe the site as Strata Plan (SP) 20716 which comprises 63 allotments.



Figure 1 _ aerial view showing the subject site in relation to its context in Parramatta.



Figure 2 – Site location plan. (Source: NSW Land & Property Information, SIX Maps)

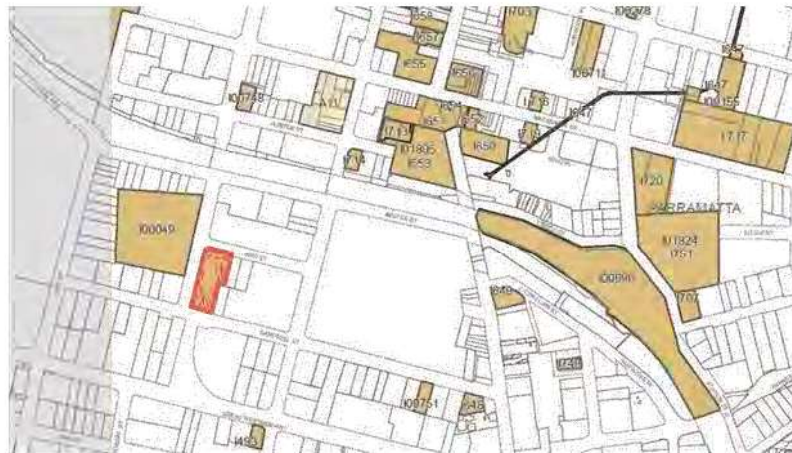


Figure 3 - Extract from Parramatta LEP 2011 Heritage Map showing heritage items located in the vicinity of the subject site.

1.3 STUDY OBJECTIVES

This Heritage Report is intended to identify any heritage values associated with the site and its context in the vicinity of a listed heritage item in accordance with the standard assessment criteria and to determine the potential for the proposed redevelopment of the site. The study is to provide advice for the adoption of Planning Proposals for the site such that they will limit any potential adverse heritage impacts on the adjacent heritage item.



1.4 METHODOLOGY

This report generally follows the format set out in the document entitled *Assessing Heritage Significance (2007)* published by the NSW Heritage Office. The terms *fabric*, *place*, *preservation*, *reconstruction*, *restoration*, *adaptation* and *conservation* used throughout this report have the meaning given them in *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) 1999*.

1.5 LIMITATIONS

The report is a result of analysis of available research material combined with a physical assessment of the existing site the current building fabric and a streetscape analysis.

1.6 AUTHORSHIP

This report was prepared by Robert Staas,, Heritage Consultant and Associate Director, using research and a history written by Léonie Masson, Historian, of NBR ARCHITECTURE.



2.0 DOCUMENTARY EVIDENCE

2.1 PRE-EUROPEAN HISTORY

Parramatta was occupied by the Darug Aboriginal people prior to the arrival of the British in 1788. It is part of their traditional hunting and fishing grounds. The Burramattagal clan of the Darug lived at the head of the harbour. Areas near the Parramatta River were an important area for camping and fishing for 10,000 or more years. In the fresh water they caught mullet, crayfish, shellfish and turtles and in the salt water eels, fish, shellfish and molluscs. Fish were an important part of the diet of people living in the Sydney region in pre-colonial times. Trees, stringybark (*E. agglomerates*) and bangalay (*E. botryoides*), provided resources for making canoes for fishing. An extensive Aboriginal presence in the area of Parramatta was documented by the British who set out from Sydney Cove to explore the Parramatta River and locate fertile land to grow the crops needed to sustain the new arrivals.¹

2.2 HISTORICAL BACKGROUND – EARLY SETTLEMENT²

The area of Parramatta, then Rose Hill, was settled in November 1788 and was the second British settlement on mainland Australia. Governor Phillip sent out exploring parties to survey Sydney Harbour and the river at the head of the harbour shortly after landing at Sydney Cove. On Sunday 2 November 1788 Governor Phillip and others, including marines, established a military redoubt at Rose Hill. Convicts were sent to Rose Hill to commence farming as this land was considered to be more fertile than the land near Sydney. Initially an agricultural settlement, it soon became a small town and grew in importance.

With the success of farming at Rose Hill, Phillip decided to expand the settlement. In 1790 Governor Phillip and Surveyor Augustus Alt laid out a town plan with High Street (George Street) running between the planned site of Government House and the Landing Place at the eastern end of Parramatta, near Harris Street. The township was laid out on land previously used for growing crops.³ As set out, George Street was 205 feet (63 m) wide and a mile (1.6 km) long. On either side of the street, huts were to be erected, each capable of containing 10 persons and at a distance of 60ft (18.5m) from each other, with a garden area allotted at the rear of each hut. Tench and Collins wrote that they were 60ft (18.5m) apart but Governor Phillip had written to the British Government they were to be 100ft (30.8m) apart. The huts were to be built of wattle and daub with thatched roof and were to be 12 by 24ft (3.7 x 7.4m). The new street and the huts were built by the convicts from July 1790. By September 1790 bricks were being fired for a barracks and store house and 27 huts were being built along High Street (George Street).⁴

Phillip renamed the township Parramatta by November 1791. Parramatta, meaning lots of eels, was the name given by the traditional owners.⁵ Parramatta township referred to the area from the foot of Rose Hill and the land for one mile along the creek (Parramatta River). In a painting by Brambila (1793), an artist on a Spanish expedition, the main street has rows of modest huts regularly spaced along the street leading towards Government House (Figure 4). For a period, Parramatta, as the main agricultural settlement and focus of convict labour, became the main township with Sydney being less important.⁶

In time, as convicts were freed and free settlers acquired houses in the town, a less rudimentary town emerged. Huts, and later houses, were bought and sold although the possessors had no title to them apart from the right of occupancy of a piece of land assigned to them by the magistrates or the

¹ PHALMS 2000:94; Australian Museum website.

