

PLANNING PROPOSAL

**8-12 Victoria Road and 2A Villiers Street,
Parramatta**

July 2014

TABLE OF CONTENTS

1.	INTRODUCTION	4
2.	THE SITE	4
3.	EXISTING PLANNING CONTROLS	10
4.	OBJECTIVES OR INTENDED OUTCOMES	11
5.	EXPLANATION OF PROVISIONS	11
6.	JUSTIFICATION	11
7.	MAPPING	21
8.	CONSULTATION	25
9.	INDICATIVE TIMELINE	25

LIST OF FIGURES

Figure 1: Aerial context of site (Google Maps)

Figure 2: Cadastral map of the subject site (Spatial Information Exchange)

Figure 3: Heritage Map extracts from Parramatta City Centre LEP 2007 and Parramatta LEP 2011

Figure 4: City Centre LEP Height of Buildings Map extract

Figure 5: City Centre LEP Floor Space Ratio Map extract

Figure 6: Proposed amendment to the Parramatta City Centre Local Environmental Plan 2007 Height of Buildings Map

Figure 7: Proposed amendment to the Parramatta City Centre Local Environmental Plan 2007 Floor Space Ratio Map

LIST OF PHOTOGRAPHS

Photograph 1: View of the subject site, looking north-west from Victoria Road.

Photograph 2: View of the subject site at the corner of Victoria Road and Villiers Street, looking north from Victoria Road.

Photograph 3: View of the subject site, looking north-east from Villiers Street

Photograph 4: View of north-western corner of the subject site from Villiers Street, looking east.

Photograph 5: View of corner building at Victoria Road and Church Street, looking east.

Photograph 6: View of St. Patrick's Cathedral diagonally opposite the subject site, looking south-west.

Photograph 7: View of Prince Alfred Park from Victoria Road, looking south-east.

Photograph 8: View of St. Patrick's Cathedral, north-west corner of Prince Alfred Park and the intersection of Victoria Road and Marist Place, looking south-west.

Photograph 9: View of Our Lady of Mercy College and intersection of Villiers Street and Victoria Road, looking north-west.

Photograph 10: View of commercial building to the immediate north of the subject site along Villiers Street, looking north.

Photograph 11: View of commercial building to the north of the site along Ross Street, looking south-east.

Photograph 12:View of commercial building at the corner of Ross Street and Church Street, looking south-west.

1.0 INTRODUCTION

This planning proposal contains an explanation of the intended effect and justification for, a proposed amendment to the Parramatta City Centre Local Environmental Plan (LEP) 2007. The planning proposal seeks an amendment to the maximum floor space ratio (FSR) and maximum height of building development standards which apply to the site at 8-12 Victoria Road and 2A Villiers Street, Parramatta (the 'subject site'). The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Environment (the Department) Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

2.0 THE SITE

2.2.1 SITE DESCRIPTION

The subject site is located at 8-12 Parramatta Road and 2A Villiers Street, Parramatta. It is made up of 3 allotments of land with an area of approximately 3,648.2m². **Figure 1** below demonstrates the local context of the subject site.



Figure 1: Aerial context of site (Site defined by red outline)

Source: Google Maps

2.2.2 LEGAL DESCRIPTION

The subject site can be legally described as:

- Lot 1 in DP 84255 (8 Victoria Road, Parramatta);
- Lot 101 in DP 702584 (10-12 Victoria Road, Parramatta); and



Photograph 2: View of subject site at the corner of Victoria Road and Villiers Street, looking north from Victoria Road.



Photograph 3: View of subject site, looking north-east from Villiers Street.



Photograph 4: View of north-western corner of the subject site from Villiers Street, looking east.

2.2.4 THE LOCAL AREA

The subject site is surrounded by a mix of building types that vary in height and usage. The subject site's block, bounded by Victoria Road to the south, Villiers Street to the west,

Ross Street to the north and Church Street to the east, generally contains buildings used for commercial purposes along all frontages, with a McDonald's restaurant located at the south eastern corner fronting Victoria Road and Church Street.

The site opposite the subject site along Villiers Street has been developed for the purposes of an educational establishment, being Our Lady of Mercy College, Parramatta, containing a courtyard at the corner of Villiers Street and Victoria Road and a 3-storey brick school building along the Villiers Street frontage.

