

PCU50356

Our Reference: RZ/4/2013
Contact: Jennifer Concato
Telephone: 9806-5767

Rachel Cumming
Acting Regional Director
Department of Planning & Infrastructure
PO Box 39
SYDNEY NSW 2001

19 December 2013

Dear Rachel,

**Planning Proposal – 12-14 Phillip Street, 333 and 339 Church Street,
Parramatta**

Please find attached a planning proposal seeking to amend certain provisions relating to the above addresses in the Parramatta City Centre LEP 2007.

Council resolved on 16 December 2013 to forward the attached planning proposal to the Department for Gateway determination.

Council will not be requesting to exercise its plan making delegations in this instance as the land the subject of this planning proposal is owned by Council.

If you have any queries in relation to this matter please contact me on 9806-5767.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Concato'.

Jennifer Concato
Land Use Planning Manager



Planning Proposal
Riverside Parramatta

12-14 Phillip Street, 333 and 339 Church Street Parramatta

Parramatta City Council

December 2013

Executive Summary	1
1.0 Introduction	2
1.1 Background	2
1.2 'Ideas on Edge' International Ideas Competition	2
1.3 Request for Proposals	4
2.0 The Site	5
2.1 The Locality	5
2.2 Site Description	5
2.3 Existing Development on the Site	7
2.4 Key Planning Controls	7
2.5 Development in the Surrounding Area	10
3.0 Proposed Development	14
3.1 Site	14
3.2 Whole of Site Improvements	17
3.3 Access and Transport	17
3.4 Public Benefits of the Proposed Development	18
4.0 Objectives and Intended Outcomes	19
5.0 Explanation of Provisions	20
6.0 Justification	23
6.1 Need for a Planning Proposal	23
6.2 Relationship to strategic planning framework	23
6.3 Environmental, social and economic impact	41
6.4 State and Commonwealth Interests	56
7.0 Mapping	58
8.0 Community Consultation	59
9.0 Project Timeline	60
10.0 Conclusion	61

Figures

1	Figure 1 – Winning Designs from the 'Ideas on Edge' International Competition	3
2	Figure 2 – Site Locality	5
3	Figure 3 – Aerial view of the site	6
4	Figure 4 – Development site in various colours (Source: Council Works Brief)	6
5	Figure 5 – Extract of City Centre LEP zoning map (Existing)	7
6	Figure 6 – Height of Buildings (Existing)	8
7	Figure 7 – Floor Space ratio (Existing)	8
8	Figure 8– Extract from City Centre LEP heritage map	9
9	Figure 9– Land uses on and surrounding the site (Source: Council Works Brief)	11
10	Figure 10 – 330 Church Street	12
11	Figure 11 – Additional height proposed on 330 Church Street compared to the Riverside Parramatta proposal	13
12	Figure 12 – Proposed ground floor entrance from Church Street to Discovery Centre	14

Contents

13	Figure 13 – Views from proposed Discovery Centre landing/Terrace to Parramatta Park and Old Kings SchoolD	15
14	Figure 14 – Views from proposed Discovery Centre terrace Parramatta Park and Old Kings School	15
15	Figure 15 – Proposed urban design response to Church Street scale	16
16	Figure 16 – Perspective of proposed Church Street entrance	16
17	Figure 17 – Indicative drawing of proposed scale of modified project at 330 Church Street to the Church Street streetscape	16
18	Figure 18 – Indicative Public Domain Plan for site	17
19	Figure 19 – Proposed new zoning map showing zone re-alignment	20
20	Figure 20 – Proposed Building Height Map	21
21	Figure 21 – Proposed FSR Map	22
22	Figure 22 – Proposed reliagnment of zoning boundary	42
23	Figure 23 – Changing context of Parramatta CBD	43
24	Figure 24 – Site context: changing nature of Parramatta CBD built form (source: Council - with site location added by JBA)	44
25	Figure 25 – Areas sensitive to additional overshadowing	45
26	Figure 26 – Awnings and shade structures on Church Street	45
27	Figure 27 – Midwinter shadows 8:30am to 11am	46
28	Figure 28 – Midwinter shadows 12 noon to 3pm	46
29	Figure 29 –Equinox shadows 8:30am to 10am	46
30	Figure 30 –Equinox shadows 11am to 3pm	47
31	Figure 31 – Existing local heritage items fronting Church Street	48
32	Figure 32 – Location of potential European archaeological sites (Source: AHMS Heritage Report)	49
33	Figure 33 – Aboriginal heritage on the site	50
34	Figure 34 – Flood prone land map extract from City Centre LEP	52
35	Figure 35 – Existing and future flood levels for the site (Extract from Council Works Brief)	53
36	Figure 36 – Existing vehicle access arrangements (from Council Works Brief)	55
37	Figure 37 – Acid Sulfate Soils	56

Tables

38	Table 1 – Heritage items on the site and within its vicinity	9
39	Table 2 – Buildings to be removed from heritage schedule	22
40	Table 3 – Consistency with relevant SEPPs	24
41	Table 4 – Consistency with applicable Ministerial Directions	33

Executive Summary

Introduction

This Planning Proposal has been prepared to support the proposed redevelopment of the site at 12-14 Phillip Street, 333 and 339 Church Street, Parramatta. It seeks to amend the *Parramatta City Centre Local Environmental Plan 2007* (City Centre LEP) to facilitate the redevelopment of the site as a premier mixed use redevelopment.

The Site

The site is located at the northern end of the Parramatta CBD within walking distance of Parramatta station and along the Parramatta River foreshore. The South Bank predominantly accommodates an at-grade public car park for 72 vehicles.

Proposed Development

The proposed development on the site is being jointly managed by PCC DevCo1 Pty Ltd (a Joint Venture between LIDIS and Dockside) and Parramatta City Council as part of a Joint Management Committee (JMC). Development on the South Bank will include basement car parking for approximately 320 vehicles and a podium with a range of uses including ground floor retail (café/restaurant), a Council Discovery Centre at level 1, and a Conference Centre at level 2 designed to be integrated with Council's Discovery Centre. Above the podium a 38 storey residential tower will deliver approximately 400 residential apartments in close proximity to existing transport and services.

The proposed development will include a range of improvements across the site including improved pedestrian and cyclist links along the foreshore and increased biodiversity along the foreshore.

Planning Proposal

This Planning Proposal seeks to amend the City Centre LEP to re-align the RE1 Public Recreation and B4 Mixed Use on the South Bank with no net loss of RE1 zoned land. It also seeks to amend the City Centre LEP to permit floor space and heights on the site consistent with the built form of the proposed development, and that of recently approved developments in the immediate vicinity.

In addition, the Planning Proposal proposes the removal of certain local heritage items on the site the heritage schedule in the City Centre LEP to facilitate their demolition and replacement with public open space.

Assessment

The Planning Proposal has been assessed against the relevant Section 117 Directions under the *Environmental Planning and Assessment Act 1979*, relevant strategic and statutory planning documents and the requirements in *A guide to preparing local environmental plans* and *A guide to preparing planning proposals* published by the Department of Planning and Infrastructure. The Planning Proposal satisfies all of the relevant requirements and is consistent with the *Draft Metropolitan Strategy for Sydney 2031* which identified Parramatta as a key strategic centre for the provision of additional housing and employment.

An environmental assessment of the impacts of the proposed use and built form facilitated by the Planning Proposal has been undertaken, and it is concluded that the Planning Proposal will not result in any unacceptable environmental impact.

1.0 Introduction

This Planning Proposal seeks to amend the zoning and key development controls for the site at 12-14 Phillip Street, 333 and 339 Church Street, Parramatta (the site).

The site is located on the edge of the Parramatta River in the Parramatta CBD. It is made up of a mix of B4 Mixed Use and RE1 Public Recreation zoned land. It is proposed to be developed as a mixed use development known as 'Riverside Parramatta' which will encompass the following elements:

- A mixed use development including:
 - Basement car parking;
 - A podium encompassing a Council Discovery Centre, Conference Centre and a retail (café/restaurant); and
 - A multi-unit residential development above the podium.
- Pedestrian and cyclist networks and public domain improvements across the site particularly along the foreshore area.

In summary, the updated Planning Proposal seeks to make the following amendments to the *Parramatta City Centre Local Environmental Plan 2007* (City Centre LEP):

- re-align the RE1 Public Recreation and B4 Mixed Use zone;
- permit a maximum building height limit of 150 metres above ground on the main allotment;
- re-align the 12 metre height restriction for the Church Street frontage to match adjoining Church Street allotments;
- set a maximum floor space ratio (FSR) of 12:1 on the site;
- De-list the two local heritage items at 333/335 and 337A/337 (referred to as 339 in the heritage schedule to the City Centre LEP) Church Street from Schedule 5 (Environmental Heritage) of the City Centre LEP.

1.1 Background

1.2 'Ideas on Edge' International Ideas Competition

Between March and May 2011, Council ran an international ideas competition called 'Ideas on Edge' which called on designers from all over the world to present an innovative, bold and creative vision for development on the site. Three winning designs were selected for their innovation, the ability to leverage on the site's waterfront exposure and river activation. The winning proposals included:

Vertical Farming and Laneway Jetties

The scheme envisaged a landmark vertical farming tower and jetties that reached over the river to bring people close to the water's edge.

Innovation Ecosystem

The proposal combined housing, an aged care facility and cultural venues co-located within a re-vegetated riparian landscape.

Parramatta Islands

The scheme involved the extension of islands over the Parramatta River.

Many of these initiatives will be incorporated into the mixed use development for the site which is facilitated by the amendments to the City Centre LEP proposed under this Planning Proposal.

1.3 Request for Proposals

In November 2011, Council issued a request for proposals (RFP) for development on the site which would deliver the following:

- **Premium residential development** with at least 24,000m² of Gross Floor Area (GFA) and emphasis on interfaces with and activation of Parramatta River's edge;
- **Public Infrastructure** including a Discovery Centre, multi-function space, associated retail and public domain improvements.

The master plan concept design prepared by JPW on behalf PCC DevCo1 Pty Ltd was selected by Council as the most appropriate development solution for the site. The concept design made the most of the site and the opportunity clearly articulated by Council in its RFP. The concept strategically integrated the design of the river foreshore park, the public domain, the civic buildings and the commercial components into a singular strategic concept that maximised the functional and operational synergies, efficiencies and civic benefits of the development.

This concept has been followed through in the design for development on the site which is facilitated by this Planning Proposal.

2.0 The Site

2.1 The Locality

The site is situated within the Parramatta local government area (LGA) and Parramatta CBD. It is located approximately 800 metres to the north of the Parramatta train station.

It sits on the South Bank of the Parramatta River, and approximately 600 metres east of the World heritage listed OGHG's eastern boundary. A site location plan is provided at **Figure 2** below.

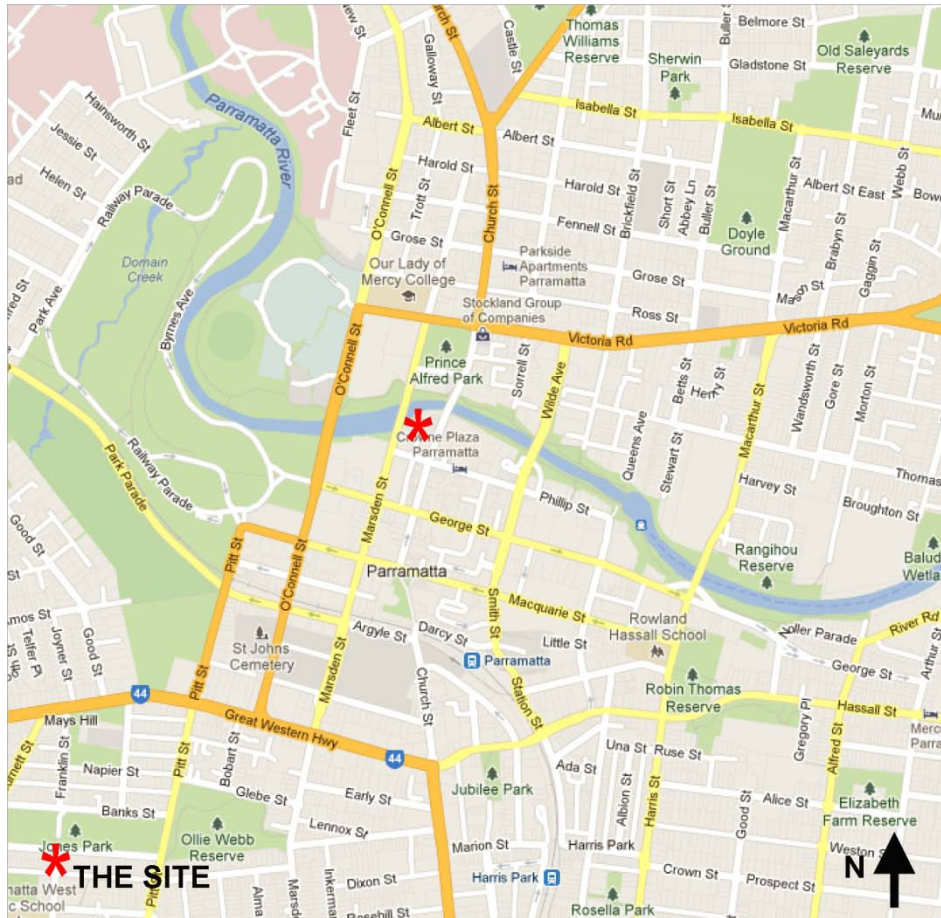


Figure 2 – Site Locality

2.2 Site Description

The development site is a 6,281sqm foreshore site located between the Lennox and Bernie Banton Bridges on the southern side of the Parramatta River. It has frontages to Marsden Street to the west, Church Street to the east, Phillip Street.