² This text is similar to Casey 2009.

³ Tench 1979:195, Nov 16, 1790.

⁴ David Collins, *An account of the English Colony in New South Wales (1798)*; Watkin Tench, *Sydney's First Four Years (1793)*

⁵ HRNSW 1(2):539

⁶ Tench 1979:258, December 8, 1791

Governor. In order to regularise the situation, the crown commenced to issue leases for town allotments, both in Sydney and Parramatta, for either 14 years or 21 years' duration. There was a trickle of leases issued from the 1790s onwards, usually to people with business interests in the town who were seeking security of tenure. Between 1790 and 1820 convicts had to provide their own accommodation. After this time convicts were housed in barracks rather than the earlier huts, allowing the land to become available for emancipists and new settlers. Soon convicts were sent on assignment to labour on rural properties where the owners had to provide food, clothing and accommodation. Often married convicts were assigned to their free or emancipist spouse or relative.⁷

After the replacement of Governor Lachlan Macquarie in 1821 by Sir Thomas Brisbane and in the wake of the Bigge commission into the colony, the Surveyor-General, John Oxley, was delegated to create order from the chaos of town tenures across the colony. After Parramatta was comprehensively mapped in 1823, in order to establish the identity of the holders of town lands, many occupiers were offered leases from the crown, which they accepted. All leases were dated as 30 June 1823. On the basis of these leases, householders in Parramatta could apply for a grant of land if they had erected buildings worth over £1,000 or, alternately, they could obtain a grant by the payment of 21 years quit rent.

Since the Crown took much greater interest in the nature of landholding in Parramatta after 1823, there is consequently far greater information about the nature of buildings, improvements and the identity of landholders in Parramatta after that date.

Interpretations of High Street usually describe it as a very wide avenue and Watkin Tench in November 1790 observed ironically that 'it is to be of such breadth as will make Pall-Mall and Portland Place "hide their diminished heads"'.⁸ Yet this is not the image presented by early illustrations of Parramatta (Figure 4 and Figure 5). While the houses are set back from the road there were probably gardens in the area between the road and 'convict hut'. Brambila does indicate the use of ditches (right foreground) which appear to have also operated as stormwater drainage lines.



Figure 4 – Fernando Brambila's view of George Street showing convict huts aligned along George Street (middle ground) with Government House (middle-left), 1793. This is the original drawing given by the Spanish visitors to Lieutenant-Governor Grose who sent it back to George III. The four figures in the middle ground are probably Spanish naval officers. (See Figure 5 for detail).

⁷ Kass in Casey & Lowe 2002; Liston in PHALMS 2000:97.

⁸ Tench 1793 (1979):195.



Figure 5 — Detail of Fernando Brambila's view of George Street showing the convict huts aligned along George Street, 1793. (Source: British Library, Maps Library, copy in Mitchell Library, SLNSW).

The typical interpretation of a wide High Street is based on descriptions and plans. It has been interpreted by Morton Herman as Phillip laying out a grand boulevard as in a Renaissance or more probably a Baroque layout. Macquarie then redesigned this alignment and caused the houses to be placed on the narrower street alignment.⁹ Perhaps this interpretation needs to be considered further in the light of these two recently published images. Previous images showing High Street were a single painting or lithograph; the latter must always be treated with suspicion if it is the only evidence available for what an area looked like.¹⁰ Higginbotham in his various reports has adopted the interpretation of the streets and layout as being ramshackle. In the PHALMS report it was noted that Phillip's grand avenue 'was never really achieved. Instead, a haphazard development on larger than normal allotments was a feature of the town until the mid-nineteenth century'.¹¹ The CMP for the Hospital site calls it a 'landscape of control' and notes that the 'tight regimentation reflected the fact that the majority of settlers were convicts and the colonial government sought to impose order on them...The orderly settlement of Parramatta went hand-in-hand with government policy'.¹² This is an issue for further debate which the archaeological evidence of the convict huts may assist in furthering our understanding.

One tentative interpretation is that with the granting of further leaseholds there was a need to fence individual property boundaries because of the 'private ownership' of these lands rather than those occupied by convicts. In addition, on Evans' c. 1804 plan (Figure 6) lines are used to represent the alignment of the original huts, the presence of fences within the original 205 ft (63 m) roadway and a narrower road alignment. It is likely that Macquarie was responding to this practice as established (or allowed) by King. Further evidence supporting the new use of the front part of the properties is that it was noted in March 1791 that the rear yards of the convict huts were to be used for individual gardens and there was no mention of the front yards.¹³ In addition, the 1793 drawing is not clear on this issue but suggests this space is being used in relation to the houses rather than as part of the public road. Governor Phillip had of course left the colony some four months earlier and his instructions may no longer have been adhered to, as happened with the Sydney Domain.¹⁴

In 1802, François Péron described Parramatta as:

Seated in the middle of a fine plain on the banks of a river of the same name, which can be ascended by small vessels as high as the town itself. It is not so large as Sydney Town but contains about a hundred and eighty houses, which form a grand street, parallel with the river...At one of the extremities of Parramatta are barracks, capable of accommodating two

⁹ Kass et al. 1996:22-23.

