PLANNING PROPOSAL
160-182 CHURCH STREET, PARRAMATTA

Prepared by JBA Planning on behalf of Parramatta City Council – December 2012
Amended by Parramatta City Council – February 2013
(in response to Gateway determination)
Amended by JBA Planning – 28 March 2013
(in response to design development)

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1.0 EXECUTIVE SUMMARY

- The purpose of this Planning Proposal is to accompany and facilitate the lodgement of a Development Application for the architectural design competition-winning proposal by Grimshaw Architects for the site at 160-182 Church Street, Parramatta. The Planning Proposal reflects further design development and urban analysis of the site following the selection of the Grimshaw scheme as the winner of the design competition and following the initial review of the scheme by Parramatta Council in December 2012
- The Planning Proposal seeks to increase the maximum building height limit to 306 metres and permit the development of a mixed use hotel and residential building with a traditional Gross Floor Area of up to 70,000m^2 (excluding communal atrium and circulation spaces, winter gardens and balconies).
- In addition to this, the 'enclosure' of the central atriums and winter gardens is likely to add in the order of 20,000m^2 of floor space for the communal areas and walkways, and an additional 5,000m^2 for the balconies for the residential apartments, and hotel suites.
- Importantly, whilst the atriums and winter garden balconies areas are technically defined as GFA under the definition in the LEP, it is clearly not the intention of the FSR control to limit the provision of balconies or communal open space. This situation arises largely because the Standard Instrument definition of GFA does not account for situations such as in high-rise residential buildings where the partial enclosure (such as louvres) of balconies is required for wind protection. As such, it is considered appropriate that an LEP amendment is progressed to allow the inclusion of these important communal and private open space features of the development.
- Given that the proposal incorporates traditional enclosed floor space and semi enclosed spaces in the form of louvered winter garden and central atriums, it is not considered as appropriate to define the site by an overall site FSR as is currently done in the LEP. Instead, it is considered appropriate to provide a site specific floor space clause which locks down/commits the proposal to provide its key benefits as follows:
  - traditional floor space counted as GFA (70,000m^2);
  - private open space in the form of winter gardens (5,000m^2); and
  - central communal circulation and atrium spaces (20,000m^2).
- In order to achieve the new height and floor space development parameters established under the Planning Proposal, a development must demonstrate design excellence, be the winner of an architectural design competition and provide an identified public benefit in the form of an appropriate tourism and visitor facility.
- The planning proposal reflects the potential of the site to provide a landmark building which serves as a benchmark for architectural design and sustainable development within the Parramatta CBD. The provision of additional floor space for the development of a hotel and residential apartments will generate activity outside of business hours within the centre of Parramatta and will provide an appropriate complement supporting the future Parramatta Square commercial core.

2.0 THE SITE

The site is located within the Parramatta CBD at the southern end of Church Street Mall on the corner of Church Street and Darcy Street. The site is comprised of the following lots:

- Lot 1 DP 514282;
- Lot 1 DP 731780;
- Lot 1 and 2 DP 1158833;
- Lot 1 DP 201075;
- Lot 3 DP 510571; and

- Part Lot 1 DP 791300.

This Planning Proposal, and references to 'the site' within it, relate to the portions of the above allotments shown in **Figure 1** below. This proposal includes basement structures that run below Church Street and Darcy Street (Lot 1 and 2 DP 1158833).

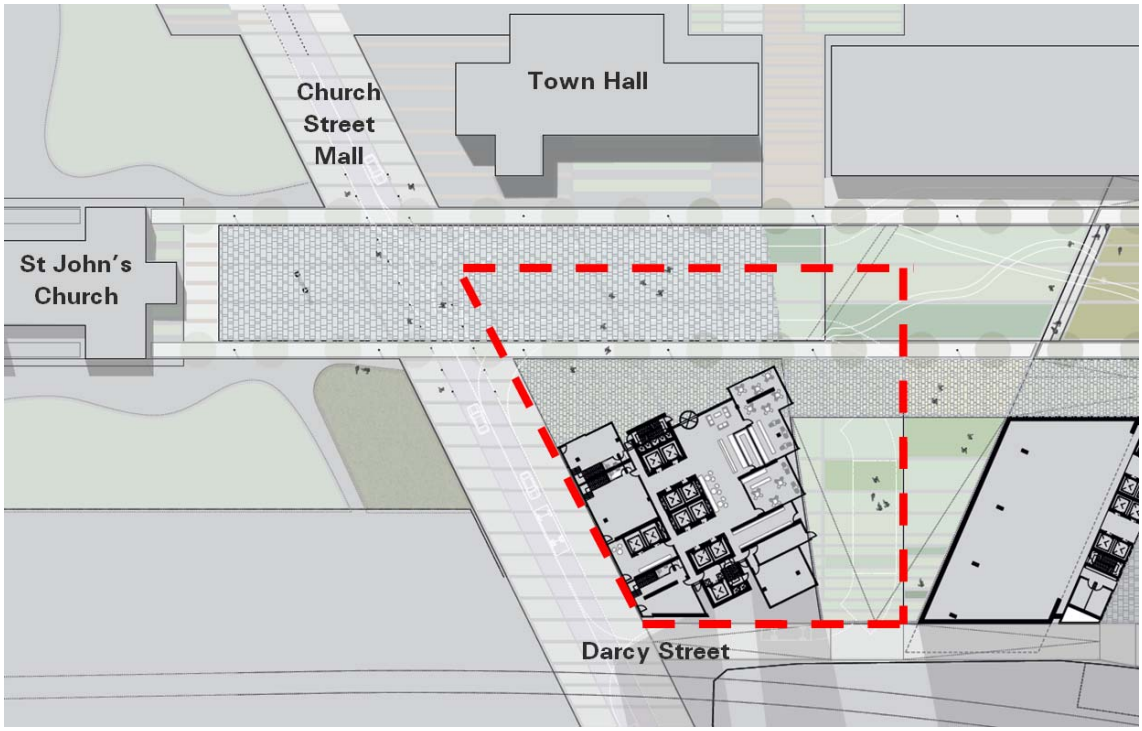

Figure 1 – Indicative Site Plan

The site is located at the corner of Darcy Street, which is a one-way street used primarily by service vehicles and buses, and Church Street Mall, which is a major pedestrianised street with public open space, in the Parramatta CBD. Development in the immediate vicinity of the site is a mixture of medium-rise (2-4 storey) commercial and retail buildings. The site is a key location within the Parramatta CBD as the southern gateway to Church Street Mall and as the future western gateway to Parramatta Square.

Existing Development

Shops to Darcy Street

Hungry Jacks

'The Connection' retail mall

Shops to Church Street Mall

A number of state and locally-listed heritage buildings and items are located in the immediate vicinity of the subject site including the Parramatta Town Hall and St John's Anglican Cathedral which are both listed on the State Heritage Register. The Convict Drain, which is a locally listed archaeological heritage item, runs beneath the site.

To the south of the site, across Darcy Street, is the Main Western Railway Line and Parramatta Station and Bus Interchange.

Surrounding Development

St John's Church

Parramatta Town Hall

Darcy Street looking east

Parramatta Westfield and Church Street (south)

3.0 AMENDED PLANNING PROPOSAL AND FURTHER DESIGN DEVELOPMENT

The Planning Proposal as exhibited included the following:

- traditional floor space counted as GFA (70,000m^2)[1];
- private open space in the form of winter gardens (5,000m^2); and
- central communal circulation and atrium spaces (20,000m^2).

Further design development and analysis has increased both the height and floor space of the proposed tower. This is based on both market feedback and feasibility testing, which has determined the right 'product' mix for the site that will be attractive for a prospective developer to build and deliver the building. This includes the location of the experience centre and the penthouse units, with increased height and outlook as well as providing a necessary threshold and quantum of residential apartments that are available for sale.

Whilst not purely a planning consideration, the product offer and feasibility of the project is crucial to the redevelopment of Parramatta Square, which has suffered over a decade in delays for a complex number of reasons since the adoption the 2003 Civic Place master plan. The proposed increase in height and

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[1] The initial planning proposal was exhibited stating that there was a traditional GFA of 70,000m^2 plus the winter gardens and communal spaces (i.e. total 95,000m^2). However, this 70,000m^2 reference erroneously *included* the 20,000m^2 of communal space and was prior to a surveyor reviewing the plans. In the spirit of the initial planning proposal, which aimed to separate the GFA into 'traditional GFA', 'central communal spaces' and 'winter gardens, the correct reference to traditional GFA should have been stated as **50,000m^2** PLUS 5,000m^2 of winter gardens PLUS 20,000m^2 central atrium spaces (i.e.75,000m^2 GFA total).

GFA therefore has relevance when considering the objects of the EP&A Act in terms of achieving the *orderly and economic use and development of land.* The Aspire project is one of the first projects within Parramatta Square and is expected to act as a catalyst and provide confidence for future stages to progress.

Correspondingly, the proposed increase in height is considered to remain consistent and improve the status of the Aspire building as landmark tower at the centre of Parramatta and at the geographical heart of the Sydney Basin. The further increase in height and floor space remains justifiable in that Aspire Parramatta site is one of the most central and consolidated parcels of land within the CBD, is identified as a gateway/landmark site near the station and in Parramatta Square and that the centre of the Parramatta CBD, and thus a higher height and floor space amount can be reasonably accommodated. The Metropolitan Plan 2036 identifies Parramatta as a pivotal CBD, which is deserving of a landmark tower signalling this intention.

From an urban design perspective, the tower will have an immediate and perceivable impact on the Parramatta CBD skyline by virtue of its sheer scale. This will occur irrespective of whether the height of the tower is 306 metres or 280 metres (as per the initial Planning Proposal), with the difference between the two schemes not readily perceivable to a casual observer.

The redevelopment for the landmark tower needs to be viewed in the context of the fact that Parramatta Square and the CBD are in transition, as development applications and redevelopment of the Square and the CBD for commercial, residential and civic uses will progressively take place and replace the existing building stock.

Height limits in the Parramatta CBD are varied and include gradations of 15m, 18m, 21m, 24m, 28m, 34m, 36m, 40m, 54m, 60m, 72m, 80m, 120m, and 200 metres. Buildings in the taller gradations (excl 200m) are located outside of Parramatta Square and are spread across appropriate locations in the CBD. A number of development approvals have been granted under the City Centre LEP 2007 or recent Part 3A approvals that move Parramatta towards the city skyline envisaged in the City Centre LEP. The Aspire project at 306 metres will represent the landmark tower, but as the desired future character of the LEP is achieved it will form the key landmark building at the centre of the CBD and part of a coherent CBD skyline.

The proposal has some impacts on the Jubilee Park sun access plane. Justification for this additional overshadowing is provided under separate cover. This analysis concludes that the extent of overshadowing is acceptable on the basis that:

- The time extent of additional overshadowing is limited to a short timeframe during the lunch time period (1.30pm to 2pm only in the lunch time period on the worst day of the year scenario – June 21);
- The impact is on areas of unencumbered grass and a sufficient quantum of grassed space is still unshaded and available for lunch time enjoyment during the lunch time period in mid-winter;
- The extent of overshadowing is reduced at other times during the winter months, with no impacts on Jubilee Park occurring as a result of Aspire at the equinox;
- The Aspire project facilitates one third of the Parramatta Square public domain and plaza which will provide a central active public open space in the heart of the CBD.