It consists of four development parcels on the South Bank of the Parramatta River (see **Figures 3** and **4** below).



 The Site

Figure 3 – Aerial view of the site

The allotments of the site include the following and are described in **Figure 4** below:

South Bank

- Lennox Street Car Park: 12-14 Phillip Street and 331A Church Street
 - Lot 1 in DP791693
 - Lot 2 in DP791693
- 333 Church Street
 - Lot 3 in DP825045
- 339 Church Street
 - Lot A in DP333263

The site has a total site area of 6,281m².



Figure 4 – Development site in various colours (Source: Council Works Brief)

2.3 Existing Development on the Site

The greater part of the South Bank is currently occupied by a 72 car space public car park. Two two-storey locally-listed heritage buildings are located at 333 to 337A Church Street, and 339 Church Street is currently vacant. A range of land uses are located on and around the site including commercial, retail, residential and cultural uses. **Figure 5** below shows land uses on and around the site.

2.4 Key Planning Controls

The City Centre LEP is the primary environmental planning instrument (EPI) applying to the site. This Planning Proposal seeks to amend the City Centre LEP to facilitate the proposed mixed use development on the site.

Land Use Zoning

The site is primarily zoned B4 Mixed Use under the City Centre LEP. The land along the foreshore of the Parramatta River is zoned RE1 Public Recreation. A small portion of development parcel (the vehicle entry off Phillip Street) is unzoned (see **Figure 5**). The Parramatta River is unzoned.



Figure 5 – Extract of City Centre LEP zoning map (Existing)

Heights of Buildings

Various height limits apply across the site, namely 80 metres for the main development site and 12 metres along Church Street. Land on the foreshore of the Parramatta River and land along the Phillip Street entrance to the site is not subject to a height limit (see **Figure 6** below).



Figure 6 – Height of Buildings (Existing)

Floor Space Ratio

The main development site has a maximum FSR of 6:1, and the small lots along Church Street have a maximum FSR of 3:1. Land on the foreshore and the Phillip Street entrance to the site is not subject to a maximum FSR (see **Figure 7** below).



Figure 7 – Floor Space ratio (Existing)

Heritage

There are a number of existing heritage items located on the site and in the surrounding area. These are identified in the extract from the City Centre LEP heritage map at **Figure 8** below and include the item listed in **Table 1** below.

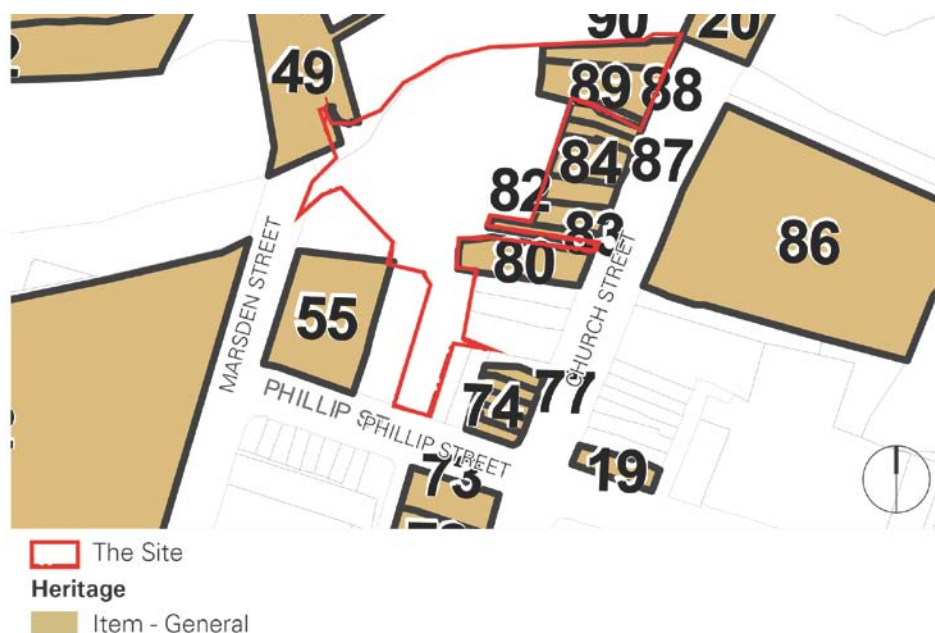


Figure 8– Extract from City Centre LEP heritage map

Table 1 – Heritage items on the site and within its vicinity

Item No	Location	Description	State or Local
Items located on the site			
88	331A Church Street Lot 2, DP 791693	Archaeological/terrestrial	Local
89	333 Church Street Lot 3, DP 825045	Shop	Local
90	339 Church Street (37A Church Street) Lot A, DP 333263	Shop	Local
Items in the vicinity of the site			
19	306 Church Street (corner Lot 10, DP 65743	Former ANZ bank and potential	State
20	349 (adjacent to) and 351	Lennox Bridge	State
49	Marsden Street	Parramatta Dam archaeological site weir	Local
52	24 O'Connell Street (Marist Lot 1, DP 60568, Lot 1, DP 2, Sec 1, DP 758788 State	Marsden Rehabilitation Centre and e (and Kings School group)	State
55	2 Phillip Street (corner of Lots 1 and 2, DP 986344	Former St Andrew's Uniting Church, hall al site	State
73	279 Church Street Lot 10, DP 733123	Shop, office and potential archaeological	Local
74	Church Street Lot 3, DP 610555	Shop	Local
77	291 Church Street Lot 3, Section 24, DP	Shop	Local

	25055		
80	311–315 Church Street Part Lot 2 (c), Sec 24, DP 161817, Lot 1, DP 739012	Shop	Local
82	321 Church Street Lot 10, DP 541902	Shop	Local
83	323 Church Street Lot 4 DP 525338 & Lot 4, DP 520361	Archaeological/terrestrial	Local
84	Lot 1, DP 784451, Lot 6, DP 539787	Shop	Local
86	330 Church Street Lots 2 and 3, DP 788637, Lot 101, DP 1031459	Former David Jones department store	Local
87	331 Church Street Lot 2, DP 535192	Archaeological/ terrestrial	Local

2.5 Development in the Surrounding Area

2.5.1 Existing

The surrounding area is made up of a mix of uses and development types. To the west of the site, fronting Marsden Street is a five-storey residential flat building. St Andrew's Uniting Church (a State-listed heritage item) is located at the corner of Phillip and Marsden Streets directly to the south-west of the site and also has retail accompanying. Medium to high density commercial development is located further to the west and south-west on the western side of Marsden Street. A five-storey mixed use building is located at 10 Phillip Street adjoining the vehicle entry to the site.

Development east of the Phillip Street vehicle entrance to the site and along the western side of Church Street is generally made up of low-scale commercial buildings a number of which are heritage listed. There is an existing approval in place for a 117-metre high mixed use development opposite the site on the eastern side of Church Street.

Open space and parklands are located along the foreshore area to the east and west of the site and Prince Alfred Park is located to the north of northern bank of the site.

Land to the west of the site on the northern side of the Parramatta River consists of a range of medium to high density commercial, residential and tourist development. The former Kings School is located opposite the site's northern bank on the western side of Marsden Street and St Patricks Cathedral is located further to the north-west. A land use map is provided at **Figure 9** below.

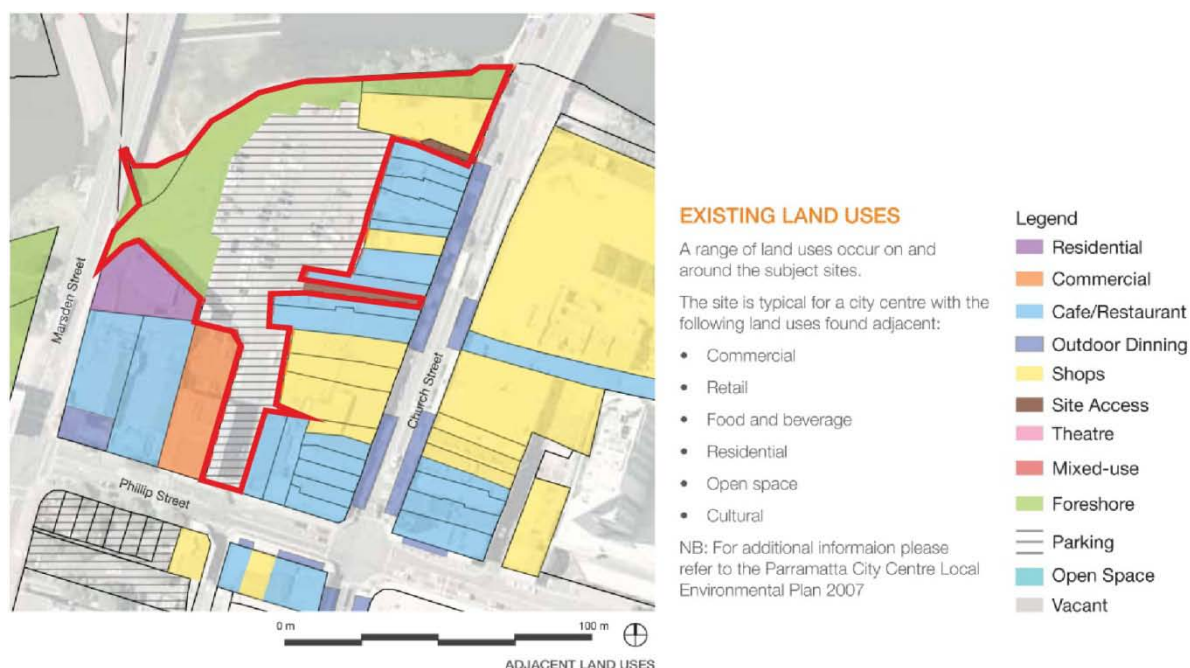


Figure 9– Land uses on and surrounding the site (Source: Council Works Brief)

2.5.2 330 Church Street – Meriton Development

In October 2012, the Director-General of the Department of Planning and Infrastructure (the Department) granted project approval to Major Project (MP10_0171) under the now-repealed provisions of Part 3A of the EP&A Act to demolish the existing building and structures on site at 330 Church Street across the road from the site (see **Figure 10** below), and construct a mixed use development comprising:

- Four levels of basement car parking;
- A three-storey podium commercial/retail podium;
- A 22-storey tower (eastern tower) containing 170 serviced apartments.
- A 32-storey tower (western) containing 211 residential apartments.

The approved development has a maximum height of 117.6 metres (RL 125.6) and an approximate maximum floor space ratio (FSR) of 6.6:1. The approved lower tower has a maximum height of 84.5 metres.

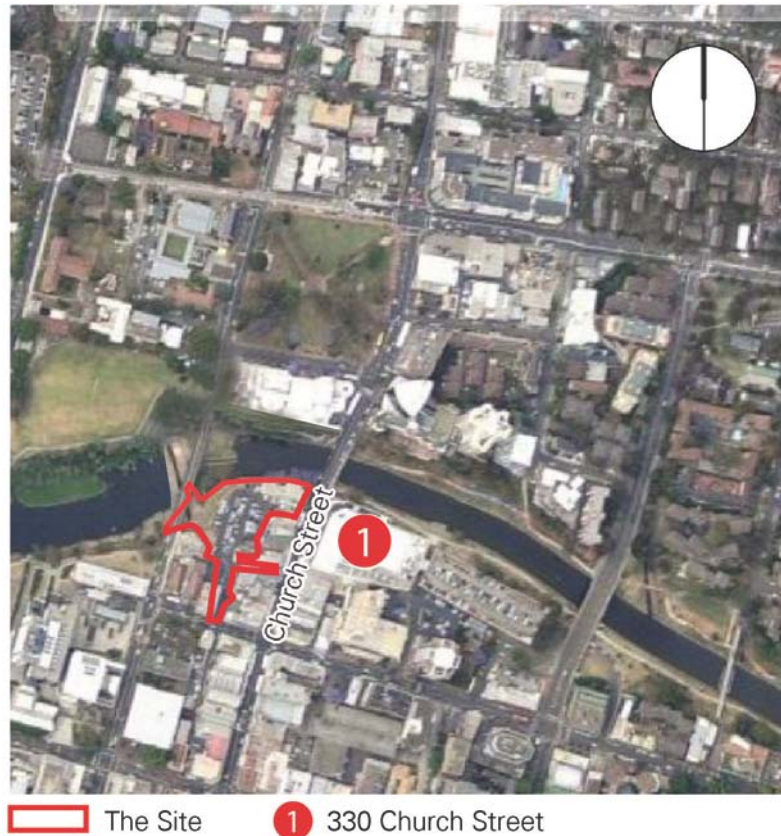


Figure 10 – 330 Church Street

On 3 July 2013, a Section 75W modification application was placed on public exhibition seeking to amend the Project Application approval for MP10-0171 for the mixed use development at 330 Church Street. The modification application seeks to increase the maximum height of the approved east tower on the Church Street site to RL116.3 (equivalent to 109.3 metres), and the western tower to RL185.1 (equivalent to 177.1 metres).