Prince Alfred Park is located opposite the subject site to the south along the Victoria Road frontage. Opposite the intersection of Victoria Road and Villiers Street to the south-west of the subject site is St Patrick's Cathedral, which has frontages to both Marist Place and Victoria Road.

Photographs 5 to 12 below demonstrate the existing development styles, heights of buildings and uses of buildings on properties immediately surrounding the subject site.



Photograph 5: View of corner building at Victoria Road and Church Street, looking east.



Photograph 6: View of St Patrick's Cathedral diagonally opposite the subject site, looking south-west.



Photograph 7: View of Prince Alfred Park from Victoria Road, looking south-east.



Photograph 8: View of St Patrick's Cathedral, north-west corner of Prince Alfred Park and the intersection of Victoria Road and Marist Place, looking south-west.



Photograph 9: View of Our Lady of Mercy College and intersection of Villiers Street and Victoria Road, looking north-west.



Photograph 10: View of commercial building to the immediate north of the subject site along Villiers Street, looking north.



Photograph 11: View of commercial building to the north of the site along Ross Street, looking south-east.



Photograph 12: View of commercial building at the corner of Ross Street and Church Street, looking south-west.

3. EXISTING PLANNING CONTROLS

3.1 Land use zone

Under Clause 11 of the Parramatta City Centre LEP 2007 the site is zoned B4 Mixed Use.

3.2 Height of buildings

Under Clause 21 of the Parramatta City Centre LEP 2007 the maximum building height shown on the height map for the site is 24 m. Refer to **Figure 4**.

3.3 Floor Space Ratio

Under Clause 22 of the Parramatta City Centre LEP 2007 the maximum Floor Space Ratio (FSR) shown for the site is 2:1. Refer to **Figure 5**.

3.4 Heritage items

The context of the site contains a number of heritage items listed in the Parramatta City Centre LEP 2007, the Parramatta LEP 2011 and the State Heritage Register. Prince Alfred Park and St Patrick's Cathedral, Presbytery and precinct are listed of local significance in the Parramatta City Centre LEP 2007. The Presbytery is included on the State Heritage Register. The Convent of Our Lady of Mercy is listed of local significance in Parramatta LEP 2011. Refer to **Figure 3**.



Figure 3: Heritage Map extracts from Parramatta City Centre LEP 2007 and Parramatta LEP 2011

4. OBJECTIVES OR INTENDED OUTCOMES

The purpose of the planning proposal is to increase the built form massing potential of the site to achieve a mixed use development reflecting the site's central location and which gives due consideration to items of heritage significance in the vicinity of the site.

5. EXPLANATION OF PROVISIONS

The objective is achieved by amending the Parramatta City Centre LEP 2007. Alternatively the proposed amendments may be made to the amalgamated Parramatta City Centre LEP 2007 as part of the Parramatta LEP 2011 which is currently subject to a separate planning proposal.

The following amendments are required:

1. To amend the Height of Buildings Map in accordance with the proposed height map shown at Figure 6. The proposed maximum building heights for the site are 49m and 24m.
2. To amend the Floor Space Ratio Map in accordance with the proposed Floor Space Ratio Map shown at Figure 7. The proposed maximum FSR for the site is 4.8:1.

6. JUSTIFICATION

The following section of this report addresses the requirements in *A guide to preparing planning proposals* (2009), specifically **Part 3 – Justification**, prepared by the Department.

6.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

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

The PP is not the direct result of a strategic study or report, but rather the result of site specific investigations into the potential massing and building envelopes under the current planning controls of the City Centre LEP and DCP. These investigations have culminated in the preparation of an Urban Design Study prepared by AE Design Partnership, the *Building Envelope, Urban Design and Place Impacts Analysis* addendum prepared by TPG and Council's own investigations that supports a site responsive design outcome.

The PP also considers in detail the potential impacts on surrounding items of heritage significance. A Statement of Heritage Issues (including the Supplementary Views Analysis March 2013) has been prepared by NBRS + Partners which has strategically informed the proposed building envelope on the subject site giving due consideration to ameliorating impacts on items of heritage significance.

