



# PLANNING PROPOSAL

**286-300 Church Street, Parramatta**

### **Planning Proposal drafts**

Proponent versions:

<b>No.</b>	<b>Author</b>	<b>Version</b>
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## INTRODUCTION

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This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan* (PLEP) 2011. It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (August 2016) and 'A Guide to Preparing Planning Proposals' (August 2016) and 'Guidance for merged councils on planning functions' (May 2016).

The objective of this Planning Proposal is to facilitate the redevelopment of the land at 286-300 Church Street Parramatta for a mixed use development incorporating retail and residential uses. This Planning Proposal seeks to amend the height and floor space ratio controls of PLEP 2011.

### Background and context

A planning proposal for the site at 286-300 Church Street Parramatta was submitted to Council in August 2017.

The Parramatta CBD is located approximately 20km to the west of the Sydney CBD. The site is located approximately 450m northwest of the Parramatta Railway Station and 550m west of the Parramatta Ferry Wharf. It has a primary frontage to Church Street, which comprises high density retail and hospitality venues and is branded as Parramatta's 'Eat Street'. One block to the north is the Parramatta River, which runs in an east-west direction along the Parramatta Riverbank.

The site has an area of 2,097.3m<sup>2</sup> and has a frontage of approximately 45m along Church Street. The site has rear access onto Erby Place. It is slightly irregular in shape. The site is legally described as:

- Lot 1 DP128501 and Lot 5 DP516126 (286 Church Street);
- Lot 1 DP210616 and Lot 2 DP216665 (288 Church Street);
- Lot 100 DP803945 (292 Church Street); and
- Lot 1 DP84998 (298-300 Church Street).

The site is identified in Figure 1 below.



The site is currently occupied by 2-3 storey buildings, including ground floor retail and hospitality tenants, with commercial floor space above.

- is zoned B4 Mixed Use;
- the front portion of the site (18m deep to Church Street) has a 12m maximum height standard. The rear portion of the site has a maximum height standard of 120m (refer to Figure 5 in Part 4 – Mapping); and
- the front portion of the site (18m deep to Church Street) has a 3:1 maximum floor space ratio. The rear portion of the site has a maximum floor space ratio of 10:1 (refer to Figure 4 in Part 4 – Mapping).

Following lodgement of the Planning Proposal in August 2017, Council responded with a request for further information on 15 November 2017. The proponent responded with an amended urban design report on 21 February 2018. Council was subsequently notified on 2 March 2018 by the Department of Planning & Environment (DP&E) that a pre-Gateway Review request had been made by the Proponent.

On 23 April 2018, Council resolved to endorse the Planning Proposal for land at 286-300 Church Street Parramatta subject to the following amendments:

- Provide that a potential maximum FSR of 16:1 (comprised of a base FSR of 10:1 of which 1:1 must be provided as commercial, and the application of a 1.5:1 for design excellence, 0.5:1 High Performing Building Bonus, and an additional commercial floor space of 1:1); and
- Provision of 10m setbacks.

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

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The objective of this Planning Proposal is to enable the redevelopment of land at 286-300 Church Street, Parramatta by amending the building height and FSR controls that apply to the subject site. Amending the controls will facilitate a mixed-use development commensurate with its location and identification as an opportunity site. The intended outcome of the Planning Proposal is to enable a high quality mixed use development to be achieved on the site.

A summary of the key objectives of the Planning Proposal is provided below:

- Provide controls and a built form outcome consistent with the Parramatta CBD Planning Proposal;
- Provide a building envelope that is capable of achieving design excellence and a high performing building on a central CBD site;
- Protect heritage values of the locality by ensuring compatible podium design;
- Increasing pedestrian permeability through the central CBD by providing a laneway between Erby Place and Church Street; and
- Facilitate higher density development on a site in immediate proximity to the future Parramatta Light Rail.

## PART 2 – EXPLANATION OF PROVISIONS

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This planning proposal seeks to amend *Parramatta Local Environmental Plan 2011* in relation to the height and floor space ratio controls. In order to achieve the desired objective, it is proposed to amend *PLEP 2011* as described in the table below:

1. Amend the Height of Building Map (Sheet HOB\_010 and HOB\_011) from 12m (for the first 18m from Church Street) and 120m to 12m (for the first 10m from Church Street) and no height limit for the remainder of the site. Refer to **Figure 16** in Part 4 of this Planning Proposal.
2. Amend the maximum FSR in the Floor Space Ratio Map (Sheet FSR\_010 and FSR\_011) from 3:1 and 10:1 to 14.5:1 across the entire site. Refer to **Figure 17** in Part 4 of this Planning Proposal.
3. Amend the Special Provisions Map (Sheet CL1\_010 and Sheet CL1\_011) to include a new 'Area #' to that would apply the provisions of Clause 7.6 Airspace Operations of PLEP 2011 to the site. Refer to **Figure 18** in Part 4 of this Planning Proposal.
4. Insert a new site specific clause under Part 7 Additional local provisions – Parramatta City Centre which would include provisions that would have the effect of requiring:
  - a. A requirement to demonstrate appropriate transition to any heritage items or conservation areas;
  - b. A minimum of 1:1 commercial floor space be provided within the maximum FSR applying to the site, being 10:1;
  - c. A provision outlining that 14.5:1 is inclusive of Design Excellence bonus;
  - d. An additional FSR of 1.5:1 is achievable above the maximum FSR of 10:1, subject to the demonstration of design excellence;
  - e. That an additional FSR of 1:1 is achievable for non-residential floor space, with this additional FSR being excluded from the maximum FSR of 10:1;

- f. An additional 0.5:1 is achievable above the maximum FSR of 10:1, subject to the demonstration that high-performing building standards are met (bringing FSR total to 16:1);
- g. That the additional FSR as described in (d), (e), and (f) are not subject to any additional Design Excellence bonus;
- h. Maximum parking rates, in accordance with the resolution of City of Parramatta Council on 10 April 2017 which endorsed maximum parking rates in the CBD Planning Proposal.

A draft site-specific clause is provided at **Appendix 1** of this Planning Proposal. This draft is intended as a guide only and will be subject to further legal drafting at the finalisation of the LEP amendment.

## 2.1 Other relevant matters

### 2.1.1 Voluntary Planning Agreement

The applicant has indicated their willingness to enter into a Voluntary Planning Agreement with Council to address community infrastructure needs. On 10 April 2017, Council endorsed rates of \$150 p/m<sup>2</sup> for Phase 1 value sharing, and \$375 p/m<sup>2</sup> for Phase 2 value sharing. Under the CBD Planning Proposal, Phase 1 value sharing applies to the difference between “Base” and “Incentive” height controls (in this case, the uplift being 7:1 for the portion of the site that is currently zoned 3:1), while Phase 2 value sharing applies to Opportunity Site floor space (3:1 in this case).

On 9 April 2018, Council resolved that delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to its public exhibition.

### 2.1.2 Draft DCP

Council resolved on 9 April 2018 that should a Gateway be issued, a site specific DCP be prepared in accordance with the following principles:

- The heritage walls remain in situ throughout the construction process;
- The podium be appropriately articulated to respond to the fine grain historical subdivision pattern of Church Street;
- That a fully public laneway with a minimum width of 3.5m be provided and dedicated to Council, with design principles in accordance with Council’s endorsed CBD Laneway Strategy; and
- That the laneway, front and rear frontages be activated with retail uses to encourage through traffic and to provide a high level of amenity to pedestrians.



## PART 3 – JUSTIFICATION

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

### 3.1 Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

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

This Planning Proposal is not the result of any site specific study or report, however it was prepared in response to the exhibition of the draft Parramatta CBD Planning Framework and subsequent Parramatta CBD Planning Proposal (CBD PP).

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

The Parramatta CBD Planning Proposal (CBD PP) was adopted by Council on 11 April 2016. The CBD PP seeks a potential increase in height and FSR for sites within the Parramatta CBD. The CBD Planning Strategy recommends a base FSR of 10:1 for most parts of the City Centre and the introduction of unlimited FSRs for commercial office development. The Planning Strategy also investigates the removal of FSR and building height controls for some sites.

The CBD Planning Strategy seeks to establish the principles and actions to implement a framework to grow the Parramatta CBD into Australia's next great city. In this regard this Planning Proposal seeks to facilitate the growth of the Parramatta CBD and bring that development forward to meet market demand and has been prepared as a result of the Parramatta CBD Planning Strategy.

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

A planning proposal process that seeks to amend *PLEP 2011* is the most effective way of providing certainty for Council, the local community and the landowner. The existing height and FSR standards do not respond to the emerging CBD character of Parramatta as adopted in Council's CBD PP. This planning proposal is in keeping with the scale of development in the CBD PP and will assist in delivering the new City of Parramatta as envisioned by Council.

In preparing this Planning Proposal, four options were considered to facilitate the intended outcomes. These are listed and discussed below:

##### *Option 1: This Planning Proposal*

This Planning Proposal is considered to be the most appropriate means of achieving the objectives and intended outcomes for the site.

*Option 2: Seek alternate height and FSR controls*

This option would seek an FSR of 16:1 applied across the entire site, which would have been a reinterpretation of how the various FSR bonuses in the CBD PP are applied.

Whilst the Parramatta CBD Planning Proposal recommends an Incentive FSR Control of 10:1 across the site, an FSR of 16:1 can be achieved through a combination of separate FSR bonus provisions. These bonus provisions are a combination of those currently available under the Parramatta LEP 2011, as well as those proposed under the Parramatta CBD Planning Proposal. Whilst this Planning Proposal does demonstrate that a total FSR of 16:1 is possible for the site, the option to apply for 16:1 as a maximum FSR control applying to the site was considered.

This option was not considered to be the preferred approach, as this approach would have resulted in an inconsistent approach to the CBD Planning Proposal, and would create a clear distinction between the subject site and other sites within the CBD.

*Option 3: Retain existing controls*

The retention of the existing controls under the Parramatta LEP would not facilitate a development commensurate with the strategic nature of the site. As detailed in the CBD Planning Proposal, the site has the capacity to accommodate a higher height and floor space ratio control than those existing currently.

*Option 4: Await gazettal of the Parramatta CBD Planning Proposal*

This option involves not proceeding with a Planning Proposal and instead waiting for the gazettal of the Parramatta CBD PP.

If this approach was taken, the CBD PP (in its current form) would result in the same controls applied to the site as what is proposed in this Planning Proposal. However, due to the complexity associated with the scale of the Parramatta CBD Planning Proposal, the impacts of dramatically increasing floor space within the CBD will likely require lengthy assessment by the Department of Planning and Environment, delaying the gazettal of the LEP amendments and the approval of a complying development application on the site.

Having considered these four options, it is considered that a site-specific Planning Proposal (Option 1) will likely result in a quicker assessment process and rezoning of the site, and therefore facilitate the development of a high quality mixed use development on the site quicker than awaiting gazettal of the Parramatta CBD Planning Proposal.