The proposed maximum height on the 330 Church Street site will be approximately 30 metres higher than the maximum height sought for the mixed use development on the site as shown in **Figure 11** below.

It is considered that the proposed height for the site will contextually respond to the Meriton proposal. Furthermore, any additional height on the site may result in adverse shadow impact on Parramatta Park (see Section 6.6) below. Furthermore, the Design Review Panel is supportive of retention of the currently-proposed height for the South Bank.

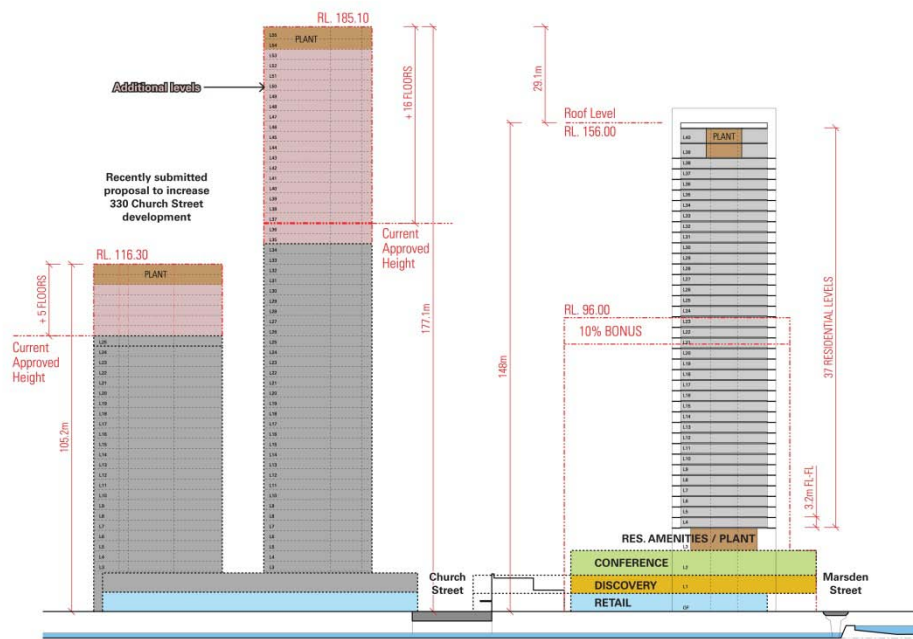


Figure 11 – Additional height proposed on 330 Church Street compared to the Riverside Parramatta proposal

At its meeting on 12 August 2013, Council endorsed a submission on the 330 Church Street Section 75W application which Council indicated as follows:

Council does not raise issue with the revised height of the development.

3.0 Proposed Development

This section describes the proposed development on the site which is to be facilitated by this Planning Proposal.

3.1 Site

The mixed use development on the site will comprise of the following elements:

- Basement parking for approximately 320 car spaces;
- A ground floor retail podium which will accommodate entrances to the Council Discovery Centre and Conference Centre above;
- Level 1 Discovery Centre; incorporating dynamic and technologically advanced visual displays;
- Level 2 Conference Centre integrated with the Discovery Centre;
- Level 3 residential amenities; and
- Level 4 to 40 residential apartments with plant room space accommodated at the two topmost residential floors alongside the penthouse apartments.

The development will have a maximum building height limit of 150 metres above ground, and a maximum GFA of 43,235m². The development will deliver approximately 400 premier residential apartments in close proximity to public transport.

3.1.1 Church Street Frontage

As shown in **Figure 12** below, the entrance to the Discovery Centre will be facilitated by an escalator entrance which will provide access to the landing to the Council Discovery Centre at Level 1, as well as access to the proposed Conference Centre on Level 2. It is intended that the Level 1 landing/terrace to the Discovery Centre act as programmable space for the Discovery Centre (eg. for potential exhibitions, functions or lectures) as well as a circulation space to access the Conference Centre above. This will be enhanced by the proposed opportunities to use the Level 1 landing/terrace as a viewing platform providing panoramic views to the OGHF and Former Kings School which will facilitate the Discovery Centre's objectives to highlight Parramatta's history (see **Figures 13** and **14** below).

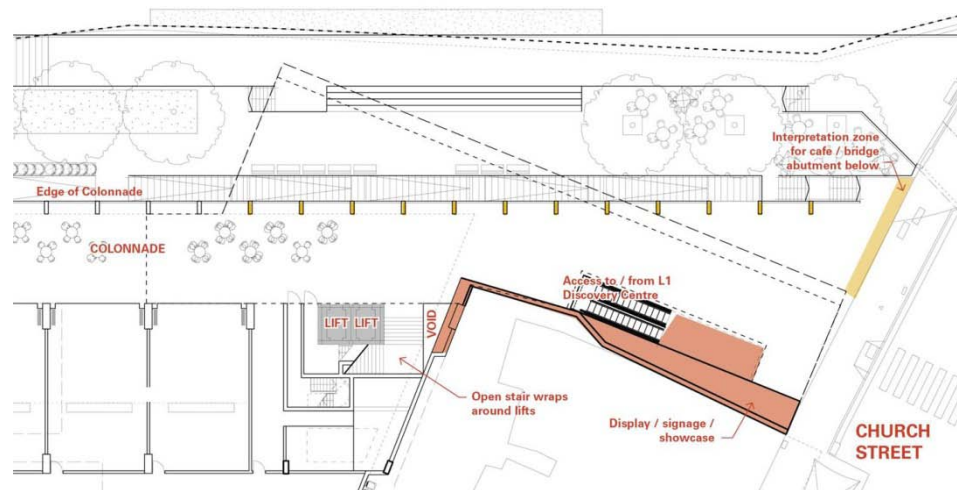


Figure 12 – Proposed ground floor entrance from Church Street to Discovery Centre

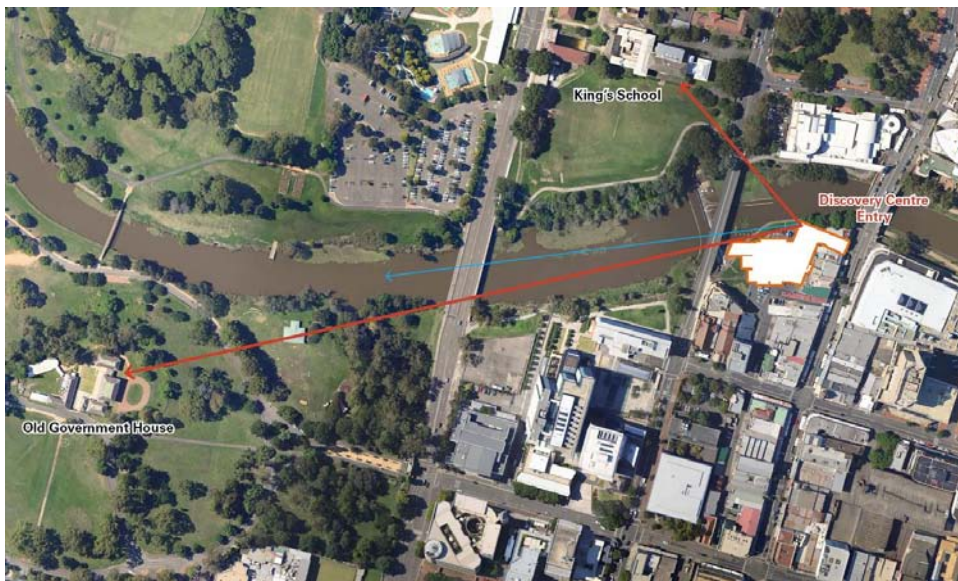


Figure 13 – Views from proposed Discovery Centre landing/Terrace to Parramatta Park and Old Kings School

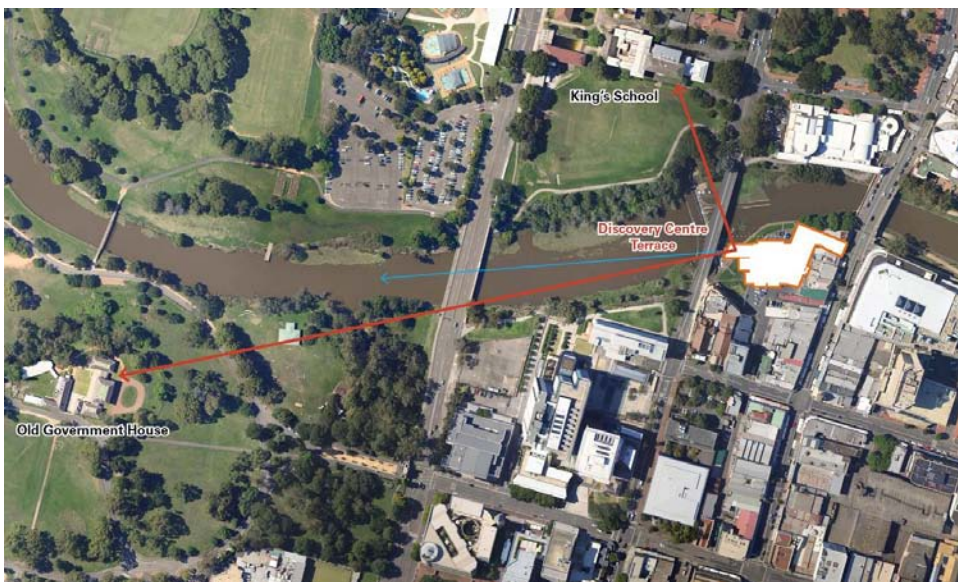


Figure 14 – Views from proposed Discovery Centre terrace Parramatta Park and Old Kings School

Careful consideration has been given to responding to the scale of existing buildings along Church Street at the same time as identifying the entrance to the site from Church Street as the primary entrance to a civic building. This has been achieved by relating to the escalator entrance, as well as Discovery Centre and Conference Centre terraces to the maximum 12 metre scale of the adjoining buildings along the western side of Church Street, and providing a canopy element which highlights the civic scale of the podium component of the proposed development on the site (see **Figures 15** and **16** below).

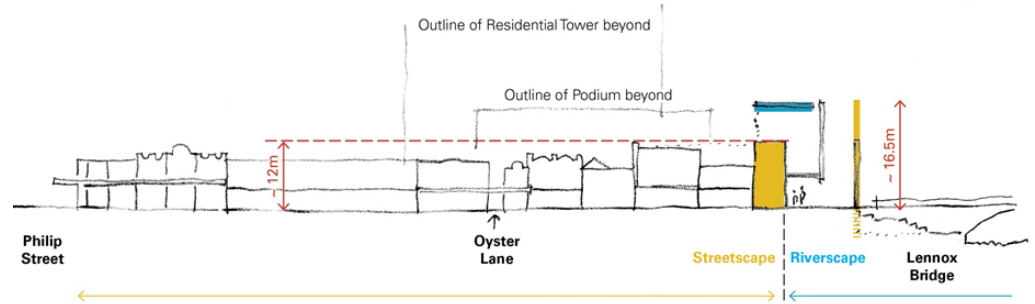


Figure 15 – Proposed urban design response to Church Street scale



Figure 16 – Perspective of proposed Church Street entrance

Consideration has also been given to the proposed street-level scale of the 330 Church Street development as modified. However, it is noted that the proposed development draws on the existing surrounding context of built form, rather than proposed developments which may be considered potentially out-of-scale with surrounding, existing built form (see **Figure 17** below).

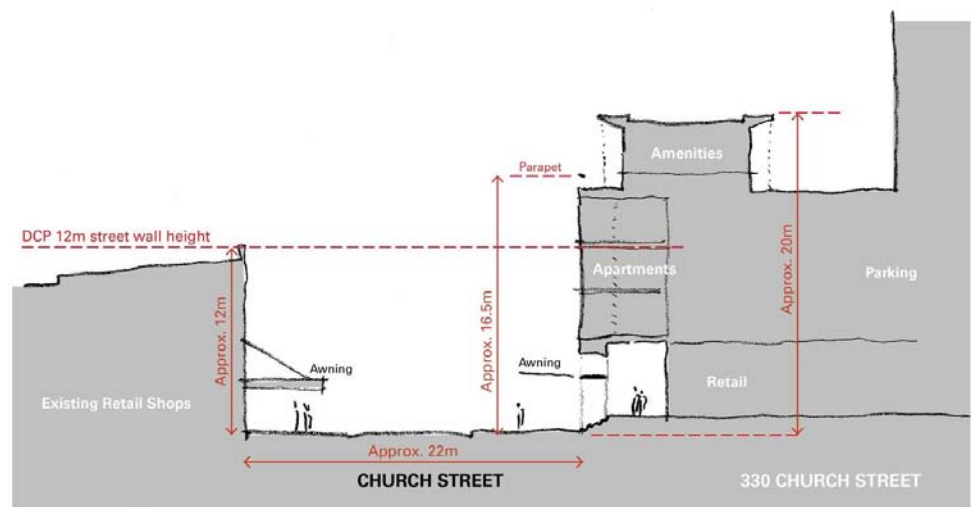


Figure 17 – Indicative drawing of proposed scale of modified project at 330 Church Street to the Church Street streetscape

3.2 Whole of Site Improvements

In addition to the delivery of a range of public infrastructure including the Council Discovery Centre and retail (café/restaurant), the development will include a number of additional improvements across the site including:

- Upgrades to the foreshore area;
- Improved pedestrian and cyclist access along the foreshore;
- Reclamation of part of the River foreshore without adverse flooding impacts;
- Improved biodiversity of the River foreshore; and
- Improved pedestrian permeability through the site and links to the east and west.