Planning is a balance of competing interests and environmental considerations, which must be weighed up to determine an appropriate built form. On balance, it is considered that despite the additional overshadowing to Jubilee Park, the broader public benefit of the Aspire project outweighs these impacts and that the Planning Proposal is justified by:

- Providing the desired landmark tower to clearly signal Parramatta as Sydney's second CBD;

- Providing a high quality 'experience centre' to Council at no cost which will attract tourists and visitors to Parramatta and showcase the City;
- Improving the urban form and amenity of the locality with well-designed high density housing that will address the important central CBD location;
- Adding to the diversity of new housing in the locality with new residents able to support local businesses, and new employment floor space generating employment and the provision of new goods and services for local residents;
- Serving as a catalyst for further development in Parramatta Square, which has been mooted for development for some time and has been hampered by a range of factors including the GFC.

The actual increase in traditional floor space is not solely a product of the height increase but can be attributed to a number of factors including:

- Further structural and services work which has determined that the floor to floor heights could be lowered without a corresponding decrease in residential amenity (i.e. 2.7 metre ceiling heights are still achieved);
- Balconies in the hotel component have been reduced in width (from 600mmm to 360mm) thereby increasing internal floor space;
- Balconies in the apartment component have been reduced in width (from 2100mm to 1800mm) thereby increasing internal floor space;
- Rationalisation and resolution of the hospitality and retail components, apartment planning and access which has resulted in other increases in floor area.

Further, the proposed height increase is made up of the following key components:

- Maximum residential level 290 metres;
- Height to top of building: 302 metres;
- Height to top of architectural roof feature: 306 metres.

It is noted that extent of the building to the top of the roof feature is 306 metres, whilst the extent of height to the main building is 302 metres. Ordinarily an architectural roof feature can protrude above a height limit, subject to a number of considerations including minimal overshadowing. Due to the overshadowing impacts of the proposal, in this instance it is considered appropriate that the Planning Proposal seeks that the height limit is to the top most part of the building, being the architectural roof feature at 305.28 (306 metres).

The amended Planning Proposal therefore seeks the following:

- height limit of 306 metres;
- traditional floor space counted as GFA (70,000m^2)(i.e. increase of 20,000m^2)[2];
- in addition to the above: private open space in the form of winter gardens (5,000m^2)(no increase from that exhibited); and
- in addition to the above: central communal circulation and atrium spaces (20,000m^2)(no increase from that exhibited).

[2] Whilst it would appear on first glance that the Planning Proposal has not increased 'traditional' GFA from the exhibited Planning Proposal (which stated 70,000m^2 of traditional GFA), due to the erroneous inclusion of communal spaces as part of the 'traditional GFA' in the initially exhibited version as outlined on Page 5, the traditional GFA exhibited should have been 50,000m^2. Hence, the amended proposal does include an increase in traditional GFA from 50,000m^2 to 70,000m^2.

A telecommunication antennae/ lightning rod extends to RL 346.75 (336 metres). Pursuant to the definition of building height in LEP 2007 such devices are permitted above the height limit, which is 306 metres as per the amended Planning Proposal for the site.

The remaining outline and justification in this report remains relevant to the Aspire Planning Proposal.

4.0 EXISTING PLANNING CONTROLS

4.1 Land Use Zone

Under Clause 11 of the *Parramatta City Centre Local Environmental Plan 2007* (City Centre LEP) the site is zoned B4 Mixed Use. Part 2 of the City Centre LEP defines the objectives of this zone as:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone.*
- *To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:*
  - *commercial and retail development,*
  - *cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,*
  - *tourism, leisure and recreation facilities,*
  - *social, education and health services,*
  - *high density residential development.*
- *To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.*

4.2 Height of Buildings

Under Clause 21 of the City Centre LEP the maximum building height shown on the height map for the site is 200 metres (**Figure 2**).

Clause 22B of the City Centre LEP permits a building that is the result of an architectural design competition to exceed the maximum building height shown under Clause 21 by up to 10%. A building subject to this clause may therefore achieve a maximum building height of 220 metres on the site. Clause 22B is able to be read in conjunction with Clause 24 (Exception to Development Standards), which allows a variation greater than 10% to be considered subject to some key tests such as whether the development standard is unreasonable and unnecessary (akin to the older SEPP 1 tests). This approach is confirmed in the Council Business Paper of 22 October 2012.

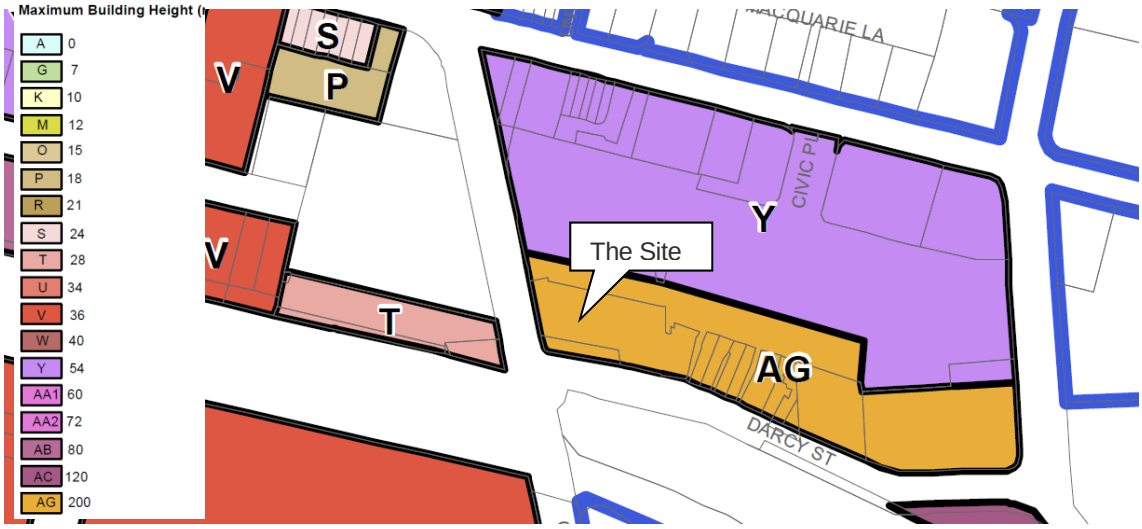


Figure 2 – Extract from Parramatta City Centre Local Environmental Plan 2007 – Maximum Building Height map

4.3 Floor Space Ratio

Under Clause 22 of the City Centre LEP the maximum Floor Space Ratio (FSR) shown on the map for the site is 8:1 (**Figure 3**).

Clause 22B of the City Centre LEP permits a building that is the result of an architectural design competition to exceed the maximum FSR shown under Clause 22 by up to 10%. A building subject to this clause may therefore achieve a maximum FSR of 8.8:1 on the site. Clause 22B is also able to be read in conjunction with Clause 24 (Exception to Development Standards), which allows a variation greater than 10% to be considered subject to some key tests such as whether the development standard is unreasonable or unnecessary (akin to the older SEPP 1 tests).

Under the City Centre LEP, gross floor area (which is used to calculate a site's FSR) is defined as:

> ***gross floor area*** *means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:*
>
> *a) the area of a mezzanine within the storey, and*
>
> *b) habitable rooms in a basement, and*
>
> *c) any shop, auditorium, cinema, and the like, in a basement or attic,*
>
> *<u>but excludes</u>:*
>
> *d) any area for common vertical circulation, such as lifts and stairs, and*
>
> *e) any basement:*
>
> *(i) storage, and*
>
> *(ii) vehicular access, loading areas, garbage and services, and*
>
> *f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
>
> *g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
>
> *h) any space used for the loading or unloading of goods (including access to it), and*
>
> *i) terraces and balconies with outer walls less than 1.4 metres high, and*
>
> *j) voids above a floor at the level of a storey or storey above.*

Under this definition of gross floor area, a balcony or communal terrace area which is fully enclosed or partly enclosed (i.e. operable or fixed louvres) with an outer wall height that is greater than 1.4 metres high is included in a development's gross floor area.

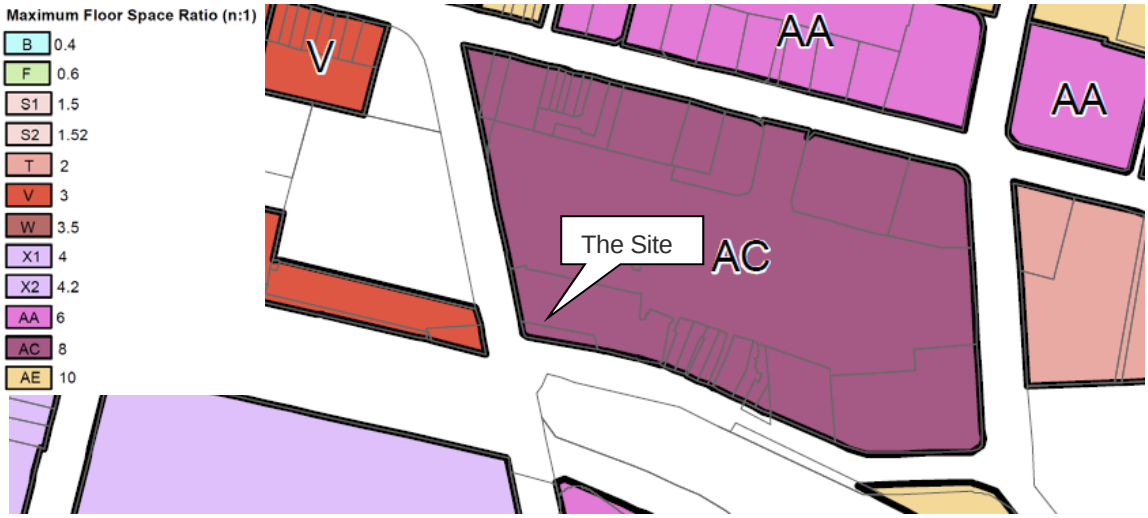


Figure 3 – Extract from Parramatta City Centre Local Environmental Plan 2007 – Maximum Floor Space Ratio map

5.0 BACKGROUND TO AMENDMENTS

5.1 Grimshaw Competition Winning Scheme

In July 2012 Parramatta City Council announced Grimshaw Architects as the winner of the design competition for the 160-182 Church Street site within the Parramatta Square redevelopment precinct. Grimshaw's winning scheme proposed a 65-storey (approximately 230 to 240 metres) twisting mixed use residential tower with retail and commercial spaces within the lower levels. This scheme had a Floor Space Ratio of approximately 8.8:1 (not including communal areas or balconies). A photomontage of the design-competition winning scheme is shown at **Figure 4**.