## 3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

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

#### **A Plan for Growing Sydney**

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

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

#### **1.2 Grow Greater Parramatta – Sydney's Second CBD**

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

#### **1.3 Establish a New Priority Growth Area – Greater Parramatta To the Olympic Peninsula**

- Deliver priority revitalisation precincts

#### **1.6 Expand the Global Economic Corridor**

- Grow high-skilled jobs in the global economic corridor by expanding employment opportunities and mixed-use activities

#### **1.7 Grow Strategic Centres – providing more jobs closer to home**

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

#### **1.9: Support priority economic sectors**

- Support the growth of priority industries with appropriate planning controls

#### **1.10 Plan for education and health services to meet Sydney's growing needs**

- Support the growth of complementary health and tertiary education activities in strategic centres

#### **West Central Subregion**

- Plan Greater Parramatta as Sydney's second CBD and Western Sydney's number one location for employment, health and education services supported by a vibrant mixture of land uses and cultural activity, with the Parramatta River foreshore as a focus for recreational activities; and
- provide capacity for additional mixed-use development in Parramatta CBD and surrounding precincts including offices and retail in Parramatta CBD, health services in Westmead, an education hub around the new University of Western Sydney (Western Sydney University) Campus, a technology and education

precinct in Rydalmere, arts and culture in Parramatta, a sports precinct around Parramatta Stadium and housing in all precincts.

This Planning Proposal is consistent with *A Plan for Growing Sydney*, in that it will:

- enable the mixed-use development of the site by facilitating a tower form that is able to achieve an appropriate level of residential amenity and as such contributing to the significant growth targets for Parramatta and the subregion.
- Enable more residential and commercial floor space on a site that is in close proximity to regionally significant existing and proposed transport infrastructure including the Parramatta Train Station and Bus Interchange, as well as the future potential Parramatta Light Rail and Sydney Metro West projects.
- Facilitate a mixed use development that is in close proximity to community and civic facilities within Parramatta Square and throughout the CBD, including educational facilities provided by Western Sydney University and health facilities provided by Westmead Hospital.
- Facilitate an increase in residential density that is in close proximity to jobs within the Parramatta CBD.
- Provide a significant increase in commercial floor space for the Parramatta CBD.
- Revitalise an underutilised city centre block by enabling a built form outcome that respects the desired CBD skyline, is consistent with the locality's transitional status, and will be capable of providing high residential amenity and increased employment capacity.

### **A Metropolis of Three Cities: Greater Sydney Region Plan**

In March 2018, the NSW Government released *A Metropolis of Three Cities: Greater Sydney Region Plan*, which is built on a vision of metropolis of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. These cities are identified as: The Eastern Harbour City, centred on the Sydney CBD; the Central River City, centred on the growing Parramatta CBD; and the Western Parkland City, which is envisaged to develop in proximity to the new Western Sydney Airport. The Central City is anticipated to cater for the greatest growth over the next decade.

The Greater Sydney Region Plan has four key layers that work together to drive the three cities vision, being:

- Infrastructure and Collaboration;
- Liveability;
- Productivity; and
- Sustainability.

These themes are supported by 40 metropolitan objectives, which provide direction for implementing the five Sydney District Plans. The City of Parramatta Council is located within the Central City District.

**Table 1** below outlines the Greater Sydney Region Plan objectives that are relevant to this Planning Proposal, and how the proposed LEP amendments demonstrate alignment with the Region Plan.

Objective	Comment
Objective 10: Greater housing supply	The Proposal meets this objective by: <ul style="list-style-type: none"> <li>Proposing up to 318 apartments to help meet housing targets set for the Central City District</li> <li>Locating housing in the vicinity of the future Parramatta Light Rail and future Sydney Metro West.</li> </ul>
Objective 11: Housing is more diverse and affordable	The Proposal meets this objective by: <ul style="list-style-type: none"> <li>Providing a dwelling mix that generally accords with the City of Parramatta Development Control Plan (Part 3.4.5 Housing Diversity and Choice)</li> <li>Provides additional housing supply to a local market with a high demand for increased residential accommodation.</li> </ul>
Objective 13: Environmental heritage is identified, conserved and enhanced	The Proposal meets this objective by: <ul style="list-style-type: none"> <li>Retaining significant heritage elements and responding to significant fabric on the site through an urban design scheme that integrates these elements into the redevelopment of the site.</li> <li>Through design excellence requirements, delivery of a high amenity mixed use development.</li> </ul>
Objective 17: Regional connectivity is enhanced	The Proposal meets this objective by: <ul style="list-style-type: none"> <li>Providing additional residential dwellings within direct proximity of the future Parramatta Light Rail network and Sydney Metro West network.</li> </ul>
Objective 19: Greater Parramatta is stronger and better connected	The Proposal meets this objective by: <ul style="list-style-type: none"> <li>Provision of an additional 4,145m<sup>2</sup> of non-residential floor space.</li> <li>Provides for a high quality and activated public domain through the provision of a pedestrian laneway linking Erby Place and Church Street, with an urban design scheme demonstrating that the southern edge can be active and provide retail opportunities.</li> </ul>

**Table 1** – Consistency of Planning Proposal with Greater Sydney Region Plan

## Central City District Plan

The Central City District Plan was released by the Greater Sydney Commission in March 2018. The Plan considers that Parramatta CBD will be the key driver of the Central River City and will be one of the top five CBDs in Australia.

An assessment of the Planning Proposal against the relevant Priorities and Directions outlined in the District Plan is addressed in **Table 2** below.

Central City District Plan Priorities / Objectives	Comment
<p>Priority N5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.</p> <p>Objective 10: Greater housing supply.</p> <p>Objective 11: Housing is more diverse and affordable.</p>	<p>The Proposal meets this objective by:</p> <ul style="list-style-type: none"> <li>• Providing 29,266m<sup>2</sup> of additional residential gross floor area, providing up to 318 apartments to help meet housing targets set for the Central City District</li> <li>• Locating housing in the right locations, with direct access to the future Parramatta Light Rail and future Sydney Metro West</li> <li>• Providing a dwelling mix that generally accords with the City of Parramatta Development Control Plan (Part 3.4.5 Housing Diversity and Choice)</li> <li>• Provides additional housing supply to a local market with a high demand for increased residential accommodation.</li> <li>• As there is no specific provision in this Planning Proposal that commits to the ARH SEPP, this Proposal cannot guarantee housing affordability.</li> </ul>
<p>Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage</p> <p>Objective 12: Great places that bring people together.</p> <p>Objective 13: Environmental heritage is identified, conserved and enhanced.</p>	<p>The Proposal meets this objective by:</p> <ul style="list-style-type: none"> <li>• Retaining significant heritage elements and responding to significant fabric on the site through an urban design scheme that integrates these elements into the redevelopment of the site.</li> <li>• Provide active street frontages to both Church Street and a new pedestrian laneway linking Erby Place and Church Street.</li> <li>• Developing a podium that appropriately interprets the historical fine grain subdivision pattern of Church Street.</li> </ul>
<p>Priority N7: Growing a stronger and more competitive Greater Parramatta.</p> <p>Objective 19: Greater Parramatta is stronger and better connected.</p>	<p>The Proposal responds to the Priority by:</p> <ul style="list-style-type: none"> <li>• Providing an additional 4,145m<sup>2</sup> of non-residential floor space in the Parramatta CBD</li> <li>• Provides for increased residential development in close proximity of the Parramatta Light Rail, connecting future residents to the Westmead Health &amp; Education Precinct and the WSU Rydalmere campus.</li> </ul>
<p>Priority N9: Delivering integrated land use and transport planning and a 30-minute city.</p>	<p>The Proposal responds to the Priority by:</p> <ul style="list-style-type: none"> <li>• Promoting walking and integrated public transport solutions by locating high density residential development in close proximity to employment land uses, and local and regional public transport infrastructure.</li> </ul>

**Table 2 – Consistency of Planning Proposal with Central City District Plan**

## Greater Parramatta Interim Land Use and Infrastructure Implementation Plan

The Interim Land Use and Infrastructure Implementation Plan for the Greater Parramatta Priority Growth Area (the interim Plan) responds to the increased importance of GOP to Greater Sydney, as identified in the Greater Sydney Region Plan and Central City District Plan. The interim Plan identifies how more jobs, homes and essential services will be accommodated in the priority growth area over the next 20 years.

With the subject site being within the Parramatta CBD, it has a vital role to play in helping to achieve the objectives of the interim Plan. This Planning Proposal is consistent with the interim Plan for the following reasons:

- It will assist in the objective of meeting the forecast of 72,000 additional homes within the area (including 20,297 homes directly within the Parramatta CBD) by 2036 by providing up to 318 apartments (inclusive of 549 bedrooms);
- It will assist in the objective of meeting the forecast of 113,000 additional jobs within the area (including 48,763 jobs directly within the Parramatta CBD) by 2036 by providing more than 4,000m<sup>2</sup> of additional commercial and retail floor space; and
- It will assist in realising the objectives of the Parramatta CBD Planning Proposal.

### **3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?**

The following local strategic planning documents are relevant to the Planning Proposal.

#### **Parramatta 2038 Community Strategic Plan**

Parramatta 2038 is a long-term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big ideas that support major transformational opportunities for the City. Of relevance to this Planning Proposal, the Community Strategic Plan identifies the development of the Parramatta CBD as a transformational opportunity for the City to 2038.

The Planning Proposal is considered to meet the key objectives identified in the Community Strategic Plan, as it will facilitate the delivery of a high quality, mixed use development located within the 'Eat Street' Precinct. The Planning Proposal's urban design concept seeks to enhance the pedestrian experience at the street level, respond to the significant heritage fabric on the site and provide a new mid-block through site link between Erby Place and Church Street.

#### **Parramatta CBD Planning Proposal**

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

In general terms, the CBD PP seeks to increase the height and FSR of land in the Parramatta CBD, subject to the provision of community infrastructure and other requirements. The CBD PP remains Council's most recently endorsed policy position on density increases in the Parramatta CBD. Council is currently awaiting a Gateway Determination on the CBD PP from the Department of Planning and Environment.

This Planning Proposal seeks to include a site-specific provision that would allow for a total FSR of 16:1 to be achieved on the site, subject to the application of a number of provisions identified in the CBD PP.