Furthermore, the *Metropolitan Plan for Sydney to 2036*, the *Draft Metropolitan Strategy for Sydney to 2031* and the *West Central Subregion Draft Subregional Strategy* have all identified the need to diversify housing opportunities, reinforce Parramatta as the premier regional city and 'second CBD', as well as to achieve a more compact, connected, multi-

centred and increasingly networked city structure by allowing density in appropriate locations with good access to services and infrastructure. As identified in **Section 6.2** below, this PP is consistent with delivering the development outcomes sought by these strategic studies and reports.

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

The PP is the best means of achieving broader planning objectives and the best future redevelopment for the subject site. This is because the proposed height and FSR of a feasible future mixed use building envelope on the site – which considers the heritage significance of nearby heritage items and achieves compliance with the provisions of SEPP 65 and its associated Residential Flat Design Code for a residential component – would represent a development that does not comply with the maximum height of buildings or FSR control of the City Centre LEP, being the primary environmental planning instrument applying to the site.

In the context of the variations sought to a compliant building envelope on the subject site, a site specific height of buildings and FSR amendment to the City Centre LEP is the most appropriate method available to achieve the intended outcomes of the PP.

6.1.3 Is there a net community benefit?

The PP will result in a number of new community benefits.

The amendments to the City Centre LEP Height of Buildings and FSR development standards on the subject site would deliver the following community benefits:

- The PP will facilitate building envelope and massing controls on the subject site which will provide better opportunities for managing impacts on items of heritage significance in the vicinity of the subject site whilst also having regard to desirable streetscape outcomes;
- Given the cultural values of the heritage items in close proximity to the subject site, the PP presents the opportunity to consider an appropriate built form over several parcels of land (which make up the subject site) which considers not only the site's city centre location, but is responsive to the cultural heritage value of nearby heritage items in a way which aims to preserve and protect these values along Victoria Road;
- The PP will allow for the provision of more housing and commercial/retail space on the subject site and in the Parramatta City Centre, a location of high amenity, by allowing an increase in the permitted density and intensity of development on the site which will result in enhanced economic development and employment opportunities;
- The site presents a unique opportunity to provide for planning controls on a prominent corner section of Victoria Road and Villiers Street which consider the

feasibility of developing the site whilst balancing future potential impacts of a development on existing streetscapes and localised items of heritage significance;

- The site also presents a unique opportunity for a higher density mixed use development to take advantage of nearby rail infrastructure. The PP will result in a net community benefit as it will allow future development (as well as the broader Parramatta City Centre) to capitalise on its location in close proximity to transport hubs and infrastructure in the form of a Transit Oriented Development (TOD), which has wider benefits than just for the local community. TOD encourages sustainable transport use and discourages car dependence, which in turn has positive flow-on effects for the local and wider traffic network and also results in less energy consumption and a smaller ecological footprint;
- An increased level of employment generating capacity will flow on from the PP, given the sought increase in density on a site which permits mixed use development as well as other types of employment generating land uses;
- An amendment to the building envelope controls on the site to allow a more dense mixed use development will provide the opportunity for greater urban consolidation in a location capable of accommodating it. In this regard, greater density in this location will take full advantage of an urban renewal opportunity in an existing city centre and accommodating demand for both housing and employment without further exacerbating Sydney's extending urban footprint.

In this sense, the PP is consistent with the Metropolitan Plan for Sydney's urban footprint targets, and will be a stepping stone in ensuring that land uses on the city's fringe remain balanced.

6.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

6.2.1.1 Metropolitan Plan for Sydney 2036

On December 16, 2010, the NSW Government launched the *Metropolitan Plan for Sydney 2036* (the Plan) to shape the future growth of Australia's major global city. The Plan advises:

By 2036, Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.

The PP is consistent with the future directions for Parramatta as stated in the Plan, as an amendment to the built envelope controls on the subject site to allow greater density will strengthen the role of Parramatta as Sydney's premier Regional City by reinforcing a strong urban environment in the context of a second CBD and significantly, by allowing a

built form which will enhance the heritage profile of the site's precinct. The PP will also enhance the opportunity for development of the site in a manner that enhances the attractiveness of the commercial precinct including the public domain, streetscape and building design aspects. Furthermore, the PP if implemented will allow the land to be feasibly developed and ensure that a future development on the subject site capitalises on investment in public transport infrastructure in the Parramatta CBD.