Figure 4 – Photomontage of the architectural design-competition winning scheme

5.2 Variation to Building Height along Darcy Street

Grimshaw have been subsequently retained by Council to develop the scheme further and prepare documentation for the lodgement of a Development Application. During further design of the scheme it has become apparent that greater diversity in the built form is required along Darcy Street. Developing Darcy Street to the current allowable design excellence height limits of 220 metres presents a monolithic block feature on the skyline which is very wide and presents an obstruction to the visual connectivity between north and south Parramatta at the city's centre. In order to mitigate this effect, Grimshaw's urban design analysis proposes that the blocks be divided up to allow light and views through the form and to introduce variety and interest in the skyline profile by adjusting the height parameters across the three sites fronting Darcy Street.

In addition to this, the proposal seeks to provide a publicly accessible viewing experience centre at the top of the building. This facility will remain in Council's ownership and will provide a unique public experience within what will be an iconic building within Parramatta and Western Sydney. The proposed increase in building height will permit greater opportunities to access key views from the public viewing platform towards Sydney and over the planned commercial development in Parramatta Square to the east, and allow clear views to Goat Island which has been identified as the focal point for its historical importance in the development and settlement of Sydney.

The rearrangement of massing to achieve these goals is shown conceptually in **Figure 5** below.

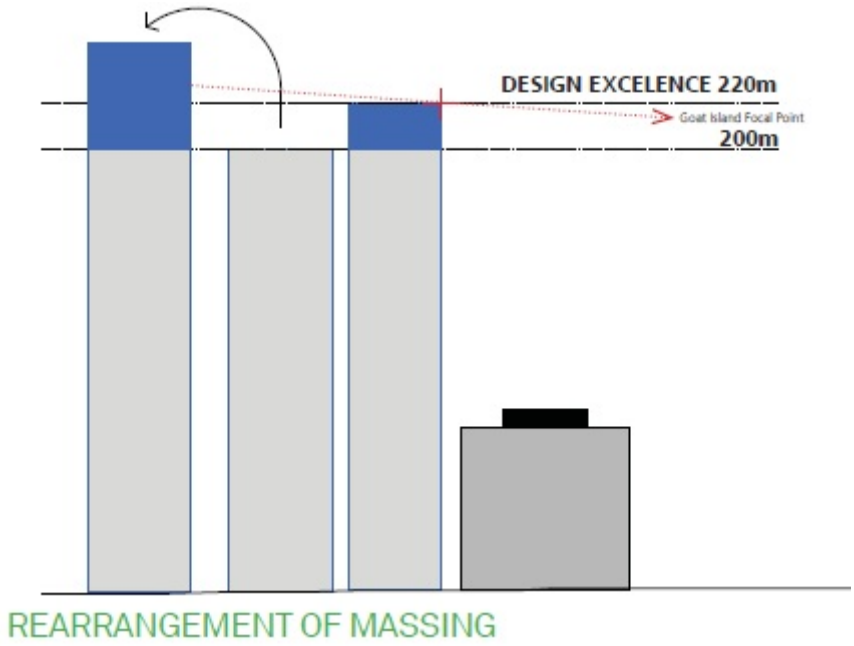


Figure 5 – Rearrangement of Massing along Darcy Street to Achieve Aspire Building Height

5.3 Central Communal Spaces

A key feature of the competition winning development is the central atrium spaces which provide both community interaction in the formal of communal open space and also sustainability benefits in terms of passive cross ventilation of the building. The planned building allows the use of cross ventilation and open communal areas with interconnection provided every six floors. The provision of communal atrium spaces every six levels within the building is intended to create a series of 'vertical villages' which promote greater social interaction amongst smaller groupings of residents and permits a greater sense of local ownership of these spaces. The creation of these civic commons throughout the building is an innovative approach to provide a sense of neighbourhood within a mixed use high-rise building, whilst also presenting challenges around issues such as enclosure and ventilation which are not foreseen in traditional planning controls.

The design of the open communal areas between the floors allows the transverse movement of air from air intakes from the south and heat and air discharge on the North. The north exposure will heat the glass to create the thermal stratification and stack effect between the north and south to induce air across the space. The south is not exposed to direct solar gains where the air will be cooler. The recent wind studies indicate that these spaces will require automated louvres with one side of the atrium required being in open position and the other side required to be in closed position at any given time. This leads to the technical 'enclosure' of these spaces despite their significant environmental, cross ventilation and social interaction benefits. The arrangement of these spaces and how they function is shown in **Figures 6**-**9** below.

Figure 6 – Montage of Central Communal Spaces

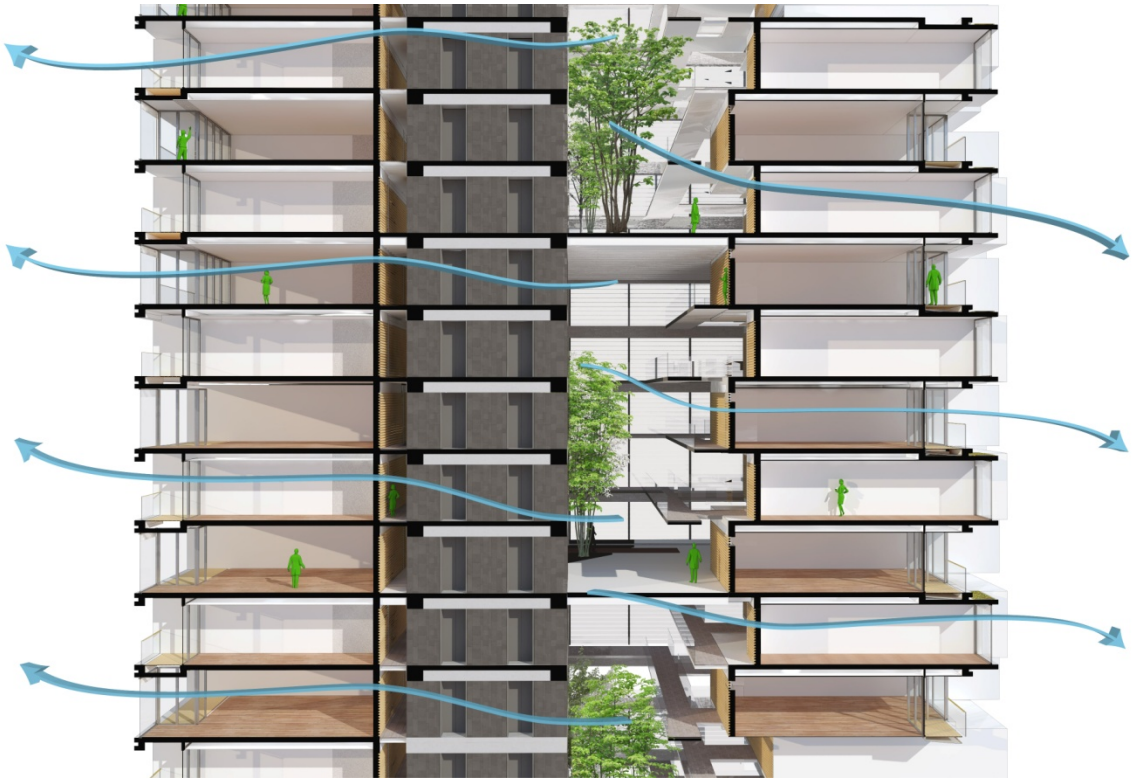


Figure 7 – Section through atrium

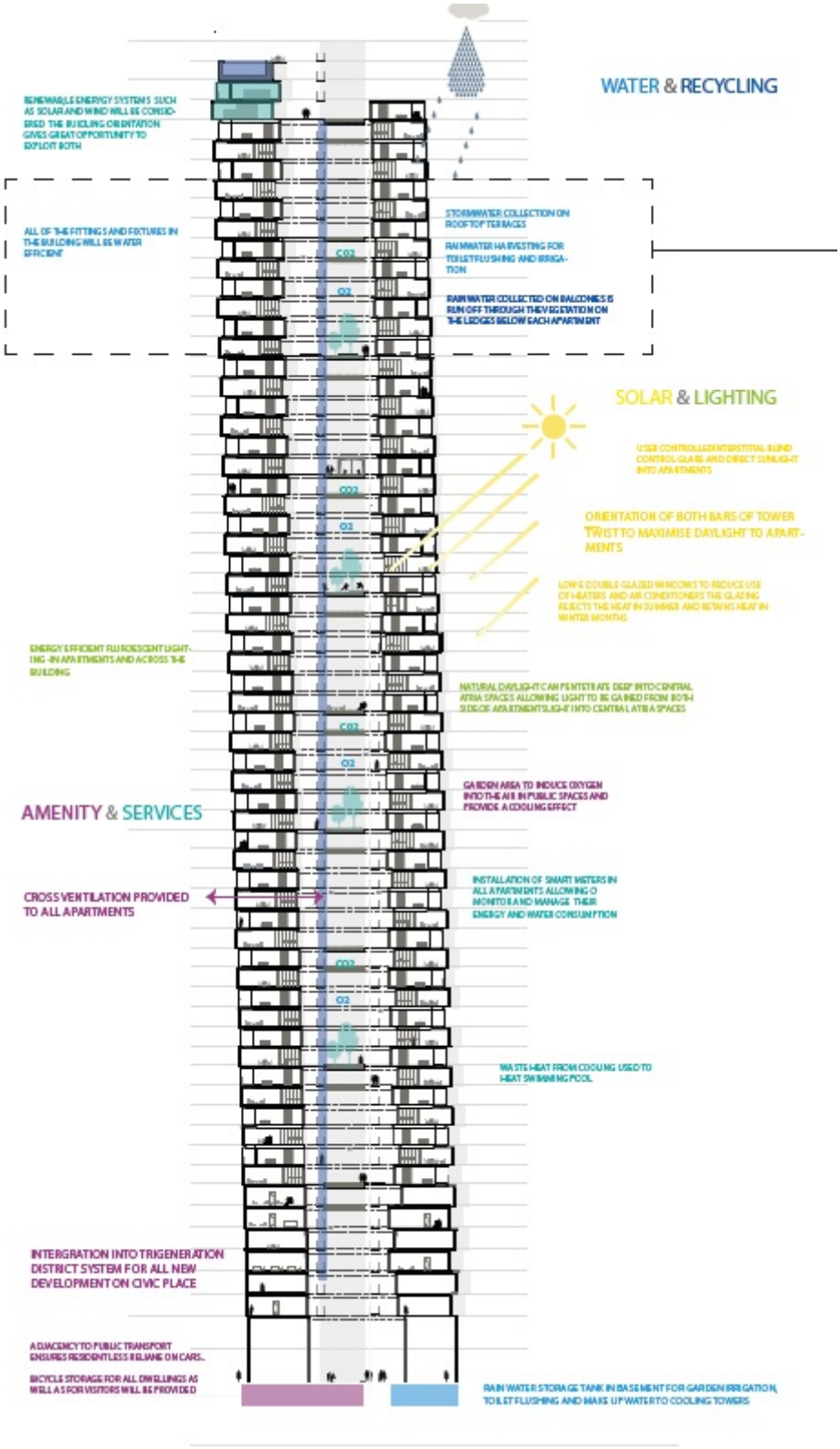
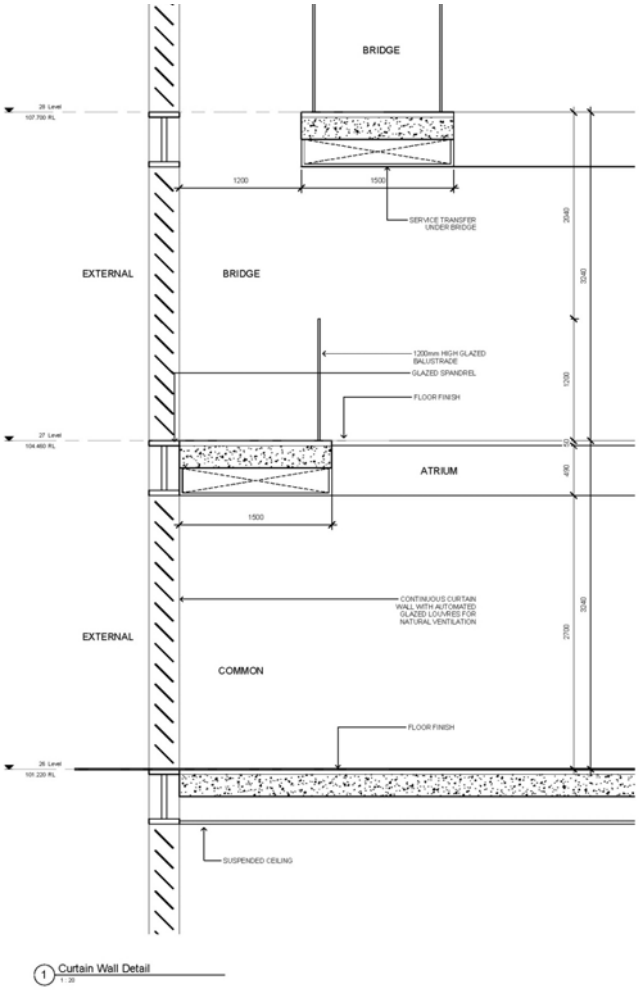