The relevant draft development standards proposed by the CBD PP are considered against the LEP amendments sought through this Planning Proposal in **Table 3** below:

Development Standard	Parramatta CBD Planning Proposal	Comment
<b>Cl. 4.3 – Height of Building (HOB)</b>	The draft development standard allows for <b>12m</b> for the first 18m from Church Street, and no height limit for the remainder of the site.	<b>No</b> – The Planning Proposal seeks a variation to the CBD PP.
<b>Cl. 7.2 – Floor Space Ratio (FSR)</b>	The draft development standard allows for a maximum FSR of <b>10:1</b> across the entire site.	<b>Yes</b> – The Planning Proposal is consistent with the CBD PP.
<b>Cl. 7.10 – Design Excellence</b>	The draft development standard allows for up to <b>1.5:1</b> additional FSR to be achieved subject to demonstration of design excellence.	<b>Yes</b> – Supporting Urban Design Report demonstrates a new building is seeking reliance on this clause.
<b>Cl. 7.11 – Commercial Premises in Zone B4 Mixed Use located in the vicinity of Zone B3 Commercial Core</b>	The draft development standard requires a minimum of <b>1:1</b> commercial floor space for the subject site. Additional commercial floor space above maximum FSR is not counted as FSR provided community infrastructure is included with the development.	<b>Yes</b> – The Planning Proposal seeks to deliver 1:1 commercial floor space within the maximum FSR, and an additional 1:1 commercial floor space above maximum. Community infrastructure will be negotiated through a future VPA.
<b>Cl. 7.16 – Opportunity Sites</b>	Land identified as an Opportunity Site on the Opportunity Sites Map are eligible for up to <b>3:1</b> additional residential FSR, subject to a number of numeric and performance criteria.	<p><b>Yes</b> – The Planning Proposal and Urban Design Scheme demonstrate that the site can achieve the criteria outlined in draft Cl. 7.16 to be eligible for up to 3:1 additional residential FSR.</p> <p>The site achieves this by meeting the numeric area requirements (i.e. that the site is at least 40m wide at the front building line and has a minimum site area of 1,800m<sup>2</sup>), and by demonstrating through the Urban Design Scheme that a site-specific DCP can be provided in the future to address the performance criteria outlined in Cl. 7.16(5), (6) and (7) of the CBD PP.</p>
<b>Cl. 7.17 – High Performing Buildings</b>	The draft development standard allows for up to 1.5:1 additional FSR to be achieved subject to achieving a minimum site area and demonstrating that the scheme can achieve a number of environmental performance criteria.	<b>Yes</b> – Planning Proposal demonstrates that the criteria outlined can be met in a future DA.

**Table 3** – Consistency of Planning Proposal with Parramatta CBD Planning Proposal

In summary, the proposal is generally consistent with the proposed controls for the site as set out in the CBD PP, with the exception of maximum building height to the upper level setback to Church Street.



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

An assessment of the Planning Proposal against the applicable State Environmental Planning Policies (SEPPs) relevant to the site are detailed in **Table 4** below.

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP (State and Regional Development) 2011			✓	Not relevant to proposed LEP amendment.
SEPP (Affordable Rental Housing)			✓	The Planning Proposal will not contain provisions that will contradict or hinder application of this SEPP. The Planning Proposal is not seeking to rely on this SEPP to deliver affordable housing.
SEPP (Infrastructure) 2007			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. The Codes SEPP may apply to future development on the site.
SEPP (Building Sustainability Index) BASIX 2004			✓	Future residential DA's would be subject to the requirements of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP No. 55 Remediation of Land	✓			SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk and harm to human health or any other aspects of the environment. In particular, it requires the consent authority to consider if remediation work is required for rezoning or building works, and ensure that the subsequent remediation works are satisfactory with respect to standards and notification requirements. It is noted that this proposal does not seek to change the zoning or land use provisions for the site, and relates solely to increasing height and FSR. The site is capable of being used for commercial and residential purposes, with any requirement for remediation of the site addressed in the detailed DA for the mixed-use development.

<b>SEPP No. 65 Design Quality of Residential Apartment Development</b>	✓			The indicative scheme demonstrates that a design solution is possible on the site that is capable of complying with SEPP 65 and the Apartment Design Guide. Nothing within this amendment will prevent a future DA's ability to comply with SEPP 65.
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**Table 4 –** Comparison of planning proposal with relevant SEPPs

### 3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 Directions)

In accordance with Section 9.1 of the EP&A Act 1979, the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs.

An assessment against the Ministerial Directions applicable to the Planning Proposal are detailed in the **Table 5** below.

Section	Comment	Compliance
<b>1. Employment and Resources</b>		
Direction 1.1 – Business and Industrial Zones	This Planning Proposal seeks to enable a development that will increase the employment generating capacity of the site. This includes an estimated 4,145m <sup>2</sup> of retail/commercial GFA.	Yes
<b>2. Environment and Heritage</b>		
Direction 2.3 - Heritage Conservation	Two local heritage items are identified in Schedule 5 of the Parramatta Local Environmental Plan 2011 as Local Item I672 and I677; the State Heritage Inventory also lists the rear wall of 292 Church Street as a heritage item. The site is also part of Parramatta Archaeological Management Unit 3079.  Following discussions with the proponent it was agreed that the heritage items on site would be retained in-situ during the redevelopment of the site, and appropriately restored as required. This will be addressed through a site-specific development control plan.	Yes
<b>3. Housing, Infrastructure and Urban Development</b>		
Direction 3.1 – Residential Zones	The Proposal is consistent with this Direction in that it: <ul style="list-style-type: none"> <li>Has been demonstrated that a high quality urban design outcome can be achieved on the site, which can deliver a broad range of apartment typologies;</li> <li>Will make more efficient use of existing infrastructure and services, and will support commuter uptake of the future Parramatta Light Rail;</li> <li>By delivering up to 318 apartments in the Parramatta CBD, will reduce the consumption of land for housing and associated urban development on the urban fringe.</li> </ul>	Yes

Direction 3.4 - Integrating Land Use and Transport	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> <li>Will enable workers to walk or cycle to work if employed in the Parramatta City Centre or utilise a range of other current and future public transport services;</li> <li>Will provide additional commercial floor space in proximity to existing and future transport infrastructure;</li> <li>Reduce dependence on car trip generation by locating housing in a highly accessible and high amenity area of the Parramatta CBD.</li> </ul>	Yes
Direction 3.5 – Development Near Licensed Aerodromes	<p>Sydney and Bankstown Airports are subject to the federal Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996. Airspace above the Parramatta CBD is affected by operational requirements for those airports. A building that penetrates the Obstacle Limitation Surface (OLS) requires approval under that legislation, via the Commonwealth Department of Infrastructure and Regional Development. This planning proposal, with a proposed height of 207.80m AHD, penetrates the Bankstown OLS of 156AHD.</p> <p>A Preliminary Height Assessment study accompanies this Planning Proposal, and concludes that approvals to allow for the temporary penetration of the OLS can take place after the developer has confirmed building and crane heights, which would likely be at the DA stage. It is noted that DP&amp;E can require pre-exhibition consultation with relevant authorities prior to the public exhibition of this Planning Proposal. This process would be consistent with other recent site specific Planning Proposals in the Parramatta CBD. It is therefore considered that this Planning Proposal is consistent with the direction.</p>	Yes
<b>4. Hazard and Risk</b>		
Direction 4.1 - Acid Sulfate Soils	<p>The site is identified as Class 4 on the Acid Sulfate Soils Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 4 areas however this will be addressed further at the development application stage.</p>	Yes
Direction 4.3 - Flood Prone Land	<p>The site is subject to the following flood levels:</p> <ul style="list-style-type: none"> <li>1:20 year ARI at RL 8.8m AHD;</li> <li>1:100 year ARI at RL 8.82m AHD; and</li> <li>PMF at RL 12.5m AHD.</li> </ul> <p>To minimise the impact of the proposal with respect to flooding, the reference design demonstrates that a building can be built on the site with a 600mm freeboard constructed above the 1:100 year ARI, which would raise the retail and the residential/commercial lobbies to RL 9.42m AHD. With respect to flood events greater than the 1 in 100 year event (including and up to the PMF), principles and measures will be incorporated into any future detailed design. This will include an early warning system with sirens, appropriate signage, depth indicators, refuge areas and overall building management. The lifts in the residential lobbies are above the freeboard in order to ensure the basement will not be subject to inundation during a 1 in 100 year event. Specific strategies will be considered as part of the Design Excellence and development application process.</p>	Yes – refer to <b>Table 7</b> in Section 3.3.2 for full assessment

<b>6. Local Plan Making</b>		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not propose any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.3 - Site Specific Provisions	Site specific amendments to the LEP are sought, however, these are consistent with the proposed provisions of the Parramatta CBD Planning Proposal.	Yes
<b>7. Metropolitan Planning</b>		
Direction 7.1 – Implementation of A Plan for Growing Sydney	The Planning Proposal is consistent with Greater Sydney Region Plan, as discussed in <b>Section 3.2.1</b> above.	Yes
Direction 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The Planning Proposal is consistent with this Direction as it will: provide new local infrastructure in the form of a pedestrian laneway linking Erby Place to Church Street, providing a key mid-block link and increasing the permeability and pedestrian experience of the Parramatta CBD; provide additional commercial and residential floor space directly adjacent to Parramatta Light Rail, encouraging its use; and providing community infrastructure through a future VPA to assist Parramatta in delivering additional infrastructure and public domain works to support the role of Parramatta CBD as Sydney's second CBD.	Yes

**Table 5 – Comparison of planning proposal with applicable Ministerial Directions**

### 3.3 Section C – Environmental, social and economic impact

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

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

This Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats. There has been no critical habitat or threatened species, populations or ecological communities, or their habitats, identified on this site.

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

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

- Urban Design and Built Form
- Site Isolation
- Heritage
- Flooding
- Traffic, Parking and Vehicle Access
- Aeronautical Operations

Key matters of consideration relevant to the Planning Proposal are addressed in further detail below.

#### Urban Design and Built Form

A preliminary concept scheme for the development of the site has been prepared to support of the Planning Proposal, and reflects a potential built form outcome that achieves the objectives of the Proposal (see **Appendix 2**). In summary, the proposed built form has been designed to:

- Respond to the significant known heritage fabric on the site;
- Ensure that the fine grain historical subdivision pattern of Church Street can be interpreted in the street wall design, which will assist in maintaining a highly active frontage to Church Street and promote Council's strategy to develop this part of the city as a restaurant and entertainment Precinct;
- Provide for a mid-block pedestrian laneway to the southern boundary of the site, in accordance with Council's Laneway Strategy; and
- Allow for the future development of the unincorporated corner site at 302 Church Street.

The photomontage illustrated in Figure 2 provides an example of how the site may develop as a result of the proposed controls being sought in this Planning Proposal.



**Figure 2** – Photomontage of indicative tower form looking south down Church St (Source: PTW)

To enable a future development to achieve the GFA described in the table above, the Planning Proposal seeks to amend the upper level setback to Church Street from 18m to 10m, and achieve a total FSR of up to 16:1 through the utilisation of the following bonus provisions outlined in the CBD PP:

- Design Excellence (Cl. 7.10), allowing for additional FSR of up to 1.5:1;
- Additional commercial floor space above the maximum FSR (Cl. 7.11), which in this Proposal would provide additional FSR of 1:1;

- Opportunity Site (Cl. 7.16), allowing for additional FSR of 3:1, provided: community infrastructure is provided in accordance with the Cl. 7.15 of the CBD PP, and the development includes the 15% bonus floor space for achieving design excellence and bonus FSR of 0.5:1 for high performing buildings.

A numerical overview of the development concept is provided in **Table 6** below.

