



IRF22/4543

Plan finalisation report – PP-2020-2179

St John's Cathedral site at 195 Church Street, 65-79
Macquarie Street and 38 and 41-45 Hunter Street,
Parramatta

June 2023

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Plan finalisation report – PP-2020-2179

Subtitle: St John's Cathedral site at 195 Church Street, 65-79 Macquarie Street and 38 and 41-45 Hunter Street, Parramatta

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Parramatta Local Environmental Plan 2023 (Amendment No. 1).

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to land at the St John’s Cathedral site at 195 Church Street (Lots 1 and 2 DP 1110057), 65-79 Macquarie Street (Lots E, F, G, H, I, J and K DP 15108) and 38 (Lot M DP 15108) and 41-45 Hunter Street (Lots 1 and 2 DP 575473), Parramatta (Figures 1 and 2).
Type	Site
Council / LGA	City of Parramatta

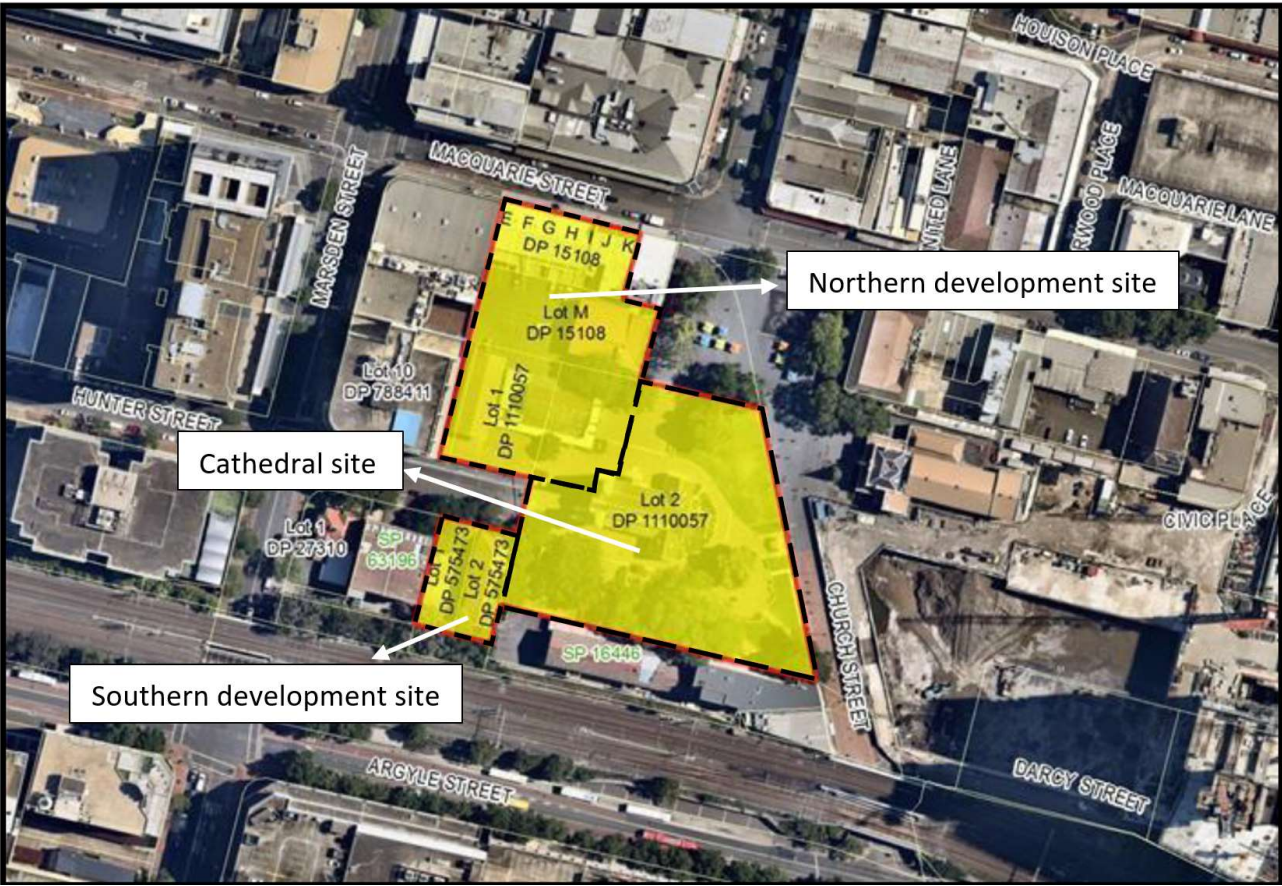


Figure 1 Subject site (source: Planning proposal at Attachment A [image annotated])

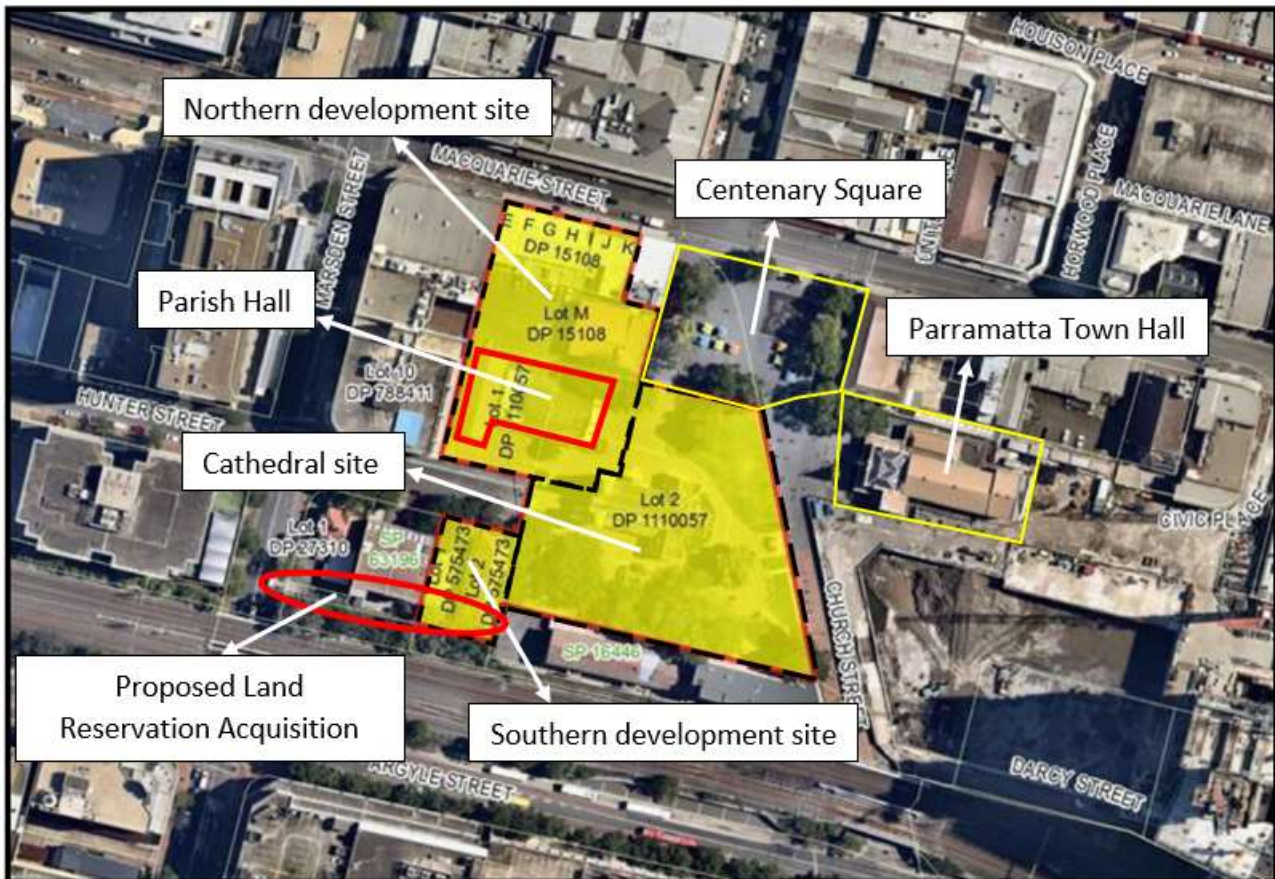


Figure 2 Context for subject site (source: Planning proposal at Attachment A [image annotated])

1.1.3 Background to plan

The planning proposal (**Attachment A**) was lodged with City of Parramatta Council in 2018 and had progressed in parallel to the Parramatta CBD planning proposal as it sought an outcome which differed to the Parramatta CBD planning proposal.

It is noted the site comprises three separate parts being:

- Northern development site - 195 Church Street (Lot 1 and Part Lot 2 DP 1110057), 65-79 Macquarie Street (Lots E, F, G, H, I, J and K DP 15108) and 38 (Lot M DP 15108).
- Southern development site - 41-45 Hunter Street (Lots 1 and 2 DP 575473).
- Cathedral site – 195 Church Street (Part Lot 2 DP 1110057).

Under the Parramatta CBD LEP (Parramatta LEP 2011 Amendment 56 commenced 14 October 2022) general provisions for the St John's site were introduced relating to amended solar access provisions for Parramatta Square, revisions to the FSR sliding scale, parking rates and airspace operations. Development uplift was also provided under the Parramatta CBD LEP for the "southern development site" consistent with the controls sought under the site-specific St John's planning proposal.

Since the site-specific St John's planning proposal was lodged with the Department for finalisation in December 2022, the Department has also made the Parramatta Local Environmental Plan 2023 in March 2023 which provides a harmonised environmental planning instrument for the City of Parramatta Local Government Area.

1.1.4 Purpose of plan

The subject planning proposal (**Attachment A**) seeks to amend the Parramatta Local Environmental Plan 2023 to facilitate:

- development uplift for the “Northern development site” (shown in **Figures 1 and 2**),
- land acquisition at the rear of 41-45 Hunter Street,
- car parking as an additional permitted use to enable basement car parking on a portion of the SP1 zoned land (notated at “Area 21B” on the proposed Special Provisions Area Map extract shown at **Figure 11**),
- the southern development site is considered as a separate site under Clause 7.3 “sliding scale floor space ratio” provisions to ensure the clause is applicable (notated as “Area 21C” on the proposed Special Provisions Area Map extract shown at **Figure 11**),
- a maximum height of RL 211m for the northern development site by restricting the 15% design excellence bonus floor space provision (Clause 7.15) to apply only to floor space ratio (and not height) for the northern development portion of the site and
- a site-specific development control plan for the site (notated as “Area 21A”, “Area 21B” and “Area 21C” on the proposed Special Provisions Area Map extract shown at **Figure 11**) that contains controls relating to built form, public domain and design response to St John’s Parish Hall.

The planning proposal is supported by a development concept (refer to Urban Design Report at **Attachment A01**), site specific development control plan (**Attachment A02**) and a draft local planning agreement (**Attachment A03**).