Figure 8 – Conceptual section showing atrium spaces through the building



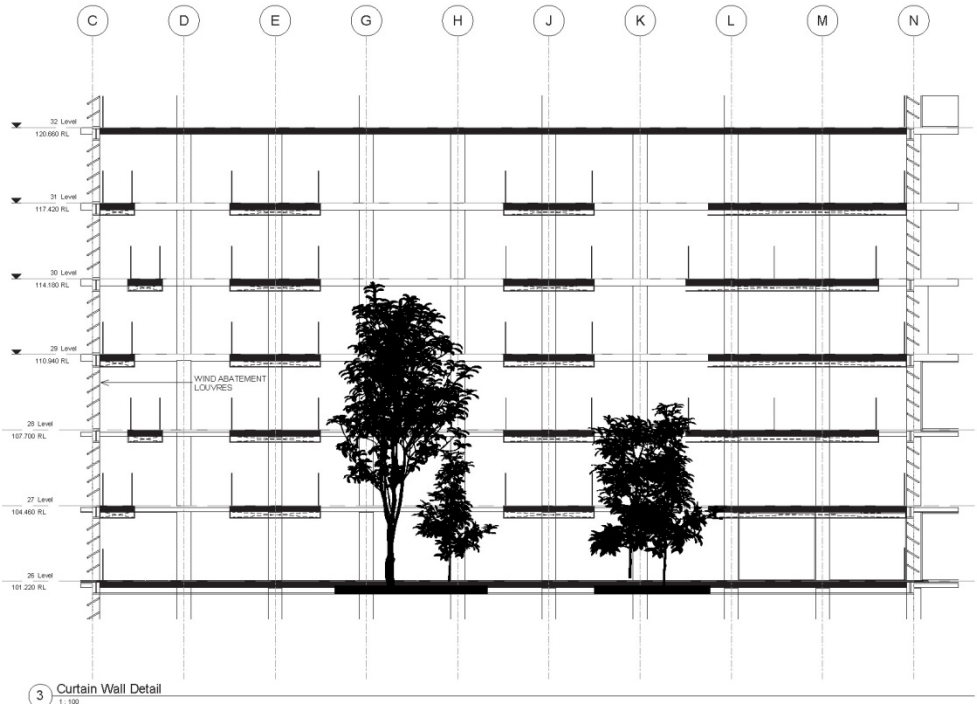


Figure 9 – Sections showing central atrium automated louvres

5.4 Winter Gardens

The competition winning scheme included open balconies for the residential apartments within the tower. Upon further wind modelling and exploration of the useability of these spaces, it has been determined that the 'winter garden' option with louvres is likely to be the preferred option to allow the greatest useability of these spaces and resident comfort. Currently two options are being explored with the wind consultant, being:

- a traditional balcony spaces with a 1.4-1.5 metre high balustrade (**Figure 10**); or
- a more traditional winter garden spaces, enclosed with louvres but still able to provide natural ventilation (**Figure 11**).

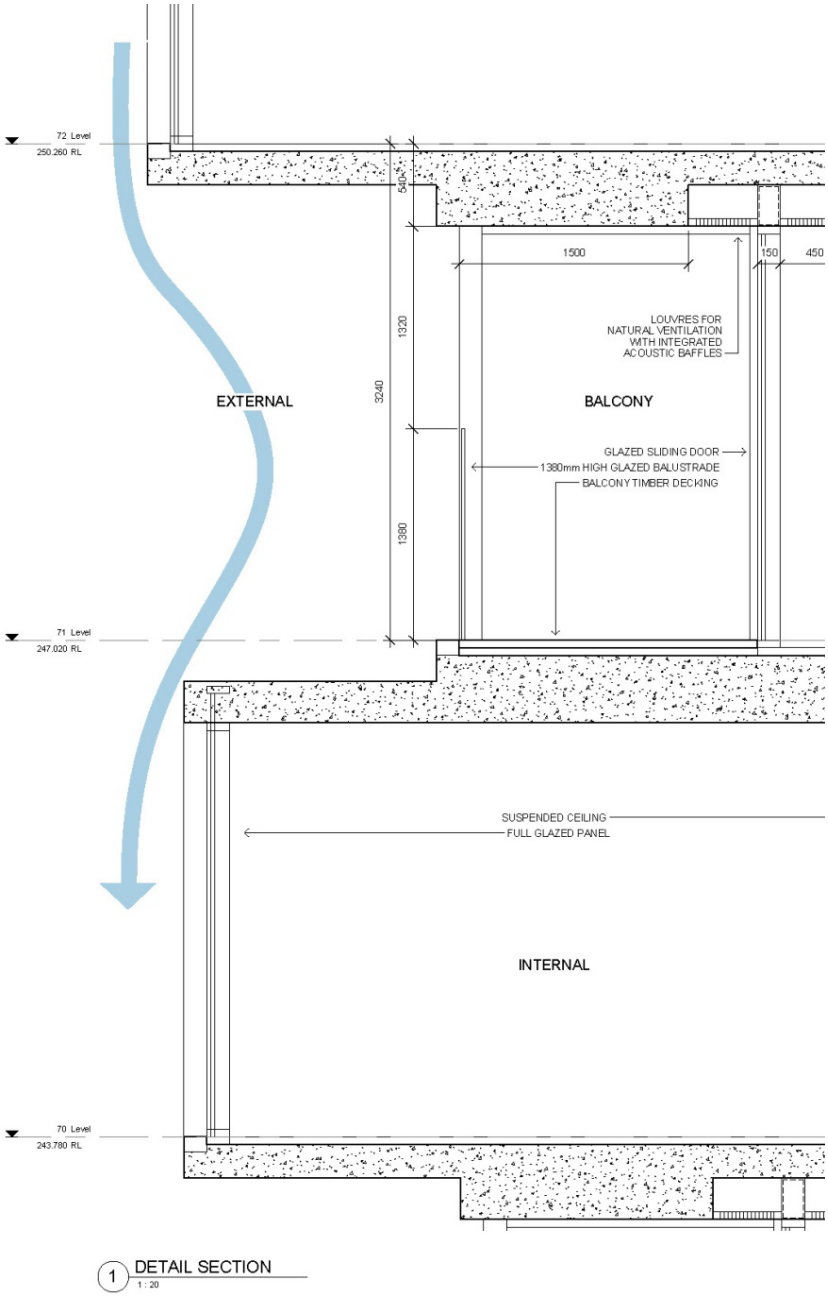


Figure 10 – Section of Traditional Balcony Option

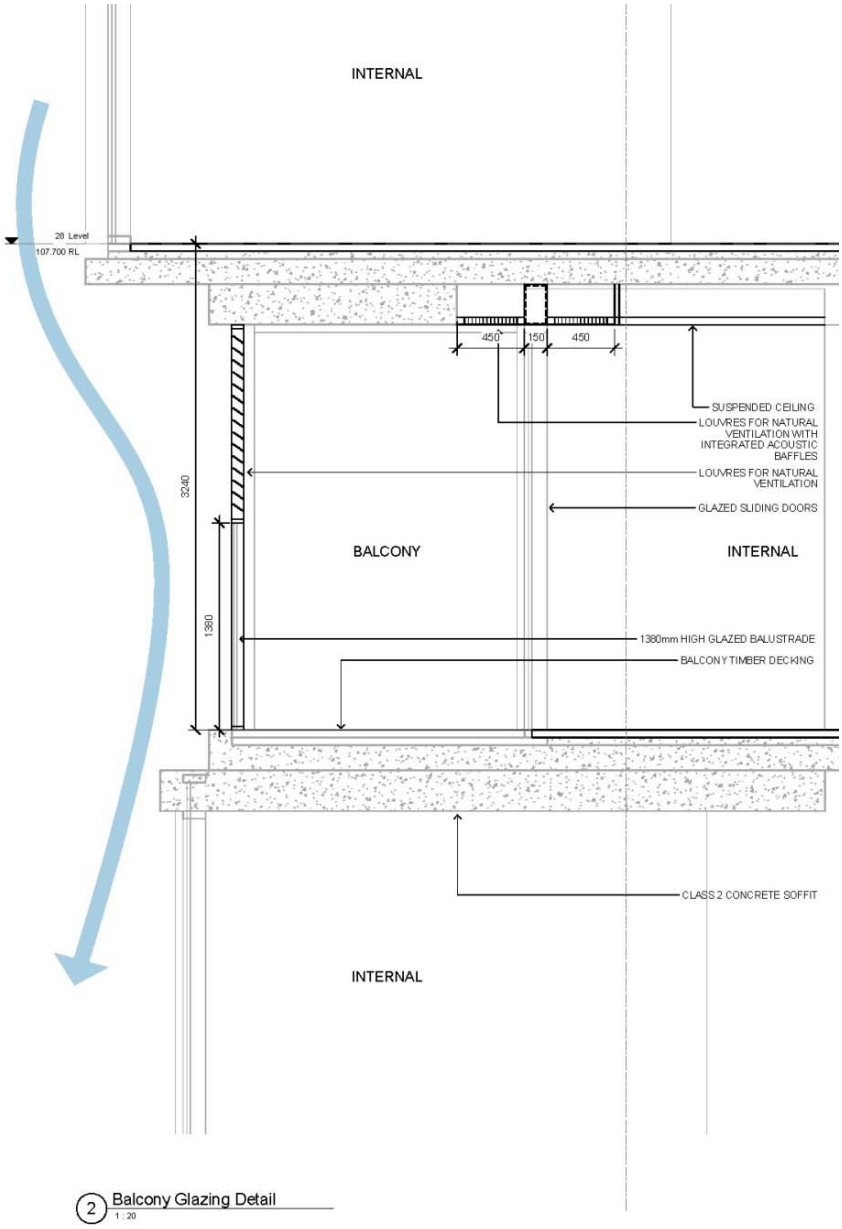


Figure 11 – Section of Winter Garden Option

If the second option is chosen, again due to the partial enclosure of these spaces and the definition of GFA, these spaces would be included in the site's floor space calculation. As such, this Planning Proposal seeks to address the potential enclosure of these spaces.