6.2.1.2 Draft Metropolitan Strategy for Sydney to 2031

The *Draft Metropolitan Strategy for Sydney to 2031* ('the Strategy') was released by the Department in 2013 for public comment. The Strategy sets the framework for Sydney's growth and prosperity to 2031 and beyond.

The PP is consistent with the Strategy in that it:

- focuses on encouraging greater consolidation of land in a Strategic Centre and encouraging growth within the Global Economic Corridor through to Parramatta.
- seeks to allow greater density on the subject site while taking into consideration potential impacts on items of heritage significance in the vicinity of the subject site, will allow greater scope for the subject site to contribute the priority of new jobs in Parramatta, given the site would be able to support a greater mix of commercial development in a mixed use context.
- will ensure that detailed consideration is given to the protection of heritage assets in the vicinity of the subject site through a more considered approach in identifying appropriate built form planning controls for the site.

6.2.1.3 Draft West Central Subregional Strategy

The *Draft West Central Subregional Strategy* ('Subregional Strategy') was prepared under the NSW Government's 2005 Metropolitan Strategy. This document states that its role is to:

"...act as a broad framework for the long term development of the area, guiding government investment and linking local and state planning issues. They also provide the detail required to guide the preparation of Principle Local Environmental Plans (LEPs), which is the key legislation that links local councils and NSW Government in land use planning for each local government area." (p.4)

The PP is consistent with the Subregional Strategy in that it seeks further density for a mixed use development on the site, consistent with overarching strategic intention for Parramatta as a regional central business hub. The PP is also consistent with the focus of the Subregional Strategy with regards to increased residential and employment densities whilst improving livability.

6.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council's strategic plan known as *Parramatta 2038 Community Strategic Plan* ('Parra2038'), which was adopted in June 2013, includes the vision that Parramatta will be the 'driving force and heart of Australia's most significant economic region; a vibrant home for diverse communities and a centre of excellence in research, education and enterprise'.

The PP is consistent with Council's strategic plan in that it will:

- allow a site on the edge of the city centre to establish a competitive identity;
- develop the capacity of the subject site and allow a mixed use development to grow, specialise and employ more people;
- increase the capacity to retain and attract quality people with skills aligned to meet the needs of local employers; and
- help to create vibrant streets in the Parramatta CBD that are inclusive of heritage.

6.2.3 Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

There are no existing *State Environmental Planning Policies* (SEPPs) or known draft policies which would prohibit or restrict the PP. An assessment of the planning proposal against applicable State Environmental Planning Policies (SEPPs) is provided in the table below.

State Environmental Planning Policies

SEPP No. 1 – Development Standards	This SEPP does not apply to the land to which Parramatta City Centre LEP 2007 applies.
SEPP No. 4 - Development Without Consent and Miscellaneous Complying Development	This SEPP does not apply to the land to which Parramatta City Centre LEP 2007 applies.
SEPP No. 6 - Number of Storeys in a Building	Standard instrument definitions apply
SEPP No. 32 – Urban Consolidation (Redevelopment of Land)	The PP is consistent with SEPP 32 in providing for the opportunity for the development of employment and 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	Not applicable
SEPP No. 60 – Exempt and Complying Development	This SEPP does not apply to the land to which Parramatta City Centre LEP 2007 applies
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 Buildings	Detailed compliance with SEPP 65 will be demonstrated at the time of making a DA.
SEPP No. 70 – Affordable Housing (Revised Scheme)	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009	Not relevant to PP
SEPP (Building Sustainability Index: BASIX) 2004	Detailed compliance will be demonstrated at the time of making a DA.
SEPP (Infrastructure) 2007	Not relevant to the PP. May apply to the future development of the land.
SEPP (Exempt and Complying Development Codes) 2008	May apply to future development of the site.