¹⁰ Casey 2002:ch 5, 62-65.

¹¹ PHALMS 2000:61.

¹² DPWS 2003:23-24.

¹³ HRNSW 3:775.

¹⁴ Casey 2002.

hundred and fifty to three hundred infantry. The whole population of Parramatta, including the garrison, and the inhabitants of the neighbouring farms, is estimated at from fourteen to fifteen hundred souls.

In 1814, Governor Macquarie laid out a number of additional streets in Parramatta, including O'Connell, Marsden and Phillip Streets, as well as a number of other streets. The main street grid for Parramatta, other than the original early streets, mostly dates from 1814.



Figure 6 – Evans' plan of Parramatta, 1804. (Rosen 2003)

2.3 ST JOHNS CEMETERY

The following information is reproduced from "The Parramatta Cemeteries - St John's" by Judith Dunn of the Parramatta and District Historical Society, 1991.

St John's Cemetery, the oldest existing European burial ground in Australia, was established on the southern outskirts of the Rose Hill settlement in 1790. There were ten burials in the cemetery by the end of 1790 and a further 67 in 1791.

The death of Henry Edward Dodd, 28.1.1791, approximately one year after the first burial in the cemetery, has given Parramatta two important firsts. Dodd was Superintendent of convicts employed in cultivation at Rose Hill and his was the first public funeral in the colony. His headstone is the earliest *in situ* in Australia. It was an indication of the esteem in which Henry Dodd was held that when the colony was facing famine, a headstone was provided. It simply inscribed, *H. E. Dodd 1791*.

A Government Order dated Saturday 11 May 1811 stated:

...It being a sacred Duty incumbent on All, to guard and protect the Remains of their deceased Friends from every unnecessary Exposure, it hence becomes necessary that the several Consecrated Burial Grounds should be speedily inclosed in a decent manner.

The inhabitants of Parramatta began an Enclosure Fund in accordance with the government order. The resulting ditch and fence cost £82-4-7, a large sum of money in 1811, and indicating that it must have been a very substantial barrier as convict labour was fairly readily available. However, by the early 1820's the bank and ditch enclosure had fallen into decay and Governor Brisbane gave instructions for the brick wall, which still stands, to be built around the site.

Unfortunately, no records survive that detail any aspect of the construction of the wall; tile brickmaker, builder, and cost are all unknown. The bricks are, however, the typical apricot colour and similar in texture to other bricks known to have been made in Parramatta. Many of the bricks in the wall have impressed arrowhead marks. John Clew's bricks, distinguished by his elongated heart frog mark and by their speckled markings due to impurities in the clay, were subsequently used to repair the walls. He had a particular affinity for the cemetery and its wall and when dying, requested he be buried "as close to his beloved brick wall as possible". His grave is alongside the northern boundary.

From the earliest years to late Victorian times the cemetery has seen a huge variety of funerals from the poorest to the most showy and elaborate. Both local and Sydney papers prove a valuable source of information for funeral services and customs of the times. The funeral of D'Arcy Wentworth Esquire took from one o'clock until four o'clock to wend its way from Homebush to the graveside. The Reverend Samuel Marsden was buried "in his own churchyard at Parramatta and upwards of sixty carriages formed the mourning procession."



Figure 7 - St John's Cemetery, Parramatta, around July 1870 / American and Australasian Photographic Company. (Source: Historic Houses Trust, 37945)