Component	Development Concept
Maximum overall height (storeys)	61
Maximum overall height	RL 207.8
Maximum podium height	3 storeys RL 20.61 (12m)
GFA (total)	33,410m <sup>2</sup>
<ul style="list-style-type: none"> <li>• Retail/Commercial GFA</li> <li>• Residential GFA</li> </ul>	<ul style="list-style-type: none"> <li>• 4,145m<sup>2</sup></li> <li>• 29,266m<sup>2</sup></li> </ul>
Apartments (total)	Approx. 318
<ul style="list-style-type: none"> <li>• 1 bed</li> <li>• 2 bed</li> <li>• 3 bed</li> </ul>	<ul style="list-style-type: none"> <li>• 108 (33%)</li> <li>• 197 (61%)</li> <li>• 19 (6%)</li> </ul>
Car parking	195

**Table 6** – Numerical overview of concept design

Following discussions with the proponent, it is anticipated that upon a Gateway Determination being issued for the subject site, a site-specific DCP will be prepared that will enable development on the site in accordance with the principles outlined in the Urban Design concept scheme. The site specific DCP will be exhibited concurrently with the Planning Proposal, and VPA should a letter of offer be received.

### Street wall

The street wall, as proposed in the urban design scheme, has been designed to respond to the historic fine grain subdivision pattern of Church Street, and respond to the 3-storey heritage listed sandstone façade attributable to 298 Church Street (listed as Item 677 in PLEP 2011). Retail floor space has been reallocated at the ground floor of the street wall to encourage smaller tenancies to Church Street, consistent with the current fine grain subdivision pattern, and Council's 'Eat Street' initiative to encourage the activation of Church Street as a dining and entertainment precinct.

To address concerns that the street wall would diminish the significant heritage façade at 298 Church Street, the street wall has been designed to provide wall openings that respond to the geometry of the existing heritage item on the site, and nearby buildings on Church Street. It is envisaged that these aspects of the building design will be included in a site-specific DCP following a Gateway Determination being issued for the subject site. **Figure 3** below provides an illustration of a potential future street wall that applies the abovementioned principles.



**Figure 3** – Photomontage of indicative podium form, with full integration of existing heritage façade to 298-300 Church Street (Source: PTW)

#### Upper level setback to Church Street

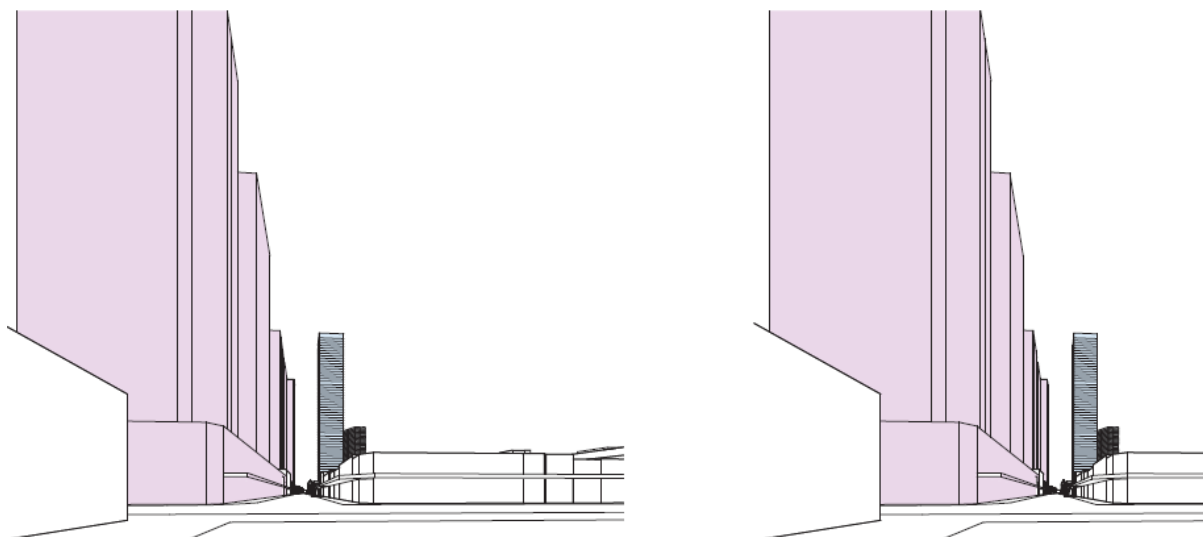
To ensure that a viable tower floor plate can be achieved on the site, this Planning Proposal seeks to vary the depth of the 12m maximum height control that currently applies along lots fronting Church Street. The variation as proposed seeks to reduce the upper level setback from a depth of 18m to 10m. While an 18m upper level setback along Church Street has been proposed to be proposed in the CBD Planning Proposal, the shallow lots that define many properties on Church Street (between Macquarie Street and the Parramatta River) result in the majority of properties being unable to provide viable tower floor plates in line with Council's vision for the Parramatta CBD. There is therefore a clear mismatch between Council's strategic direction to facilitate tall, slender towers with fast moving shadows, and a control that effectively prevents this built form from being achieved.

In assessing the Planning Proposal, urban design massing was prepared to demonstrate the difference between the 10m upper level setback sought by the proponent, and 12m, which was initially considered to:

- Potentially provide an acceptable balance between preserving the significant heritage views along Church Street with predominantly two and three storey buildings, and
- Improve the development potential of Church Street to accommodate viable tower floor plates.

An extract of the built form massing is provided at **Figure 4**. The analysis highlights the negligible difference between an upper level setback of 10m or 12m.



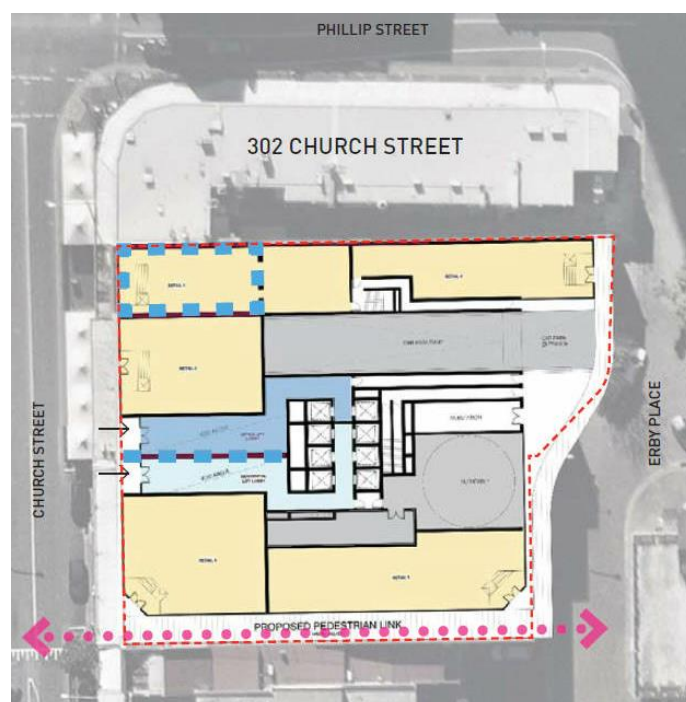


**Figure 4** – Massing of potential tower forms with a 10m (left) and 12m (right) upper level setback, as seen looking north to Church St. (Source: PTW)

The Planning Proposal, in seeking a reduced 10m upper level setback to Church Street, is therefore considered the most appropriate means to address the mismatch between Council's strategic objective to encourage and facilitate tall and slender towers in the Parramatta CBD, and the current upper level setback control which inhibits this objective from being achieved.

### Laneway

Following discussions with Council Officers, the amended urban design scheme provides for a 3.5m public laneway to the southern boundary of the site which will provide a mid-block through site link between Church Street and Erby Place. The location of the laneway is consistent with the Parramatta CBD Laneway Strategy, and will encourage activation of the southern edge of the podium for retail or dining purposes. **Figure 5** below identifies the location of the pu



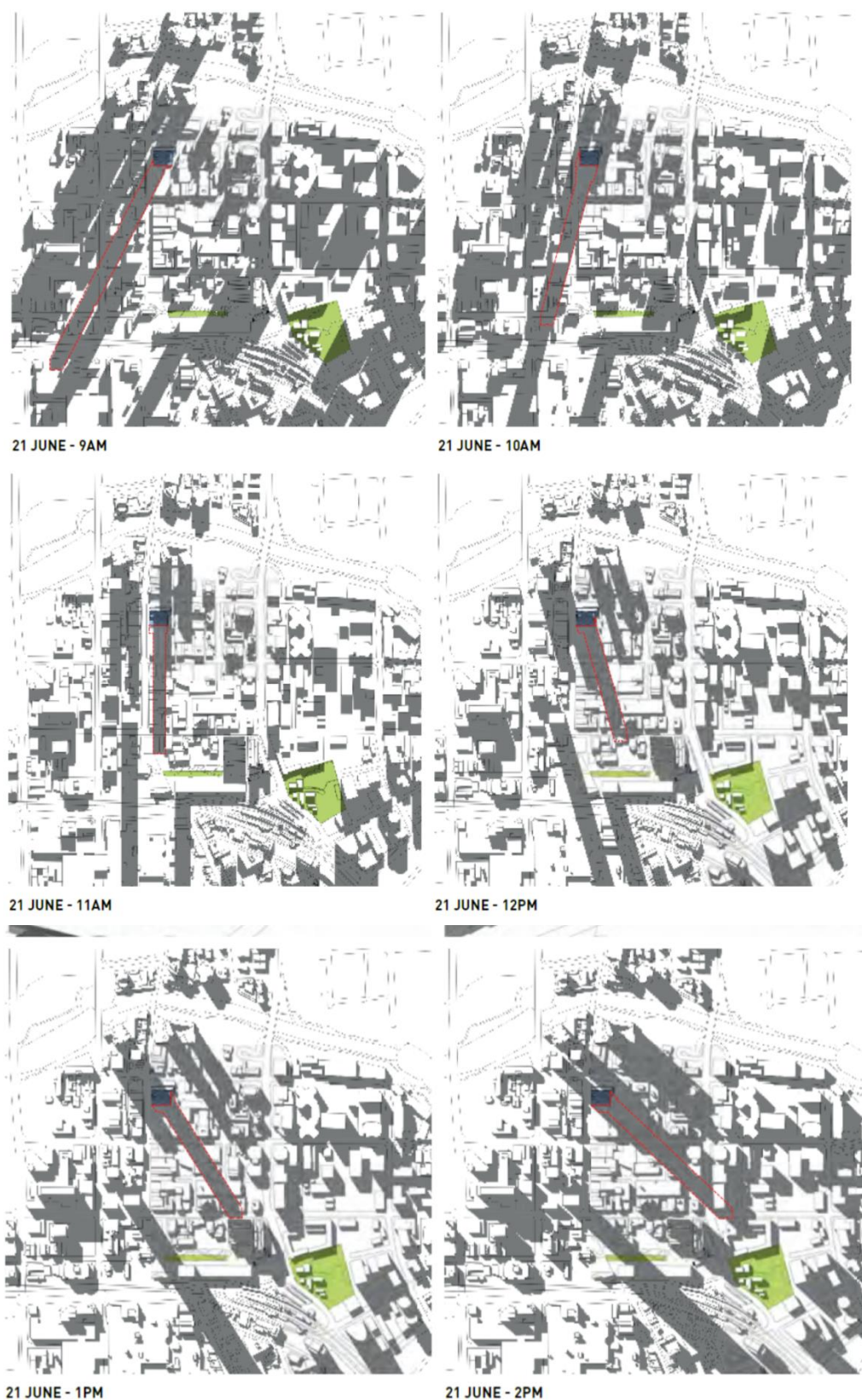
**Figure 5** – Proposed pedestrian link (Source: PTW)

The location of the laneway also allows for the laneway to be expanded in width in the future, should the properties to the immediate south of the subject site be developed in the future. Subject to this Planning Proposal being issued a Gateway Determination, a site-specific DCP will be prepared to detail the objectives and requirements for the laneway.