Deemed SEPPs

Sydney Regional Environmental Plan No. 18 – Public Transport Corridor	This deemed SEPP does not apply to land within the subject site. It is noted that a separate amendment proposed to Parramatta LEP 2011 to include the City Centre provisions (the amalgamation planning proposal) would mean that SEPP 18 would no longer apply to the city centre once this amendment is made.
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Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Not applicable
Regional Environmental Plan No. 28 – Parramatta	Not applicable – Parramatta City Centre LEP 2007 and Parramatta LEP 2011 supersede this deemed SEPP

6.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The PP is consistent with all applicable Ministerial Directions. An assessment against the relevant Ministerial Directions under Section 117 of the EP&A Act is provided below:

1.1 Business and Industrial Zones objectives

This direction applies when a relevant planning authority prepares a PP that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The PP is consistent with this S117 Direction as it does not amend the mixed use zoning on the subject site. In this regard, it will retain the location of the existing business zone in the City Centre, it will not reduce the total potential floor space area for employment uses and related public services in the business zone, and the amendments to the City Centre LEP are consistent with and justified by the relevant strategies outlined in **Section 6.2.1** of this report.

The PP is also consistent with the objectives of the direction, in that it encourages employment growth in a suitable location and it will support the viability of identified strategic centres.

2.3 Heritage Conservation

A Statement of Heritage Issues and Supplementary View Analysis (March 2014) has been prepared by NBRS + Partners.

The City Centre LEP identifies items of heritage significance and contains provisions that address heritage conservation, and this PP does not seek to amend those provisions.

While the site is located in the vicinity of existing heritage items it is not considered that the PP will affect the heritage significance of these items, given that due consideration has been given to develop a building envelope on the site which sympathises with these heritage items.

Further consideration of heritage issues would be addressed in a DA to develop the subject site.

3.1 Residential Zones

This direction applies when a relevant planning authority prepares a PP that will affect land within any zone in which significant residential development is permitted or proposed to be permitted. It is considered that the PP is consistent with this Ministerial Direction as follows:

- The PP is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:
 - Encourage a variety and choice of housing types for the Parramatta City Centre to provide for existing and future housing needs;
 - Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and
 - Minimise the impact of residential development on the environment and resource lands.
- The PP will reduce the consumption of land for housing and associated urban development on the urban fringe;
- The PP does not contain provisions which will reduce the permissible residential density of the land, in accordance with the requirements of the Ministerial Direction.

3.4 Integrating Land Use and Transport

This direction applies to all councils when a PP is prepared that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The PP has been considered against the provisions of this direction and is considered acceptable for the site for the following reasons:

- The PP is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:
 - Improve access to housing and housing opportunity near public transport;
 - Reduce dependence on cars as the City Centre LEP amendments will allow further opportunity within the Parramatta CBD for transit oriented development; and
 - Support the efficient and viable operation of public transport services;
- The PP will allow for the future residential development of the site in a mixed use context, which will take advantage of the existing public transport and open space infrastructure in close proximity to the site.

4.1 Acid Sulphate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land containing Acid Sulfate Soils.

The Acid Sulfate Soils (map) in the Parramatta City Centre LEP classifies the subject land as Class 5, meaning that there is a low probability of Acid Sulphate Soils occurring. Further assessment can be dealt with at any future DA stage for the subject site.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended (City Centre LEP).

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The objective of this direction is to give effect to the strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

The PP is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:

- Strengthen the role of Parramatta as Sydney's premier Regional City;
- Allow the subject site to capitalise on investment in public infrastructure in the Parramatta CBD; and
- Enhance the opportunity for development of the site in a manner that enhances the attractiveness of the commercial precinct.

6.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

There is no critical habitat, threatened species populations or ecological communities, or their habitats on the site.

The site has been cleared of vegetation and used for commercial purposes for some time.

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

No other likely environmental effects are envisaged as a result of the PP. This PP is not located on land that is affected by any other land use planning constraints or on land subject to natural hazards. The land is not identified as bushfire prone, nor is it affected by potential flood inundation or subject to potential landslip.

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

It is considered that the PP will result in a number of social and economic benefits for the subject site, the locality and the broader city centre as detailed in **Section 6.1.3** of this report. In particular, items of heritage significance in close proximity to the subject site, the PP presents the opportunity to consider an appropriate built form over several parcels of land (which make up the subject site) which considers not only the site's city centre location, but considers the heritage significance of nearby heritage items in a prominent location along Victoria Road.