It is to be noted, the initial planning proposal proposed to de-list the locally heritage listed St John’s Parish Hall to facilitate a larger redevelopment building footprint for the northern development site. The proposed delisting of the St John’s Parish Hall was not supported by the Department at Gateway. Council’s planning proposal (**Attachment A**) notes it has now removed the proposed delisting of the St John’s Parish Hall to enable further consideration of heritage issues as part of any future development application process with development scenarios provided for under the site-specific development control plan (**Attachment A02**). The site-specific development control plan has controls to guide two development options:

- Option A – Parish Hall is demolished. Northern commercial tower would be built on part of the area currently containing the Hall. The remainder of the Hall footprint would be an extension of the open space of the Cathedral. New parish facilities would be incorporated in the podium of the new commercial building to accommodate the activities that occur in the Hall currently.
- Option B – Parish Hall is partially retained being the original circa 1910 structure, with the 1950s element to be removed. The commercial tower would extend to within 3m of the retained portion of the Hall.

Option A is the preferred option of Council and the proponent and is supported by the local planning agreement (**Attachment A03**) which in part includes an offer of public access to the St John’s grounds/square in perpetuity to Council. The proposal states that the benefits (provision of A-grade office space and improvements to the public domain) associated with the development concept and accompanying draft planning agreement sufficiently offsets the proposed removal of the local heritage item.

A key element of the development concept is a publicly accessible square (and pedestrian linkages) on the western side of St John’s Anglican Cathedral and between the two proposed towers (on the northern development site and southern development site) (**Figure 3**).



Figure 3 Proposed publicly accessible square (source: Urban Design Report at Attachment A01)

The part closure of Hunter Street also facilitates the connection of the two towers via a common basement underneath the proposed publicly accessible square (**Figure 4**). The shared basement will allow access to the southern tower from Macquarie Street, and a connection to Queensland Arcade (and other buildings).

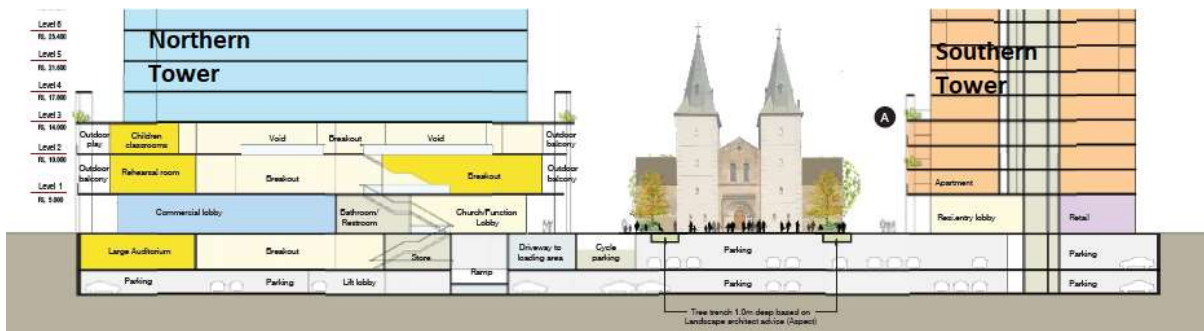


Figure 4 Section of proposal showing common basement (source: Urban Design Report at Attachment A01)

The table and figures below outline the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	Northern development site: Part MU1 Mixed Use (previously B4 Mixed Use) Part SP1 Special Activities (Place of Public Worship) See Figure 5	Northern development site: E2 Commercial Centre (previously B3 Commercial Core) See Figure 6
Maximum height of buildings	Northern development site: Part Nil Part 12m Part 18m Part 24m See Figure 7	Northern development site: Part 12m Part RL211m See Figure 8
Floor space ratio	Northern development site: Part Nil Part 3:1 See Figure 9	Northern development site: 10:1 See Figure 10 Proposed site specific provision for additional 6:1 for land notated as “Area 21A” (on proposed Special Provisions Area Map extract shown at Figure 11)

Control	Current	Proposed
Additional site-specific clauses	Nil	<p>Additional Permitted Use for car parking on portion of SP1 zoned land noted as “Area 21B” (on proposed Special Provisions Area Map extract shown at Figure 11)</p> <p>Requirement for the southern development site (“Area 21 C” on proposed Special Provisions Area Map extract shown at Figure 11) to be considered as a separate site when calculating site area to ensure the Clause 7.3 “sliding scale floor space ratio” provisions are applicable.</p> <p>Requirement for the 15% design excellence bonus to apply to the floor space ratio of the northern development site only and not height (shown as “Area 21A” on proposed Special Provisions Area Map extract shown at Figure 11).</p> <p>Requirement for a site specific development control plan (for site shown as “Area 21A”, “Area 21B” and “Area 21C” on the proposed Special Provisions Area Map extract shown at Figure 11).</p> <p>Land Reservation Acquisition notation at rear of 41-45 Hunter Street (See Figure 12)</p>
Number of dwellings	Nil existing	168
Number of jobs	Unknown	3,230

It is also noted there are four heritage items on site:

- On 195 Church Street (Lots 1&2 DP 110057)
 - St John’s Anglican Cathedral (State – Item I011805);
 - St John’s Parish Hall (Local – Item I713); and
 - Warden’s Cottage (Local – Item I653).
- On 38 Hunter Street (Lot M, DP 15108)
 - St John’s Building (Local – Item I651).

There are multiple heritage items surrounding the site as well (see **Figure 13**).

Table 3 summarises the controls applicable to the rest of the site – the “southern development site” and the “Cathedral site.” As noted earlier in the report, the initial planning proposal sought to amend controls for the southern development site which were subsequently included in the Parramatta CBD LEP Amendment No. 56.

Table 3 Controls for remainder of site

Control	Site
Zone	Southern development site: MU1 Mixed Use (previously B4 Mixed Use) Cathedral site: SP1 Special Activities (Place of Public Worship) See Figure 5
Maximum height of buildings	Southern development site: RL211m Cathedral site: Nil See Figure 7
Floor space ratio	Southern development site: 10:1 Cathedral site: Nil See Figure 9
Additional LEP clauses related to CBD for consideration	7.7 Sun Access provisions relating to Parramatta Square, 7.9 Airspace operations and 7.17 Parking rates.

The following figures illustrate the existing and proposed controls for the site.



Figure 5 Current zoning (source: EPlanning Historical Viewer)

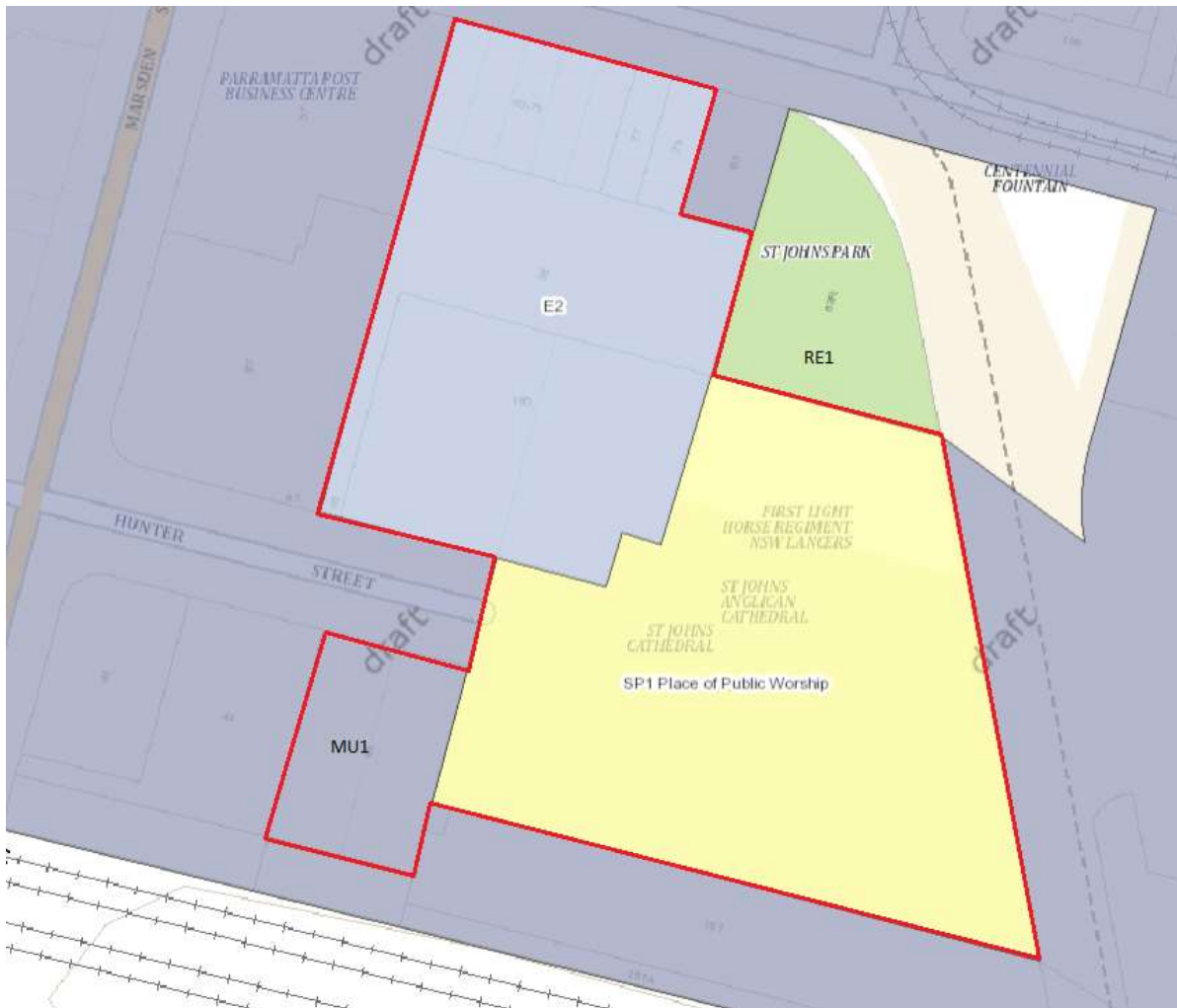


Figure 6 Proposed zoning (source: draft mapping on EPlanning Spatial Viewer)