#### Overshadowing

PLEP 2011 protects key areas of public space in the CBD from overshadowing through the application of solar access controls, which ensure that new development does not overshadow these key areas at various times of the day. Of relevance to this Planning Proposal are the current controls for Lancer Barracks, and proposed controls in relation to the protection of solar access to Parramatta Square, which are currently being prepared by DP&E through Amendment No. 29 (220-230 Church Street & 48 Macquarie Street, Parramatta and surrounding lands) to PLEP 2011.

As shown in **Figure 6**, the proposed development concept at 208.7m AHD would not result in the overshadowing of the protected area of Parramatta Square, or Lancer Barracks at any time of the day.

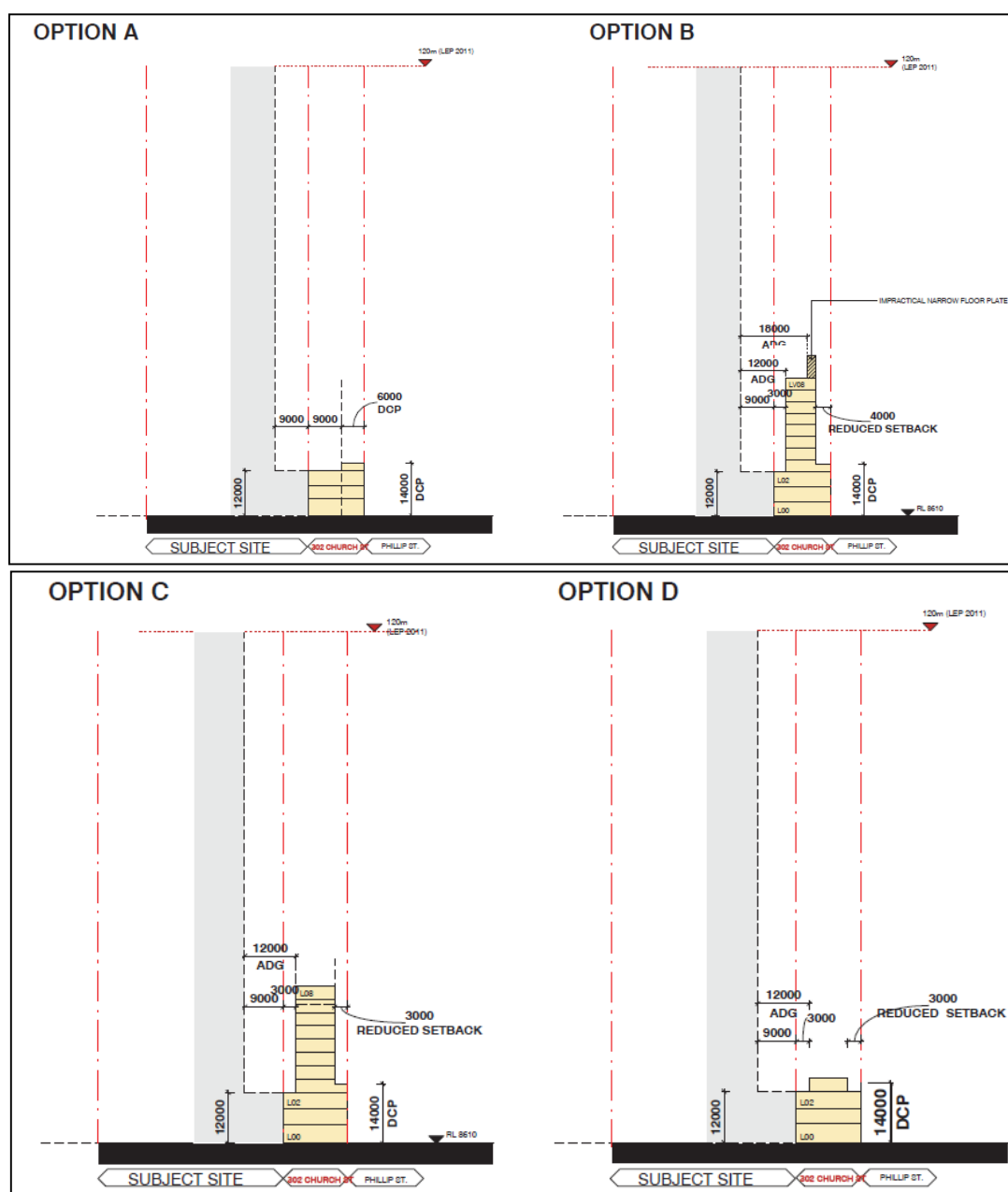


**Figure 6** – Solar and Shadow Study

## Site Isolation

The proposed development concept brings into question the possibility of isolating the adjoining corner site situated to the immediately at 302 Church Street, Parramatta (Lot 1 DP211499). The corner site has a site area of 776.5m<sup>2</sup> and consists of a two level retail building, and is listed as Local Heritage Item I677. The building has been partially updated and reconfigured over the years and presents reasonably to the Church and Phillip Street frontages.

At the request of Council, additional urban design analysis was undertaken by the proponent, which tested various potential development scenarios in the absence of consolidation with the subject site being achieved. Refer to **Figure 7** below.



**Figure 7** – Development scenarios for 302 Church Street (Source: Amended Urban Design Report, PTW)

The analysis demonstrates that without site consolidation, it is unlikely that the corner site will be able to reach its full development potential of 10:1 FSR, and other floor space

bonuses. Notwithstanding, Option D above shows a potential built form outcome where the site is capable of achieving some development uplift in the future, while achieving an acceptable relationship to the adjoining site.

Further, Council acknowledges that the proponent has made genuine and repeated attempts to acquire 302 Church Street, and that a failure to amalgamate with 302 Church Street at this point in time should not prevent the progression of the Planning Proposal.

## Heritage

There are a number of heritage items and considerations identified on, or adjacent to the subject site:

- Local Item 672 – Stone walls at the rear of 286, 288 and 290 Church Street (refer to **Figure 8**);
- Local Item 677 – Shop (and potential archaeological site), identified as being located at 302 Church Street, but agreed the item refers to the sandstone façade and side wall at 298 Church Street (refer to **Figure 9**);
- State Heritage Inventory listing – 292 (rear) Church Street; and
- Site is located within the Parramatta Archaeological Management Unit 3079.



**Figure 8** – Local Item 1672, seen from the rear of 286-290 Church Street (Source: NBRs Architecture Heritage)

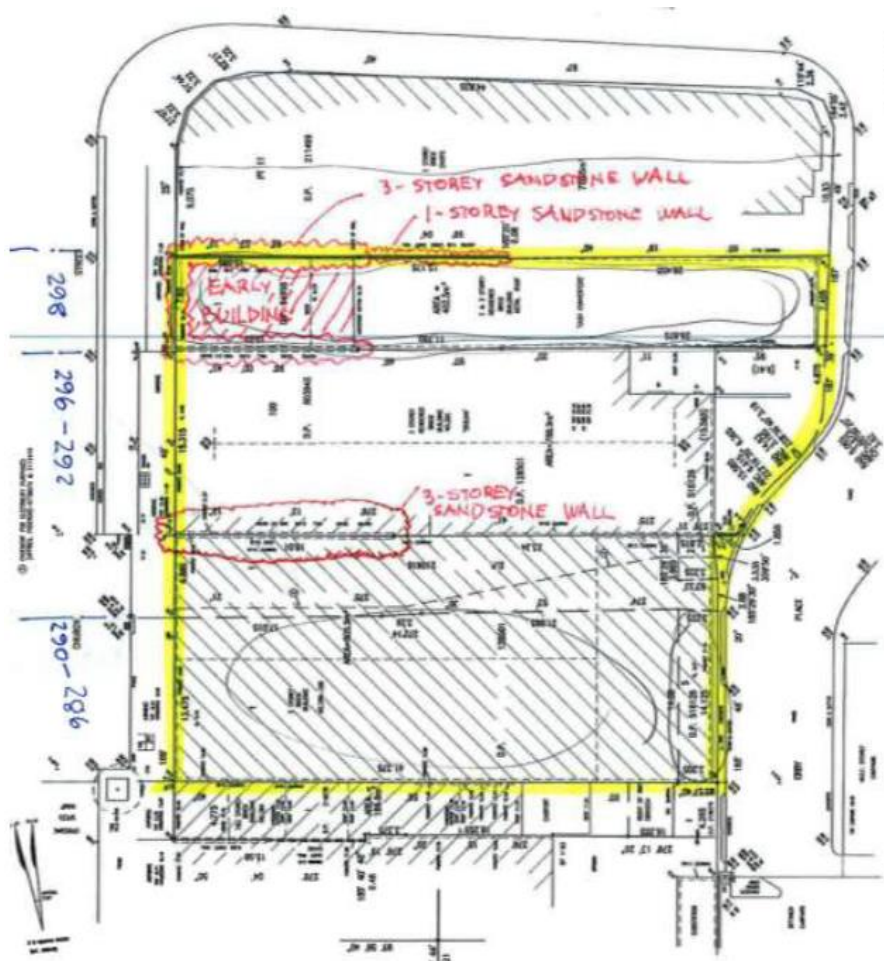




**Figure 9** – Local Item I677, located at 298 Church Street Parramatta (Source: NBR Architecture Heritage)

A Statement of Heritage Impact has been prepared in support of the Planning Proposal (refer to **Appendix 3**). The purpose of the report is to assess the impact of the proposed development concept on the heritage items within the subject site and within the sites' proximity, in accordance with the standard guidelines of *Assessing Heritage Significance (2001)* published by the NSW Heritage Office.

The preservation and restoration of the known heritage fabric on the site is considered to be important to protect through this rezoning process. Of note, the building at 298 Church Street – identified as likely constructed in the 1860s in the Victorian Academic Classical style – is seen as particularly significant. It is considered that there is potential to remove the existing cladding on the façade and restore the three storey sandstone façade, conserved interiors and side sandstone walls. **Figure 10** below illustrates the approximate location of the known heritage fabric remaining on the site.



**Figure 10** – Marked up survey plan showing the location of known heritage fabric (Source: NBR Architecture Heritage)

To respond to the heritage constraints of the site, the street wall has been designed to highlight the heritage features of Church Street, with the geometry and materiality of the new street wall elements designed to complement the restored heritage façade at 298 Church Street. The Urban Design Report supporting this Planning Proposal has been developed to accommodate the retention of all heritage fabric in-situ during construction on the site, and appropriately restored as required.

Specific requirements pertaining to the treatment of heritage fabric during the construction period will be addressed in a future site-specific DCP, with potential visual impacts to be considered during the Design Excellence and Development Application stages.