6.4 SECTION D – STATE AND COMMONWEALTH INTERESTS

6.4.1 Is there adequate public infrastructure for the planning proposal?

Adequate public infrastructure is provided for the PP:

- The site is in close proximity to Parramatta Railway Station, which is a major regional transport hub;
- The site is in close proximity to Church Street and has a frontage to Victoria Road, which contain several bus service routes;
- The site is adjacent to Prince Alfred Park and Parramatta Park, which contains recreational playing fields, as well as bike tracks which link up with Parramatta's extensive bike track network;
- The site has access to Victoria Road, which is a major arterial road linking the Sydney CBD with the inner west and Sydney's western suburbs.

It is also noted that the PP, whilst seeking greater density on site, is not likely to require or create demand for new infrastructure when considering the permitted density of development in the vicinity of the site.

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

State and Commonwealth public authorities will be consulted following the outcomes of the Gateway determination. The following authorities are proposed to be consulted:

- Transport for NSW (Roads and Maritime Services)

- NSW Office of Environment and Heritage
- Endeavour Energy
- Sydney Water

In addition, Council will write to the owners of nearby properties.

7. MAPPING

The current maximum permitted height and FSR shown for the site on the Height of Buildings Map and Floor Space Ratio Map of the Parramatta City Centre LEP 2007 are illustrated in **Figures 4 and 5** below.

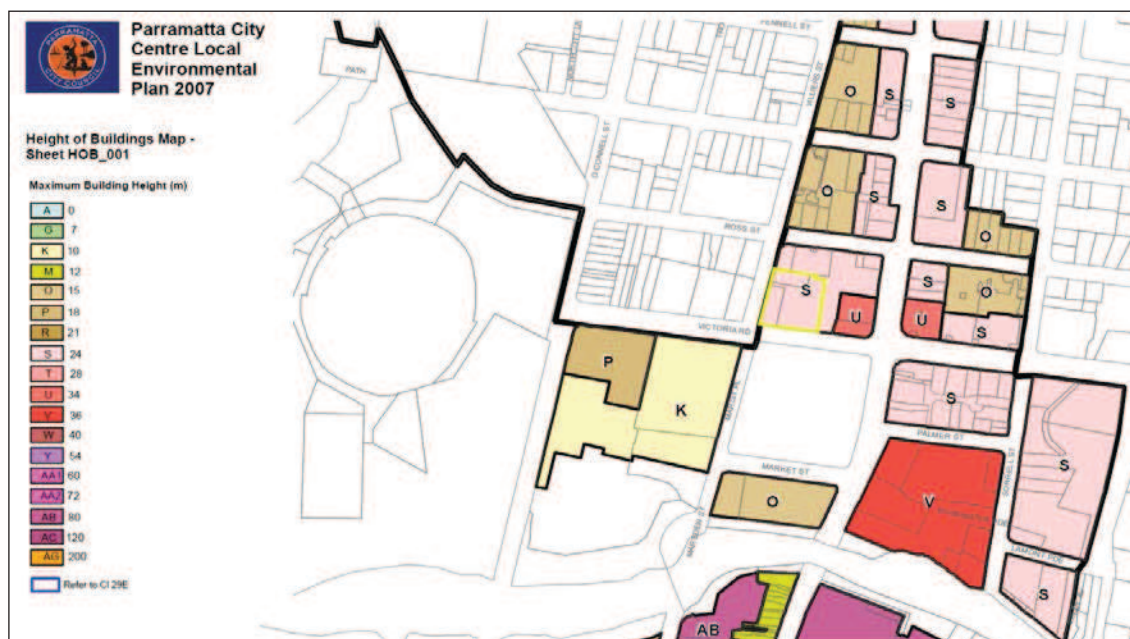


Figure 4: Parramatta City Centre LEP Height of Buildings Map extract (subject site outlined in yellow)



Figure 5: Parramatta City Centre LEP Floor Space Ratio Map extract (subject site outlined in red)

The amendments sought by the PP to the Height of Buildings Map and Floor Space Ratio Map of the Parramatta City Centre LEP 2007 are shown in **Figures 6 and 7** below.