An indicative scheme for the public domain is shown at **Figure 18** below.

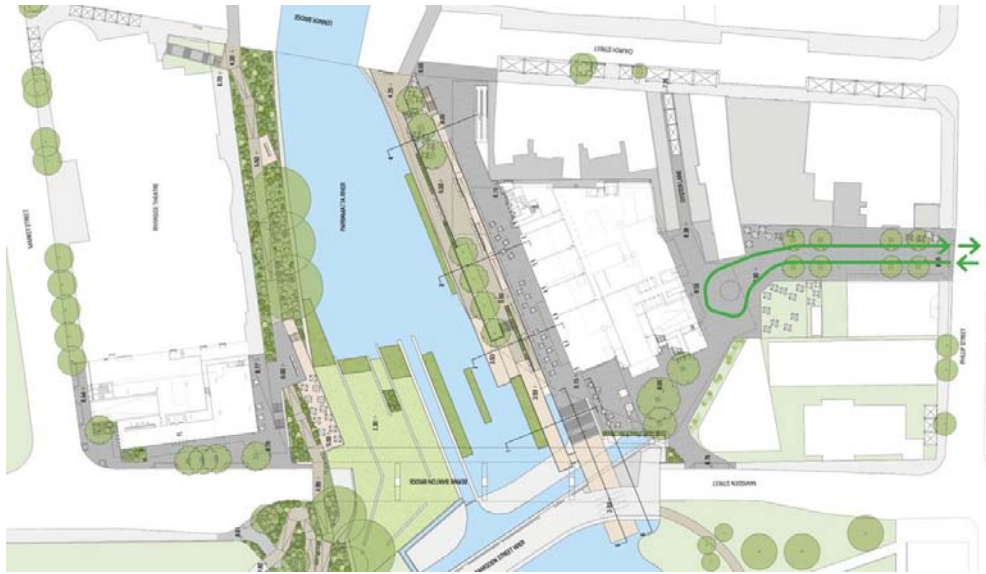


Figure 18 – Indicative Public Domain Plan for site

3.3 Access and Transport

Vehicle access to the basement on the site will be provided from Phillip Street.

Drop-off for guests/customers/residents etc. of the site development is to be provided at the rear of the site, with vehicular access provided via the existing roadway out to Phillip Street. It is also proposed to install a drop-off area along the Church Street frontage where an existing bus zone is located. It is proposed to relocate the bus zone further to the north towards the Riverside Theatre, which would result in the loss of approximately 5 on-street spaces. The State Transit Authority (Sydney Buses) and Local Traffic Committee will be consulted as part of the detailed design development for the DA.

The existing roadway out to Phillip Street is to be converted to a 10km/h Shared Zone for shared pedestrian and vehicular use with appropriate signage and traffic calming measures installed. The installation of the Shared Zone will reduce the risk of accidents between vehicles and pedestrians and also enhance the quality of the street environment.

Loading/servicing for the proposed development is expected to be undertaken by a variety of commercial vehicles up to and including 8.8m long medium rigid trucks. The shared loading dock is to be located on the ground floor level at the rear of the restaurant/bar/café area. The shared loading dock will be available for common use by the podium occupants and the tower residents (for removalist trucks), as well as the retail premises fronting Church Street which back onto the subject site.

3.4 Public Benefits of the Proposed Development

The proposed development will have a number of public benefits in addition to the public infrastructure works and contributions that are the subject of a draft VPA between Council and the developer:

- Development of a new Discovery Centre for the Parramatta CBD which will provide dynamic and technologically-advanced exhibitions. The Discovery Centre may include theatre and lecture space, Conference Centre and existing Riverside Theatre transforming the site into a cultural hub within the CBD.
- Provision of cafés along the foreshore which will activate the area.
- Improved public access along the foreshore particularly along the South Bank where part of the foreshore will be reclaimed and the existing shops fronting Church Street will be replaced with open space.
- Improved pedestrian and cyclist connectivity.
- Improved biodiversity along the foreshore and in the River which will also result in improved amenity and visual appeal of the area.

4.0 Objectives and Intended Outcomes

This Planning Proposal seeks to facilitate the proposed mixed use development on the site as described in Section 4 by amending the Parramatta City Centre LEP 2007 to achieve the following:

- Realign RE1 Public Recreation zone on the north side of the site. This would result in 428m² of RE1 Public Recreation land in the north-western corner of the South Bank is proposed to be rezoned to B4 Mixed Use. 428m² of B4 Mixed Use land adjoining the river front on the site is proposed to be rezoned to RE1 Public Recreation land. There will be no net loss of RE1-zoned land.
- Amend height of buildings map to reflect the height of 150m (approximately 44 storeys) on the site, as well as the re-align the 12 metre maximum height to Church Street to match adjoining allotments.
- Amend FSR map to reflect the FSR of 12:1 on the site.
- Removal of the locally- listed heritage items from the heritage schedule at 333 Church Street (item 89 - shop) and 339 Church Street (item 90 - shop).

5.0 Explanation of Provisions

The planning proposal seeks to achieve the objectives and intended outcomes by amending the Parramatta City Centre LEP 2007 in the following manner.

5.1.1 Re-alignment of RE1 & B4 zone on the South Bank

428m² of the RE1 zone in the north-western corner of the South Bank is proposed to be rezoned to B4, and 428m² of existing B4 zoned land in the northern part of the South Bank, north of the proposed podium element, is proposed to be rezoned to RE1.

To accommodate the proposed development, it is proposed to re-align the RE1 and B4 zone as described in **Figure 19** below. This involves the rezoning of 428m² of RE1-zoned land in the north-western corner of the South Bank to accommodate the proposed extension of the basement, residential lobby, residential amenities level and residential tower into this area.

At the northern frontage of the South Bank, adjoining the northern edge of the proposed podium, 428m² of existing B4-zoned land is proposed to be rezoned to RE1 Public Recreation.

Overall, there will be no net loss of RE1-zoned land on the site. Full justification for the re-alignment of the zone boundaries is provided at Section 6.3.1.



Figure 19 – Proposed new zoning map showing zone re-alignment

5.1.2 Height

It is proposed to apply a maximum height of 150m (approximately 44 storeys) on the main allotment of the South Bank.

In addition, it is proposed to re-align the 12 metre height zone to Church Street so that it matches that of the adjoining allotments fronting Church Street. This will provide a consistent built form along Church Street, and will also ensure that the proposed entrance to the Discovery Centre/Conference Centre within the podium of the development, as well as the proposed setback to the tower from above, can be achieved on the site. An indicative LEP height map is provided at **Figure 20** below.

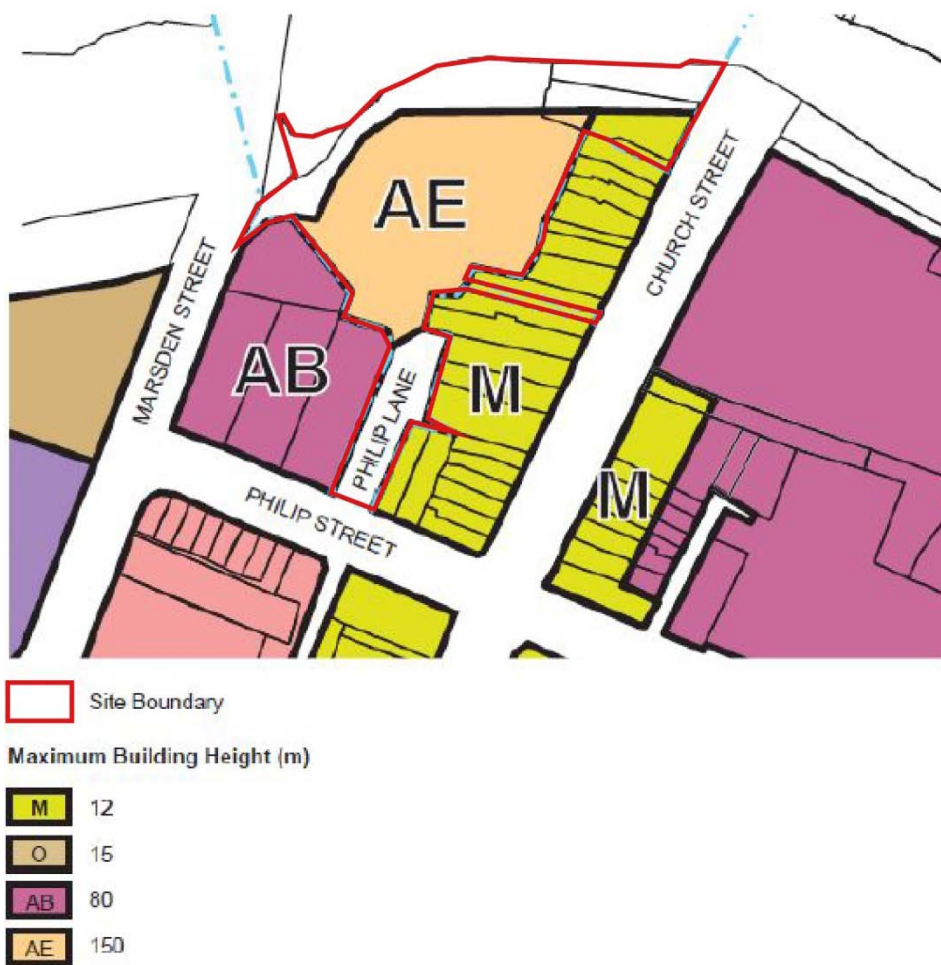


Figure 20 – Proposed Building Height Map

5.1.3 Floor Space Ratio

It is proposed to permit a maximum FSR of 12:1. An indicative FSR map is provided at Figure 21 below.

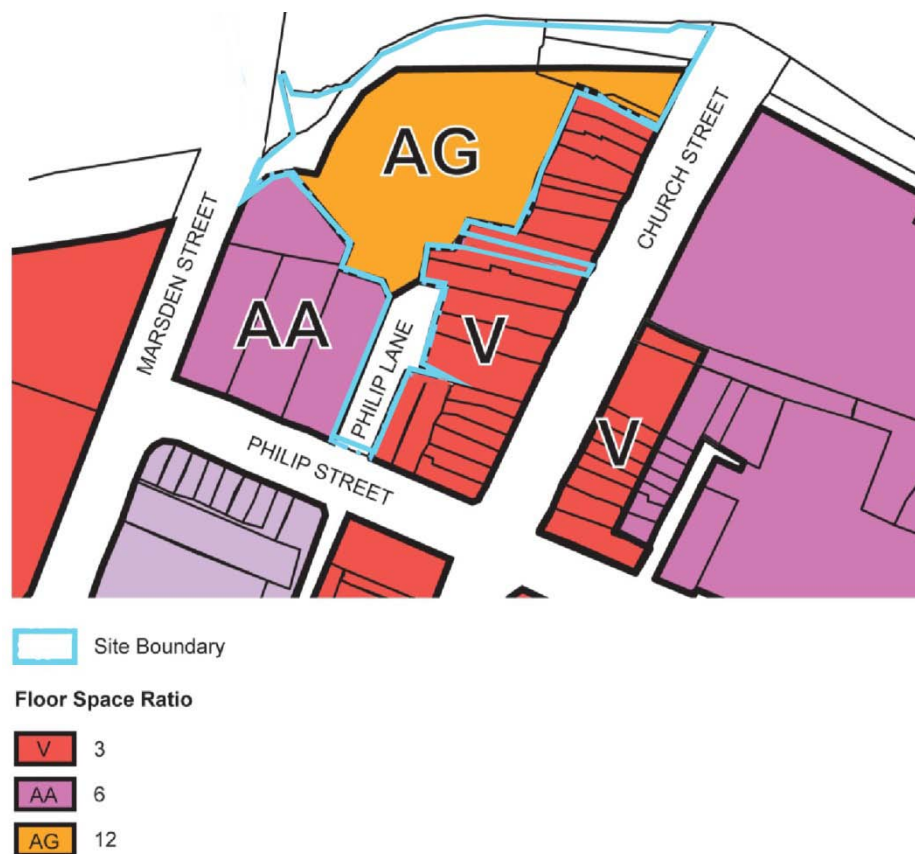


Figure 21 – Proposed FSR Map

5.1.4 Heritage

It is proposed to delist the two locally-listed heritage items described in Table 2 below from Schedule 5 (Environmental Heritage) of the City Centre LEP.

Table 2 – Buildings to be removed from heritage schedule

Item No (City Centre LEP)	Location	Description	State or Local listing
89	333 Church Street Lot 3, DP 825045	Shop	Local
90	339 Church Street (understood to be 337 & 337A Church Street) Lot A, DP 333263	Shop	Local

6.0 Justification

6.1 Need for a Planning Proposal

Q1 – Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the result of any strategic study or report but rather the result of a lengthy visioning and design competition facilitated by Council to determine the future use of the site.

Council has identified this site as suitable for upgrading to provide a premier residential development at the same time as delivering strategic community infrastructure that will integrate with the broader Parramatta CBD.

Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of this land. This Planning Proposal supports the proposed development by including additional and appropriate uses as permissible on the site. These proposed amendments require the application of a Planning Proposal for the site.

Furthermore, the removal of the heritage items from the heritage schedule necessitates the preparation of a Planning Proposal. The removal of these items will facilitate their demolition and replacement with open space. This is considered to be a public benefit.

6.2 Relationship to strategic planning framework

Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is consistent with the current Metropolitan Strategy 2036 and Draft Metropolitan Strategy. It will 'strengthen Parramatta's role as the premier Regional City and second CBD' by creating a premier mixed use development in close proximity to public transport, that will introduce a mix of services, facilities and uses on the site including, the Council Discovery Centre, Conference Centre, retail premises, cafes and a premier residential development. It will also assist in delivering the subregional housing targets by providing for the redevelopment of a currently underutilised site. This is also consistent with the relevant Draft Subregional Strategy.

The operation of the new mixed use development within the close proximity to the existing Riverside Theatre will also encourage increased diversity and cultural activities within this part of the Parramatta CBD.

Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with Council's strategic plan known as Parramatta Twenty38. Parramatta Twenty38 plans for the concentrated growth of housing around public transport and activity nodes rather than dispersed growth throughout the LGA. The Planning Proposal aims to facilitate development that begins to tackle a number of the key challenges outlined in the Parramatta Twenty38 including the provision of residential dwellings, access to the Parramatta River foreshore and provision of development that encourages social inclusion and community interaction.

Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against applicable State Environmental Planning Policies (SEPPs) is provided in **Table 3** below.

Table 3 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	SEPP 1 does not apply to Parramatta City Centre LEP 2007.
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site.
SEPP No 6 Number of Storeys			✓	Standard instrument definitions apply.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			The planning proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.
SEPP No 55 Remediation of Land	✓			Initial investigations on the site confirm that the land is suitable for the proposed use.
SEPP No 60 Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site.
SEPP No 64 Advertising and signage			✓	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.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to proposed amendment.
SEPP (BASIX) 2004	✓			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	✓			The proposed development will be referred to the RMS when the DA is lodged.
SEPP (State and Regional Development) 2011	✓			The future development of the site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the JRPP acting as the determining authority.

Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with the relevant directions for planning proposals issued by the Minister for Planning under Section 117(2) of the EP&A Act. Consideration of the relevant provisions within these Directions is provided **Table 4** below.

Table 4 – Consistency with applicable Ministerial Directions

Ministerial Directions	Requirements	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	The objectives of this direction are to: – encourage employment growth in suitable locations, – protect employment land in business and industrial zones, and – support the viability of identified strategic centres. A planning proposal must: – give effect to the objectives of this direction, – retain the areas and locations of existing business and industrial zones, – not reduce the total potential floor space area for employment uses and related public services in business zones, – not reduce the total potential floor space area for industrial uses in industrial zones, and – ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	The Planning Proposal will not reduce the extent of B4 zoning. See section 5.0 of the Planning Proposal.
2. Environment and Heritage		
2.1 Environmental Protection Zones	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	Direction 2.1 applies to an environment protection zone or land otherwise identified for environment protection purposes in an LEP. It is not considered that the RE1 zone is specifically designated for environmental protection purposes as its primary purpose is 'to enable land to be used for public open space or recreational purposes'. Despite this, the Planning Proposal is consistent with this Section 117 Direction as it will: - Facilitate the development on the site which will include rehabilitation of the river and

Ministerial Directions	Requirements	Comment
		surrounding environment; and - Will not result in a reduction in the amount of RE1-zoned land.
2.3 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of: - items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, - Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and - Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	The planning proposal is consistent with this direction. Early investigations into potential archaeological and Aboriginal heritage items on the site have commenced and further detail will be provided with the DA.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	A planning proposal must include provisions that encourage the provision of housing that will: - broaden the choice of building types and locations available in the housing market, and - make more efficient use of existing infrastructure and services, and - reduce the consumption of land for housing and associated urban development on the urban fringe, and - be of good design. A planning proposal must, in relation to land to which this direction applies: - contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it),	The Planning Proposal facilitates the development of the site for mixed use purposes which will deliver 400 apartments within the Parramatta CBD in close proximity to public transport and existing infrastructure. Consultation with service providers has already commenced. A full report on site servicing will be provided with the DA.

Ministerial Directions	Requirements	Comment
	and – not contain provisions which will reduce the permissible residential density of land.	
3.4 Integrating Land Use and Transport	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: – Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and – The Right Place for Business and Services – Planning Policy (DUAP 2001).	The Planning Proposal is consistent with these policies as it facilitates the delivery of additional residential accommodation in close proximity to existing transport services. It also provides for a range of commercial uses on the site that will be able to take advantage of the site's excellent transport connects.
4. Hazard and Risk		
4.1 Acid Sulphate Soils	– The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulphate soils being present. – A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act.	Parramatta City Centre LEP contains acid sulphate soils provisions and this Proposal does not seek to amend them. This will be considered in detail at the DA stage. Douglas Partners have prepared a Geotechnical Assessment for the site which will be submitted with the DA which addresses Acid Sulfate Soils.
4.3 Flood Prone Land	CI4. A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).	CI4. The planning proposal is consistent with this clause as all additional floor space is to be above the Flood Planning Level. Only walkways and open space is proposed in the high hazard area.

Ministerial Directions	Requirements	Comment
	CI5. A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. CI6. A planning proposal must not contain provisions that apply to the flood planning areas which: a) permit development in floodway areas, b) permit development that will result in significant flood impacts to other properties, c) permit a significant increase in the development of that land, d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in f) floodways or high hazard areas), roads or exempt development. CI7. A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the	CI5. The Planning Proposal seeks a re-alignment of the B4 and RE1 zones on the South Bank of the site. This will result in the rezoning of 428m² of RE1 zoned land to B4 which permits residential and business uses. Further justification for this minor rezoning is provided in accordance with Clause 9(b) of the Section 117 Direction. The proposed area to be rezoned to B4 will no longer need to be identified as a flood planning area once recountouring and redevelopment on the site takes place. Furthermore, Council will have the opportunity to control the development on the site to ensure it is suitable in relation to potential flood impacts via the imposition of Clause 33A of the City Centre LEP (Development on flood prone land) at the DA stage. CI6. The planning proposal is consistent with this direction as: a) all development is to occur away from the main channel and not within a floodway. b) no flood storage will be lost as a result of the planning proposal. c) the site is already significantly developed at ground level. d) the flood levels, velocities and storage are not anticipated to be impacts due to this development. e) it does not seek to permit any additional development without consent. CI7. All residential development on the site will occur above nominated residential flood planning levels.

Ministerial Directions	Requirements	Comment
	Director-General (or an officer of the Department nominated by the Director-General). CI8. For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	CI8. Parramatta City Council's Local Floodplain Risk Management Policy has guidelines consistent with the Floodplain Development Manual. The Planning Proposal has been considered against the provisions of this Policy as set out in Section 6.6 above. General: As detailed above, it is proposed to rezone 428m² of RE1 zoned land in the north-western corner of the site to B4 Mixed Use in which residential and business uses are permitted. This is inconsistent with Clause 5 of the Section 117 Direction. However, Clause 9(b) of the Section 117 Direction provides that: <i>A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:</i> <i>(b) the provisions of the planning proposal that are inconsistent are of minor significance.</i> The proposal to rezone 428m² of RE1 zoned land to permit residential and/or business uses is considered minor when considered in the overall context of the site, and will not result in adverse flood impacts. It is therefore justified in accordance with Clause 9(b) of the Section 117 Direction in that it will be of minor significance. The rezoning is required due to the constraints of the site in order to facilitate the proposed redevelopment of the site and will allow for the proposed basement, residential lobby, residential amenities and residential tower to be located in the new B4-zoned area. This will facilitate the efficient and economic development of the site in accordance with the objectives of the EP&A Act which otherwise cannot occur within the provisions of the current LRP.

Ministerial Directions	Requirements	Comment
		Furthermore, the ground level of the new B4 zoned area will be 8.5 metres AHD which is above the 100 year ARI flood level as identified under Council's Flood Map. Thus, it is expected that once the site has been excavated and filled and developed for the proposed mixed use development, the new area of B4 zoned land will no longer be identified as part of the flood planning area. Overall the rezoning is considered to be a minor variation as it will not reduce the overall RE1-zoned land in total and in fact seek to regularise the foreshore area to create more useable and accessible public open space along the river. The emergency evacuation plan currently being prepared for the precinct by Molino Stewart Environmental consultants will address how the risk of flooding is going to be managed in the public domain. It is therefore justified in accordance with Clause 9(b) of the Section 117 Direction in that it will be of minor in significance.
6. Local Plan Making		
6.1 Approval and Referral Requirements	A planning proposal must: – minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and – not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: – the appropriate Minister or public authority, and – the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and	The Planning Proposal does not propose any additional concurrence provisions.

Ministerial Directions	Requirements	Comment
	– not identify development as designated development unless the relevant planning authority: – can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and – has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act.	
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General)	No new road reservation is proposed. No reduction in the area of public open space on the site will result from the proposal. In fact, the proposal will deliver increased and improved public open space areas to the community. See Section 6.3.1 of this Planning Proposal.
6.3 Site Specific Provisions	A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: – allow that land use to be carried out in the zone the land is situated on, or – rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or – allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal.	Planning Proposal amends existing site specific provisions, without being unnecessarily restrictive.

Ministerial Directions	Requirements	Comment
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.	The Planning Proposal is consistent with the objectives and strategies of the Metropolitan Plan in that it will facilitate the delivery of tourism, retail and residential generating floor space which supports the commercial core of Parramatta, further strengthens Parramatta's role as Sydney's second CBD; and provides uses which will contribute to the vitality of the Parramatta city centre. See Section 6.2 of the Planning Proposal.

6.3 Environmental, social and economic impact

Q7 – 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 Planning Proposal will not result in any impact of critical habitat or threatened species, populations or ecological communities or their habitats.

Q8 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A detailed assessment of the environmental impacts of the Planning Proposal is provided below. No unacceptable impacts will result from the proposal.

6.3.1 Re-alignment of B4 & RE1 Zone

It is proposed to re-align the B4 and RE1 zones on the site to facilitate the built form proposed by the development. The extent of re-alignment is considered minor in this context and will not result in a net loss of RE1-zoned land or public open space.

In addition, the proposed foreshore works involve the reclamation of part of the foreshore land through lightweight yet sturdy structures which will not inhibit the flow of water, but which will be designed to withstand potentially strong water flows during potential flooding. Thus, the total amount of useable public open space will increase as a result of the development facilitated by this Planning Proposal. Furthermore, the public open space will be of a much higher quality than the current landscaping on the site (see indicative Public Domain Plan at **Figure 18** above).

At its narrowest point, the zoned RE1 land will be approximately 4 metres wide, which is sufficient to allow an accessible thoroughfare along the public recreation land. Further, this depth is actually increased by the public open space extensions proposed as part of the development for the site. Thus, the foreshore area will provide a generous amount of public open space and pedestrian and cycle routes for use and enjoyment by the community. In addition, the transfer of B4 zoned land to RE1 zoned land in the northern part of the site will provide a wider and more consistent 'band' of RE1-zoned land along the foreshore. Refer to **Figure 22** below.

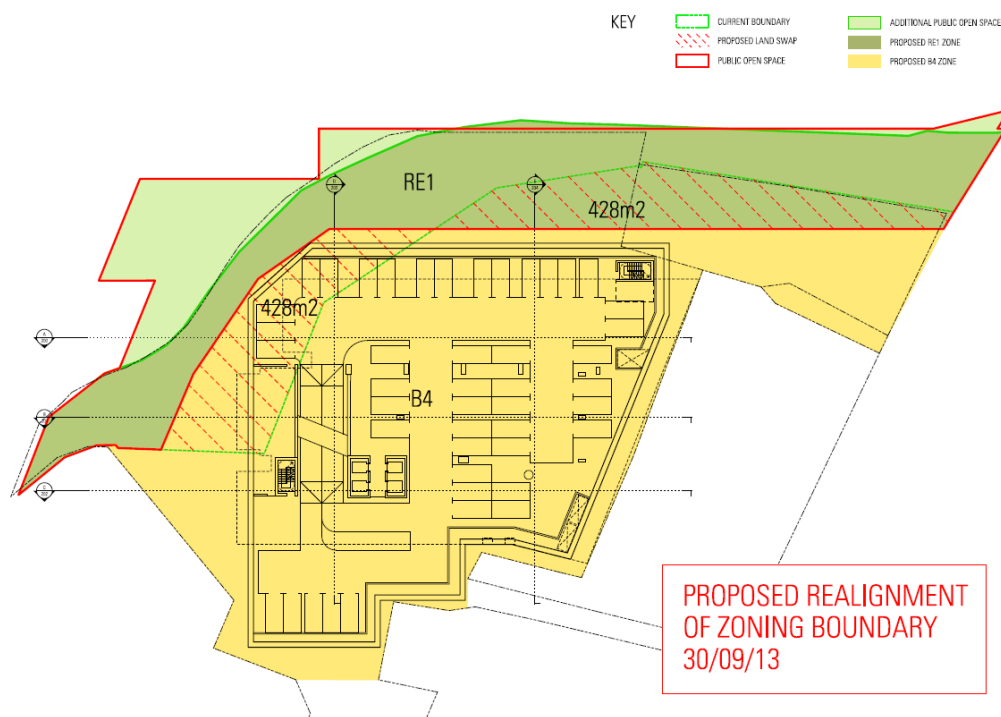


Figure 22 – Proposed realignment of zoning boundary

Due to the irregular shape of the proposed areas to be rezoned, it is not possible to identify specific dimensions. The revised zoning map is provided at **Figure 19** above.