### **Flooding**

There is no specific flood study provided in support of this Planning Proposal, however the proponent's Planning Proposal as submitted did include Council's Flood Enquiry Application, which provides information of the relevant flood levels on the subject site.

The site is identified as being affected by the Probable Maximum Flood (PMF) of the Upper Parramatta River catchment. The area adjacent to the site along Church Street is affected by the 20 year and 100-year Average Recurrence Interval (ARI) flood event.

Further to this, the following flood levels apply to the site:

- 1:20 year ARI flood event at RL 8.8m AHD
- 1:100 year ARI flood event at RL 8.82m AHD
- PMF event at RL 12.5m AHD

An assessment of the Planning Proposal against the Section 4.34 (formerly s.117) Ministerial Direction in relation to flood management is provided in **Table 7** below.

Section 4.34 Requirements	Response
A planning proposal must include provisions that give effect to, and are consistent with, the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).	PLEP 2011 and the PDCP has been informed by the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. The proposed development seeks to adhere to these policies, including the provision of a 500mm freeboard above the 1 in 100 year flood event. Furthermore, it is expected that detailed assessment of flooding and analysis of consistency with Council's flood related development controls would occur at DA stage.
A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone	The Planning Proposal does not seek to rezone the land.
A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas,  (b) permit development that will result in significant flood impacts to other properties,  (c) permit a significant increase in the development of that land,  (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development.	(a) The proposed development is not located in a floodway area, as: i. It is not subjected to flooding from the local catchment; ii. It is not subject to additional site drainage controls to manage flooding in the local catchment; and iii. It is not likely to be affected by overland stormwater run-off from the local catchment.  (b) The development will not result in significant flood impacts to other properties.  (c) The proposed development seeks an increase in development of that land that is consistent with Council's own Planning Proposal for the Parramatta CBD.  (d) The propose development will not result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.  (e) Development is not to be carried out without development consent.
A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning	The planning proposal does not impose flood related development controls above the residential flood planning level.



authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General)	
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**Table 7 –** Assessment of Planning Proposal against Section 4.34 Direction 4.3 – Flood Management

The proponent's amended Urban Design Concept demonstrates that a 600mm freeboard can be achieved on the site, above Council's minimum requirement for a 1:100-year flood event. Additional design principles and measures, including the provision of early warning system with sirens, refuge areas and ensuring that lifts in residential lobbies are above the freeboard have also been proposed as appropriate measures that can be provided for based on the urban design concept. Appropriate management measures to ensure the basement will not be subject to inundation during a 1:100 year event can be addressed in a future design excellence competition and subsequent development application.

It is therefore considered that the Planning Proposal satisfies the relevant requirements in relation to flood management.

## **Traffic, Parking and Vehicle Access**

### Traffic and Parking

The proponent's Traffic and Parking Assessment Report (refer to **Appendix 4**) provides an assessment of the capacity of nearby intersections to determine the suitability of a future development in accordance with the proposed controls. Using the SIDRA capacity analysis program, the report concludes that the projected additional traffic flows will not have any adverse effects on the operational performance of the nearby intersections. No road improvements or intersection upgrades would be required as a consequence of the Planning Proposal.

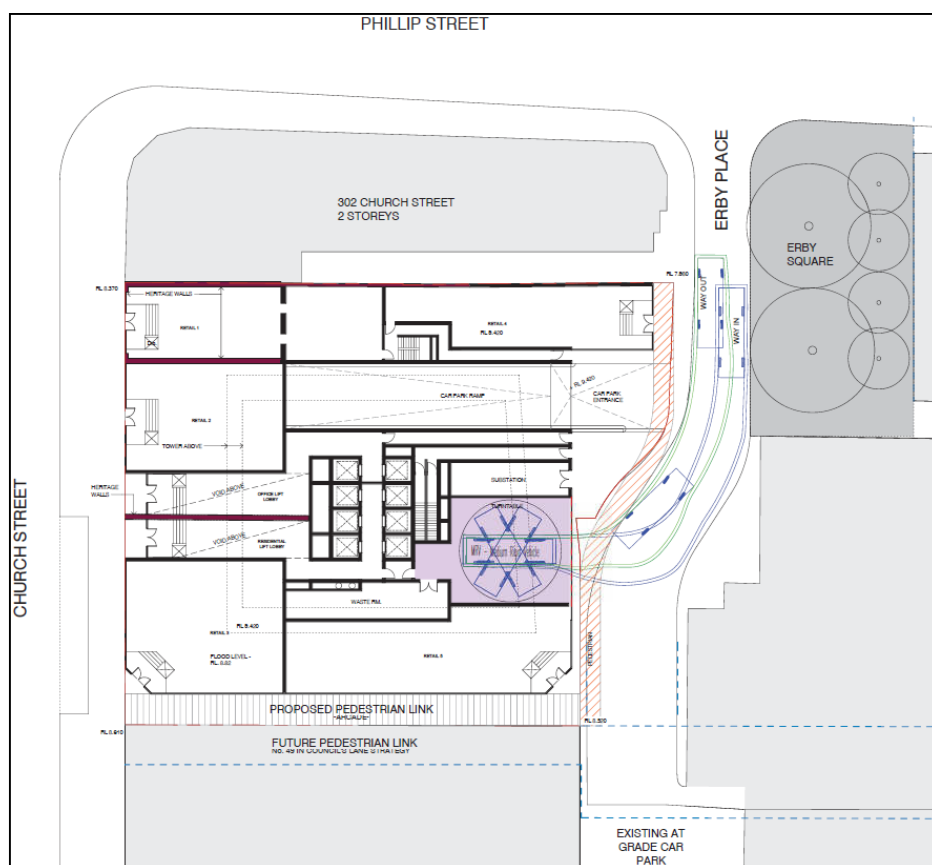
The Urban Design Concept demonstrates that the proposed built form can be achieved which would include seven levels of basement parking. This would accommodate 195 car spaces, bicycle parking facilities residential storage, plant room and loading facilities. The site is capable of complying with all regulations in terms of future car, bicycle, parking, loading facilities and vehicular access arrangements.

It is considered that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading requirements.

### Vehicle Access

The Urban Design Concept, as amended, proposes to provide vehicle access to the basement to the northern boundary of the subject site. The basement has been designed to accommodate shared access with 302 Church Street, should this site be developed in the future and require basement parking arrangements.

The location of the vehicle access is also considered to provide an appropriate separation between the future laneway to the southern boundary of the subject site, reducing potential conflict between pedestrian movements on and through Erby Place to Church Street and Phillip Street, as envisaged in the Parramatta Lanes Framework Plan. In order to avoid service vehicles reversing in the direction of the laneway, a turntable is proposed to allow for front in / front out access to the site for larger vehicles. **Figure 11** below illustrates the proposed vehicle access scheme.



**Figure 11 – Proposed vehicle access arrangements** (Source: Amended Urban Design Report, PTW)

Based on the proposed access strategy, the Planning Proposal is considered to satisfactorily address vehicle access requirements for the site.

## Aeronautical Operations

The applicant's Preliminary Height Assessment (refer to **Appendix 5**) identifies that airspace above the Parramatta CBD is affected by the operational requirements of both Sydney and Bankstown Airports, and are subject to the federal Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996. A building that penetrates the Obstacle Limitation Surface (OLS) requires approval under that legislation, via the Commonwealth Department of Infrastructure and Regional Development.

This planning proposal, with a proposed height of 207.80m AHD, penetrates the Bankstown OLS of 156AHD. The Preliminary Height Assessment concludes that approvals to allow for the temporary penetration of the OLS can take place after the developer has confirmed building and crane heights, which would likely be at the DA stage. It is noted that DP&E can require pre-exhibition consultation with relevant authorities prior to the public exhibition of this Planning Proposal. This process would be consistent with other recent site specific Planning Proposals in the Parramatta CBD, and as a result the Proposal is considered to have addressed this environmental effect.

### **3.3.3 How has the planning proposal adequately addressed any social or economic effects?**

The Planning Proposal will result in positive social and economic effects for the local area through the generation of local employment opportunities during construction and operation. The increased commercial density (of approximately 4,145m<sup>2</sup> of floor space) is expected to facilitate additional local employment opportunities as a result of the proposal.

As part of the strategic justification supporting the Planning Proposal, the proponent has agreed to negotiate a Voluntary Planning Agreement to address Council's community infrastructure needs. On 10 April 2017, Council endorsed rates of \$150 p/m<sup>2</sup> for Phase 1 value sharing, and \$375 p/m<sup>2</sup> for Phase 2 value sharing to fund community infrastructure in the Parramatta CBD. Under the CBD Planning Proposal, Phase 1 value sharing applies to the difference between "Base" and "Incentive" height controls (in this case, the uplift being 7:1 for the portion of the site that is currently zoned 3:1), while Phase 2 value sharing applies to Opportunity Site floor space (3:1 in this case).

This Planning Proposal is therefore considered to adequately address social and economic effects resulting from amending the LEP controls sought in this Proposal.

## **3.4 Section D – State and Commonwealth Interests**

### **3.4.1 Is there adequate public infrastructure for the planning proposal?**

Yes. With regard to transport infrastructure, the site is less than 500m from Parramatta Train Station with direct proximity to the 'Eat Street' light rail stop on the proposed Parramatta Light Rail network. Parramatta is also proposed to be a key feature on the proposed 'Sydney Metro West' project.

The site is located in an established urban area and has access to a range of existing facilities and services. Future development applications will require further investigation of the likely provision of services that will be required, however it is anticipated that public infrastructure, including utilities, will adequately service the area.