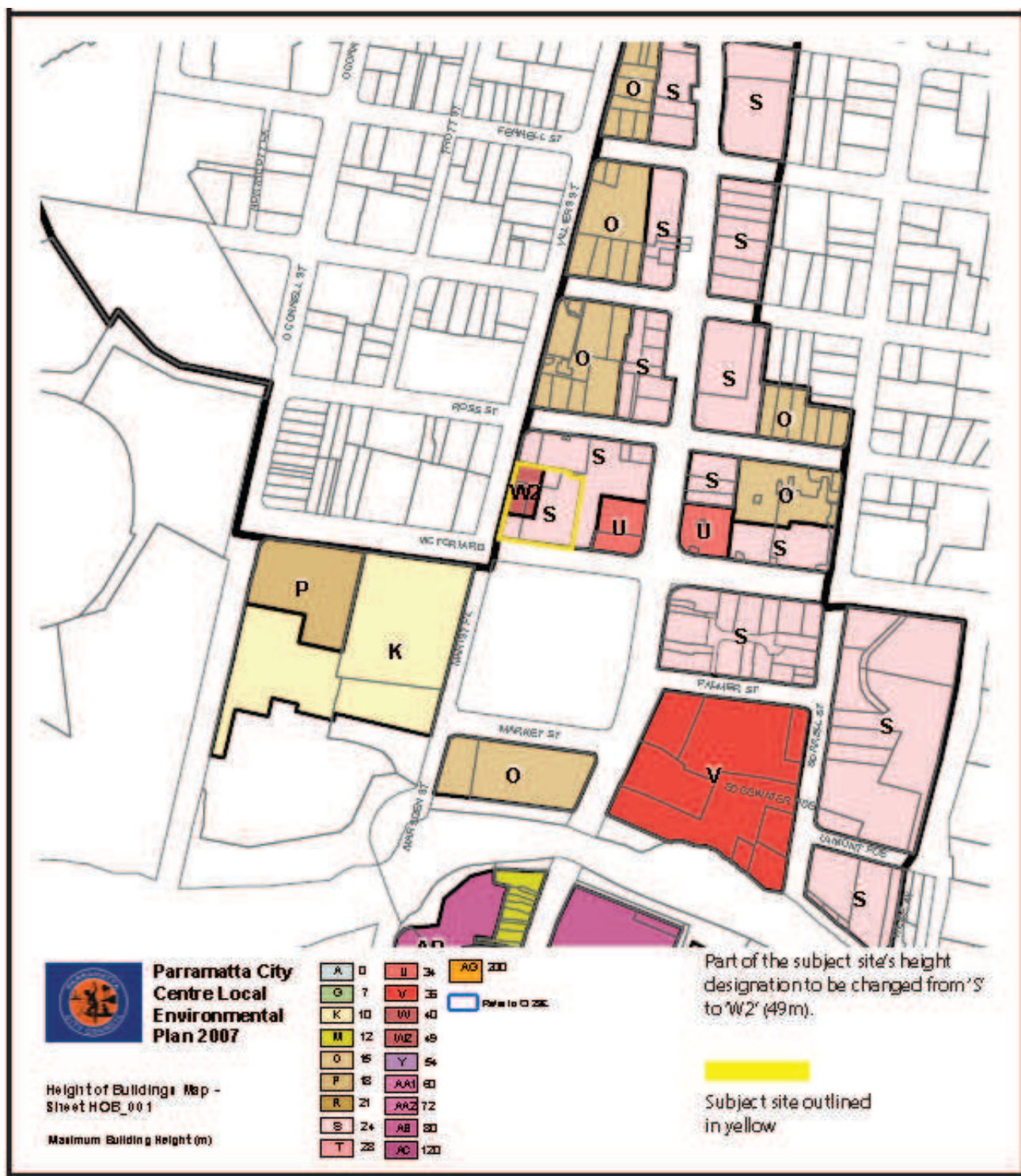


Figure 6: Proposed amendment to the *Parramatta City Centre Local Environmental Plan 2007* Height of Buildings Map