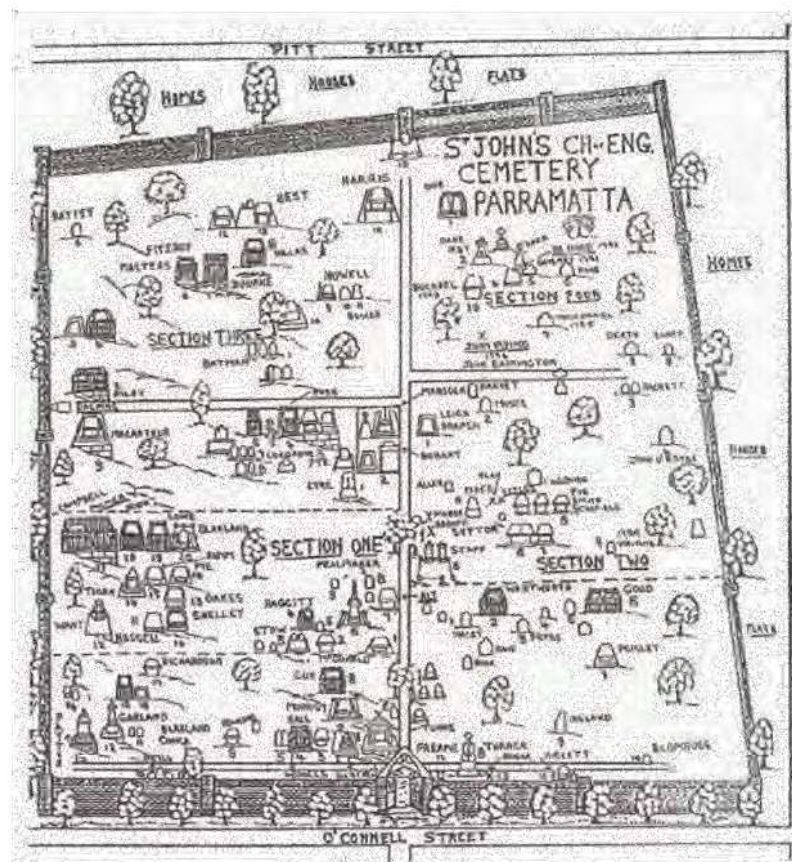


Figure 8 – St John's Cemetery Parramatta. (Source: *The Parramatta Cemeteries - St John's* by Judith Dunn)



Figure 9 - View across St John's Cemetery towards the railway on the north showing existing development located on the edge of the site. (source State Heritage Register entry)

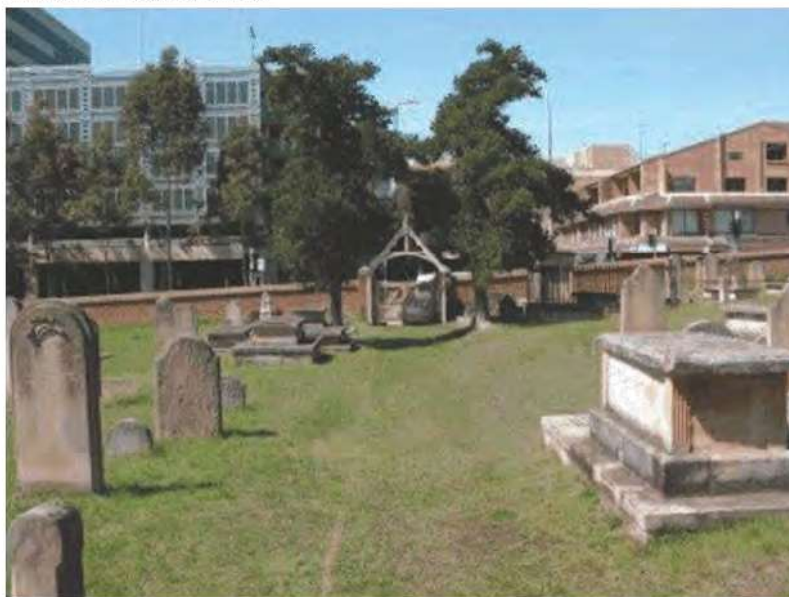


Figure 10 - View looking down central path to Lych gate and O'Connell street with the subject site opposite on the right. (Source State Heritage Register entry)

PLANNING PROPOSAL - 2 O'Connell Street Parramatta

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Figure 11 - View across cemetery looking towards the subject site in O'Connell Street. (Source State Heritage Register entry)



Figure 12 - O'Connell Street entry to St Johns Cemetery showing boundary wall and later Victorian Lych Gate. (Source State Heritage Register entry)



Figure 13 - View across cemetery to residential developments on the south and west. (Source State Heritage register entry)



Figure 14 - St John's cemetery boundary walling that extends around the site and creates the frontage to O'Connell Street (Source State Heritage Register entry)

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Figure 15 - View over St John's Cemetery looking south west showing surrounding development.

PLANNING PROPOSAL - 2 O'Connell Street Parramatta

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2.4 PARRAMATTA ARCHAEOLOGICAL MANAGEMENT UNIT 3207

These historical notes are reproduced in full from the NSW Heritage Inventory form (<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2243207>, accessed 6 December 2016). The land comprised in this PAMU immediately adjoins the subject site to the east.

An early plan of the Rosehill settlement (c1790) shows the subject area as part of 'enclosures for cattle'. While there were some free settlers in the town, it was prisoners' huts that dominated the town allotments. The first permanent dwellings constructed in the new town were concentrated along the principal thoroughfares of George, Macquarie and Church Streets. Allotments in George and Macquarie Streets were the site of a number of convict huts that were later occupied by free persons. Each of the convict huts was accompanied by a garden plot. From the earliest settlement, both the convicts and the garrison had been encouraged to plant gardens to relieve the pressure on the Government stores and to provide fresh produce to the town.

A view of the settlement from 1793 shows the area south of Macquarie Street as cleared. This was about the time that what is now St Johns cemetery had been alienated for use as a burial ground.

The subject area was marginal to the early town centre. The 1804 plan of the township shows this area as vacant at this time. Land south of Hunter Street remained largely unoccupied at this time, including the subject area.

In 1811, the newly arrived Governor Macquarie laid out the town of Parramatta in a grid pattern, extending Pitt and Macquarie Streets and creating Phillip Street. Between 1810-14, Smith Street was also created and aligned. Part of Macquarie's plan for Parramatta was the removal of all convicts into a barracks that was completed in 1821. This opened up the town to increased settlement, as the former huts were vacated. Macquarie also implemented a system whereby, to obtain a town lease, the applicant needed to provide building plans prior to the approval of the lease. While the civilian population continued to rise from 1810, investment was hindered by this leasehold system.