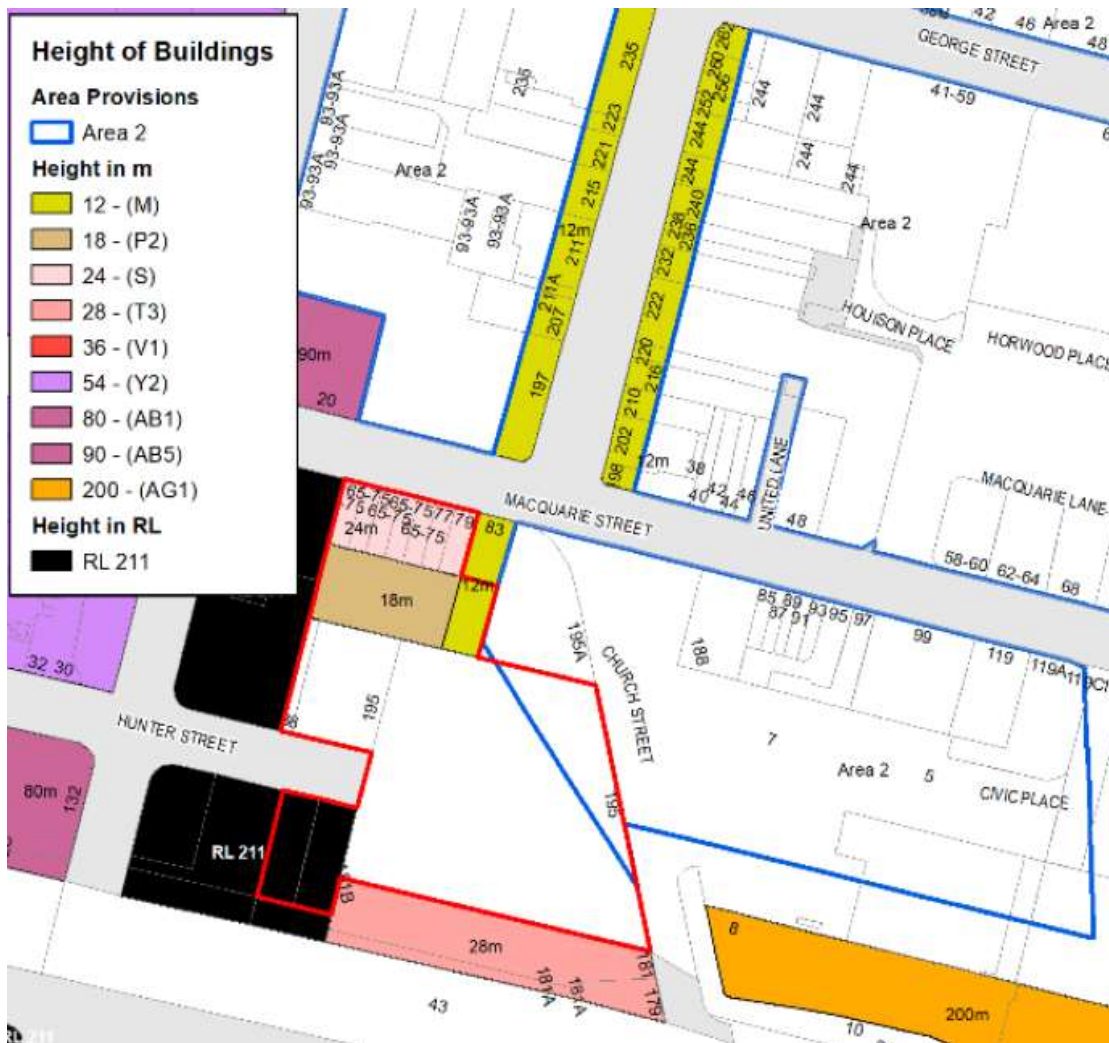


Figure 7 Current Height (source: Planning proposal at Attachment A)

*Note "Area 2" relates to Clause 7.7 Sun access which requires any development in "Area 2" is to result in no additional overshadowing to Parramatta Square during particular times of year unless a compensatory publicly accessible area is provided with sun access.



Figure 8 Proposed Height (source: draft mapping on EPlanning Spatial Viewer – note only showing extent of changes to Height)

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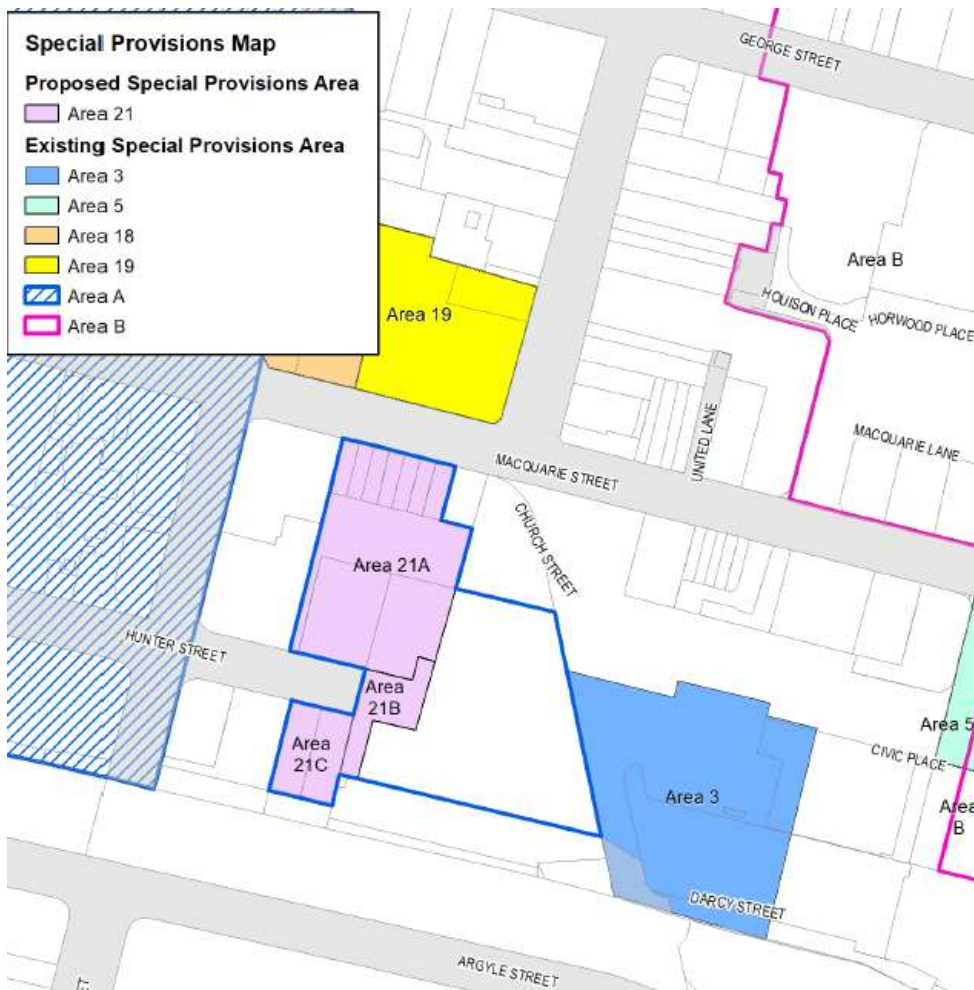


Figure 11 Proposed Special Provisions Map (source: Planning proposal at Attachment A)

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1.1.5 State electorate and local member

The site falls within the Parramatta state electorate. Donna Davis MP is the State Member. It is noted Dr Geoff Lee MP was the former State Member.

The site falls within the Parramatta federal electorate. Andrew Charlton MP is the Federal Member.

The former State Member Dr Geoff Lee MP wrote to the former Minister for Planning and Homes, The Hon. Anthony Roberts MP on 20 May 2022 and 25 May 2022 to request a response to correspondence received by Minister Lee's office from Reverend Canon Bruce Morrison, St John's Anglican Cathedral.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been meetings and communications with registered lobbyists with respect to this proposal, details are as follows:

- Tim Robertson Advisory Pty Ltd (on behalf of the proponent) –
 - met with the Department to seek an update and to present on the planning proposal on 2 June 2022.
 - called the Acting Executive Director Metro Central and North to seek an update and express concerns about delays in the planning proposal finalisation process and the Department revisiting issues of height and FSR on 4 May 2023. Mr Robertson was advised that the planning proposal was at finalisation stage and that the Department have the necessary information to make a final decision.

2 Gateway determination and alterations

The Gateway determination issued on 8 September 2020 (**Attachment Gateway**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

The Gateway determination was altered (**Attachment Gateway**) as follows:

- 15 December 2020 – to correct the site address referred to in the Gateway determination.
- 10 November 2021 – to extend the timeframe for completion to 30 June 2022 and to identify that exhibition must commence prior to 28 February 2022.
- 22 February 2022 – to identify public exhibition of the proposal must commence by 28 March 2022.
- 28 March 2022 – to introduce a condition requiring "Prior to public exhibition, the planning proposal must be amended to include a requirement to prepare and consider a site-specific development control plan prior to development consent being granted on the site."
- 23 May 2022 – to extend the timeframe for completion to 30 August 2022.
- 12 July 2022 – to extend the timeframe for completion to 30 November 2022.
- 7 December 2022 – to extend the timeframe for completion to 31 March 2023.

In accordance with the Gateway determination (as altered) the proposal was due to be finalised on 31 March 2023. The planning proposal was submitted to the Department for finalisation prior to this date.

The proposal was reported to Parramatta Local Planning Panel on 9 November 2022 who supported the findings of Council's assessment report and endorsed the reasons for the recommendation to approve the proposal.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 29/03/2022 to 13/05/2022.

A total of 390 community submissions were received, comprising of 230 objections, 156 submissions supporting the proposal and four submissions expressing other views (**Attachment Council submission summary**). Five submissions were also received from developers, major landowners and planning consultants; three submissions were also received from peak body organisations and eight submissions were received from State Agencies and service providers.

3.1 Submissions overview

There were 390 (392 including submitter duplicates) submissions received from the community and community groups (Council's summary at **Attachment Council Report** and **Attachment Council submission summary**).

Of these submissions, 230 objected to the proposal (59%), 156 supported the proposal (40%) and four had other views (1%).

Of the 390 submissions, two were made by community groups - North Parramatta Residents Action Group and Blue Mountains Association of Cultural Heritage Organisations. Both groups did not support the proposal.

Council also consulted during the public exhibition period with agencies identified in the Gateway determination, including NSW Heritage, NSW State Emergency Services and Transport for NSW. General advice from agencies which did not raise any key concerns is summarised in Section 3.1.2. More detailed comments from agencies are discussed in Section 4 of this report. Council summarised the submissions received from the various agencies at **Attachment Council submission summary**.

3.1.1 General submissions supporting the proposal

The following table provides a summary of the submissions supporting the proposal. Council has provided detailed consideration of these submissions in a Community Engagement Report (**Attachment Council submission summary**).

Table 4 Summary of Submissions Supporting - Key Issues

Issues raised	Council response
Positive urban design/planning outcomes, impacts on public domain, pedestrian safety, parking, traffic and infrastructure	
Submissions summary Total: 190 (48% of individual submissions)	<p>Support of the potential renewal and improvements to the public domain are noted and is aligned with Council's existing policy position for this site.</p> <p>As discussed earlier in this report, it is to be noted that some of the public domain improvements associated with the proposal and supporting planning agreement will only be delivered in the proponent and Council's preferred development scenario ("Option A" under the site specific development control plan (DCP)) which requires demolition of the St John's Parish Hall is enabled.</p>

Issues raised	Council response
	The matter of which redevelopment scenario will proceed, Option A or B, under the DCP will be subject of a future development application process.
Will enhance the Church's uses	
Submissions summary Total: 79 (20% of individual submissions)	Support for the renewal and expansion of the Church and its services are noted.
Support for Option A for Church Hall	
Submissions summary Total: 44 (11% of individual submissions)	Support for the demolition of the St John's Parish Hall and redevelopment of the site is noted. However, the matter of which redevelopment scenario will proceed, Option A or B, under the DCP will be subject of a future development application process.
Positive heritage outcomes	
Submissions summary Total: 22 (5% of individual submissions)	Support for the enhancement and design response to heritage is noted. The matter of which redevelopment will proceed, Option A (demolition of the Parish Hall) or B (partial retention of the Parish Hall), under the DCP will be subject of a future development application process

3.1.2 General advice from agencies

A number of agencies provided general comments in response to the planning proposal as follows:

- Endeavour Energy - did not object (**Attachment Endeavour Energy Submission**) to the planning proposal and provided technical advice on requirements for any future development of the site.
- Civil Aviation Safety Authority (CASA) - did not object (**Attachment CASA Submission**) to the planning proposal and further detailed assessment/comment from CASA can appropriately occur as part of any future development application. Noting as there are other obstacles existing in the vicinity (such as Parramatta Square), it is unlikely CASA will make specific recommendations on the proposed built form, except on matters such as obstacle lighting.
- Department of Infrastructure, Transport, Regional Development and Communication (DITRDC) - did not object (**Attachment DITRDC Submission**) to the planning proposal. Noted the proposal may result in activities that intrude into protected airspace and should be referred to the relevant airport for assessments and approvals.
- Sydney Water - did not object to the planning proposal (**Attachment Sydney Water Submission**). Noted the proposal presents potentially large servicing demands and recommends further investigations and requirements as part of any future development application process.