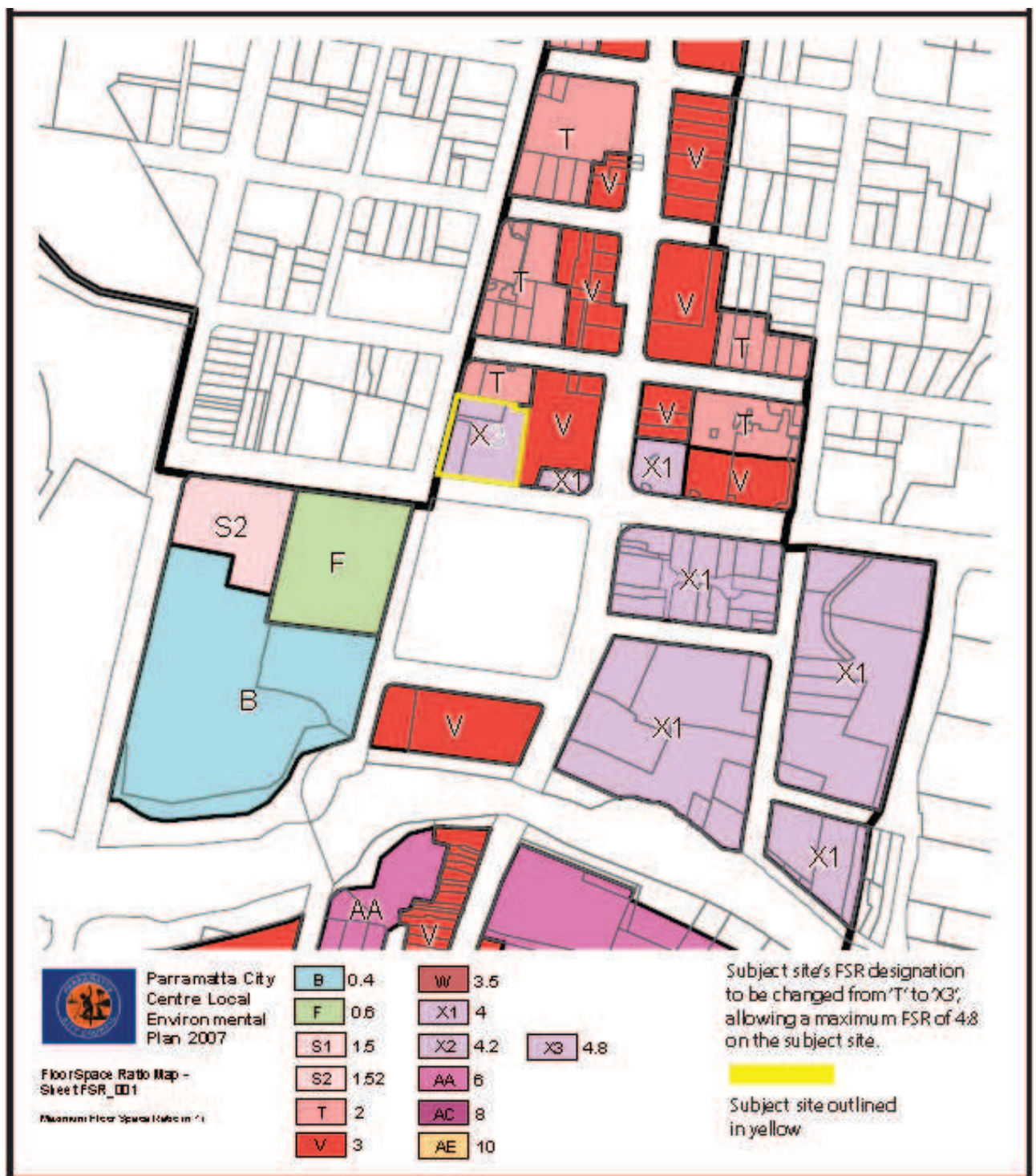


Figure 7: Proposed amendment to the *Parramatta City Centre Local Environmental Plan 2007*
Floor Space Ratio Map

8. CONSULTATION

It is proposed that the planning proposal be placed on public exhibition for a minimum of 28 days. A public hearing is not required for this planning proposal.

9. INDICATIVE TIMELINE

Below is an indicative timeline for the planning proposal:

- Referral to NSW Planning and Environment for Gateway Determination: September 2014
- Gateway Determination: September 2014
- Public Exhibition: October 2014
- Consideration of submissions: November 2014
- Post exhibition report to Council: December 2014
- Date of submission to NSW Planning and Environment to finalise the LEP: December 2014
- Anticipated date for notification of the LEP amendment: first half of 2015