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

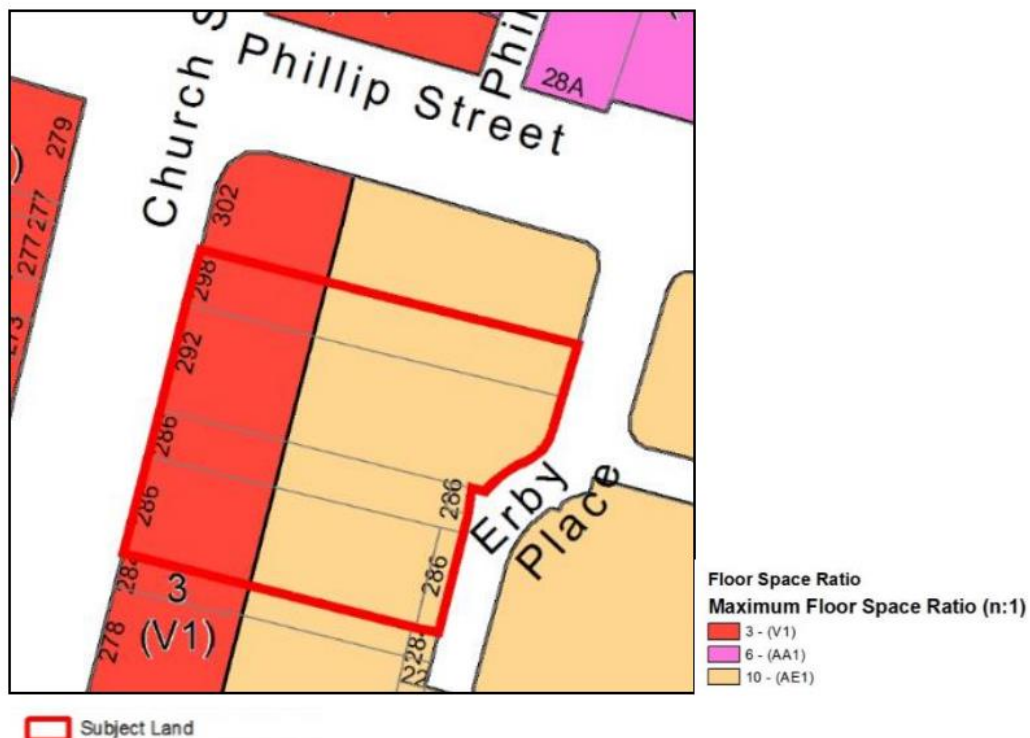
The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

## PART 4 – MAPPING

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

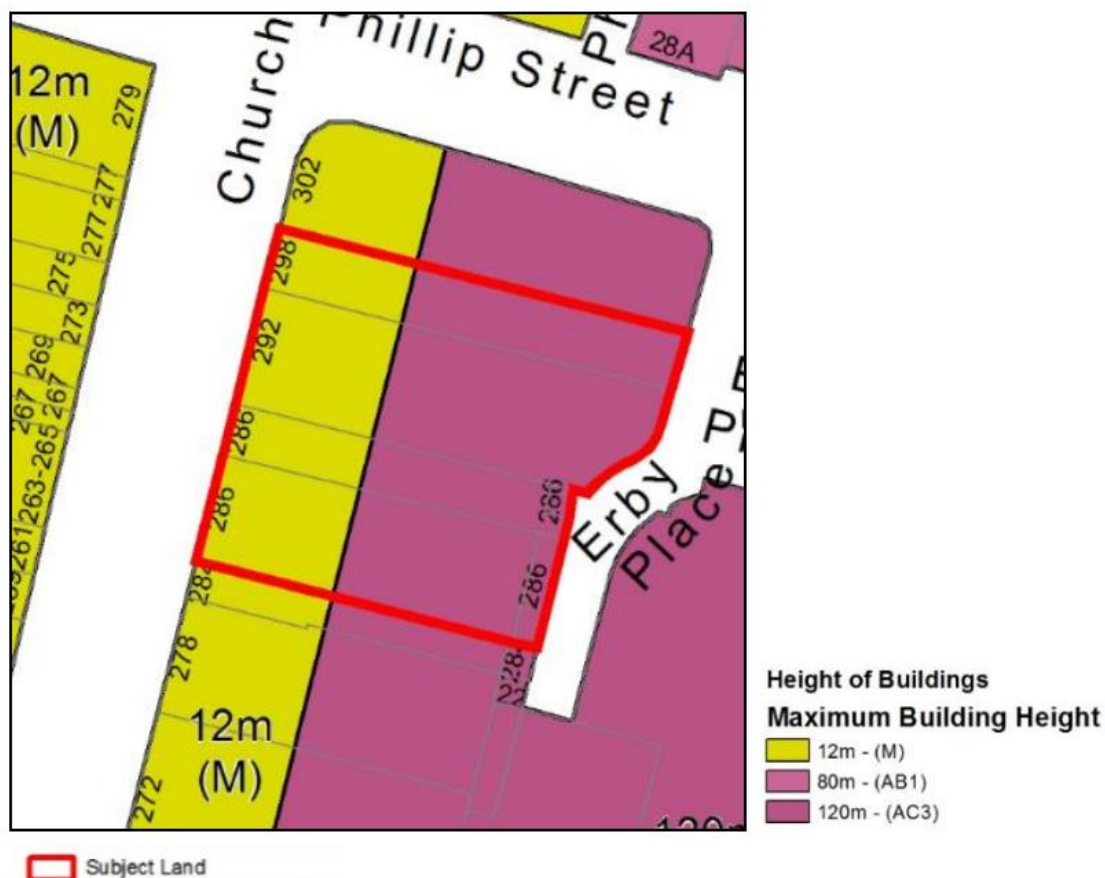
### 4.1 Existing controls

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



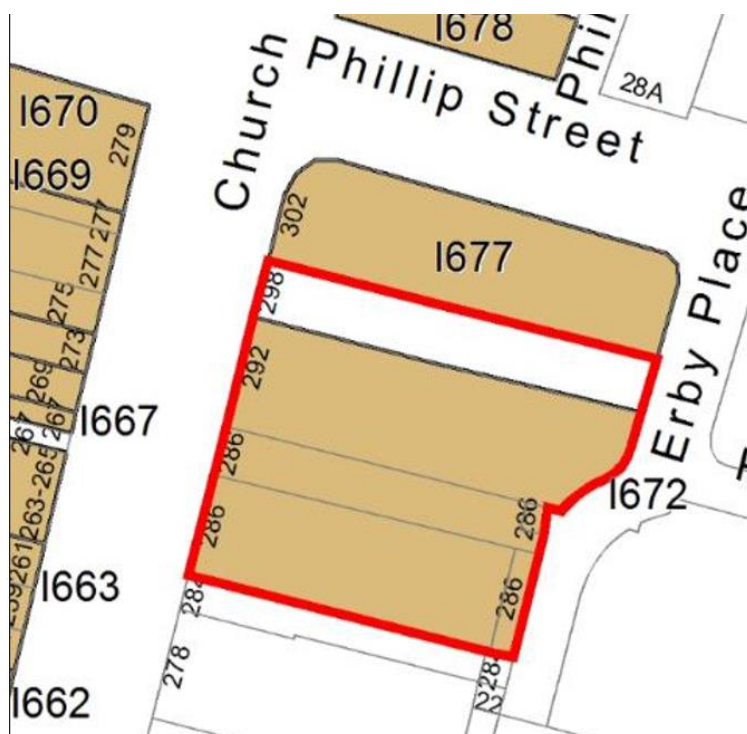
**Figure 12 – Existing FSR extracted from *PLEP 2011* Floor Space Ratio Map**

**Figure 12** above illustrates the site has a maximum FSR of (part) 3:1 along Church Street and (part) 10:1 to the rear of the site.



**Figure 13** – Existing building heights extracted from *PLEP 2011* Height of Buildings Maps

**Figure 13** above illustrates the existing 12 metre control for the front 18m of the site to Church Street, and 120m for the remainder of the site.



**Figure 14** – Existing heritage items extracted from the PLEP 2011 Heritage Maps

**Figure 14** above illustrates the heritage sites which are located adjacent to the site.



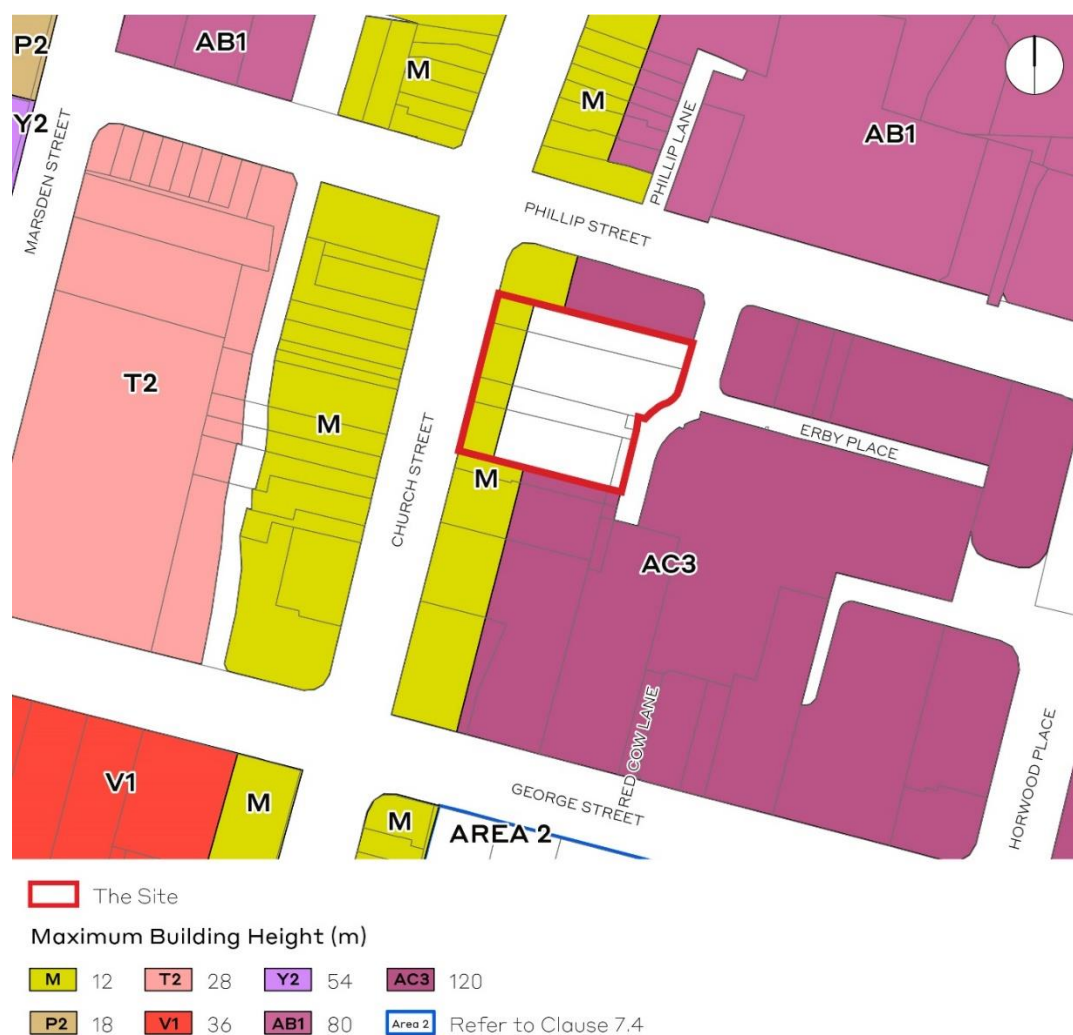
**Figure 15** – Existing flooding extent extracted from the PLEP 2011 Flooding Maps