Council noted the above submissions and sent them to the applicant for information. The Department notes Council has adequately responded to these matters raised by agencies.

4 Assessment of key matters

4.1 Parramatta CBD Strategic Context

The strategic context for the site has evolved since the commencement of this planning proposal with the commencement of the Parramatta CBD LEP (Amendment 56) and the State Environmental Planning Policy (Parramatta CBD) 2022 on 14 October 2022 (as an amendment to the LEP), and the State Environmental Planning Policy (Parramatta CBD) (No2) 2022 (SEPP2) on 16 December 2022 (as an amendment to the LEP). These LEP amendments have established the framework for the future scale and location of uplift in the Parramatta CBD based on key place principles.

Changes introduced through SEPP2 seek to balance the risk of impact to place values and the opportunities to encourage achievement of the strategic outcomes of increasing employment generation and attracting investment. The [Parramatta CBD Transition Area Review](#) which supports SEPP 2 identified the key place principles of amenity, character and resilience.

These key place principles guide the scale of buildings to ensure minimal adverse impacts on urban design outcomes of several areas in the Parramatta CBD, particularly the Parramatta River foreshore and the areas on the edge of the CBD adjoining open space, lower density development and heritage. These principles identify the importance of tall slender towers, appropriate streetscapes, blue-sky views, key vistas, and transition in built form (**Figure 14**).

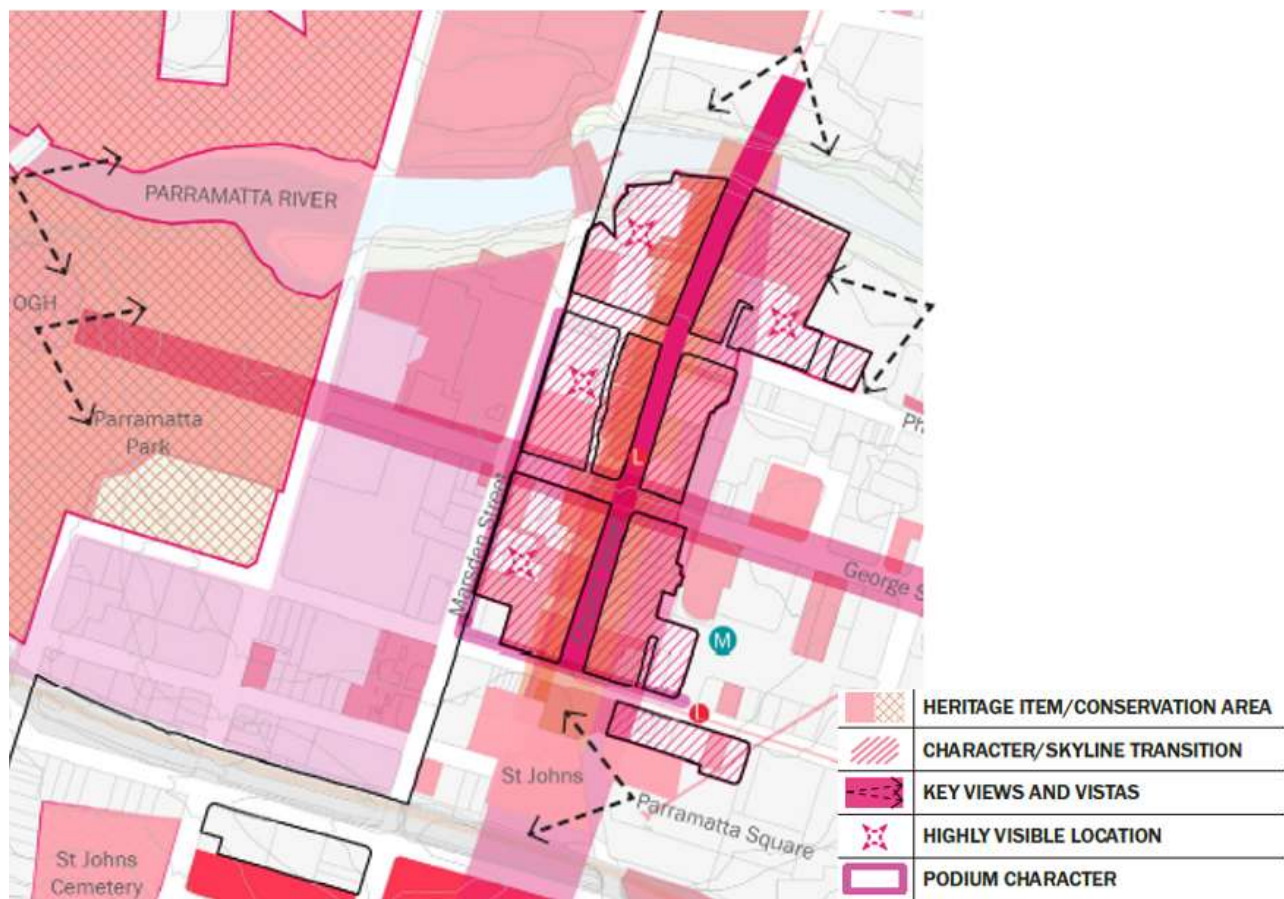


Figure 14 Key place considerations of the CBD Western Edge (source: SEPP2 Parramatta CBD Transition Area Review report)

In assessing the proposal for finalisation, particularly in regard to heritage, the Department has considered these key place principles to inform the suitability of the site to accommodate the proposed additional floor space ratio (**Figure 15**).



Figure 15 Urban design modelling extract illustrating scale of proposal, St John's Cathedral and surrounds (source: Department of Planning and Environment)

Key considerations include:

- potential impacts of overshadowing of Centenary Square and surrounds.
- whether the proposed land uses and scale support the best use, function and built form outcomes for the CBD.
- impacts of the proposal on the public domain, ground plane and movement through the site and surrounds.
- ensuring key and iconic vistas, especially to/from the Cathedral along Church Street and Marsden Street, are enhanced.
- ensuring an appropriate buffer and gradual transition towards lower densities to the west and sensitive uses at the edges of the CBD, particularly the “Highly Sensitive Area” identified in the Conservation Agreement for the World Heritage Old Government House and surrounds to the west of the site.
- ensuring the proposal retains and reinforces the heritage setting.
- protecting the redevelopment potential of adjoining sites.

With consideration of the above and in response to matters raised in submissions as discussed below, the Department proposes a post-exhibition amendment to reduce the FSR from 16:1 (plus 1.5:1 design excellence bonus) to 10:1 (plus 1.5:1 design excellence bonus). The proposed height of 211 RL is recommended to be retained, as this height is consistent with other nearby sites with a

FSR of 10:1, encourages tall slender towers and design flexibility. The reduction in FSR will lead to a shorter tower than proposed, however the final height will be informed by design considerations including how development responds to the parish hall and solar access requirements which will be determined through the development application process.

The amendments will ensure a consistent built form and strategic approach for the immediate context of the Western Edge of Parramatta CBD and will provide a built scale that reinforces the heritage setting and public amenity of the site and surrounds including Centenary Square and Parramatta Square and vistas from Old Government House (**Figure 16**).

The recommended scale retains ability to achieve strategic objectives for Parramatta CBD including provision of employment generating land uses on the site, responding to the place principle of resilience (social and economic resilience).

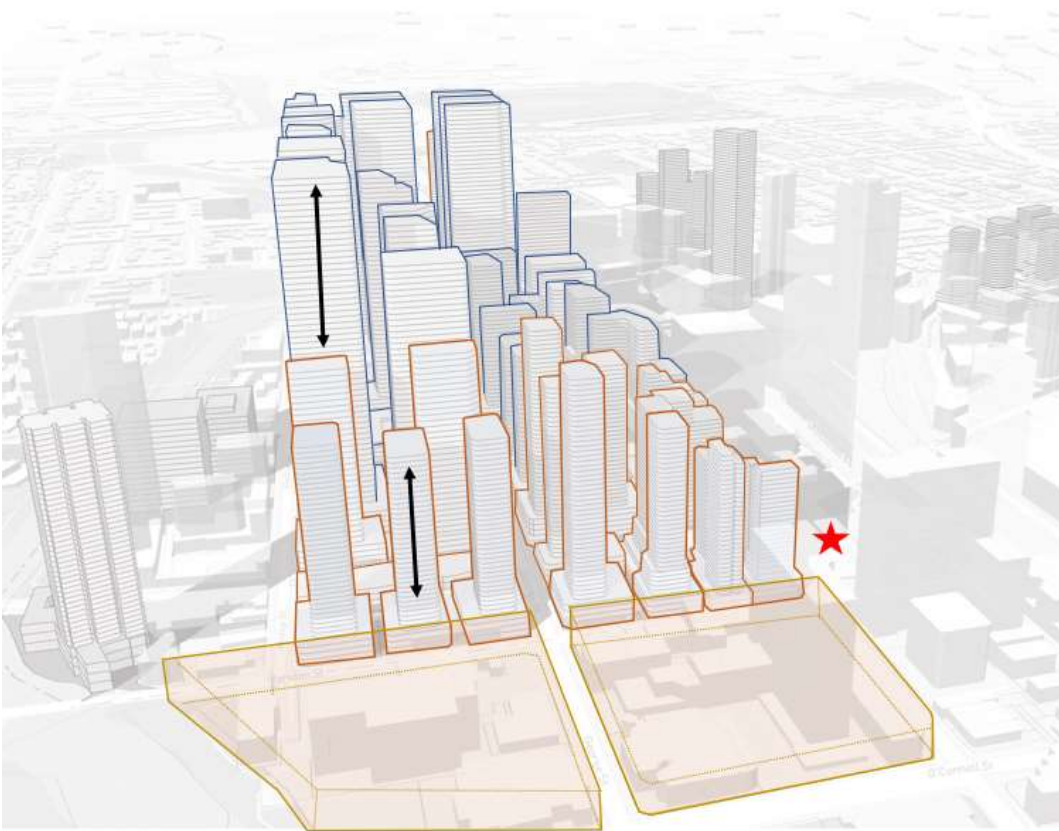


Figure 16 Urban design modelling extract illustrating transition in built scale from Western Edge of CBD when viewed from Old Government House with St Johns site shown by red star (source: Department of Planning and Environment)

4.2 Heritage

The following sections discuss heritage concerns raised by the community and peak bodies through objections to the public exhibition, general matters raised by Heritage NSW and an assessment under Section 9.1 Direction 3.2 Heritage Conservation. The Department notes heritage is a key matter that has been raised during the public exhibition of the proposal.

4.2.1 Community and Peak Body submissions objecting to the proposal

72% of submissions (283 of 390) community submissions raised an objection to the planning proposal and its impact on heritage. Three submissions were also received from peak body organisations which objected to the planning proposal on heritage grounds.

Community submissions raising heritage concerns have been categorised by Council (**Attachment Council submission summary**) and are summarised as follows:

- Impacts on St John's Cathedral and grounds.
- Concern that the Cathedral will be demolished.
- Concerns relating to St Johns Parish Hall.
- Relationship to Parramatta history and heritage.
- Impacts on public open space and heritage items surrounding Centenary Square.