During the administration of Governor Macquarie, four-fifths of the houses in Parramatta were held by permissive occupancy alone. The lack of legal status of land occupancy caused a great deal of uncertainty for occupants. Between 1822-3, Parramatta was surveyed and owners and occupiers of land were identified. Of 390 allotments, only ten were held by lease at this time. By 1833, a Commission was established to convert leasehold to grants based on the presence of a structure on the allotment worth at least 1000 pounds.

The 1822 Plan of the Town of Parramatta shows the current street alignment within this area, though the allotments were much larger than the current configuration. This plan shows that both allotments were vacant at this time. By 1844, two wooden buildings had been constructed fronting Aird Street, within an allotment leased to Larkin and granted to Payten by 1844 during the period of leasehold conversion. The allotment fronting Campbell Street, leased to and purchased by W Shelly, remained vacant at this time.

The 1895 Detail Survey Series for this area (Sheet 24) shows two semi-detached houses fronting Aird Street by this time, with a privy at the rear, and the allotment fronting Campbell Street still remained vacant.

By 1951, the Aird Street houses remained intact and the Campbell Street allotment remained vacant. A free-standing brick house was constructed at 24 Campbell Street after 1951 (which still remains intact) and the Aird Street houses were replaced by an apartment building after 1970.



Figure 16 - Boundary of AMU 3207, showing property information, formerly comprising a single-storey brick house at 24 Campbell Street and a three-storey apartment building at 7 Aird Street. Note: This map is indicative only. For full details, please refer to the Parramatta Historical Archaeology Landscape Study 2000 available at Parramatta City Council. (Image by: Godden Mackay Logan / Image copyright owner: Godden Mackay Logan)

2.5 HISTORY OF THE SUBJECT SITE

The subject site is presently known as Strata Plan 20716, being originally part of Lots 4, 7, 21 & 22 in Section 4 of the Town of Parramatta.

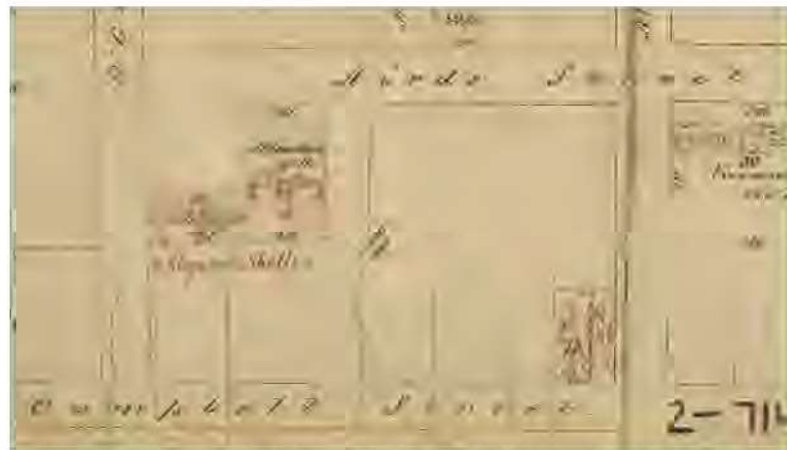


Figure 17 - Detail from Copy of Map of Town of Parramatta, undated (c1840s). Shows allotments for which deed have been issued in Section 4. (Source: NSW Land & Property Information, Crown Plan P2-714)

Apart from Lot 22, the land awarded to N Payten, there was no development on the subject land before 1844 (Figure 16). Between then and 1895, only one cottage was erected within the study site on O'Connell Street, possibly a house called "Hillside" on Lot 4, originally granted to E Shelly (Figure 19). Note the houses in Aird Street adjoining the subject site of which the freestanding building on the left is comprised in the subject site. Elizabeth Shelly's Lot 7 (Croner of O'Connell and Campbell Streets) remained vacant land.



Figure 18 – Detail from an of the town of Parramatta and the adjacent properties / as surveyed by W. Meadows Brownrigg, 1844. Approximate location of study site circled red thereon. (Source: State Library of New South Wales, Digital Order No. a3705001)



Figure 19 – Extract from Detail Survey Parramatta Sheet 24, 1895 showing approximate location of subject site outlined red thereon. (Source: State Library of New South Wales, c1364026)



Figure 20 – Detail from Map of the town of Parramatta: parishes of St. John and Field of Mars, county of Cumberland, land district of Parramatta, c1920. Approximate location of subject site circled red thereon. (Source: State Library of New South Wales, Digital Order No. a6385001)



Figure 21 – Detail from 1943 aerial survey of the subject site. (Source: NSW Land & Property Information, SIX Maps)

By 1943 (Figure 21), the subject site comprises six residential buildings on the three street frontages.

In May 1981, JD Enterprises Pty Ltd of 32 Ferry Street, Hunters Hill lodged an application to erect an "office block" on lots 21/22 at the corner of Aird, O'Connell and Campbell Streets, Parramatta at an estimated cost of \$2 million.¹⁶ Though the register does not record the decision, this application was approved and consequently built by 1982. The completed building was named "St Johns Garden Court". It was registered as SP 20716 in 1983.

¹⁶ BA81/192, Parramatta Building Register



3.0 STATEMENT OF CULTURAL SIGNIFICANCE

3.1 ST JOHNS ANGLICAN CEMETERY

The cemetery is listed as an item of State Significance in the State Heritage Register maintained by the NSW Heritage Council.

The Statement of Significance for the cemetery is given as:

Containing First Fleet Graves.