Based on early floor plan design, the 'enclosure' of the central atriums and winter gardens is likely to add in the order of 20,000m^2 of floor space for the communal areas and walkways, and an additional 5,000m^2 for the balconies for the residential apartments, and hotel suites. With these spaces included as floor area and if the proposal was made to retro-fit and comply with the maximum 8.8:1 FSR for the site, this would have a significant impact upon the ability to feasibly develop the design-competition winning scheme by Grimshaw Architects or any other development scheme for residential or tourist and visitor accommodation. It would also discourage design excellence and innovation in environmental design as architects would be constrained the current limitations of the GFA definition and be unable to provide such benefits such as the central communal atrium spaces within their design.

Importantly, whilst the atriums and winter garden balconies areas are technically defined as GFA under the definition in the LEP, it is clearly not the intention of the FSR control to limit the provision of balconies or communal open space. This situation arises largely because the Standard Instrument definition of GFA does not account for situations such as in high-rise residential buildings where the partial enclosure (such as louvres) of balconies is required for wind protection. As such, it is considered appropriate that an LEP amendment is progressed to allow the inclusion of these important communal and private open space features of the development.

This Planning Proposal document is accompanied and supported by the following documents:

- Grimshaw Winning Design Competition Report (July 2012);
- Grimshaw Urban Design Justification for LEP Height Amendments (November 2012).

6.0 THE PLANNING PROPOSAL

6.1 Statement of Objectives

There are two key objectives of this planning proposal:

- to provide suitable height and floorspace incentives for developments which achieve design excellence, are the winner of an architectural design competition and provide an identified public benefit; and
- permit the enclosure of private balconies, communal open space areas and common circulation areas which are located above ground level in order to provide suitable wind protection of these spaces.

6.2 Explanation of Provisions

The overarching purpose of the planning proposal is to facilitate the development of site for the 'Aspire Parramatta' development proposal, for which Parramatta City Council is the proponent and Grimshaw Architects are the designer. Grimshaw Architects were declared the winner of an architectural design competition which was held for the site in July 2012 and have been retained by Council to further develop their design (**Figure 3**). The current proposal is for a 90-storey mixed use tower with approximately 700 residential apartments, a 150-room hotel, approximately 1,000m^2 of ground-floor retail and a two-storey public viewing platform and 'visitor experience centre' at roof level.

A Development Application for the Grimshaw Architects scheme is expected to be submitted to Council at the end of March 2013.

Given that the proposal incorporates traditional enclosed floor space and semi enclosed spaces in the form of louvered winter garden and central atriums, it is not considered as appropriate to define the site by an overall site FSR as is currently done in the LEP. Instead, it is considered appropriate to provide a site specific floor space clause which locks down/commits the proposal to provide its key benefits as follows:

- traditional floor space counted as GFA (70,000m^2);
- plus private open space in the form of winter gardens (5,000m^2); and
- plus central communal circulation and atrium spaces (20,000m^2).

Amending the City Centre LEP to achieve the intended objective and purpose of the Planning Proposal is achieved through the inclusion of a new clause in Part 6 of the LEP as an Additional Local Provision which is generally as follows:

1) *This clause applies to Lot 1 DP 514282; Lot 1 DP 731780; Lot 1 and 2 DP 1158833; Lot 1 DP 201075; Lot 3 DP 510571; and Part Lot 1 DP 791300, known as 160-182 Church Street, Parramatta.*
2) *This clause applies to development where:*
    a) *the design of the building or alteration is the result of an architectural design competition, and*
    b) *the consent authority is of the opinion that the development exhibits design excellence with regards to the criteria specified at clause 22B(3);*
    c) *the consent authority is of the opinion that the development provides an appropriate public benefit in the form of a publicly accessible tourist and visitor facility.*
3) *Development to which this clause applies may not exceed:*
    a) *a maximum building height of 306 metres above natural ground level; and*
    b) *a maximum gross floor area of 70,000m^2, excluding any floor space used only for private balconies, communal open space or common circulation spaces (whether enclosed or unenclosed); and*
    c) *a maximum gross floor area of 25,000m^2 for the purpose of communal and private open space and common circulation areas.*
4) *Development to which this clause applies must provide a minimum of 1,500m^2 of gross floor area for the purpose of a publicly accessible tourist and visitor facility, which is part of the GFA calculations at subclause 3.*
5) *Clause 21 and Clause 22 do not apply on land to which this clause applies.*
6) *Clause 24 and Clause 22B(6) do not apply to development to which this clause applies.*
7) *Clause 29E does not apply on land to which this clauses applies*

The planning proposal does not seek to amend the zoning or permissible land uses on the site.

The Aspire Parramatta site is one of the most central and consolidated parcels of land within the CBD, is identified as a gateway/landmark site near the station and in Parramatta Square, and as such it is considered appropriate that this key site provides a higher level of internal floor space.

7.0 ASSESSMENT OF PLANNING PROPOSAL AGAINST NSW DEPARTMENT OF PLANNING AND INFRASTRUCTURE GUIDELINES

The following section includes an assessment against 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 in July 2009.

7.1 Need for the planning proposal

Q1 – Is the planning proposal a result of any strategic study or report?
The planning proposal is not the direct result of a strategic study or report, but rather a result of the detailed design development following a series of strategic planning studies and master plans which have been undertaken for the Parramatta Square site place over the past decade. The 2005 Civic Place Master Plan established development controls which were intended to stimulate the redevelopment of this precinct (now Parramatta Square) to provide a new core of commercial activity, with sites adjoining Church Street Mall zoned B4 Mixed Use to provide supporting uses such as retail, tourism and residential accommodation.

The proposal is consistent with the well-established strategic vision for the site and its surrounds to become a highly developed precinct with a range of uses that are appropriate for the heart of the heart of the Parramatta CBD. The subject site has not been identified as a key commercial site under the City

Centre LEP, but rather as an edge site which contains supportive uses which generate non-commercial activity and improve liveability within the centre.

The current proposal is the result a series of studies and investigations undertaken by the competition winning architect Grimshaw to develop an appropriate built form and iconic marker for the site. This is cognisant that the planning for Parramatta Square (formerly known as Civic Place) has significantly moved on since the Civic Place Master Plan 2003.

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. Whilst Council's Business Paper of 22 October 2012 envisages height variations in excess of 15% where a significant public benefit is provided, it is considered that the extent of variation proposed is more appropriately addressed by a change of the site's underlying planning control.

The partial enclosure of winter gardens and central atrium spaces with louvres provides somewhat of a grey area with respect to GFA, as it isn't truly enclosed but is affected by the part of the definition defining 1.4 metre high walls. At a high level, Aspire Parramatta as proposed will serve as a distinct and recognisable landmark within the Parramatta city centre which reinforces the centre's status as the western CBD of Sydney and therefore the extent of variations to current controls are considered warrant and more aptly able to achieve the desired outcome for the site.

Q3 – Is there a net community benefit?
The Planning Proposal will result in improvements to the urban environment and public domain by facilitating development of a new residential development mixed with employment space and a significant public viewing facility that will:

- Improve the urban form and amenity of the locality with well-designed high density housing that will address the important central CBD location;
- Add to the diversity of new housing in the locality with new residents able to support local businesses, and new employment floor space generating employment and the provision of new goods and services for local residents;
- Provide a high quality 'experience centre' to Council at no cost which will attract tourists and visitors to Parramatta and showcase the City;
- Serve as a catalyst for further development in Parramatta Square, which has been mooted for development for some time and has been hampered by a range of factors including the GFC; and
- Meet contemporary standards of environmental performance, particularly with regard to building materials, energy efficiency, water conservation, and waste management and in particular ensures that the environmental and community benefits of the planned central atrium spaces are retained for the development.

There is a net community benefit because this LEP amendment will make an important contribution to Council's housing targets, as required by the Metropolitan Strategy. It will also provide greater housing choice in the heart of the Parramatta CBD.

7.2 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 *Metropolitan Plan for Sydney 2036* strengthens the stated policy of the NSW State Government that Parramatta should continue to develop as Greater Sydney's second CBD. This has a number of strategic implications, the first and foremost being that a greater scale of development is required within

the Parramatta City Centre than is currently present to accommodate the growth required to achieve this objective. A tall building which achieves design excellence and is the result of an architectural design competition will be a landmark project which sets a benchmark for architectural design excellence in the centre. The provision of high quality tourism and residential uses are essential components of a vibrant and active commercial core, and will inject activity into the heart of Parramatta.

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

The planning proposal is generally consistent with Parramatta City Council's strategic vision for the site as articulated by the 2005 Civic Place Master Plan and the 2007 City Centre LEP, which both call for high-rise development and allow a certain quantum of higher density residential development within the Parramatta Square precinct.

The Planning Proposal is also consistent with Council's strategic plan known as Parramatta 2025. Parramatta 2025 plans for the concentrated growth of housing around public transport and activity nodes rather than dispersed growth throughout the LGA. Whilst a focus of Parramatta 2025 is commercial growth in the CBD, residential accommodation provides an appropriate complement to Parramatta Square, activating the square beyond business hours and allowing housing close to jobs, thereby supporting the viability of Sydney's Premier Regional City and second CBD. The proposal also incorporated employment generating uses in the form of a hotel and public viewing platform consistent with the vision of jobs close to transport and in the City Centre.

A summary of the proposed development's compliance with the *Parramatta City Centre Local Environmental Plan 2007* is provided in **Table 1** below.