The peak body submissions received from (National Trust (NSW Branch), National Trust (Parramatta Branch) and the Australian Institute of Architects (AILA) raise similar heritage concerns to community submissions above.

a. Impacts on St John's Cathedral and grounds

Key concerns raised regarding the impact of the proposal on the St John's Cathedral and grounds were:

- Proposal's height, bulk and scale would dominate, overshadow and is out of character with St John's Cathedral and its setting. Particularly as these aspects are not consistent with what was proposed under the CBD planning proposal placed on public consultation. The need for development is not balanced with the values of the state significant site and does not align with community expectation of acceptable scale.
- Proposal will affect the historic and heritage integrity of the Cathedral and adjoining buildings.
- The church and setting should be preserved intact and retained as is.
- The development site should be preserved as a low-rise precinct.
- Opposition to proposed height increase given current controls enable maximum of 18-24m for site. Further concerns regarding no building height control for SP1 Place of Public Worship land and developer self-determining height and/or selling off airspace.
- Notes Hector Abrahams Architects Heritage Assessment (**Attachment A08**) states the proposal results in insufficient sun access to sustain health of vegetation on the church site, amenity for people and rendering of the architectural form in sunlight.
- Concerns regarding wind tunnel effects, loss of vistas and blue sky, and lack of solar access.

Council response:

- The proposed increase to 211 RL for the northern development site is considered acceptable and supported on heritage grounds, and will not dominate the Cathedral, as supported by the proponent's heritage assessments (**Attachment A05, A09 and A11**) and Council's independent review of the controls by Hector Abrahams (**Attachment A08**).
- The absence of a height limit for the Cathedral, does not mean the height is unlimited. The proposed development needs consent and needs to be cognisant of the heritage status of the site.
- Overshadowing of the Cathedral will occur from 12pm onwards in midwinter. Although the Hector Abrahams review (**Attachment A08**) stated the proposed development was insufficient to sustain the vegetation on the church site, the proposal's supporting landscape plan (**Attachment A04**) doesn't raise issues of overshadowing and the health of

the vegetation of the site. Council also notes the proposal's Urban Design report (**Attachment A01**) states the proposal will comply with draft Conservation Management Plan's requirement for 30 minutes mid-winter sun and 20 minutes in the equinox (**Attachment A07**).

- Part of the development site is subject to solar access controls for the protection of Parramatta Square.
- The site specific development control plan (DCP) (**Attachment A02**) requires a schedule of conservation works to be included for any future development application (DA) for heritage items on and surrounding the site. The DCP will also ensure minimal adverse impacts from car parking access/basement entries to service the proposal.
- Proposed development will not infringe on identified view corridors, but there may be a loss of blue-sky views. This is minimised by view corridors for the Church as blue-sky views can be enjoyed from different vantage points. Wind tunnel impacts can be sufficiently considered at the DA stage.
- Council acknowledges tension between delivery of commercially viable floorplates and design vision for slender towers in the CBD. Council notes the proposed site-specific DCP will guide future development of the site through the design excellence and development application process which will help achieve suitable urban design outcomes for the site.
- Cathedral and grounds will be largely retained and enhanced with a new public square.
- The Heritage Impact Statement (Paul Davies Pty Ltd 2018, **Attachment A08**) shows the church precinct is not detrimentally affected by the planning proposal. It also stated the support of removing the car parking at grade level with enhanced landscaping, removal of boundary fencing to create an urban public space.
- The Hector Abrahams review (**Attachment A08**) stated the church doesn't need a new setting but a reinterpretation including definition on the western side and removal of the ground level car parking.
- The Cathedral setting is protected by the State Heritage Register listing. The proposed development is not within the heritage curtilage and the listing together with other setbacks will protect the heritage integrity of the Cathedral. Because the Cathedral is protected, it is not necessary to make the whole development site a low-rise precinct.

Department assessment:

- It is noted the Parramatta CBD Transition Area Review details that additional FSR along Marsden Street would result in loss of sunlight, sky views and overbearing built form impacting the amenity of special places such as the St John's lawn which offer the type of amenity that is needed to attract/retain highly skilled workers and jobs and is currently limited within Parramatta CBD. SEPP2 considered provision of additional floor space and requires matters to be addressed to ensure the buildings are of appropriate scale and highlights the need for controls to elevate the protection of important sight lines from Council's DCP and maintaining blue sky views.
- The Department proposes a post-exhibition amendment to reduce the FSR from 16:1 (plus 1.5:1 design excellence bonus) to 10:1 (plus 1.5:1 design excellence bonus) to address this. The height proposed of 211 RL will remain as it is consistent with other nearby sites that have a 10:1 FSR.
- The Department's amended controls will result in a built form of a lower density, providing an improvement in amenity to the site and surrounds with enhanced blue sky views, vistas and a consistent transition in height of buildings along the CBD. The proposed controls will also reduce the impact of new buildings "hemming in" the Cathedral (**Figure 18**) and allow for an improved response to the heritage context.
- The assessment of the wind tunnel impacts will be sufficiently addressed as part of any future development application in accordance with development control plan requirements.

- It is noted the SP1 zone in LEPs do not usually contain development controls, so the approach for the site is appropriate and consistent.

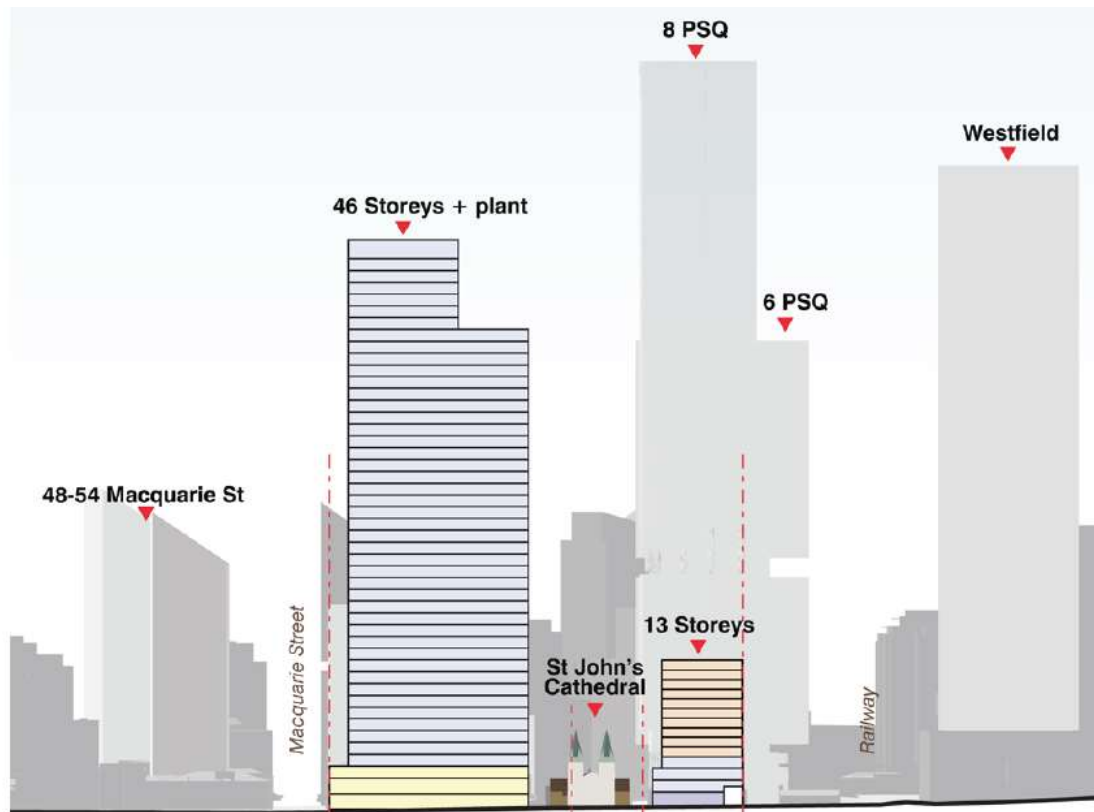


Figure 18 Section diagram of proposal looking east (source: Proposal's Urban Design Addendum at Attachment A01)

b. Concern that the Cathedral will be demolished

Some submissions raised concerns that the proposal may enable demolition of the Cathedral.

Council's Response:

This planning proposal is not seeking to de-list or demolish any heritage listed items on the site. The State heritage listed Cathedral is not proposed to be demolished.

Department's Assessment:

The Department does not support the de-listing of the site's heritage items within the Parramatta LEP 2023 and it is not proposed to delist or demolish the State Heritage Item of the Cathedral.

c. Concerns relating to St Johns Parish Hall

Submissions objected to adverse impacts on St John's Parish Hall, summarised as follows:

- Opposition to total or partial destruction of St John's Parish Hall.
- Concerns as removal of the Hall allows an even larger tower building footprint closer to the Cathedral.

- The National Trust (NSW Branch) objects to the planning proposal, particularly the site specific DCP proposed Option A (removal of the local heritage St John's Parish Hall) and raises strong concerns about Option B (partial retention of the Hall).
- The proposed towers should be a maximum of 24m.
- The cantilever of the northern tower over St John's Parish Hall is an undesirable architectural solution.
- Concerns regarding the future uses/functions of the northern tower.

Council's Response:

- The planning proposal doesn't approve removal of any heritage listed items under the Local Environmental Plan. However, Council has a staged consideration for the future of the Parish Hall under the proposed site-specific DCP as outlined below.
- Draft site-specific DCP has controls to guide two development options:
 - Option A – Parish Hall is demolished. Northern commercial tower would be built on part of the area currently containing the Hall. The remainder of the Hall footprint would be an extension of the open space of the Cathedral. New parish facilities would be incorporated in the podium of the new commercial building to accommodate the activities that occur in the Hall currently.
 - Option B – Parish Hall is partially retained being the original circa 1910 structure, with the 1950s element to be removed. The commercial tower would extend to within 3m of the retained portion of the Hall. It is acknowledged that the tower overhanging the Hall was included in the Hector Abrahams Review (**Attachment A08**), was not included in any of the planning controls for the site and Council does not support this option.
- The draft site-specific DCP will apply to either outcome of the assessment process (retained or not retained Hall). Building envelope will be subject to further refinement in Stage 1 design competition and Stage 2 DA phases.
- While Council's independent heritage report does not support the de-listing of the Hall and expansion of civic space in front of the Cathedral's western towers, Council resolved the proposed public benefits (including expanded civic space over Hunter Street and provision of an A-grade office building) would offset the loss of the Hall.
- The proposed RL 211m height is considered acceptable and supported by applicant's heritage assessments (**Attachment A05, A09 and A11**) and Council's independent review of the controls by Hector Abrahams (**Attachment A08**).
- The Paul Davies Pty Ltd Heritage study (**Attachment A05**) states there is a range of variations of this type of buildings across Church sites and there is nothing to suggest that the Parish Hall is exemplar of the form or exceptional in anyway. The options suggested are appropriate. Also stating despite the classification of local heritage significance there may potentially be significant benefits with its removal.
- The Hall is considered to contribute to the streetscape but there isn't evidence that the Hall provides a balance and context for the Cathedral and the Town Hall.
- Council notes the issues regarding future functions of parish facilities. The specific function of the hall is the responsibility of the landowner. This is not a public community facility, but a private building and Council will not determine the specific operations and it is only required to determine that they are in accordance with the planning controls that apply.