Association with notable events or people - Monuments. Site possesses potential to contribute to an understanding early urban development in Parramatta and to an understanding of religious belief and burial customs in early NSW.

The Description of the cemetery is given as:

The cemetery faces O'Connell Street on its eastern side, its only street access. It is surrounded by a high (c.3m) wall of convict-made bricks with an angled 'peak' top, constructed in 1820s

A lych gate with roof frames the entry gates in the centre of the eastern wall.

The cemetery 'floor' is grassed and almost devoid of trees. Three upright conifers - book leaf cypresses / Chinese arborvitae (Platycladus (syn. Thuja) orientalis) frame the central path - in what would have been two pairs.

To the south a large jacaranda (J. mimosifolia) tree and a mature bottlebrush (Callistemon sp.) are the only other trees.

The graves are arranged in rough 'quarters' with a single central path and perpendicular side paths.

A wide range of grave stones, table graves, and monuments mark the cemetery, from the very grand to the very modest. Some grave fencing survives around more grandiose monuments, but generally there is an absence of fencing

The condition of the cemetery is given as:

Physical condition is reasonable although some monuments are in poor condition. Archaeological potential is high.

The identified curtilage and listing for St Johns Cemetery is shown in the following plan (Figure 22) that forms part of the State Heritage Register and the Gazette of the site under the NSW Heritage Act. -Section 5 C587.730

The physical curtilage of the item is defined by the boundary wall that surrounds it.

The significance of the Cemetery is not reliant on the form or scale of development on the subject site. Appropriate transitional design character can be achieved through the design of a podium with a limited street wall presentation to O'Connell street and maintenance of the axial view to the west along Airds Street towards the Cemetery

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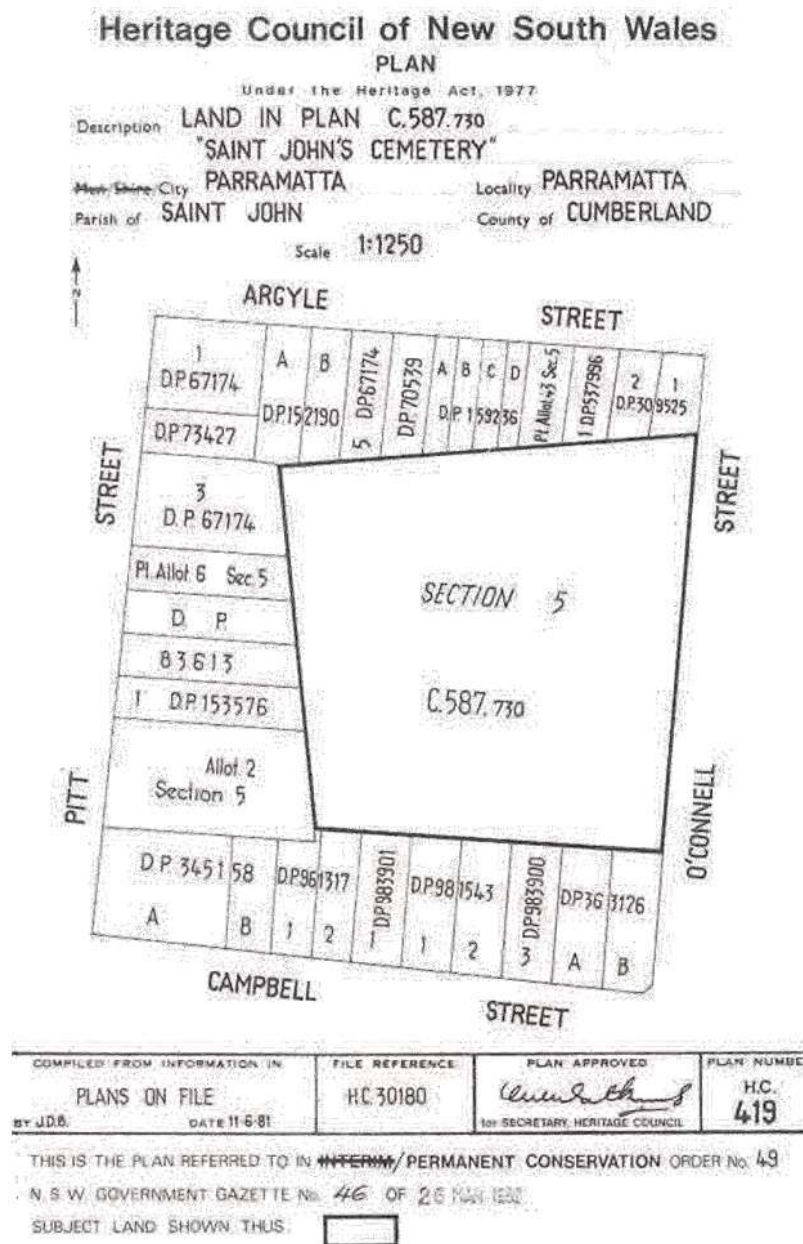


Figure 22 – Plan of Saint John's Cemetery Parramatta. (Source: Heritage Inventory form)



4.0 TRANSITIONAL DEVELOPMENT RECOMMENDATIONS

4.1 HERITAGE STUDY CBD PLANNING CONTROLS

The Urbis Heritage Study 2015 prepared to advise Parramatta Council on development controls adjoining heritage items provides general advice in regard to future development in the vicinity of St Johns Cemetery as follows:

ARGYLE STREET AND THE RAILWAY LINE

The existing development to the west of cemetery is reasonably low in scale (1.5:1 FSR) and provides for a landscaped skyline. Retaining the existing FSR will enhance the setting of the cemetery by connecting to the treed character of Parramatta Park to the west, providing a backdrop to the cemetery. Similarly, retention of the current FSR on the adjoining northern block will provide for sun access to the heritage item and maintain the present setting. The southern block is dominated by apartment development.

