

Our Ref: 17053  
21 February 2018

17053

Robert Cologna  
Senior Manager Land Use Planning  
Parramatta City Council  
126 Church Street  
Parramatta NSW 2150

Dear Robert

**RE: 302 Church Street – Response to Issues Letter**

Further to recent meetings and discussions we are pleased to provide this response to Council's correspondence dated 15 November 2017. This letter responds to each of the matters raised by Council is also accompanied by the following:

- An updated Urban Design Report and Reference Design scheme prepared by PTW (**Attachment A**);
- Indicative Building Envelope Setback Diagram prepared by PTW (**Attachment B**);
- Options analysis for land at 302 Church Street prepared by PTW (**Attachment C**);
- Block Development Pattern Study prepared by PTW (**Attachment D**);
- A response letter to heritage matters prepared by NBRS (**Attachment E**);
- An updated Planning Proposal Report prepared by Ethos Urban (**Attachment F**);
- Review of Planning Proposal against draft Clause 7.16 of the Parramatta CBD Planning Proposal (**Attachment G**); and
- Correspondence to Parramatta Council regarding 302 Church Street (**Attachment H**).

We provide a response to each of the matters below.

## 1. Heritage Impact

Council has recommended that further investigation is required to establish the potential heritage and archaeological significance of 302 Church Street, and its relationship with the known heritage fabric to the adjoining heritage items. It further recommended that a minimum 12m setback to Church Street be re-established for above three storeys, to protect and conserve the heritage significance of Church Street Parramatta's historic commercial thoroughfare characterised by two and three storey commercial frontages.

The following has been informed by further heritage advice prepared by NBRS (**Attachment E**).

### Heritage and archaeological significance of 302 Church Street

Following receipt of Council's issues letter dated 15 November, a joint site visit was undertaken with NBRS (Mr Brad Vale) and Parramatta City Council's Heritage Officer (Mr Zoran Popovic). During this meeting it was confirmed that there was some inaccuracy in the heritage inventories. It was also agreed that the two sandstone ashlar walls were the only visible above ground features with heritage significance on the site heritage item I672, and that these items are to be retained. It was also agreed to retain the remains of the c1860s three storey shop with dwelling above at 300 Church Street (heritage item. I677).

Further investigation has been undertaken with regards to the heritage and archaeological significance of 302 Church Street, which revealed that the site has been built upon since at least 1822. The Parramatta plan of 1822 shows what was likely a small cottage on the corner of Church and Phillip Streets. No evidence indicates that 302 Church Street has any heritage significance; however, there is a possibility of the site containing archaeological resources. There is no evidence to suggest that there has ever been any development common across 300 and 302 Church Street.

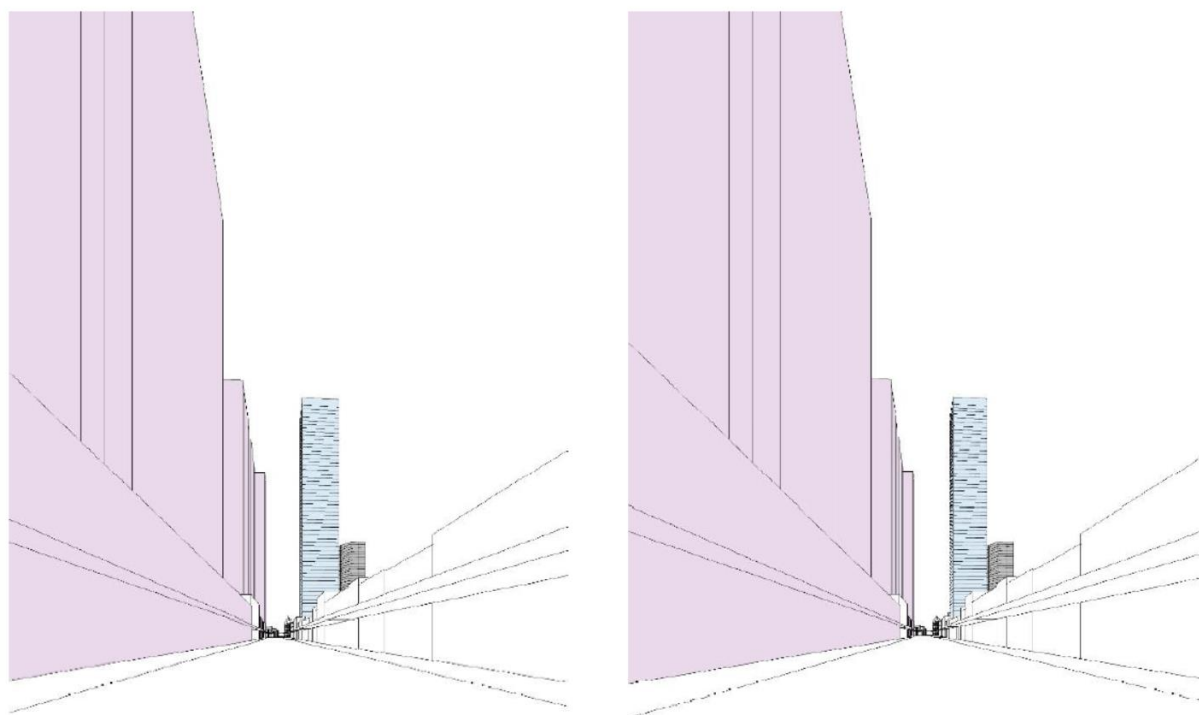
A sandstone wall exists on the site of 300 Church Street, however can be seen from the rear service yard of the shop at 302 Church Street. The applicant agrees that the wall will need to be conserved.