Department's Assessment:

- The Department does not support the de-listing of the heritage item from the Parramatta LEP 2023 as there is no strong clear evidence that the removal of the local heritage item is appropriate. This matter could be revisited by the applicant and Council through a future DA

where the plan's outcomes can be fully considered, however this is not a matter being determined by through the draft LEP.

- Concerns have been raised in submissions about the removal of the Parish Hall will allow for an even larger footprint for tower buildings. The Department is proposing to address these concerns about bulk and scale by reducing the FSR from 16:1 (plus 1.5:1 design excellence bonus) to 10:1 (plus 1.5:1 design excellence bonus). The height proposed of RL 211m will remain as this height is consistent with other nearby sites with a FSR of 10:1. This amendment will:
 - Ensure a consistent built form and strategic approach for the immediate context of the Western Edge of Parramatta CBD.
 - Provide a gradual transition in built form from Parramatta Square towards the sensitive uses/heritage context at the CBD edges (including the Highly Sensitive Area associated with Old Government House to the west of the site).
 - Enhance views to the Cathedral, along Church Street and Marsden Street through a smaller built form footprint with heritage hall retained.
 - Provide a built scale that reinforces the heritage setting and public amenity of the site and surrounds including Centenary Square and Parramatta Square.
 - Reduce the impact of buildings “hemming in” the Cathedral and enabling a clearer expression of the site to the surrounding heritage context, particularly to the west.
 - Enhance pedestrian amenity and connections to surrounding civic spaces.

d. Relationship to Parramatta history and heritage

Some submissions raised concerns regarding the proposal's consideration of Parramatta's history and heritage, particularly:

- Proposal is not sympathetic to history of area.
- The Australian Institute of Landscape Architects (AILA) objects to the proposal as it disregards the setting of the oldest church site in Australia and will result in adverse impacts on its landscape setting and history of the area.
- Concerns regarding Council's stance on heritage.
- Concerns proposal will set a precedent for other development within proximity of heritage items.
- Proposal should be sympathetic to archaeological exploration prior to any new footprint design. Further analysis needed, particularly Aboriginal archaeology.

Council's Response:

- The planning proposal does not consider cumulative heritage loss across the broader precinct. However, there are 128 sites (local and state items) within the CBD LEP boundary that Council does have a strategy to preserve.
- The planning proposal doesn't approve removal of any heritage listed items; it has a staged consideration for the future of the Parish Hall.
- Council recognises the importance of preserving Parramatta's historical and cultural buildings and acknowledges the potential of the site to contain Aboriginal and historical archaeological deposits of both state and local significance. Council will recommend an archaeological report with archaeological testing be added to the list of documents to be submitted with any future development application.

Department's Assessment:

- The Department's post-exhibition amendment to reduce the FSR from 16:1 (plus 1.5:1 design excellence bonus) to 10:1 (plus 1.5:1 design excellence bonus) has been proposed to appropriately respond to the heritage context of the site.
- It is appropriate for the future of the Parish Hall and further detailed archaeological investigations to be carried out as part of any future development application.

e. Impacts on public open space and heritage items surrounding Centenary Square

Some submissions raised objections to the proposal's impact on the site's surrounds including Centenary Square as follows:

- Objections to development within proximity of heritage context - particularly the clock, historic buildings of Murray Bros store and Town Hall.
- The whole area of Centenary Square marked on the Heritage map should be protected.
- The proposal will overshadow and have an adverse effect on Centenary Square, Parramatta Square and Parramatta Town Hall.

Council's Response:

- The preservation of Centenary Square's spatial scale and the grounds of St John's Cathedral is adequately provided for under the City Centre DCP and proposed site specific DCP controls.
- Acknowledged significant overshadowing impact to Centenary Square from other developments, with some measure of solar impacts in a densely built CBD environment inevitable. These impacts were considered acceptable in the Parramatta CBD planning proposal and the St John's proposal is not considered to significantly alter the overshadowing outcomes.
- Centenary Square will be overshadowed from 2pm onwards in midwinter. The planning proposal limits the building height on site for areas adjoining Centenary Square to 12/18m which will protect the ambience of the Square.
- Centenary Square and the facades of adjoining buildings are heritage listed of local significance in the LEP. Building height controls for land adjoining the Square help protect historic character.
- The new site specific DCP is proposed to protect the amenity of Centenary Square by requiring no floor area under the Solar Access Plane. This will reduce presence and mass on the adjacent civic spaces while opening up views across the podium and creating a slender tall tower.
- The Parramatta CBD LEP includes solar access provisions to protect the public domain of Parramatta Square.
- It is not considered that Centenary Square should be affected whilst public domain works for the development site is underway but this is to be dealt with at the DA stage.

Department's Assessment:

- The Department's post-exhibition amendment to reduce the FSR from 16:1 (plus 1.5:1 design excellence bonus) to 10:1 (plus 1.5:1 design excellence bonus) has been proposed and will provide for slightly improved solar access to the grounds surrounding St John's Cathedral between 1:30pm and 3pm due to adjustments made to the built form. The recommended scale also retains development potential to allow for activation at the ground floor.
- It is appropriate for public domain works will be dealt with as part of any future development application.

4.2.2 Agency submission – Heritage NSW

Heritage NSW (**Attachment Heritage Submission – Heritage NSW response**) raised the following key concerns regarding the proposal:

- a. Advises assessment and consideration of any impacts of options in relation to the local heritage item St John's Parish Hall rests with Council and removal of the Hall presents potential opportunities and constraints in relation to the State Heritage listed Cathedral.

Council's response: Agrees the assessment of options in relation to the Hall is a DA issue to be assessed by Council. Proposed site specific DCP controls have been drafted to enable assessment and relevant consultation to occur as part of any concurrence process triggered in relation to the State Heritage listed Cathedral.

Department's assessment: The delisting of the Hall is not longer a component of the planning proposal and no changes the heritage schedule in the LEP are proposed. The Department notes the draft LEP includes a requirement for a DCP to further consider design matters, including how the Hall will be addressed. It is understood Council and the proponent have prepared a DCP to satisfy this requirement.

- b. Recommends a full Archaeological Assessment is undertaken as the subject site has potential for State significant archaeology and exceptional archaeological research potential. Also recommends for an Aboriginal Cultural Heritage Assessment is undertaken.

Council's response: The planning proposal is accompanied by an Archaeological Report (**Attachment A06**). The planning proposal has given appropriate preliminary consideration to the identification and protection of archaeological resources and more detailed reports and assessments can adequately occur as part of any future development application. Council notes HNSW's recommendation for early test excavation and has revised the DCP to include controls in response.

Department's assessment: The Department considers it appropriate for the proponent to provide a detailed archaeological report at the DA stage and notes changes to DCP to further support this.

4.2.3 Section 9.1 Direction 3.2 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects, places of environmental heritage significance and indigenous heritage significance.

This Direction is applicable as there are several local and State listed heritage items located within the site and within the vicinity of the site. At the time of Gateway determination, the proposal was inconsistent with this Direction as the proposal initially sought to delist the Parish Hall local heritage item. Council noted that several reports have been prepared in considering the planning proposal. The reports do not come to a consistent view on whether the de-listing of the heritage item (and its ultimate removal) is appropriate. Council have formed the view that the benefits of the planning proposal outweigh the loss of the heritage item.

The proposed delisting of the St John's Parish Hall was not supported at Gateway and the planning proposal was amended to remove this component of the planning proposal.

The planning proposal is accompanied by a number of heritage studies and supporting documents, including:

- Applicant's heritage impact assessment May 2018 (Paul Davies Pty Ltd, **Attachment A05**)
- Applicant's archaeological report May 2018 (Curio Projects, **Attachment A06**)
- Applicant's draft conservation management plan May 2018 (Design 5 Architects Pty Ltd, **Attachment A07**)
- City of Parramatta Council's Independent heritage advice December 2018 (Hector Abrahams, **Attachment A08**)

- Applicant's heritage report responding to Council's independent heritage assessment January 2019 (Paul Davies Pty Ltd, **Attachment A09**)
- Applicant's landscape report responding to Council's independent heritage assessment January 2019 (Aspect Studios, **Attachment A10**)
- Applicant's further heritage assessment responding to Council's independent office building assessment August 2019 (Paul Davies Pty Ltd, **Attachment A11**)
- City of Parramatta Council's commissioned consultant heritage clarification November 2021 (Hector Abrahams, **Attachment A12**)
- Applicant's heritage addendum March 2022 (Paul Davies Pty Ltd, **Attachment A13**)

Council's planning proposal (**Attachment A**) notes it has now removed the proposed delisting of the St John's Parish Hall to enable further consideration of heritage issues as part of any future development application process. Council also notes the site is located in the proximity to other local heritage listed items and the proposed height and bulk sought as part of this planning proposal would inevitably impact on views of nearby heritage items. However, Council considers these impacts are considered acceptable given the location of the subject site and heritage items in the context of the CBD density. Council considers the proposal to be consistent with this Direction and desired future context of the site.

It is acknowledged that the strategic context of the proposal has evolved since the exhibition of the planning proposal, with the making of the Parramatta CBD LEP (Amendment 56) and the two following SEPP processes. These LEP amendments have established the framework for the future scale and location of uplift in the Parramatta CBD based on key place principles. Based on this, as discussed earlier in this report, the Department proposes a post-exhibition amendment to the proposal to reduce the FSR from 16:1 (plus 1.5:1 design excellence bonus) to 10:1 (plus 1.5:1 design excellence bonus). The height proposed of RL 211m will remain as this height is consistent with other nearby sites with a FSR of 10:1. Further, any redevelopment of the site, will go through the design excellence and development application processes and will be required to consider heritage impacts, particularly as the Parramatta Local Environmental Plan 2023 contains heritage conservation provisions.

The amended proposal ensures consistency with Section 9.1 Direction 3.2 Heritage Conservation.

4.3 Relationship to planning instruments and process

Approximately 15% of submissions raised concerns regarding the following:

- Planning proposal is inconsistent with the Parramatta CBD planning proposal and DCP controls for tall slender towers / mitigation of adverse impacts on the public domain.
- Proposal is not based on sound planning principles.
- Concerns regarding assessment process, particularly in relation to project justification, reflection of community views, Council transparency and developer accountability.
- Concerns that the proposal represents misguided short-term goals, will create a precedent for other developers to seek excessive heights, exemplifies greed and desire to maximise profits.
- Concerns no arboricultural impact assessment has been prepared for the trees proposed to be retained on site.
- The area requires preparation of a master plan.
- The Cathedral site should be looked after by the National Heritage Trust.

Council's response:

- The 2011 LEP and DCP have been the subject of a review (the CBD planning proposal process) which looked at how the Parramatta CBD should grow and evolve to meet

strategic state Government and Council planning priorities. The site-specific PP has been assessed in the context of future plans which permits greater development/growth rather than the controls contained in LEP and DCP 2011 at the time the St Johns Planning Scheme was exhibited which are now out of date.