It is noted that the proposed escalator entrance to the proposed Conference Centre and Discovery Centre, extend into the proposed RE1 zone (see **Figure 12** above).

6.3.2 Built Form & Context

The built form of the proposed development facilitated by this Planning Proposal has been designed to respond to the changing nature of the Parramatta CBD and, in particular, the proposed increase in height on the site to the east at 330 Church Street. It is intended that the proposed development on the site, together with the tower at 330 Church Street, will provide a gateway the Parramatta CBD at its northern end.

In addition, the increase in height and floor space on the site acknowledges the identification of Parramatta as a key strategic centre within the Draft Metropolitan Strategy. The City Centre LEP was gazetted in 2007. Since then, there have been a number of changes within the Parramatta CBD which have resulted in a number of approved and proposed developments within the CBD exceeding the maximum permissible height controls under the City Centre LEP (see **Figure 23** below). This change acknowledges the need to provide increased development within the Parramatta CBD to respond to demand for housing and employment growth. The increase in height and floor space sought on the site under this Planning Proposal is considered appropriate in this context.

Height of Buildings Map - Sheet HOB_001

Maximum Building Height (m)

A	0
G	7
K	10
M	12
O	15
P	18
R	21
S	24
T	28
U	34
V	36
W	40
Y	54
AA1	60
AA2	72
AB	80
AC	120
AG	200
Refer to CI 29E	



Site

1. 177m Proposal
2. 88m Built
3. 84.6m Approval
4. 326m Proposal
5. 80m Built



Figure 23 – Changing context of Parramatta CBD

The built form of the proposal has been considered in the context of the changing nature of the Parramatta CBD which is illustrated in **Figure 24** below. It will provide a tower form that complements the proposed height of the development at 330 Church Street providing a gateway entry to the northern part of the Parramatta CBD. It also provides an appropriate response to the development of other major sites within the Parramatta CBD for tall tower forms. The overshadowing impacts of the proposed built form on the site are addressed in detail below.



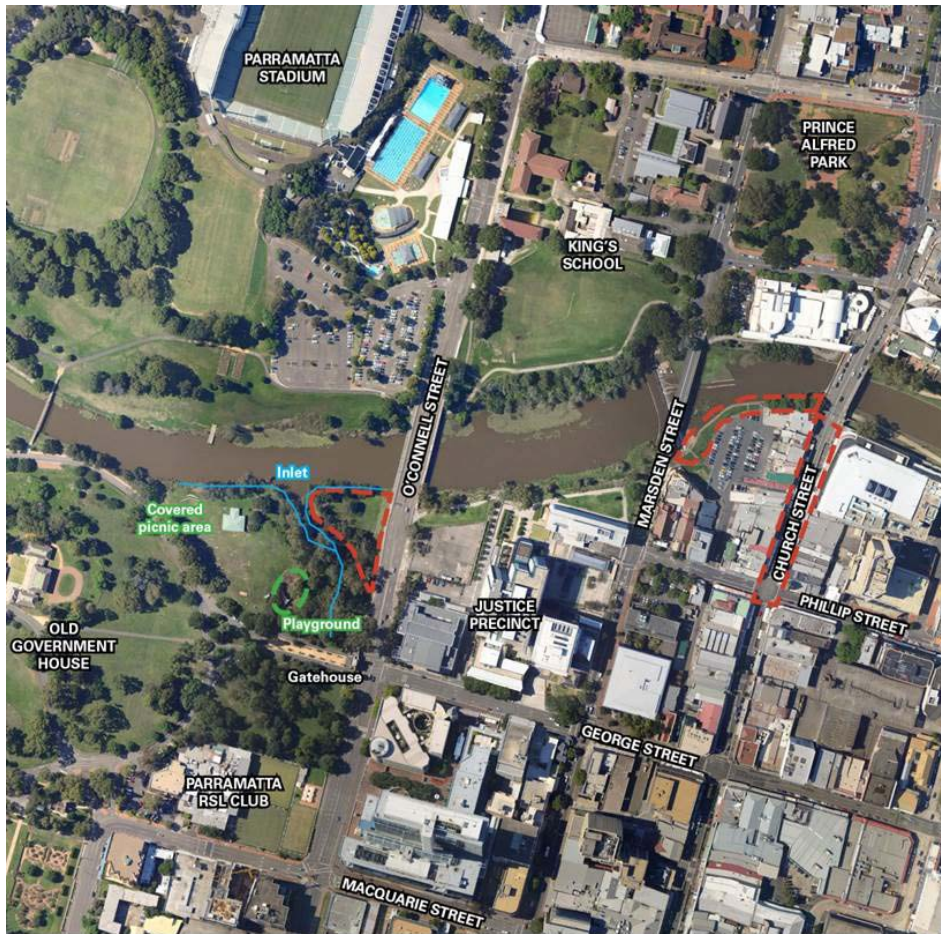


Figure 25 – Areas sensitive to additional overshadowing



Figure 26 – Awnings and shade structures on Church Street

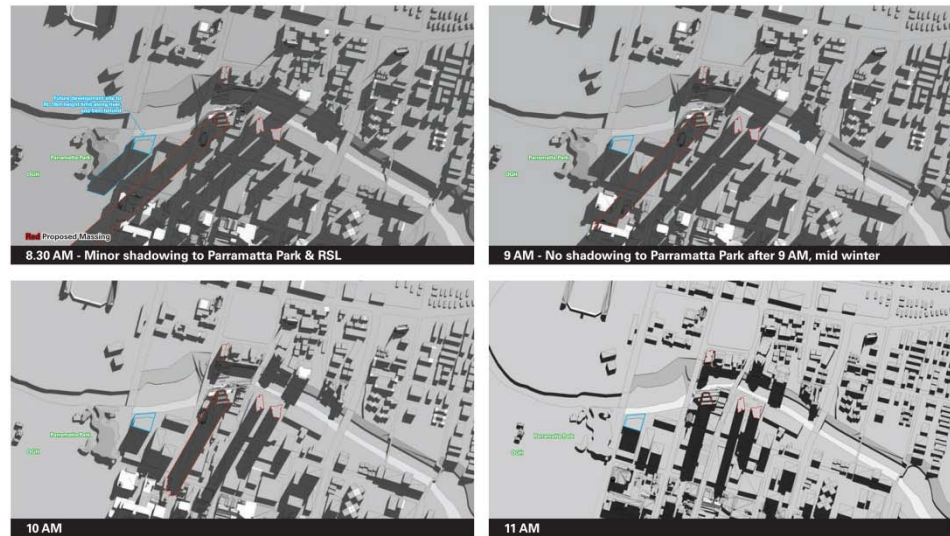


Figure 27 – Midwinter shadows 8:30am to 11am

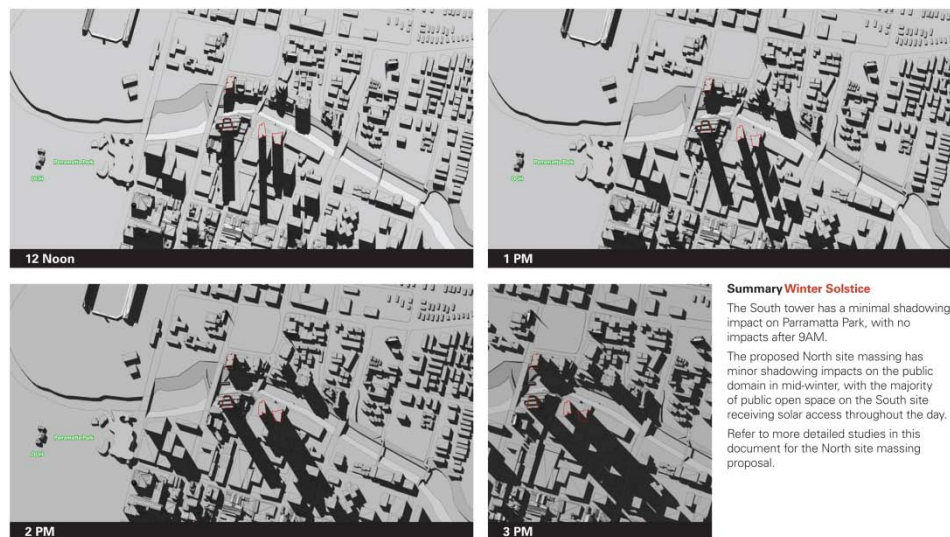


Figure 28 – Midwinter shadows 12 noon to 3pm

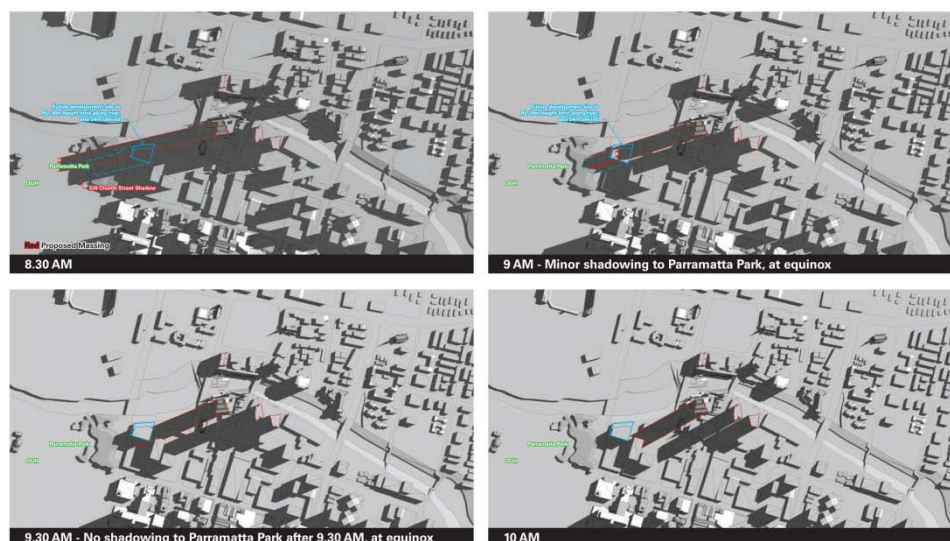


Figure 29 –Equinox shadows 8:30am to 10am

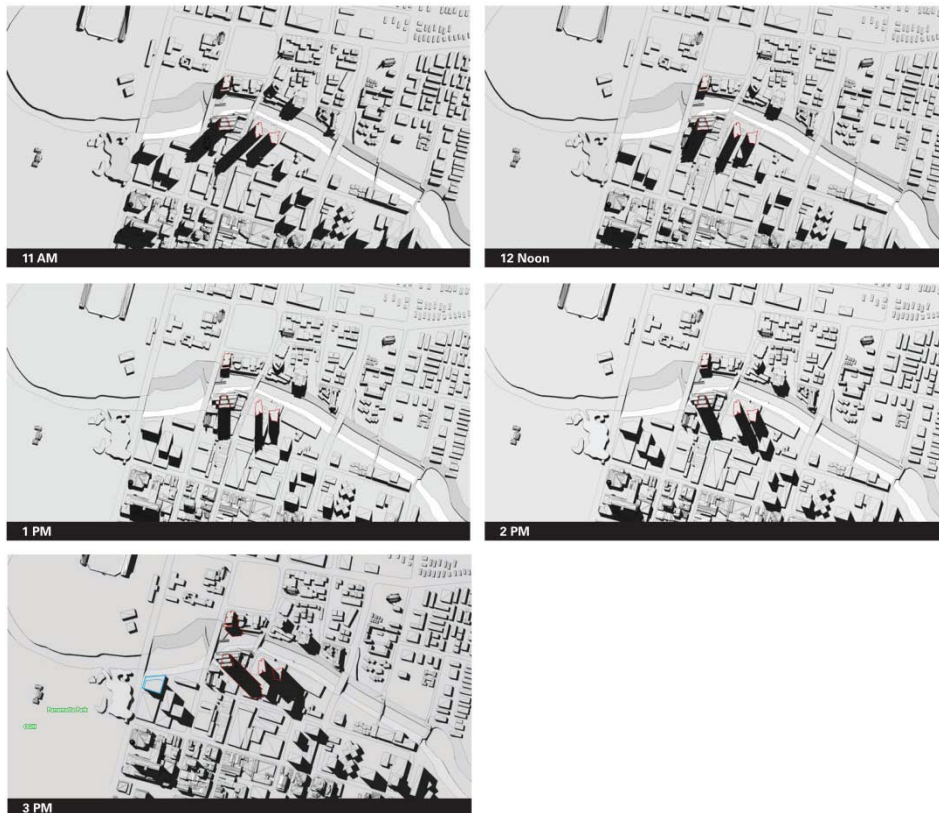


Figure 30 –Equinox shadows 11am to 3pm

Shadow Impact Analysis

As detailed in the shadow diagrams, by 9am in midwinter no part of the development will be overshadowing Parramatta Park. Whilst the development may overshadow parts of Church Street in the afternoon, this street is already partly shaded by canopies and awnings that remain in place during winter (see **Figure 25 above**). Furthermore, the shadow studies show that the sun tracks quickly at lunch time even in midwinter.