**Figure 15** above illustrates the flooding extent in the vicinity of the site.



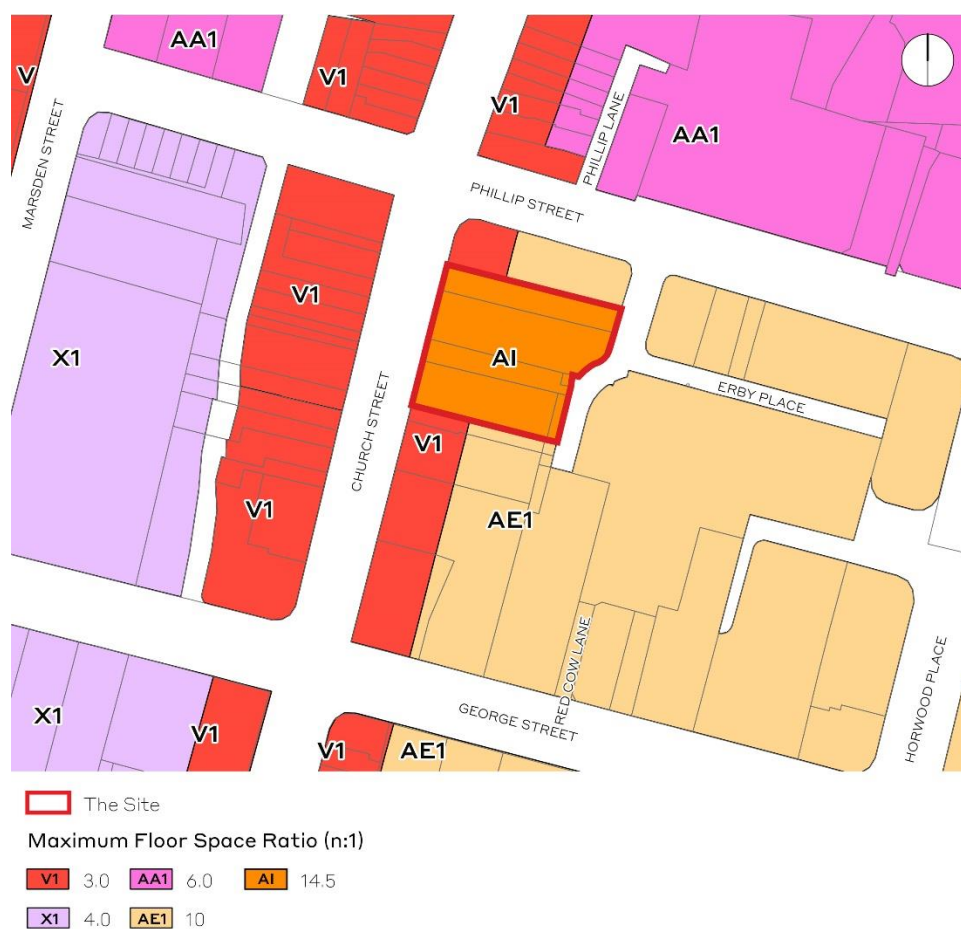
## 4.2 Proposed controls

The figures in this section (Figures 16 and 17) illustrate the proposed building height and floor space ratio controls sought by this planning proposal.



**Figure 16** – Proposed amendment to the PLEP 2011 Height of Building Map

**Figure 16** above illustrates the proposed maximum building height retains the 12m height standard for the front 10m of the site (to Church Street), and removes the height control notation for the rear portion of the site.



**Figure 17** – Proposed amendment to the *PLEP 2011* Floor Space Ratio Map

**Figure 17** above illustrates the proposed 14.5:1 across the entire site (this figure accounts for 1.5:1 for design excellence and 3:1 for 'Opportunity Site' bonus as per the CBD PP) .



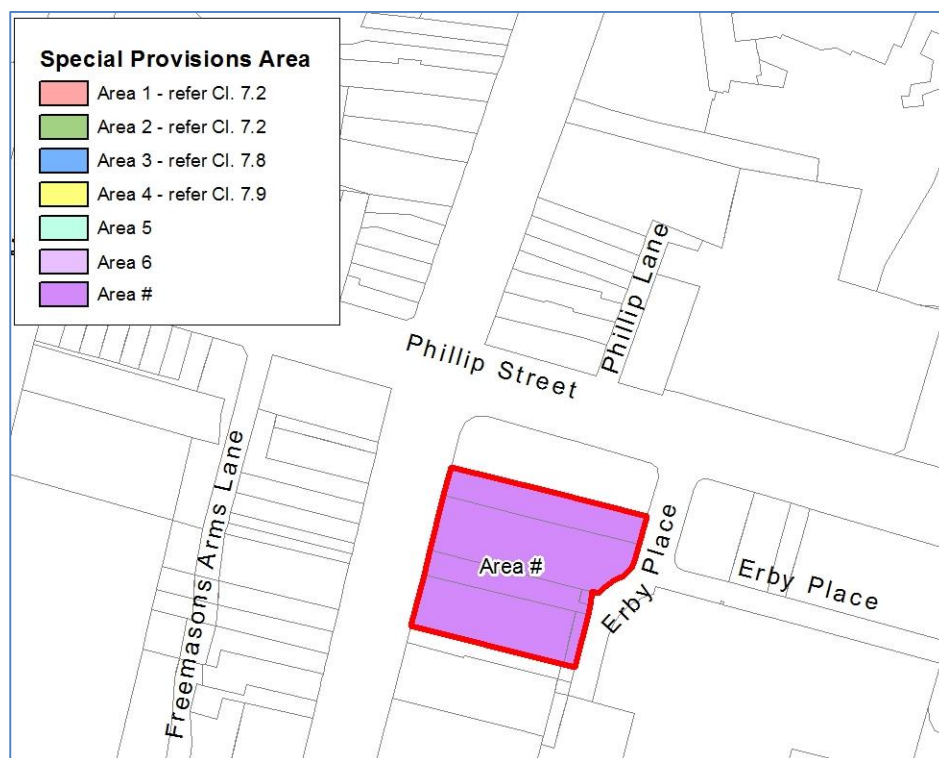


Figure 17 – Proposed addition of “Area #” to the PLEP 2011 Special Provisions Map

Figure 17 above illustrates the proposed addition of “Area #” to the Special Provisions Maps across the entire site.

## PART 5 – COMMUNITY CONSULTATION

It is noted that confirmation of the public exhibition period and requirements for the planning proposal will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

In accordance with Section 3.37 of the *EP&A Act 1979*, the Director-General of Planning must approve the form of the Planning Proposal, as revised to comply with the Gateway determination, before community consultation is undertaken.

Public exhibition is likely to include:

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

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

Pursuant to Section 3.37 of the *EP&A Act 1979* the Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

## **PART 6 – PROJECT TIMELINE**

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

The following steps are anticipated:

- Request for Gateway determination (May 2018)
- Gateway Determination issued by DPE (July 2018)
- Commencement and completion dates for public exhibition period and government agency notification (September 2018)
- Consideration of submissions (October/November 2018)
- Consideration of proposal post exhibition and reporting to Council (December 2018)
- Submission to the Department to finalise the LEP (January 2019)
- Notification of instrument (March 2019)

## **Appendix 1 – Draft Potential Site Specific Clause**

Part 7 Additional Local Provisions – Parramatta City Centre

Clause 7.xx Development on land at 286-300 Church Street, Parramatta

- (1) This clause applies to land at 286-300 Church Street, Parramatta, being Lot 1 of DP128501 and Lot 5 of DP516126 (286 Church Street); Lot 1 of DP210616 and Lot 2 of DP216665 (288 Church Street); Lot 100 of DP803945 (292 Church Street); and Lot 1 of DP84998 (298-300 Church Street) and identified as area ## on the Special Provisions Area map.
- (2) Any development involving the construction of a new building proposed under this clause must include:
  - a. Commercial floor space of at least 1:1 floor space ratio; and
  - b. The development is able to demonstrate an appropriate transition to any heritage items or conservation areas.
- (3) Despite Clause 7.10(8):
  - a. The maximum FSR outlined on the Floor Space Ratio map is inclusive of any Design Excellence incentive floor space.
  - b. The maximum height outlined on the Height of Buildings maps is inclusive of any Design Excellence incentive height
- (4) The consent authority may grant consent to a development including additional 0.5:1 FSR beyond the maximum FSR outlined on the Floor Space Ratio map provided that the following High Performing Buildings standards are met:
  - a. Any part of the building used for office premises must comply with the following standards:
    - i. The energy target is a maximum 140 kg/m<sup>2</sup> per year.
    - ii. The water target is a maximum .65 kL/m<sup>2</sup> per year.
  - b. Any part of a mixed use development which is used for commercial premises must comply with the following standards:
    - i. The energy target is a maximum 140 kg/m<sup>2</sup> per year.
    - ii. The water target is a maximum .65 kL/m<sup>2</sup> per year.
  - c. Any part of the building used for retail premises (if the total retail premises gross floor area of the development is 5,000 square metres or greater) must comply with the following standards:
    - i. The energy target is a maximum 100 kg/m<sup>2</sup> per year
    - ii. The water target is a maximum .95 kL/m<sup>2</sup> per year
  - d. Any part of the building used for a dwelling must comply with the following standards:
    - i. The energy target is a minimum 10-point increase in the BASIX score compared to current requirements.
    - ii. The water target is a minimum 10-point increase in the BASIX score compared to current requirements.
  - e. A report prepared by a qualified consultant is provided to the satisfaction of the Council which verifies that, if all of the commitments relating to the building design (namely the building form and layout) listed in the report are fulfilled, the

development will comply with all of the targets which apply to the development under subclause 7.xx(4), as the case may require.

- (5) The consent authority may grant consent to a development including additional 1:1 non-residential floor space (beyond the 1:1 minimum commercial floor space required in 7.xx(2)(a)) which may be excluded from the maximum floor space otherwise described on the FSR map and in this clause, and
- (6) The additional floor space referred to in sub-clauses 7.xx(4) and 7.xx(5) above are not subject to a Design Excellence incentive floor space or height as outlined in Clause 7.10(8)
- (7) The maximum parking rates for any development proposed under this clause are as follows:
  - a. The maximum parking rates which apply to any part of the building used as a dwelling are:
    - i. For each studio dwelling – 0.1 spaces, and
    - ii. For each 1 bedroom dwelling – 0.3 spaces, and
    - iii. For each 2 bedroom dwelling – 0.7 spaces, and
    - iv. For each 3 or more bedroom dwelling – 1 space.
  - b. The maximum parking rates for any part of a building used for the purposes of commercial or community uses is established by the following formula:

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

Where:

**M** is the maximum number of parking spaces,

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

**A** is the site area in square metres, and

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

## **Appendix 2 – Urban Design Analysis**

Refer to separate attachment or contact Joshua Coy, Project Officer – Land Use Planning,  
on 9806 5287 or [jcoy@cityofparramatta.nsw.gov.au](mailto:jcoy@cityofparramatta.nsw.gov.au)

## **Appendix 3 – Statement of Heritage Impact**

Refer to separate attachment or contact Joshua Coy, Project Officer – Land Use Planning,  
on 9806 5287 or [jcoy@cityofparramatta.nsw.gov.au](mailto:jcoy@cityofparramatta.nsw.gov.au)

## **Appendix 4 – Traffic and Parking Assessment Report**

Refer to separate attachment or contact Joshua Coy, Project Officer – Land Use Planning,  
on 9806 5287 or [jcoy@cityofparramatta.nsw.gov.au](mailto:jcoy@cityofparramatta.nsw.gov.au)



## **Appendix 5 – Aeronautical Assessment**

Refer to separate attachment or contact Joshua Coy, Project Officer – Land Use Planning,  
on 9806 5287 or [jcoy@cityofparramatta.nsw.gov.au](mailto:jcoy@cityofparramatta.nsw.gov.au)



Prepared by City of Parramatta

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