- The proposal for the northern tower site is consistent with the planning framework for E2 Commercial Centre. In addition, the proposed site specific DCP is consistent with the broader controls introduced as part of the draft Parramatta City Centre DCP.
- New site specific DCP controls are proposed to further protect the amenity of Centenary Square by requiring no floor area under the Solar Access Plane, reducing the presence and mass on the adjacent civic spaces while opening up views across the podium to the sky thus creating a more slender, tall tower.
- The preparation and assessment of the planning proposal is subject to the EP&A Act and the updated LEP Making Guideline September 2022.
- Proposed building heights are consistent with the CBD planning proposal and supported by heritage studies. Therefore, it is not considered to set a precedent elsewhere in the Parramatta CBD.
- It is acknowledged in a market economy, developer's decisions to undertake development is driven by desire to make a return on investment. However, planning controls are put in place to ensure development occur in a way that maximises benefits to the community.
- The planning proposal is supported by landscaping and vegetation planting and Council wants to retain existing significant value and mature trees.
- Sufficient consideration has been given to landscape and vegetation with the concept landscape masterplan (**Attachment A04**). It is not considered necessary to provide an arboricultural impact assessment at this stage. This is more appropriate at the DA stage.
- It is not Council's role to make recommendations whether National Trust should be responsible for the management of the site. The Cathedral is on the State Heritage Register and subject to the Heritage Act 1977 which will ensure appropriate conservation and management of the site.

Department's assessment:

- It is appropriate that Council will request arboricultural impact assessment at the DA stage.
- The Department has considered community submissions when recommending post exhibition changes. As discussed previously in this report, the Department is proposing to reduce the FSR from 16:1 to 10:1 to address concerns about bulk and scale which will bring controls in alignment with adjoining sites.
- The draft LEP includes a requirement for a site specific DCP. The Department understands a DCP has been prepared to provide further detailed guidance of design considerations and how development will address the local heritage listed Parish Hall.

4.4 Overdevelopment and building design

Approximately 8% of community submissions raised objections to high-rise scale of the proposal, particularly given that the area already accommodates high-rise residential and commercial buildings nearby. Further, other sites are more appropriate for development.

Council's response:

- It is acknowledged that significant redevelopment of the site is proposed, however it is not considered to represent overdevelopment (**Attachments A17 and A18**). The proposal is in line with the provisions of the CBD planning proposal.

- The Cathedral is in the centre of the Parramatta CBD so regardless of what eventuates on the Church's landholdings, the Cathedral will be surrounded by extensive urban development.
- Under the planning framework that applies to the Parramatta LGA it is not necessary to consider whether there are other sites that are more appropriate for development. It is only necessary to consider whether the subject site is suitable for redevelopment.
- The proposed development will also comply with the site specific DCP that will assist with requirement for an appropriate building scale and form and that development responds to the human scale of the Cathedral and surrounding spaces. This will be considered at the DA stages.
- The proposed site specific DCP also includes controls to protect the amenity of Centenary Square by requiring no floor area under the Solar Access Plane. This will reduce presence and mass on the adjacent civic spaces while opening up views across the podium and creating a slender tall tower.
- At this stage it is not necessary to consider the visual appearance of the proposed buildings. This will be dealt with at the Design Excellence and DA stages where appropriate attention can be given to ensuring excellent building design outcomes and avoids poor design that submitters are concerned about.

Department's assessment:

Submissions raise concern about the inconsistency with the Parramatta LEP and DCP. As noted earlier in this report under the Heritage assessment, in assessing the proposal for finalisation the Department has considered key place principles to inform the suitability of the site to accommodate the proposed additional floor space ratio. As such, the Department proposes a post-exhibition amendment to the proposal to reduce the FSR from 16:1 (plus 1.5:1 design excellence bonus) to 10:1 (plus 1.5:1 design excellence bonus). The height proposed of RL 211m will remain as this height is consistent with other nearby sites with a FSR of 10:1.

4.5 Traffic and transport

Some community submissions raised concerns relating to traffic and transport impacts, particularly on Hunter Street as follows:

- Objections to proposed parking in Hunter Street that is too close to the Cathedral.
- Intensifying traffic on Hunter Street will minimise the historic viewpoint of the Cathedral.
- Objections to the acquisition of public land for construction of underground car parking and the loss of public land in Hunter Street for new development.

It is also noted Transport for NSW (**Attachment TfNSW Submission**) raised some concerns regarding the proposal's supporting traffic study (**Attachments A15 and A16**) (including car parking rates considering the site's proximity to good public transport services), as well as a number of matters relating to future development of the site; including vehicle servicing of the site, vehicle access from Hunter Street, interface with the Parramatta Light Rail, consultation requirements with TfNSW and supporting documentation (i.e. Construction Pedestrian and Transport Management Plan, Green Travel Plan and Travel Access Guide and Car Park Management Plan).

Council's response:

- The planning proposal creates a new civic space at the end of Hunter St, (in the event a DA is approved for the removal of the Hall) that will have the effect of limiting car parking in the street. No new parking is proposed close to the Cathedral. Further, the updated Traffic Impact Assessment (**Attachments A15 and A16**) details that the main vehicular access is to be from Hunter Street. Preliminary parking layout plans indicate access to proposed

underground parking will be from Hunter Street. This will also minimise impacts on the Parramatta Light Rail along Macquarie Street.

- The planning proposal states transport impacts will not be significant and future impacts have been addressed through the CBD Transport and Traffic Strategy and as part of any future development application for the site, as sufficient controls are contained within the Parramatta DCP 2011
- Car parking for the site was calculated using the rates under the Parramatta CBD planning proposal with concessions for the cathedral as an existing use.

Department's assessment:

- The Traffic Impact Assessment states that the proposed development will have minimal impacts on key intersections analysed (including Hunter Street, Marsden Street, Macquarie Street and Church Street) with changes to the existing levels of service during the AM peak period for the Hunter Street access arrangement at the Hunter Street and Marsden Street intersection.
- The Department considers the car parking provision and other transport considerations for the subject proposal is consistent with the provisions for the Parramatta CBD Integrated Transport Plan.

4.6 Social/infrastructure impacts and community interest

A number of community submissions raised concerns relating to either the proposed development contribution and private benefit or the need to further consider social and infrastructure impacts and provision, particularly as existing infrastructure cannot maintain future growth. The Department notes that the commentary below includes concern for the public benefit but also matters which are primarily the concern of Council's planning agreement. This summary has been included for contextual information given the relationship between the planning agreement, DCP and planning proposal.

In summary key matters raised include:

- Development contributions are not satisfactory in offsetting heritage loss.
- Proposal will create a precedent for trading off heritage buildings in exchange for community benefits.
- The proposal will only financially benefit the church and does not provide any public benefit.
- Surrounding squares will be subject to significant overshadowing and exposure to westerly winds, reducing their usability because of the proposal.
- Council's planning team should only address the merits of the proposal without consideration of the VPA.
- The National Trust and Australian Institute of Landscape Architects also raise concerns regarding the proposal's impact on this significant heritage precinct of Parramatta to maximise development potential and by "offsetting" community assets. Concerns regarding the specific public benefit offer were raised as follows:
 - Public access to the Church grounds: this is not a new public benefit as it is already provided.
 - Provision of vehicle/pedestrian access arrangements: proponent is proposed to dedicate a number of parking spots to be used exclusively by the church and that there is also an existing agreement which grants pedestrians use of certain areas as a footway. This is not a new public benefit as it is already provided.
 - Provision of vehicle access for Queensland Arcade is a private benefit for one landowner rather than a public benefit.

Council's response:

- The draft planning agreement details several public benefits for the community if the demolition of the Hall occurs. Including access to church grounds and a new civic space.
- The report to Council on 14 March 2022 (**Attachment Council Report**) states that the applicant is considered to provide sufficient level of public benefit that outweighs the loss for the community of the heritage item. The assessment of the future of the hall will occur through a future development application.
- The planning proposal has adequately considered social, economic and infrastructure impacts. The proposal will facilitate a mix of land uses on site and deliver commercial, retail, church and residential uses and jobs.
- The site is served by existing road infrastructure, public transport and services to accommodate intensive development including the adjacent Parramatta Square urban renewal development.
- The issue of the provision of infrastructure to provide for the growth on the site and the growth proposed in the CBD PP more generally was addressed with the preparation of the Parramatta City Centre Contribution Plan 2022. This plan has an increased development contribution levy from 3% on the cost of works to 4% for non-residential floor space and 5% for all uses that include a residential component.
- Council has previously sought to delist the Hall and has accepted the public domain/open space benefits and additional jobs generated from a larger commercial tower extending over the Hall's footprint, and therefore has proceeded with the planning proposal and associated voluntary planning agreement. Council considers the planning agreement contains public benefits that would offset the loss of the Hall. However, it is noted the Department of Planning and Environment did not support Council's request to delist the Hall and advised the future of the Hall should be a matter determined through a development application process. Accordingly, the site specific draft DCP contains an option that sets out controls should a decision be made via a Stage 1 Development Application to allow demolition of the Church Hall.
- Public access to the Church grounds currently is in place, however, is subject to a temporary licence agreement between Council and the Church and is due to expire in 2041. The Planning Agreement is offering public access to the Church grounds in perpetuity which is considered by Council to be a significant public benefit. Council notes, the car parking spaces are not considered to be part of the public benefits offered as it will basement parking will need to be provided for any future redevelopment of the site. The vehicle access to Queensland Arcade has not been included in the Planning Agreement due to any benefits to the Arcade but has been included due to the community benefits of the arrangement. Removing vehicle access from Darcy/Church Streets to the Arcade improves pedestrian safety at an existing pedestrian/vehicle conflict in the CBD.

Department's assessment:

- The Department is not involved in negotiating planning agreements between Council and applicants. This is a matter for Council.
- In response to community concerns about inadequate infrastructure, the Department considers Council's response sufficient in that Council has made the assessment that the site is supported by existing road, public transport and service infrastructure. Council has also recently adopted a new contribution plan to provide for growth of the CBD and site.

4.7 Sustainability, environment and flooding impacts

A number of community submissions raised general concerns regarding environmental and sustainability impacts of the proposal as follows:

- Concerns regarding the proposal's environmental impacts including contributing to global warming.
- The construction phase will inadvertently damage St John's Cathedral.
- Proposed sustainable development standards, including tree canopy controls, are inadequate.

Council's response:

- There is no evidence with the heritage studies conducted that the development would cause adverse environmental impacts on moisture and building damage. This will be further assessed at the DA stage.
- It is noted that the planning proposal seeks to retain on site trees and vegetation, and should a new square be established, additional planting will occur to extend tree canopy coverage within the Parramatta CBD. If trees are removed this would be subject to DA approval.
- Sufficient consideration has been given to landscape and vegetation issues and more detailed assessment will occur at the DA stage.
- The planning proposal is subject to Council's DCP 2011, which contains best practice sustainability provisions and controls. Consideration will be given at the design excellence and DA stage to meet this controls.

Department's assessment:

The Department considers Council's response to be sufficient and agrees that these matters can be appropriately addressed through the DCP and any future development application for the site.

4.7.1 Advice from agencies

Key environmental and flooding concerns were raised agencies.

4.7.1.1 Department of Planning and Environment – Environment and Heritage Group (EHG)

EHG did not object (**Attachment EHG Submission**) to the planning proposal, however noted matters to be addressed as follows:

- a. Inconsistencies with Section 9.1 Direction relating to flood prone land to be addressed.
- b. Recommends that State Emergency Services (SES) NSW are consulted.
- c. Recommends the DCP includes controls to:
 - i. require for any trees removed to be replace at a ratio of 1:4.
 - ii. Require planting of native species.
 - iii. Maintain view lines to the Cathedral and for small to medium sized local native species are used.
- d. Recommends the DCP includes a control that a pre-clearing inspection is undertaken by a suitably qualified ecologist prior to any clearing of vegetation.