Proposed development to the south of an articulated podium form is considered acceptable and uplift in FSR is proposed. At present the cemetery is an isolated item in the landscape and does not respond to extant development, beyond the visual link to the park to the west (which is protected by the retained density).

Recommendation: *The site does not presently have any controls and no FSR is proposed. Existing FSR is to be maintained on the northern and western boundaries to maintain sun access to the cemetery and to retain visual connections and 'green corridor' to Parramatta Park to the west.*

The report provides no recommendations with regard to potential development east of the cemetery. An appropriate scale relationship is achieved by the planning proposal through the adoption of a podium character at the base of the development, 6 metre setbacks over to the tower elements and a 24 metre separation between the two taller components on the site

5.0 SIGNIFICANT VIEW CATCHMENTS

5.1 PLANISPHERE TECHNICAL REPORT & PARRAMATTA DCP

Views to the subject site are available from a range of locations in the surrounding area, particularly from the higher ground to the west of O'Connell Street. Detailed studies of the significant views as they relate to the surviving Colonial structure of the town and in particular the relationship of the World Heritage Precinct containing Old Government House and its curtilage have been prepared by Planisphere and are contained in the report, titled, *Development in Parramatta City and the impact on Old Government House and domain's World & National Heritage listed values – Technical Report*.

That report identified significant view corridors to and from the World Heritage area and made recommendations in regard to future developments in the Parramatta City area. The subject site was identified in that study together with the Cemetery site as being located within the 'Sensitive' area within the 'City Edge' while Mays Hill to the west of the site and the parklands to the north west were identified as 'Highly sensitive'.

The site and the Cemetery were also identified as falling within two view cones from the World Heritage Area identified as being important, View 1 from old Government House to the city and View 5 from the Bath House to the city. Additionally the view of the World Heritage Precinct from Mays Hill (View 16) extends to include the northern perimeter of the subject site.



Buildings approved for development within the city are now or will be visible in these views above the tree canopy that forms the closer context of the heritage items and their immediate setting. The subject site is located on the south west perimeter of this identified view cone.

The report also identifies moderately significant views of the city from the top of Mays Hill located west of the subject site (View 16: Mays Hill). The view cone extends over portion of the Cemetery site and includes portion of the subject site on the southern extent of the view.

The Planisphere Report recommends that development of the City Edge precincts will be secondary to the more intensive development within the central city area. Following discussions with Council Officers, two scenarios for development are proposed. Option one concentrates development at the northern end of the site with a tower of 71 storeys with a lower tower element of 11 storeys on the southern edge. Option 2 provides for a tower on the northern edge of 66 storeys and a slightly taller tower of 21 storeys on the southern edge of the site. Both proposals have a podium base that relates to the street.

Development as proposed under this Planning Proposal would not have any additional impact on any of the identified views over that which has already been approved for the city centre which it adjoins. Differences in the tower heights are largely unrelated to any impacts on the views as they are read against taller development to the east. In both options for the site, the podium height sets the context for a visual relationship with the adjacent heritage item. Shadowing of the Cemetery is not an issue because of its relationship to the subject site.



Figure 23 - Aerial view of the western edge of Parramatta City showing the subject site and the parklands located to the north and west of the site which include Old Government House and Domain.

Planning Instrument	Objective	Outcome
Parramatta City Centre Local Environment Plan (LEP) 2007	To provide for the development and use of land in the city center, and to protect the city center's character and heritage.	To provide for the development and use of land in the city center, and to protect the city center's character and heritage.
Parramatta City Centre Development Control Plan (DCP) 2007	To provide for the development and use of land in the city center, and to protect the city center's character and heritage.	To provide for the development and use of land in the city center, and to protect the city center's character and heritage.
Parramatta City Centre Strategic Development Framework (SDF) 2007	To provide for the development and use of land in the city center, and to protect the city center's character and heritage.	To provide for the development and use of land in the city center, and to protect the city center's character and heritage.

6.0 ARCHAEOLOGICAL POTENTIAL

The site was previously occupied by two layers of residential development prior to the current unit development. The site is not identified as an area of archaeological potential and the extent of disturbance of the site suggests that there would be no significant archaeology present.



7.0 CONCLUSION

This assessment finds that future development of the subject site as proposed in the options for the Planning Proposal for 2 O'Connell Street would not have any significant adverse impact on the identified significance of the St Johns Cemetery which is located opposite the site.

The design of the podium levels and appropriate street tree landscaping to O'Connell street would need to be considered at the detailed design stage for any development of the site.

The development is located within the sensitive zone identified as City Edge relating to the setting and views to and from Old Government House and Domain Precinct but would not result in any significant additional impacts over that created by existing developments to the east which impinge into the identified view cones.

The site itself has no identified heritage values and is unlikely to have archaeological significance relating to earlier development.