Table 1 – Summary of compliance with key existing planning controls

Clause	Requirement	Compliance
Clause 10 – Land Use Zones	The site is zoned B4 Mixed Use.	The proposed residential, retail, commercial and hotel uses are permissible within the zone.
Zone Objectives	– To provide a mixture of compatible land uses. – To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. – To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone. – To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including: – commercial and retail development, – cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining, – tourism, leisure and recreation facilities, – social, education and health services, – high density residential development.	– The proposal incorporates a range of compatible uses which are suitable for the subject site. – The proposed development will take advantage of the site's proximity to Parramatta Station, Bus Interchange and bike paths within the Parramatta CBD. – The proposal includes the upgrade of public domain and pedestrian linkages within Church Street Mall and the proposed Parramatta Square. – Will provide local retail spaces to provide street level activation whilst incorporating residential and tourism uses that will support the existing centre and to create activity throughout the day and evening in Church Street Mall and Parramatta Square. – The proposed development will enhance the unique character of Church Street Mall whilst contributing to the creation of a sense of place within the proposed Parramatta Square precinct. At a high level, Aspire Parramatta will serve as a distinct and recognisable

Clause	Requirement	Compliance
	– To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.	landmark within the Parramatta city centre which reinforces the centre's status as the western CBD of Sydney.
Clause 21 – Height of Buildings	The maximum building height shown on the height map for the site 200 metres.	Refer Table 4 for compliance with objectives.
Clause 22 – Floor Space Ratio	The maximum Floor Space Ratio shown on the floor space map for the site is 8:1.	Refer Table 5 for compliance with objectives
Clause 22B – Design Excellence	– The consent authority must have regard to a range of matters which seek to ensure that new development within the City Centre exhibits design excellence. – Development with a building height greater than 55 metres may not be carried out unless a design competition has been held in relation to the proposal. – Development may exceed the maximum building height and floor space ratio for a site by up to 10% if the design of the building is the result of an architectural design competition.	– The DA will detail how the proposal addresses the full range of design excellence considerations. – An architectural design competition has been held for the site which resulted in the selection of Grimshaw Architect's winning design.
Clause 22C – Car Parking	The LEP specifies maximum parking rates for certain development types.	The proposal will not exceed the maximum car parking rates as the site is extremely well serviced by public transport.
Clause 22D – Building Separation	– Buildings on land to which this Plan applies must be erected so that the separation distance: – (a) from neighbouring buildings, and – (b) between separate towers or other separate raised parts of the same building, – is not less than that provided for in the City Centre Development Control Plan.	– The Grimshaw design competition document demonstrates compliance with this control.
Clause 22E – Ecologically Sustainable Development	Development should have regards to the principles of ESD as they relate to the development based on a 'whole of building' basis.	The design-competition winning scheme identified a number of ESD measures to be integrated into Aspire Parramatta, and these will be further detailed in the DA.
Clause 22G – Objectives for development in Special Areas	Development should be compatible with the character and attributes identified for Special Areas, including the Church Street Special Area identified in the City Centre DCP.	Consistency with the detailed City Centre DCP provisions will be addressed in the DA, with a summary provided in the Grimshaw winning design competition entry.
Clause 22H – Civic Place	Development within the Civic Place precinct must ensure that, on a precinct-wide basis, at least 6,000m2 of public open space is provided, nor more that 40% of GFA is for residential purposes, at least 40% of GFA is for commercial purposes, and the proposal is consistent with the Civic Place Master Plan.	Aspire Parramatta represents the first significant building to be progressed to DA stage within the Civic Place precinct, and is consistent with the precinct-wide controls for residential floor space and open space provision. The provision of additional height on the site and the quantum of residential floor space will not exceed the LEP 40% requirement.
Clause 24 – Exceptions to development standards	If it can be demonstrated that compliance with the development standard is unreasonable or unnecessary, is justifiable	The planning proposal to amend the maximum building height and floor space control for the site concurrently with the DA

Clause	Requirement	Compliance
	on environmental planning grounds, the consent authority may grant development consent for a development that is considered to be in the public interest even if it contravenes a development standard.	will address the variations to current controls.
Clause 29E – Sun Access	Development that results in any part of a building projecting above a sun access plane identified in the City Centre DCP is prohibited.	The proposal seeks to exclude the operation of the Jubilee Park sun access plane, with a separate overshadowing analysis provided under separate cover.
Clause 31 – Development in proximity to a rail corridor	Authority must consider the effect of rail noise and vibration from the rail corridor.	A Noise and Vibration Assessment will accompany the Development Application.
Clause 33A – Development on flood prone land	Part of the subject site is identified as being flood prone.	A Flood Statement will accompany the Development Application.
Clause 35 – Heritage Conservation	Consent is required for any development involving the erection of a building on land on which a heritage item is located, and for disturbing or excavating an archaeological site.	The proposed development will be accompanied by a Heritage Impact Statement, European Archaeological Statement and Indigenous Archaeological Statement. The proposed development will be Integrated Development as it incorporates part of the Parramatta Town Hall site and involves excavation in proximity to the convict drain.
Clause 35A – Historic view corridors	Consent authority must take into account the impact of a proposed development on historic view corridors identified in the City Centre DCP.	The proposed development will improve views to St John's Church from the east (View Corridor 4) and will not impact upon views to the church from the west (View Corridor 2) or the approach to the church from the north (View Corridor 3).

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 the **Table 2** below.

Table 2 – 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			✓	May apply (except Clause 6) to future development of 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	✓			Land is currently zoned for mixed use development and the proposed LEP amendment does not seek to change current permissible uses. A further SEPP 55 assessment will accompany the DA documentation.
SEPP No 60 Exempt and Complying Development	✓			SEPP 60 does not apply to Parramatta City Centre LEP.
SEPP No 64 Advertising and signage			✓	Not relevant to proposed amendment. May be relevant to

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
				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. Nonetheless, the planning proposal seeks to facilitate and achieve best practice compliance with SEPP 65 by formalising the provision of generous private and communal open space areas, which are technically included in the floor space calculations for the site.
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 65 will be demonstrated at the time of making a development application.
SEPP (Exempt and Complying Development Codes) 2008	✓			May apply to future development of the site.
SEPP (Infrastructure) 2007	✓			It is proposed that detailed traffic assessment be undertaken with the DA following LEP Gateway Determination.
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.
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓			The Planning Proposal is not inconsistent with the relevant planning principles for the Sydney Harbour Catchment, in that: - Environmental impacts of the development will be suitably managed in the future application. - The proposal provides for superior urban design that is compatible with Parramatta's river location.

Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?
Consistency with the relevant directions for planning proposals issued by the Minister for Planning under Section 117(2) of the *Environmental Planning and Assessment Act 1979* is addressed in **Table 3** below:

Table 3 – Assessment against Section 117 Directions

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			The Planning Proposal does not seek to change the land use zoning and therefore does not seek to reduce the extent of business zones in the locality. The proposal provides for a mix of uses in the form of retail, hotel, residential and a public viewing platform, ensuring compatibility and consistency with its business zoning. The residential uses provide an appropriate complement to Parramatta Square, activating the square beyond business hours and allowing housing close to jobs, thereby supporting the viability of Sydney's Premier Regional City and second CBD.
2. Environment and Heritage				
2.3 Heritage Conservation	✓			Parramatta City Centre LEP contains heritage conservation provisions and this Proposal does not seek to amend them.

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
				Heritage considerations will accordingly be addressed as part of any future development of the land.
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones			✓	Not applicable
3.4 Integrating Land Use and Transport	✓			The Planning Proposal will concentrate residential and tourism activities in a central location to support public transport and improve access to jobs and services by walking, cycling and public transport.
4. Hazard and Risk				
4.1 Acid Sulphate Soils	✓			Parramatta City Centre LEP contains acid sulphate soils provisions and this Proposal does not seek to amend them. Acid sulphate soils investigations and analysis will accordingly be undertaken as part of any future development of the land.
4.3 Flood Prone Land	✓			Parramatta City Centre 2007 contains flood prone land provisions and this Planning Proposal does not seek to amend them. Flooding will be addressed as part of any future development of the land.
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	✓			No new road reservation is proposed.
6.3 Site Specific Provisions	✓			Planning Proposal amends existing site specific provisions, without being unnecessarily restrictive.
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036	✓			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.

7.3 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?
There are no other significant environmental effects which are not more appropriately dealt with as part of the assessment of a detailed design or proposal for the site. It is considered that the existing development controls under the City Centre LEP and DCP provide appropriate guidance to ensure that a high quality development outcome is achieved within the additional development parameters established under the Planning Proposal. Matters including residential amenity, visual impact, design outcomes and overshadowing have been assessed in the preparation of the current scheme. Further discussion and assessment of environmental and urban issues is included at **Section 6.0** of this report.

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 significant regional tourism 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 Square, activating the square beyond business hours and allowing housing close to jobs, thereby supporting the viability of Sydney's Premier Regional City and second CBD.

In addition to the above long-term positive economic and social impacts of the Planning Proposal, the uplift in the site's development potential will permit a development which has a higher capital value and generates more construction jobs than a smaller development within the existing controls.

7.4 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the planning proposal?
Despite the uplift in 'activity generating' floor space within the site it is not considered that this will create any undue demand for new infrastructure in comparison to the existing development standards. It should also be noted that a significant portion of the new floor space allowance is restricted to being for communal open space or private open space.

The subject site is well serviced by existing transport and public transport infrastructure, being in close proximity to Parramatta Station which is a major regional train and bus node.

There is likely to be a need to upgrade electrical, water and sewage services within the Parramatta Square precinct to support new development on the site, irrespective of whether the development is in accordance with the existing planning controls or with the planning controls contained within this planning proposal. As such it is considered appropriate that details of local infrastructure servicing be resolved at the Development Application stage.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?
State and Commonwealth authorities will have the opportunity to provide comment on the Planning Proposal as part of its formal exhibition.

The amendment of development standards under an LEP does not in itself constitute an action requiring approval under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (EP&BC Act), which would require the Commonwealth to consider the impact of the controls on the World Heritage-listed Old Government House in Parramatta Park. However, a project or development carried out in accordance with the controls contained within this Planning Proposal may constitute an action. As such a separate referral can be made to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities to determine whether the proposal will require formal assessment under the EP&BC Act as part of the DA process.

Further input from state agencies including the Roads and Maritime Service and the Heritage Branch will be required as part of the determination of a Development Application for the site.

8.0 ASSESSMENT OF PLANNING ISSUES

8.1 Consistency with Strategic Framework

The *Metropolitan Plan for Sydney 2036* strengthens the stated policy of the NSW State Government that Parramatta should continue to develop as Greater Sydney's second CBD. This has a number of strategic implications, the first and foremost being that a greater scale of development is required within the Parramatta City Centre than is currently present to accommodate the growth required to achieve this objective. A tall building which achieves design excellence and is the result of an architectural design competition will be a landmark project which sets a benchmark for architectural design excellence and injects activity into the heart of Parramatta through the inclusion of hotel, and residential uses. The proposed viewing platform will provide a significant regional tourism facility which will support the CBD status of Parramatta.

8.2 LEP Objectives for Height and FSR

Notwithstanding that the proposed development standards are higher than those shown in the relevant maps under the City Centre LEP, it is considered that they are nonetheless consistent with the objectives for height and FSR under the LEP as demonstrated in **Table 4** and **Table 5** below.