Council's response

- a. Council flood engineers has not raised any concerns regarding consistency with the relevant 9.1 Direction, nor was this matter flagged in the Department's gateway assessment. The Department as the plan-making authority for the proposal will also have

final approval in regard to Section 9.1 Directions (assessed in the following section of this report). The site is subject to flood risk management controls in the LEP implemented as part of the Parramatta CBD LEP and further proposed site-specific DCP controls.

- b. Council has consulted with SES as discussed below.
- c. Council notes the DCP is to provide an agreed detailed design brief and public domain design prior to the submission of a future development application for the site, rather than define specific public domain outcomes. This flexible design-led approach will ensure a detailed specific process can be carried out at a future DA stage. Council has amended the DCP control relating to the size of native planting and maintaining view lines to the cathedral.
- d. Council notes the proposed DCP controls for the site requires an arborist report as part of any future DA.

Department's assessment: The Department has considered Council's response sufficient in that the DCP and any future DA can appropriately address these matters raised.

4.7.1.2 State Emergency Service NSW (SESNSW)

The SESNSW submission (**Attachment SES Submission**) does not clearly support or object to the proposal, however some of the comments could be read as objecting to the proposal, summarised as follows:

- a. Zoning should not enable development that will result in an increased risk to life, health or property of people living on the floodplain. SESNSW notes the site is above the 1% AEP flood level, however roads adjacent to the site are affected by relatively frequent (1 in 5 year) flooding and the site is also subject to Probable Maximum Flood flooding.

Council's response: The key stormwater and flood risk management issue for the CBD LEP is balancing growth in the CBD with managing risks. As part of the CBD LEP the supporting City Centre DCP provides sufficient controls to manage this issue and it is noted the proposed site-specific DCP controls also provides sufficient and consistent controls.

- b. Refers to SESNSW submission on the Parramatta CBD DCP, which notes preference for evacuation rather than "shelter-in-place" approach, however notes where safe evacuation is compromised by lack of adequate infrastructure or warning time, shelter-in-place may be a safer response as long as buildings are structurally sound and there are safe and adequate places to shelter.

Council's response: These concerns relate to the flood planning and management policy framework that applies to the entire CBD and not particular to the subject site. The approach for the CBD and Part 6 City Centre DCP adequately provides relevant flood planning controls for the assessment of any future DA.

- c. Notes requirements for future development to consider appropriate flood evacuation planning, access/egress requirements, emergency and design responses to flood events/PMF.

Council's response: Emergency planning for any future DA is a required consideration and is detailed in the Parramatta DCP – Part 6 City Centre. The DCP requires a Flood Emergency Response Plan to be submitted with a DA that would include requirements for evacuation or sheltering within a building. The Parramatta DCP adequately responds to matters raised and Council has had ongoing consultation with NSWSES.

Department's assessment: As part of the Parramatta CBD LEP, Council reviewed and updated the Floodplain Risk Management Plans for the upper and lower Parramatta River catchments that covers the Parramatta CBD area and subject site. The updated Floodplain Risk Management Plans conclude that the intensification of development in the Parramatta CBD represents a tolerable risk to life and property as the Parramatta CBD LEP and DCP include provisions to better manage some of the risks of flooding to life.

In recognition of flood behaviour, flood history and hazards posed by flooding in the Parramatta CBD, Council were granted 'exceptional circumstances' under Section 9.1 Direction 4.1 Flooding at the time of Gateway for the Parramatta CBD LEP to enable consultation on draft flooding controls and guidelines and proposed uplift which enabled Council to prepare a flood risk management control for its LEP, beyond the flood planning level. Consequently, the Parramatta LEP includes clauses which would require buildings on flood affected land, up to the PMF within the Parramatta CBD to:

- provide a shelter in place area, connected to emergency electricity and water supply and of sufficient size to provide refuge for all occupants of the building (including residents, workers and visitors); or
- provide flood free pedestrian access between the building and land that is above the PMF level; and
- be able to withstand the forces of floodwaters, debris and buoyance resulting from the PMF.

Further, the Department is satisfied that flooding has been adequately addressed and the proposal's consistency with Section 9.1 Direction 4.1 Flooding through supporting studies and mitigation measures introduced for the Parramatta CBD.

5 Post-exhibition changes

5.1.1 Council resolved changes

At Council's Ordinary Meeting on 14 November 2022 (**Attachment Council Report**), Council resolved to proceed with the planning proposal with the following post-exhibition changes:

- i. *For the northern development site:*
 1. *Amendments to include site specific local provisions that address:*
 - a. *Conversion of the exhibited provision relating to Unlimited Commercial Floor Space to an equivalent nominated FSR control for office uses of 6:1;*
 - b. *Limiting the height to 211 RL inclusive of a design excellence bonus; and*
 - c. *A requirement for a site specific DCP to be prepared that provides for identified matters to be satisfied including the outcome for St John's Parish Hall.*
- ii. *For the southern development site:*
 1. *Removal of the following provisions as they are consistent with the finalised Parramatta Local Environment Plan (LEP) 2011 (Amendment No. 56) and are no longer required:*
 - a. *A maximum Height of Building Control of 211 RL; and*
 - b. *A maximum FSR of 10:1.*
- iii. *For both development sites:*
 1. *Removal of the following provisions as they are consistent with the finalised Parramatta LEP 2011 (Amendment No. 56) and are no longer required:*
 - a. *Parramatta Square solar access,*
 - b. *Aerospace investigations, and*
 - c. *Car parking.*
 2. *Amendments to address the following two minor Gateway compliance issues discussed in this report:*
 - a. *Addressing the Direction on Remediation of Contaminated Land in the Planning Proposal document; and*
 - b. *Raising the State infrastructure needs generated by the proposal when consulting State Agencies.*

5.1.2 The Department's recommended changes

Following the receipt of the revised planning proposal from Council, the Department has made further changes to the proposal as follows:

- Remove the proposed site specific clause that seeks to allow for an additional 6:1 commercial floor space for the Northern Development site to ensure the maximum applicable FSR is 10:1.
- Map 'Area 21B' identified on the proposed Special Provisions Map as "23" on the Additional Permitted Uses Map to correspond with the proposed additional use of car parking for part of the site.

5.1.3 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes:

- Are a reasonable response to comments provided by the public authorities.
- Ensure that the potential redevelopment of the Northern Site and future of the Parish Hall are further addressed at the development application stage.
- Do not alter the intent of the planning proposal.

6 Strategic merit

The site is within the Central City District and the former Greater Sydney Commission released the Central City District Plan on 18 March 2018. The draft LEP is consistent with the priorities of the District Plan as follows:

- C1 Planning for a city supported by infrastructure and C9 Delivering integrated land use and transport planning and a 30-minute city - the draft LEP encourages growth to support existing, planned and new infrastructure. It is noted the Gateway determination (Section 5.1.1 above and **Attachment Gateway**) required consultation with State agencies regarding a number of matters including the need for State and regional infrastructure. It is noted State agencies have not raised concerns that the proposal will generate additional State or regional infrastructure needs. The sites are largely subject to Clause 7.27 which requires the Planning Secretary's concurrence to ensure infrastructure provision has been suitably addressed.
- C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport – future development of approximately 168 dwellings on the southern development site is proposed in an area of the Parramatta CBD with high accessibility to services.
- C6 Creating and renewing great places and local centres, and respecting the District's heritage – the draft LEP facilitates redevelopment of the northern development site at a scale which appropriately responds to the heritage context of the site as discussed earlier in this report.
- C7 Growing a stronger and more competitive Greater Parramatta – the draft LEP balances the risk of impact to place values and the opportunities to encourage achievement of the strategic outcomes of increasing employment generation and attracting investment.
- C16 Increasing urban tree canopy cover and delivering Green Grid connections and C17 Delivering high quality open space - it is likely these matters can be suitably addressed as part of any development application process.

The Department is satisfied that the draft LEP gives effect to the District Plan in accordance with section 3.8 of the EPA Act.

It is noted that since Gateway determination, Section 9.1 Directions have been renumbered and SEPPs have been combined and renamed. At the time of Gateway determination the following 9.1 Directions were unresolved and further assessment is provided as follows:

- Direction 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (LUIIP) – at Gateway the Department noted the need for Council to raise the matter of State infrastructure needs generated by the proposal when consulting State Agencies. During consultation, State Agencies did not raise concerns or a specific need for State infrastructure to be considered as part of the proposal. Further consideration of infrastructure is also required at the development application stage through Clause 7.27. The draft LEP is consistent with this Direction.
- Direction 3.2 Heritage Conservation – the draft LEP is consistent with this Direction as it does not include the delisting of any heritage items and facilitates an appropriate built form that responds to the site's heritage context (as addressed in Section 4.2 of this report). The LEP includes suitable heritage controls to guide detailed assessment at the development assessment stage.
- Direction 4.1 Flooding - the draft LEP is consistent with this Direction as the Parramatta LEP 2011 and Parramatta DCP 2011 contain controls that address management of flooding and any future development application will need to demonstrate compliance with these controls and address key matters raised by NSW State Emergency Services as discussed in Section 4.7 of this report.
- Direction 4.4 Remediation of Contaminated Land – Council's finalisation report (14 November 2022 **Attachment Council Report**) notes the gateway condition requiring the proposal to be updated to address this Direction. The post-exhibition planning proposal (**Attachment A**) notes the exhibited planning proposal assessed remediation of contaminated land under the former State Environmental Planning Policy No 55 – Remediation of Land. The draft LEP is consistent with this Direction as Council (the planning proposal authority) considers any potential contamination issues can be adequately addressed as part of any future development application process as the proposal does not seek to increase the potential for any sensitive land uses on site as residential development is already permitted on the mixed use portion of the site and is not proposed to change.
- Direction 5.2 Reserving Land for Public Purposes – at Gateway, the Department noted Council has not nominated an acquisition authority for this land and to ensure consistency with this Direction, the proposal must be amended to do so. The planning proposal has been updated and indicates Council giving consent to be the acquisition authority and Council's resolution on supporting the planning proposal to finalisation subsequently includes this. The draft LEP is consistent with this Direction.

7 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 5 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Seven maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment B).</p> <p>Council confirmed on 5/06/2023 that it approved the draft and that the plan should be made (Attachment C).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 8/06/2023, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

8 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with the Central City District Plan and Council's Local Strategic Planning Statement.
- It is consistent with the Gateway Determination.
- Issues raised during consultation have been addressed, including through post exhibition changes made by Council and the Department, and there are no outstanding agency objections to the proposal.
- Post exhibition changes proposed by the Department enable:
 - the right balance between growth of the CBD and protecting amenity and heritage;
 - a built form consistent with the bulk and scale of nearby sites in the Parramatta CBD;
 - a gradual transition in built form towards lower densities, sensitive uses and heritage context at the edges of the CBD (including the Highly Sensitive Area associated with Old Government House to the west of the site);
 - greater opportunity for enhanced views to the Cathedral along Church Street and Marsden Street through the provision of a smaller built form footprint with the Parish Hall retained; and
 - provides a built scale that reinforces the heritage setting and public amenity of the site and surrounds including Centenary Square and Parramatta Square.



8/6/2023

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