At equinox, the shadow from the proposed development only hits Church Street at 2pm.

It is considered that no unacceptable overshadowing impacts will result from the proposed built form on the site.

6.3.4 Heritage

Built Heritage on the Site

333 and 339 Church Street are listed as local heritage items (shops) under the City Centre LEP. There appear to be an error in Council's heritage mapping and heritage listing of 339 Church Street. 337A and 337 Church Street (Lot 3 in DP825045) – a two-storey shop – may actually be Item 90 in the City Centre LEP. The heritage map places Item 90 on 339 Church Street which has been vacant since the 1950s.

A Planning Proposal has been prepared by Council (and is currently with the DP&I for making) which seeks to make certain amendments to the City Centre LEP and incorporate its provisions into the broader Parramatta LEP 2011. The Planning Proposal seeks to rectify this apparent heritage mapping error.

An assessment has been conducted on the proposed removal of the building heritage items at 333 to 337A Church Street from the heritage schedule under the City Centre LEP.

The assessment concludes that there is no evidence of any aspects of the current properties or buildings that would currently meet the entry threshold for LEP listing on the basis of the NSW Heritage Assessment Criteria. Accordingly, there is insufficient significance for either building to be retained on the heritage schedule of the relevant Parramatta LEP.

The remnant façade above the awning on 333 Church Street is not regarded as being of sufficient architectural quality to warrant special protection in the context of a project that will provide a range of greater community benefits.



Figure 31 – Existing local heritage items fronting Church Street

The archaeological heritage consultant for the project – Dr Sandra Wallace of Artefact – has been asked to consider this proposal and concludes that a further archaeological heritage listing to replace the removal of the built heritage listing is not necessary for the following reasons:

- The properties are already listed in the PHALMS study as having exceptional archaeological research potential with potential State significance. Both properties are included within Archaeological Management Unit 3084. Although PHALMS is not a statutory list, the Parramatta DCP requires that archaeological assessments are undertaken in accordance with the PHALMS if subsurface excavations are to occur as part of development. An additional listing on the LEP would therefore not substantially alter the management measures required.
- The archaeological potential of the land at 333-337a Church Street has been assessed by the AHMS report (2011) and the draft Artefact Heritage report (2013) as of unknown archaeological potential. There is potential that remains of a 1830's cottage and outbuildings/privy may be buried beneath the extant buildings, as may the remains of the Lennox Bridge wing wall, but the depth of impacts caused by the construction of the current buildings is unknown. Although there is potential for archaeological remains to occur at the site there is more uncertainty in this section of the current study area than the remainder which has been less impacted by construction of modern structures. The comparative potential of the land at 333-337a Church Street is therefore not demonstratively higher than immediately surrounding areas which are not listed on the LEP as archaeological sites.

In addition, the whole of the South Bank of the site is affected by Parramatta Archaeological Management Unit (AMU) 3084.¹

AMU 3084 is identified as having State significant heritage values for its archaeological research potential. It is described as follows on the Heritage Council's database:

This AMU has exceptional archaeological research potential. This area was part of the early Rose Hill settlement and the commercial centre of Parramatta through the convict and colonial periods to the present day. The physical archaeological evidence within this area may include built landforms, structural features, intact subfloor deposits, open deposits and scatters, ecological samples and individual artefacts which have potential to yield information relating to major historic themes including Convicts, Commerce, Environment, Housing, Land Tenure and Townships. Archaeological evidence at this site is likely to have been subject to minor disturbance, with major disturbance in some areas. This AMU is of State significance.

In addition, AMU 3235 affects the North Bank and includes Market Street and the car park next to the Riverside Theatre (fronting Marsden Street). This AMU indicates it has exceptional archaeological research potential.

Archaeological & Heritage Management Solutions (AHMS) prepared a Heritage Investigations and Advice Report (AHMS Heritage Report) dated November 2011 for the South Bank of the site on behalf of Council. AHMS identified potential European archaeological items which may be present on the South Bank of the site, their potential locations, and their potential level of integrity/intactness and potential significance if found intact. These are described in **Figure 32** below.

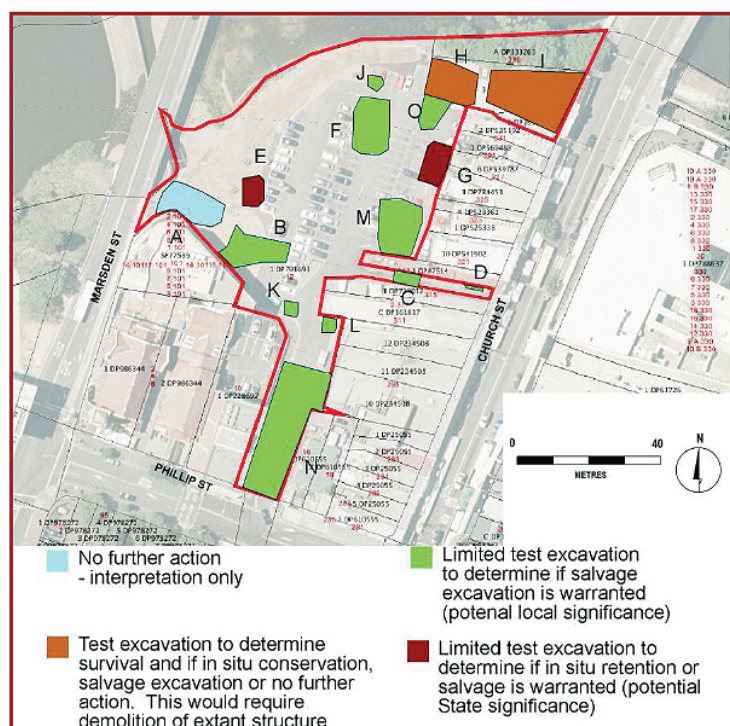


Figure 32 – Location of potential European archaeological sites (Source: AHMS Heritage Report)

Further investigation of potential archaeological heritage items on the site will be undertaken as part of the DA for the mixed use development on the site and appropriate management mechanisms will be recommended. The proposed development of a Discovery Centre in the South Bank development provides the perfect opportunity for display, storage and interpretation of any potential

¹ The car park allotment (Lot 1 in DP DP791693) is affected by Parramatta AMU 3021. However, AMU 3021 is identified as having no archaeological significance and no further consideration of this AMU is considered necessary.

archaeological heritage items that may be found on site. In addition, some display or integration opportunities may exist within the Council's owned café, particularly on the South Bank where it will be located in proximity to the potential remains of the original Lennox Bridge abutments.

Aboriginal Heritage on the Site

The AHMS Heritage Report undertook an investigation of the potential for aboriginal heritage items to be located on the southern bank of the site. AHMS concluded as follows:

- There is the potential for Aboriginal archaeological sites and/or objects to survive on the site.
- Aboriginal archaeological sites and/or objects of high significance are likely to survive in the Parramatta terrace sand sheet which occupies the majority of the South Bank of the site (see **Figure 33** below).
- There is the potential for Holocene deposits to survive beneath 333 Church Street (see **Figure 33** below) which have the potential to contain Aboriginal sites and/or objects of moderate significance.
- Informal consultation was undertaken with the Deerubin Local Aboriginal Land Council (Local Land Council) and the Council's Aboriginal and Torres Strait Islander Advisory Committee (Advisory Committee). Comments received indicate that potential Aboriginal sites within the Parramatta terraced sand sheet and Holocene deposits are likely to be of cultural significance to Aboriginal people.

Further Aboriginal heritage investigations will be undertaken as part of the DA for mixed use development on the site. Early consultation with ATSIC has already commenced.

Further discussions of the requirements in relation to protection of potential Aboriginal heritage items on the site under the provisions of *National Parks and Wildlife Act 1974* (NPW Act) is provided in Section 6.2.4 below.

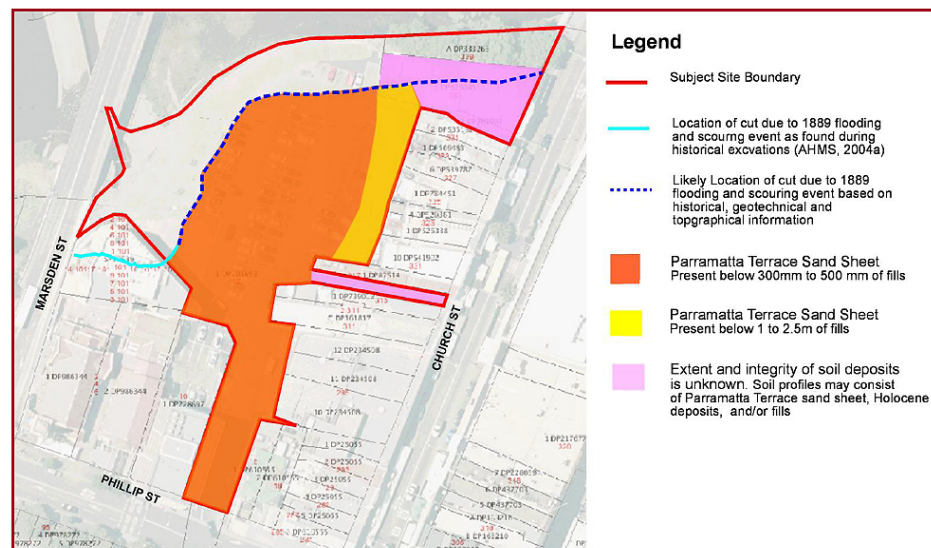


Figure 33 – Aboriginal heritage on the site

Heritage Items in the Vicinity of the Site

The most important heritage item in the vicinity of the subject site is the historic Lennox Bridge, carrying Church Street over the Parramatta Bridge.

The bridge is listed on both the NSW State Heritage Register and the City Centre LEP. Despite its close proximity and the physical extension of the abutment of the bridge into the north east corner of 339 Church Street, no part of the actual listed item as shown on the relevant mapping documentation, encroaches on the subject land.

The subject site is located in the immediate vicinity of numerous heritage items, most notably the Lennox Bridge, Parramatta Dam (Weir), the various buildings along the western frontage of Church Street adjacent to the site, those on the opposite sides of Church and Phillip Street and the former Church on the corner of Marsden and Phillip Streets. Other heritage items are located at some distance and include the former Kings School, the former Parramatta Hospital and the historic churches and parks towards Victoria Road.

The proposed development facilitated by this Planning Proposal will generally enhance the heritage significance of the various heritage items in the vicinity of the site. Where potential impacts may arise, the Heritage Report points to a number of design solutions which will be implemented to address these potential impacts.

It concludes that the proposed development provides positive enhancement of the setting of Lennox Bridge and Parramatta Dam both items by the provision of well-designed public open spaces, riverside pedestrian access and viewing platforms. Potential impacts on the various heritage items on the Church, Phillip and Marsden Street frontages of the overall site are minimised by the podium being set to the rear of the street frontage properties or being separated by other surrounding development. Potential impacts on heritage items in more remote locations, including the former Kings School, are minimised by the adoption of a tall thin tower form above the low scale podium, thus reducing the visual bulk of the new development.

Old Government House and Domain

SEWPC, in consultation with Council and the Department, has prepared a Technical Report - *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values* to assist in determining the type of development that should be considered a controlled action, and to guide development in the Parramatta CBD.

The site is located within the area identified in the Technical Report identified as 'Sensitive' not 'Highly Sensitive'. It is within Precinct 3, Riverside Edge for which a number of Desirable Development Character Guidelines have been established. According to the Heritage Report, the proposed development envelopes and heights contained in the Project Proposal respond to these Character Guidelines in the following manner:

- The new podium and waterfront promenade/colonnade have been designed with the specific intention of creating a close and welcoming address to the Parramatta River, particularly on the south side
- The proposal addresses all three street frontages in a manner that improves the public interface while enhancing the streetscape and the public realm of each. Plazas will be created at the Church Street and Marsden Street frontages while an improved shared way from Phillip Street into the site will facilitate improved and coordinated vehicle access to the buildings that face onto Church Street as well as the main development.
- The proposal will provide a significantly improved public interface at pedestrian level both from Church and Marsden Streets as well as along the river. The riverfront promenade will permit an extension of the pedestrian and bicycle network that is being created through the portals of Lennox Bridge and will facilitate the extension of these networks west towards Old Government House and the Governor's Domain.
- The Planning Proposal, with its underlying urban design principles, has been prepared by Johnson Pilton Walker Architects, one of Australia's leading design firms, with an international reputation for the quality of their work. The envelopes developed to support this Planning Proposal have been distilled from sketch designs that have emerged from the urban and architectural design principles. This ensures that the finished project that is derived within this Planning Principle will be of a very high architectural standard.

Furthermore, the Department of SEWPC have confirmed that the proposal is not considered to be a controlled action under the provisions of the EPBC Act.

6.3.5 Flooding

The majority of the site is identified as flood prone land under the City Centre LEP (see **Figure 34** below). However, 333 Church Street and the southern portion of the Lennox Street car park is not flood affected.



Figure 34 – Flood prone land map extract from City Centre LEP

The majority of the flood liable part of the site is affected by the 1 in 20 year flood level of the Upper Parramatta River, and a small portion of the site on the northern bank is affected by the 1 in 100 year flood level (see **Figure 35** below).