Table 4 – Compliance with Clause 21(1) objectives for building height

Objective	Planning Proposal	Complies?
Allow sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times.	The proposal seeks to exclude the operation of the Jubilee Park sun access plane, with further justification provided at Section 3 and under separate cover.	✘
Provide a high quality urban form for all buildings.	In order to be eligible for the height and floor space incentives provided under the Planning Proposal, a development must achieve design excellence and the building design must be the result of an architectural design competition.	✓
Maintain satisfactory sky exposure and daylight to existing buildings, tower forms and public places.	The increase in building height permitted by the Planning Proposal may permit development to cause some additional overshadowing of surrounding land, however the shadows cast by the additional building height will not result in any significant impact on surrounding properties as compared to a currently compliant building. The overshadowing on Jubilee Park is considered on balance acceptable, with detailed justification provided under separate cover.	✓
Ensure that taller development occurs on sites capable of providing appropriate urban form and amenity.	The site has already been identified in Council's planning controls as being the most suitable site in the Parramatta CBD for a tall mixed use building, and it is considered that the proposed height control will result in an appropriate urban form and amenity for the site.	✓
Nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.	The proposed increase in the maximum building height will provide a more diverse built form within the south-western corner of the Parramatta Square precinct by providing a range of heights which avoid the appearance of a monolithic wall of buildings along Darcy Street.	✓
Require the height of future buildings to have regard to heritage sites, and their settings, their views and their visual interconnections.	This Planning Proposal does not seek to alter the operations of Clauses 35 and 36 of the City Centre LEP, and the impact of the proposal on surrounding heritage items was deemed appropriate in the awarding of the winning design competition entry. At street level the proposal is already a prominent building, and an increase in height from 230 metres (competition winning scheme) to 306 metres will have not be perceivable impact when viewed from the surrounding heritage items. A separate assessment and referral will be made to the Commonwealth in regard to potential visual impacts upon Old Government House.	✓
Ensure the preservation of historic views shown in the City Centre Development Control Plan.	The proposed increase in height will not impact upon historic views identified in the City Centre DCP. A separate assessment and referral will be made to the Commonwealth in regard to potential visual impacts upon Old Government House, though again it should be noted that at this scale, the increase in height from the competition design from 230m to 306 m is unlikely to have any significant discernible impact, particularly given the slim line floor plate of the tower.	✓

Table 5 - Compliance with Clause 22(1) objectives for floor space ratio

Objective	Planning Proposal	Complies?
Ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre.	The proposed development does not impact upon the development potential of surrounding sites. It is considered appropriate and equitable that the Aspire Parramatta site provides a the proposed quantum of floor space as it is a key identified landmark site within the most central area of the CBD with direct access to the station and services. Part of the floor space uplift is winter garden and central atrium spaces which provide important private and communal open space areas with cross ventilation benefits. The provisions of the Planning Proposal will lock the applicant into providing these spaces thereby providing significant communal and private open space amenity benefits for the development.	✓
Ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan.	The Planning Proposal seeks to ensure that any future development that occurs on the site achieves a level of design excellence and provides a level of public benefit which is commensurate with the prominent location of the site within the Parramatta city centre and as a landmark tower in Sydney's identified second CBD	✓
Provide sufficient floor space for high quality development for the foreseeable future.	The proposed floor space allowance across the site will facilitate and support a high quality development which permits development to achieve a high level of internal amenity.	✓
Regulate density of development and generation of vehicular and pedestrian traffic.	It is considered that the high level of accessibility to local destinations, services and employments by walking, cycling and public transport will stimulate additional pedestrian activity within Church Street Mall, whilst ensuring that the additional floor space provided by the Planning Proposal will not result in any significant impacts on vehicular traffic. However, it is proposed that a detailed traffic assessment be undertaken with the Development Application following LEP Gateway determination.	✓
Encourage increased building height and site amalgamation at key locations.	The Planning Proposal relates to one of the most centrally located sites in the Parramatta CBD and forms a prominent corner of the designated high-rise redevelopment precinct of Parramatta Square. The site has already been identified in Council's existing planning controls as the most suitable site for a tall building.	✓

8.3 Urban Design

The proposed scheme is substantially the same as Grimshaw Architect's architectural design competition-winning scheme, and continues to demonstrate design excellence.

The proposed increase in the height of the building will not result in any adverse visual impacts at either a regional scale, and will provide an improved architectural outcome by permitting a more prominent and recognisable landmark building that is consistent with the strategic importance of the Parramatta CBD.

At street level the proposal is already a prominent building, and an increase in height from 230m (competition winning design) to 306 metres will have not be perceived by pedestrians and from local public places. An increase in building height on this site will, however, provide an improvement in how the grouping of tall buildings located along the southern edge of the Parramatta Square precinct is perceived. Rather than presenting as a 'wall' of tall buildings of equal height along Darcy Street, the uplift in height on the Aspire Parramatta site will create a more interesting skyline which bookends the south-western corner of this precinct.

In light of the above, it is considered that the proposed uplift in the maximum building height limit will provide a positive impact in terms of the overall architectural response to the site and in both local and regional views as further outlined below.

Variation in Height

If all three sites along Darcy Street were developed to their maximum permissible envelope according to the LEP the resulting urban form would create a monolithic block feature on the skyline and landscape which is very wide and with a continuous 220m height would present an obstruction to the visual connectivity between north and south Parramatta at the city's centre.

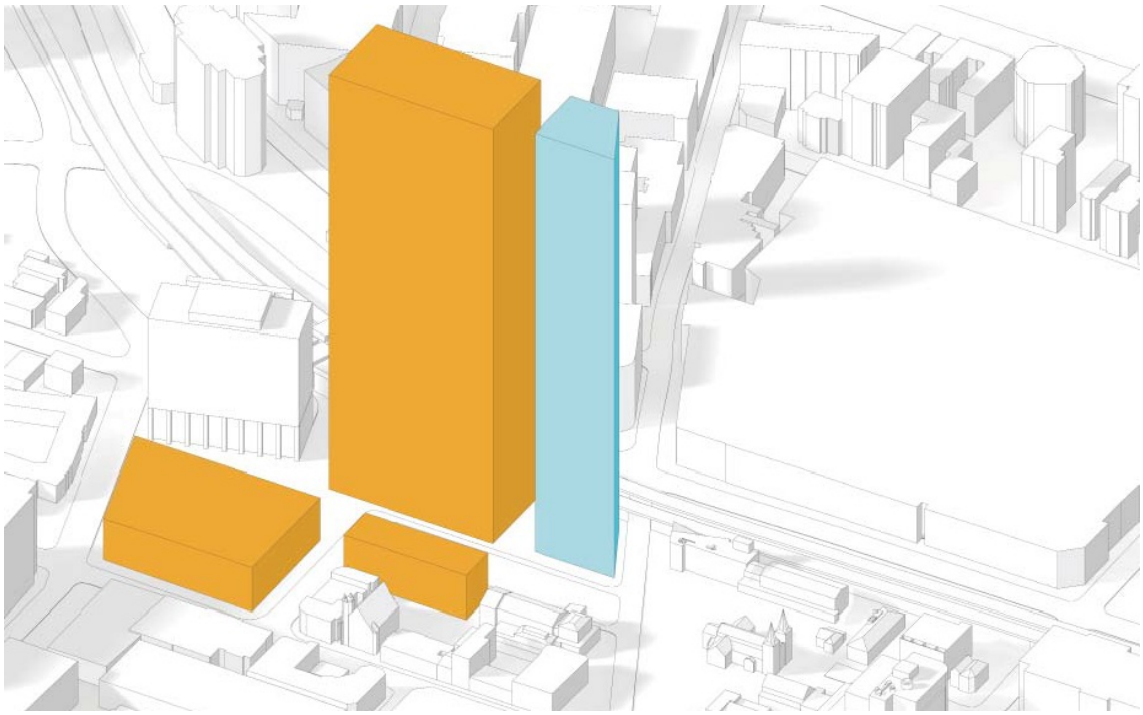


Figure 12 – 3D massing of wall of buildings at 220m fronting Darcy Street

In order to mitigate this effect, Grimshaw propose that the blocks be divided up to allow light and views through the form and to introduce variety and interest in the skyline profile by adjusting the height parameters across the three sites (**Figure 13**).

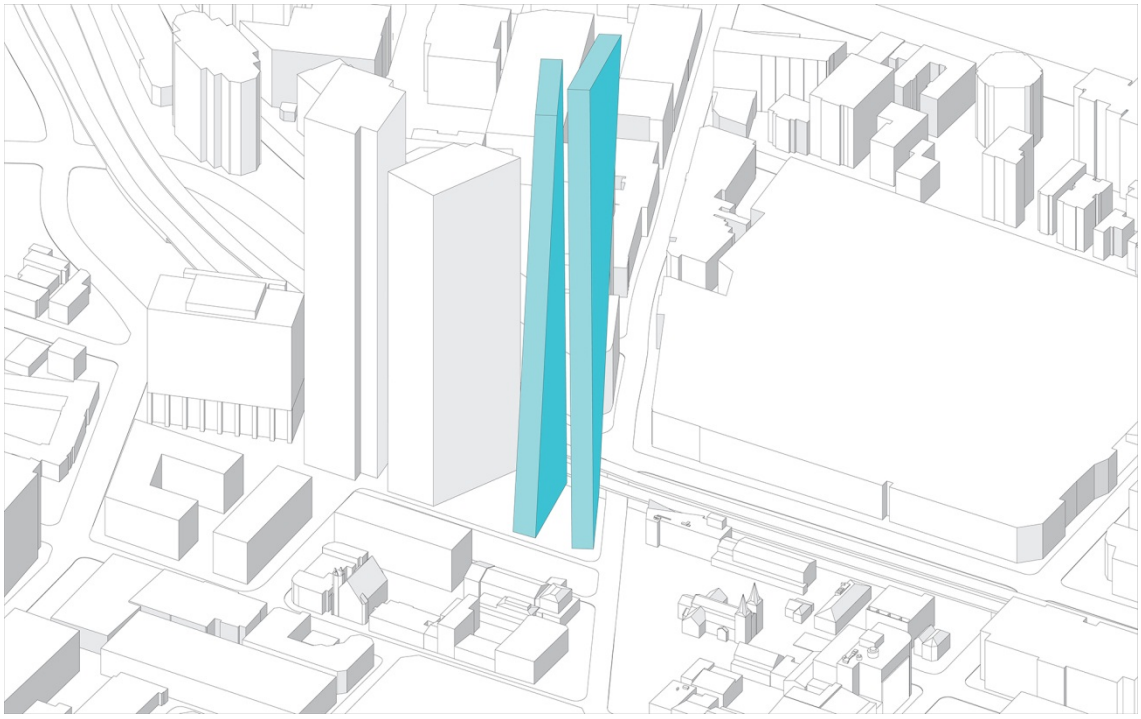


Figure 13 – 3D massing showing variation in height along Darcy Street spine

Orientation and Mass

The proposal orientates the Aspire Parramatta building to provide views and solar access to the maximum number of apartments. This will increase the buildings viability as a development by creating equality and thus maximising the attractiveness to purchase the apartments in future. This approach also benefits the commercial site as it increases views out and daylight penetration to the adjacent building.

Creating separation between the three buildings improves the overall articulation and modulation of the precinct by allowing for height variance and sight lines through the development blocks as well as the potential for staged development and better floor plate arrangements.

In order to provide a viable footprint for the building and mitigate against the potential overlooking effect from the commercial site to the apartments it is proposed that the adjacent site is adjusted to orientate the outlook of the commercial building away from the direct line of site into the apartment building. The apartment building is also proposed to be oriented to look past the commercial building.