For these reasons I support the Planning Proposal options for favourable consideration.

A handwritten signature in black ink that reads 'Robert Staas'.

Robert Staas
Associate Director / Heritage Consultant
NBRSARCHITECTURE

9th December 2016

9 March 2018

Adam Byrnes
Think Planners
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Dear Adam,

Peer Review of Heritage Assessment prepare by NBRS Architecture & Heritage – 2 O’Connell St, Parramatta (Dec 2016)

2 O’CONNELL STREET, PARRAMATTA

I am in receipt of a heritage assessment prepared by NBRS in relation to the proposed development at 2 O’Connell St, Parramatta. I have perused the NBRS document as well as the architectural drawings for the development prepared by PTI Architecture Pty Ltd on drawings dated 24 November 2017.

Of primary importance is the relationship of the proposed new development on Aird, O’Connell and Campbell Streets in relation to the existing St Johns Cemetery located on the site immediately west and northwest of the development. The proposal is for a 66 storey and separate 11 storey residential development on the site in two separate tower buildings separated on plan by an 18m wide courtyard.

The key question to which I am to turn my mind is the height, appearance and overshadowing of the proposed 66 storey tower building in relation to the cemetery.

As I understand it, the subject cemetery occupies the site at the edge of a new development pattern in the CBD of Parramatta conceived under a planning policy to allow very tall residential towers in the CBD of the suburb. The proposal constitutes an increase in allowable height and density under the existing planning controls since it is located in the area of the CBD known as the City Core.

St John’s Cemetery is the oldest existing European burial ground in Australia and was established on the southern side of the Rose Hill settlement in 1790 and by 1791 there were all already 71 burials in the grounds. The cemetery is listed on the State Heritage Register as item 00049 and therefore is of state significance.

Given that a 66 Storey tower is proposed on the site across the road (O’Connell Street), from the burial ground, it is necessary to determine the implications of such a tall structure in relation to the cemetery. There are various issues affecting my assessment of impact upon the cemetery insofar as the proposed 66 storey tower is concerned. I list these as follows:

- There is already existing development surrounding the cemetery on various sites in the CBD of Parramatta that are of substantial height on Church Street, Hunters Street, Macquarie Street, Parramatta Square, Fitzwilliam Street, Parkes Street and Hassall Street; many of which can be overseen from the subject cemetery.
- Tall residential towers some of which (Aspire Tower) are to be in the region of 90 storeys and more under an active planning policy by Parramatta council for the City Core.

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- The proposed subject 66 storey residential tower would form a book-end at the western extent of the planned City Core.
- In other CBD areas such as the City of Sydney there exist an amalgam of small scale heritage buildings in relation to very tall commercial and residential towers i.e. a precedence has already been set for this type of development.
- As a heritage architect with some 30 years' experience in NSW I have come to realise that a delicate balance can be struck between precious heritage items and new development in close proximity. It is the nature of our current world in which both the heritage and the new development can draw upon each other for resources and inspiration. I am therefore satisfied that such a combination is both prevalent and acceptable in heritage terms as a general philosophical approach.

On the strength of the above observations, I have formed the view that the proposed 66 storey residential tower in relation to the State-listed Cemetery would not generate a negative heritage impact. I have formed this view on the basis of two primary concerns; namely visual impact and overshadowing. In relation to the second concern – overshadowing; I note from the PTI drawing number 04 (revision P2) in the set that there will not be any major overshadowing on the majority of the cemetery site. My understanding of this is based up on the winter and summer solstice as depicted on drawings 04 (revision P2).

In relation to the first concern, which is visual impact, as noted above, I am of the view that heritage significance and new development can happily co-exist so long as there is no increase in negative impact upon the heritage item. Although this is a general view, it cannot be applied in every case i.e. not every new development is incapable of generating negative impacts upon heritage items. Nonetheless, in this case I'm in agreement with the NBRs report;

- That existing development surrounding the cemetery already has a visual impact on its setting both from outside the wall in the public domain and from within the enclosed space.
- That development arising from and approval of the current planning proposal may have an increased visual impact of the cemetery but would have relatively low impact on the identified heritage values and significance of the place.
- That the existing building occupying the subject development site has no heritage or archaeological significance identified to date.
- That the Parramatta City Centre area is currently undergoing a substantial change in character as major developments continue to be implemented as a 21st century overlay to the early colonial layout of the town and that such impacts would have already been contemplated by the City Core planning policy.
- That the subject cemetery, notwithstanding the proposed development would continue to remain as a clearly defined open space in a somewhat isolated position from the CBD edge on the western side.
- That views to the proposed tower and other towers will in time be read against high development already approved for the town centre in a similar fashion to that in Central Park, New York which also constitutes a large open space surrounded by tower development.
- The proposed podium concept for O'Connell Street would provide an adequate transition in scale from the 11-storey building to the 66-storey building.
- That the significant vista from Aird Street to the central path of the cemetery will remain unaltered and would probably be reinforced by the tower design.

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On the basis of the above determinations, I conclude that I am in agreement with the assessment of NBRS inasmuch as the form of the development arising from the planning proposal would be compatible with a wider setting of the heritage item located opposite the development site and that its form would be appropriate at the western edge of the Parramatta CBD.

Yours sincerely,



Paul Rappoport – Heritage Architect
CEO

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