Council and Roads and Maritime Service (RMS) have investigated the potential to construct flood portals in the existing Lennox Bridge abutments in the locations shown in **Figure 35** below.

A hydraulic impact assessment was undertaken in relation to the proposed Lennox Bridge portals which concluded that the introduction of the portals in Lennox Bridge would decrease the flood levels upstream of Lennox Bridge by approximately 0.5 metres to the levels shown in **Figure 35** below. This would substantially reduce the flood levels affecting the site. Development consent for DA/425/2012 has been issued for these works with works commencing soon.



FLOODING AND HYDROLOGY

PCC and the RTA have investigated portals to be incorporated into the existing Lennox Bridge to enable connected pedestrian and cyclist access either side of the bridge.

The proposed works include construction of new portals in the existing bridge abutments in carefully considered locations.

PCC commissioned a hydraulic impact/hazard assessment for a range of flood events. The model's results indicate the inclusion of portals in the Lennox Bridge will result in a decrease in flood levels upstream of the Lennox Bridge of approximately 0.5m.

A DA is being prepared for the portals and is subject to approval.



PHOTOS FROM 2011 HEAVY RAIN



PHOTOS FROM 2011 HEAVY RAIN

Figure 35 – Existing and future flood levels for the site (Extract from Council Works Brief)

Under Council's *Local Floodplain Risk Management Policy* site is identified as flood prone (land susceptible to flooding by the probable maximum flood (PMF) event). An assessment of the Planning Proposal against Section 117 Direction 4.3 Flood Prone Land is included at **Table 4** above.

The Flood Impact Assessment provides significantly more detail than would typically be required for a flood assessment at the Planning Proposal stage of the project. However, due to the flooding constraints on the site, and in response to issues raised by Council and TTW, this additional flood information is provided to demonstrate that the proposed development will not have an adverse impact on flood behaviour in the area and will be capable of providing a safe environment for residents, workers and visitors on the site.

The pre-development scenario modelling is based on current topographic information and includes the approved Lennox Bridge portals. The post-development scenario involved adjusting surface levels along the river bank to reflect the proposed finished levels and building locations for the proposed development facilitated by this Planning Proposal.

Changes in Flood Storage, Levels & Velocities

The proposed development includes terraced walkways along the river edge. Earthworks associated with establishing the terraced walkways is expected to be less than 1% of the existing floodplain storage for the 100 year ARI design event. Hydraulic

modelling confirms that flood storage will not be impacted by the proposed development. In fact, minor changes in earthwork levels associated with the public domain areas on either side of the river banks is likely to result in a slight decrease in flood levels upstream of the site in the order of 0.08 metres. No change on peak water levels was observed downstream of the site as a result of the proposal.

Changes in flood velocity as a result of the proposal are generally less than 0.1m/s. A localised increase in flood velocity of 0.2m/s occurs in the flood model upstream of the Lennox Bridge due to the extension of pedestrian walkways on the South Bank by up to 1.5 metres into the river channel. The architectural design has since been revised to better match the existing bank profile and minimise any changes in velocity.

Flood Evacuation

Based on the *Lower Parramatta River Flood Study Review* (SKM, 2005), the Parramatta River itself takes approximately 6 hours to develop peak flood levels in the vicinity of the site during a major flood event. Feedback from the Catchment Management Authority will be sought to confirm flood behaviour to ensure effective evacuation planning. An emergency evacuation plan is currently being prepared for the precinct by Molino Stewart Environmental consultants

On the site the ground floor FFL is nominated as 8.5m AHD providing access to Phillip Street to the south and Church Street to the east. The 100 year ARI flood level as shown on Council's floor map is 7.92 metres AHD. Phillip Street has a pavement level of approximately 8.5 metres AHD at the entrance to the development (and 9 metres AHD towards Marsden Street) providing suitable refuge during the 100 year ARI flood event.

The PMF level on the site is shown as 12.96 metres AHD on Council's Flood Map. This is approximately 1 metre below the FFL of 14 metres AHD for the first floor of the proposed South Bank development. During the PMF event the ground floor of the proposed development, adjacent developments and surrounding streets will be flooded by approximately 5 metres. The first floor would provide appropriate refuge during the PMF event with the extent of off-site refuge subject to confirmation of the extent of the PMF.

Flood Hazard

The majority of the development will be located within the low hazard area as shown on Council's Hydraulic Hazard Map. Only walkways and open space is proposed in the high hazard areas. These structures will be resilient to withstand flooding and designed and constructed in accordance with Council's *Local Floodplain Risk Management Policy*.

6.3.6 Traffic, Parking and Access

An assessment of the traffic implications created by this Planning Proposal has been undertaken. The results on the assessments indicated that all intersections surrounding the site will retain a good level of service when the additional traffic resulting from the proposed development is taken into account.

The proposed development on the site will not exceed the maximum applicable parking rates set out under the City Centre LEP. Development on the site will maximise the opportunities created by its proximity to a range of public transport facilities.

Vehicle access to the site is provided from Phillip Street as shown in **Figure 36** below. No vehicle access is currently available from Church Street to the site. There are existing tenancies fronting Church Street which adjoin the site which are serviced from the car park (see **Figure 36**). Although there are currently no legal easements requiring access to these tenancies to be maintained over the site, service access to these tenancies will be maintained as part of the redevelopment on the site. PCC DevCo1 Pty Ltd, together with Council is undertaking consultation with these landowners to propose appropriate servicing arrangements.

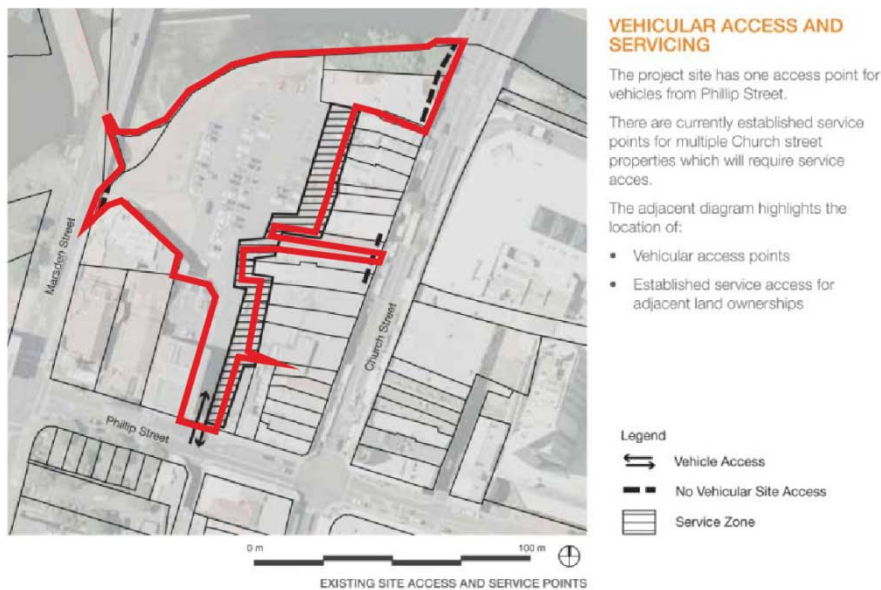


Figure 36 – Existing vehicle access arrangements (from Council Works Brief)

6.3.7 Contamination

Douglas Partners prepared a Phase 1 and Phase 2 contamination assessment of the South Bank of the site in September 2011 to assess the potential for contamination of the site based on past and present uses. The assessment also included some borehole testing on the site.

The investigation indicated that the site has historically been used for residential purposes before becoming an open air car park and commercial premises. The results of the Phase 1 and Phase 2 contamination investigation indicated that there is generally a low risk of soil or groundwater contamination on the site. Douglas Partners concluded that the site is considered generally suitable for a mixed use development (including retail and residential uses) with basement car parking.

Further detail will be provided with the DA for the mixed use development on the site.

6.3.8 Acid Sulfate Soils

The site is identified as accommodating Class 4 (South Bank) and Class 5 (North Bank) acid sulfate soils. The River is identified as Class 1 (see **Figure 37**).



Figure 37 – Acid Sulfate Soils

Typically, for works on Class 4 land below 2 metres in depth, or works on Class 5 land which will result in the lowering of the water table, an acid sulfate soils management plan is required. However, the consent authority may dispense with the requirement for an acid sulphate soils management plan where the applicant prepares a preliminary assessment of the proposed works indicates that one need not be carried out. Initial investigations suggest that no management plan will be required for the site. Further detail will be provided with the DA.

Q9 – Has the planning proposal adequately addressed any social and economic effects?

It is considered that the proposed development will have a broadly positive social and economic impact upon the Parramatta City Centre. The provision of a Conference Centre facility will attract visitors to the city centre who will generate additional business for local shops, cafes and restaurants. The residential uses provide an appropriate complement to Parramatta CBD, allowing housing close to jobs and transport, thereby supporting the viability of Parramatta as the second CBD of Sydney.

In addition the public benefits resulting from the proposed development facilitated by this Planning Proposal will have a number of positive social impacts in the area including the revitalisation of an underutilised site and the associated improvements in amenity in the area.

6.4 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to a range of existing services. Further investigations will be undertaken as part of the preparation of the DA material to determine whether any upgrade of existing facilities is required. Consultation with service providers has already commenced.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Extensive consultation has already been undertaken in relation to the proposed development on the site with Council, the NSW Office of Water and DPI. These

agencies and public authorities are supportive of the proposal subject to satisfaction of certain criteria the majority of which relates to detailed aspect of the development which will be addressed at the DA stage.

6.4.1 Department of Sustainability Environment Water Population and Communities

Under the provisions of the EPBC Act, approval is required from the Minister for SEWPAC for any action that will have, or is likely to have, a significant impact on values of a World heritage-listed item. Such an action is referred to as a 'controlled action'.

If a proponent is proposing to undertake an action that may have an impact on the listed values of a World heritage item, it must consider whether it is necessary to refer the action to the Minister for SEWPAC to determine whether the action is a controlled action.

On 8 July 2013, a referral was submitted under the EPBC Act requesting that the Minister for SEWPC confirm that the proposed development (consistent with the heights sought on the site under the updated Planning Proposal) is not a controlled action under the EPBC Act. On 19 August 2013, the Department of SEWPC confirmed its decision that the development will not be a controlled action and therefore does not require further assessment and approval under the EPBC Act.

6.4.2 Department of Primary Industries

The NSW Department of Primary Industries (DPI) is responsible for conserving the State's fishery resources, protecting and conserving fish habitat and threatened aquatic species, in NSW waters. Under the *Fisheries Management Act 1994* consultation with the DPI is required for development that may impact on fish habitat.

On 2 May 2013, the project team met with a representative of the NSW Department of Primary Industries (DPI) on site to discuss issues relating to the management of the fish population and biodiversity along the Parramatta River and its implications for development on the site. DPI gave detailed feedback on various elements of the site which are being considered in the preparation of the detailed design documentation to be submitted as part of the DA.

6.4.3 NSW Office of Water

The *Water Management Act 2000* (WM Act) provides for the sustainable and integrated management of water resources in NSW. In accordance with the WM Act, any development within 40 metres of a waterway, and development which involves dewatering on a site, must be referred to the NSW Office of Water for concurrence. These provisions apply to development on the site and will be addressed as part of the DA process for the site.

On 3 May 2013, the project team met with a representative of the NSW Office of Water on site to discuss issues relating to water management and quality on the site. The NSW Office of Water provided feedback on its requirements for development on the site which is being considered in the preparation of detailed design documentation to be submitted as part of the DA. No written feedback was provided. The contact details for the relevant officer from the NSW Office of Water are able to be provided if required.

6.4.4 Service Providers

On 20 August 2013 consultation meetings with Sydney Water and Telstra were held. Level 3 service consultant Connect Infrastructure has been working with Endeavour Energy in relation to load and substation requirements.

7.0 Mapping

Refer to maps extracts included at Section 6.0.

8.0 Community Consultation

In accordance with Clause 56(2) of the EP&A Act the Gateway determination will indicate the level of community consultation deemed necessary for the proposal. It is proposed that community consultation be held for a minimum of 28 days.

9.0 Project Timeline

The following provides an indicative timeline for the planning proposal.

December 2013	Referral for Gateway Determination
January 2013	Gateway Determination issued
February 2013	Government agency consultation
February 2013	Public exhibition period
March 2013	Consideration of submissions
April 2013	Report to Council
May 2014	Forward to DP&I for making
June 2014	Anticipated date for making and notification of instrument

10.0 Conclusion

This Planning Proposal seeks to amend the City Centre LEP to permit a range of uses consistent with the development sought on the site. It also seeks to amend the City Centre LEP to permit floor space and heights on the site consistent with the built form of the proposed development.

It will enable the delivery of a mixed use development providing approximately 400 residential apartments on the in close proximity to existing transport and infrastructure. The development will also provide extensive public infrastructure across the site and will encourage the revitalisation of this currently under-utilised site.

The Planning Proposal is consistent with relevant strategic and statutory planning documents and will deliver a number of public benefits, including an increase in housing and employment in the Parramatta strategic centre. An environmental assessment of the impacts of the proposed use and built form facilitated by the Planning Proposal has been undertaken, and it is concluded that the Planning Proposal will not result in any unacceptable environmental impact.