Additionally, the introduction of spaces between all three buildings will allow for visual connection north-south from within Parramatta Square and beyond the precinct.

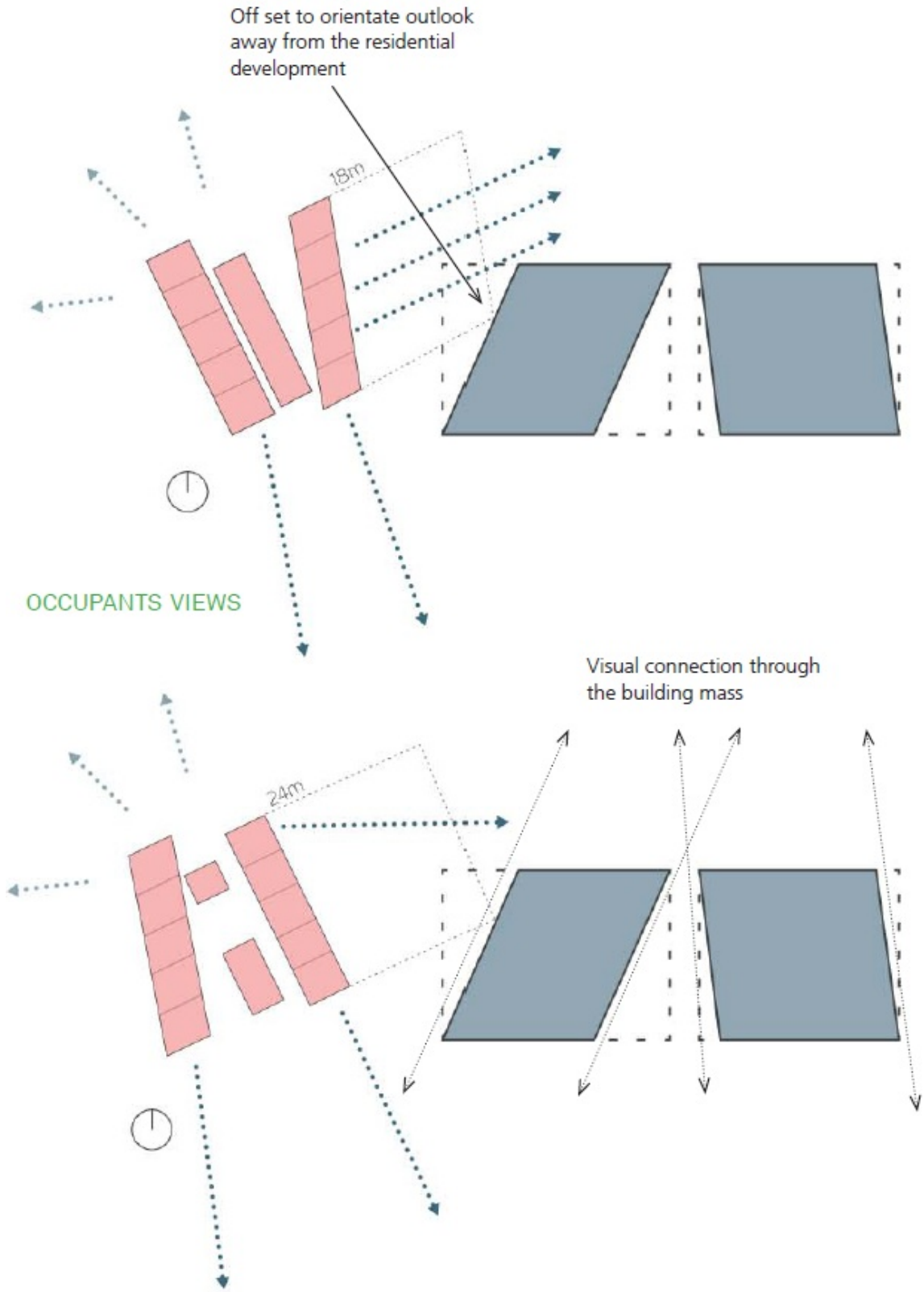


Figure 14 – Relationship between residential and adjoining commercial sites

8.4 Residential and Environmental Amenity

Preliminary advice regarding the effect of wind on the design-competition winning scheme has indicated that private balconies and communal terraces for the residential component of the proposed building are likely to be impacted by wind speeds and will require some form of enclosure (either whole or partial) for protection. Enclosure of these spaces will allow these spaces to continue to provide a high level of amenity to future residents and continue to support sustainable design outcomes, however, the nature of enclosure is likely to mean that these spaces are calculated as Gross Floor Area (GFA) under the LEP. Retaining the design as proposed in the competition entry, with the addition of adjustable louvres is considered imperative to the design excellence and amenity of the proposal in that:

- The balconies provide passive shading to the bedrooms behind and privacy/shelter from the elements including wind, rain and noise;
- The design optimises permitter use of the building maximising amenity to all residential units enabling deep penetration of sunlight, natural ventilation and views;
- A shallow floor plate is provided to enhance the natural amenity of the units;
- The circulation spaces provide an important and legible public domain at the vertical scale. The central parts of the building are not simply circulation spaces between lobby and residence but create a sequence of distinct communal spaces with their own environments and scaling of the vertical domain into a series of 'habitats'.

The allocation of an additional allowance of floor space for these uses will ensure that future development provides a high degree of amenity for future occupants.

8.5 Heritage

A number of State and locally-listed heritage items are located in proximity to the site within the Parramatta City Centre. Potential heritage impacts of the Planning Proposal will be considered as part of the Development Application, however an initial appraisal would suggest that at this already tall scale, an increase in the maximum building height from 230 metres (competition winning scheme) to 306 metres would result in no adverse impact upon the visual relationship to Old Government House or other significant view corridors. The proponent of any development on the subject site may be required to refer the proposal to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities as a proposed action requiring referral under the *Environment Protection and Biodiversity Conservation Act 1999*.

8.6 Public Benefit

The proposed two-level public viewing deck will serve as a key attractor to local, domestic and international visitors to Parramatta and will provide a unique public experience within what will be an iconic building within Parramatta and Western Sydney. The proposed increase in building height will permit greater opportunities to access key views from the public viewing platform, and will not reduce the quantum of 'economic' floorspace within the building which is required to support the provision of this facility.

9.0 CONSULTATION

The initial Planning Proposal was placed on public exhibition for 28 days in accordance with the DP&I's *'A guide to preparing local environmental plans'* and the Gateway determination issued. Relevant public authorities were also consulted during this period as per the Gateway determination. It is proposed that this revised Planning Proposal be re-exhibited for a minimum of 14 days and in addition to the public authorities listed in the initial Gateway determination the following public authorities be notified:

- Bankstown Airport Ltd
- Civil Aviation Safety Authority (CASA)

- Airservices Australia

10.0 INDICATIVE TIMELINE

Below is an indicative timeline for the planning proposal.

- Referral to Minister for Gateway Determination: January 2013
- Date of Gateway determination: January 2013
- Exhibition of Initial Proposal: March 2013
- Reporting of revised proposal to Council: April 2013
- Referral to Department for assessment: April 2013
- Public re-exhibition period including government agency consultation: June 2013
- Timeframe for consideration of submissions: July 2013
- Timeframe for the consideration of proposal post re-exhibition August 2013
- Date of submission to the department to finalise the LEP: August 2013
- Anticipated date RPA will make the plan (if delegated): September 2013
- Anticipated date RPA will forward to the department for notification: September 2013

11.0 CONCLUSION

The urban design study undertaken for the land demonstrates that changes to existing height controls (as proposed by this Planning Proposal) will support a built form outcome that is appropriate in the context of the site. The Civic Place master plan was adopted in June 2003 and has suffered significant delay in its implementation due to a range of factors including the Global Financial Crisis and the exit of a key developer from the project. The Planning for the site has therefore significantly moved on since the Civic Place Master Plan which was later enshrined in Parramatta City Centre LEP 2007.

Conversely, the current Grimshaw built form for the site has arisen from a series of studies and investigations undertaken by the competition winning architect Grimshaw to develop an appropriate built form and iconic marker for the site. It is therefore considered appropriate for the controls of the site to be updated to reflect the findings of this work.

The development of a mixed use residential and hotel building in the heart of Parramatta is considered to be in the public interest as it will bring activity to Parramatta Square and catalyse further development in this precinct, will provide ongoing employment within the centre and will contribute to Parramatta's status and growth as Sydney's western CBD. The provision of residential apartments provides an appropriate complement to Parramatta Square, activating the square beyond business hours and allowing housing close to jobs, thereby supporting the viability of Sydney's Premier Regional City and second CBD.

The publicly-accessible viewing platform will be an important and unique tourism facility which showcases Parramatta to visitors to the City. The provision of new public domain and landscaping within both Church Street Mall and to the Parramatta Square precinct will substantially improve the quality of these existing and future public spaces. In this context, it is considered that there is sufficient planning justification to warrant a departure from the existing development standards which apply to the subject site.

At street level and when viewed from the surrounds the proposal is already a prominent building, and an increase in height from 230m (competition winning design) to 306 metres will have no adverse impacts on how the building is perceived by pedestrians and from local public places. An increase in building height on this site will, however, provide an improvement in how the grouping of tall buildings located

along the southern edge of the Parramatta Square precinct is perceived. Rather than presenting as a 'wall' of tall buildings of equal height along Darcy Street, the uplift in height on the Aspire Parramatta site will create a more interesting skyline which bookends the south-western corner of this precinct. At a high level, Aspire Parramatta as proposed will serve as a distinct and recognisable landmark within the Parramatta city centre which reinforces the centre's status as the western CBD of Sydney.

With respect to the floor space increase this is in part attributable to the increased floor space due to the increased height, which includes the significant public benefit of the viewing platform and experience centre. However, the enclosure of the central atrium spaces and winter gardens with adjustable louvres also 'technically' contributes to the uplift in the site's floor space calculations.

With these spaces included as floor area and if the proposal was made to retro-fit and comply with the maximum 8.8:1 FSR for the site, this would have a significant impact upon the ability to feasibly develop the design-competition winning scheme by Grimshaw Architects or any other development scheme for residential or tourist and visitor accommodation. It would also discourage design excellence and innovation in environmental design as the architects would be constrained the current limitations of the GFA definition and be unable to provide such benefits such as the central communal atrium spaces within their design. It is considered that the benefits of these spaces in terms of communal open space, private open space and for sustainable design in the form of natural ventilation warrants their retention irrespective of a 'technical' reading of the GFA definition. It is not the intention of the existing FSR control to limit the provision of balconies or communal open space, however the Standard Instrument definition of GFA does not account for situations such as in high-rise residential buildings where the partial enclosure (such as louvres) of balconies is required for wind protection. As such, it is considered appropriate that an LEP amendment is progressed to allow the inclusion of these important communal and private open space features of the development.

This Planning Proposal will facilitate development that has demonstrable urban design, social and economic benefits for the region. Without the amendments to the height and floor space controls proposed under this Planning Proposal, the opportunity will be missed to bolster the Parramatta CBD's standing as a vibrant and successful Regional City.