### Façade Design

The proposed façade design has been amended to respond to discussions and requests made by Council's Heritage Officer and urban design team. The revised design responds to the solidity of the nearby buildings along Church Street, which are at the same scale as the c1860s building. The revised podium design is sympathetic to the heritage value of the retained building.

### Tower Setback

PTW Architects have prepared an updated urban design study, considering the implications of a 10m and 12m tower setback from Church Street. It is noted that for the tower setback to be visible from the human scale, one would need to stand a reasonable distance down Church Street away from the site in order to view above the podium. From this viewpoint, the urban design study has indicated that the difference between the 10m and 12m setback is negligible (refer to image below). From a heritage perspective, NBRs have confirmed that there would be negligible difference between a setback of 10m and 12m for the tower, as viewed when looking down the centre of Church Street, and that a 10m setback for the tower is sufficient to make the podium a distinct urban form that blends with the traditional scale of commercial development on both sides of Church Street. For further details refer to the updated view modelling prepared by PTW and located at **Attachment A**.



**Figure 1** Northerly view along Church Street showing the proposed development massing (blue) with a 10m setback (left) and a 12m setback (right) of the tower from Church Street

Source: PTW

It is noted that if the Council are still uncertain about the setback to Church Street, then a possible solution could be to incorporate a flexible building envelope into any future site specific DCP. This envelope would be drafted in such a way so as to provide setback zones for a building façade, and would provide flexibility to position a future building on the site, whilst maintaining an overarching tower envelope control that governs the maximum footprint of the tower. The benefits of such an approach would be two-fold, firstly they provide certainty on the tower location whilst allowing sufficient flexibility for a future design comp, and secondly, they provide Council with the assurance of achieving a suitably slender elegant tower design on the site. **Attachment B** provides an illustration of how such an envelope could be shown in a site specific DCP.

## 2. Need for site consolidation

### Adjoining Sites

Council, in the letter dated 15 November 2017, state that the subject site in its current form isolates 302 Church Street (the corner site) and sterilises the ability of the site to benefit from uplift provided for in the Opportunity Site provisions identified in the CBD Planning Proposal. Council also noted that inclusion of 302 Church Street would result in a less constrained development site and would deliver a superior urban design outcome. Council, did however acknowledge that the design outcome would be contingent on further heritage and archaeological investigations of the local heritage items within the enlarged parcel.

In response to Council's comments it is acknowledged that inclusion of 302 Church Street into the Planning Proposal would allow for a larger site with a greater street frontage and would be beneficial to the Planning Proposal. Recognising this, the proponent has made genuine attempts to acquire the land. This has involved tabling three separate offers to the current landowner, the latest of which was made following advice from Council, and which represented a very generous offer that reflected the site's potential value uplift as well as developer risk. To date, despite the Proponent's best endeavours, the existing landowner of 302 Church Street has rejected all offers. The Proponent has therefore done everything requested of them to date and ultimately if the existing landowner is unwilling to sell then this should not disadvantage the Proponent who should be able to progress with their proposal.

Details of these offers have been provided to Council under separate correspondence dated 19th January 2018 and provided at **Attachment H**.

The matter of acquisition aside, to respond to Council's issues letter PTW has undertaken an urban design analysis examining the potential of 302 Church Street if it were to be redeveloped in its own right.

Under the draft controls are set out in the Council's Parramatta CBD Planning Proposal, the site on its own would theoretically be able to achieve an FSR of circa 5.41:1. As demonstrated in the Options Study prepared by PTW (**Attachment C**), to achieve this FSR the site would need to be redeveloped to a taller building form. Taking this into consideration, three alternative options have been prepared to understand how the site could be redeveloped in the future to achieve the maximum FSR. The urban design analysis demonstrates that 302 Church Street is realistically unable to be redeveloped as a tower form in its own right, as this would result in a poor urban design outcome. It can therefore be concluded that the site, if redeveloped on its own, is unable to reach its maximum permissible FSR.

Despite being unable to maximise the site's floorspace potential, a fourth development option prepared by PTW demonstrates that the site is still able to be redeveloped in a manner that achieves an appropriate urban design outcome which responds to the local built form context and which compliments the established character of the Church Street / Phillip Street intersection. In particular the fourth option positively responds to the Cumberland Building on the opposite corner at 306 Church Street, which is considered to be the key built form reference point for that intersection and would also integrate effectively with the massing and form of the proposed building envelope for 286-300 Church Street.

The preferred urban design scenario for 302 Church Street achieves an FSR of 3.75:1, which whilst not the maximum available, still represents an orderly and economic redevelopment of the land in accordance with the provisions of the Environmental Planning Act 1979.

Considering the above, the exclusion of 302 Church Street from the Planning Proposal is acceptable as:

- The Proponent has made genuine and repeated attempts to acquire 302 Church Street, which has involved three separate offers, the latest of which is significantly above current market value, and which includes a significant value uplift incentive;
- Despite the Proponent's best endeavours, the owner of 302 Church Street is unwilling to sell their property. The Proponent has therefore done everything requested of them to date and should be able to progress with their Planning Proposal.
- An urban design analysis has been undertaken that demonstrates that 302 Church Street can be developed on its own in the future. Whilst unlikely to maximise the site's development potential as a single lot development, it can still be developed in an orderly and economic manner that delivers a built form outcome which responds positively to its surrounding context.
- The process undertaken by the Proponent has been consistent with the LEC planning principle relating to Site Isolation.
- The Proponent is currently seeking to rezone their land at 286-300 Church Street. There will therefore still be opportunities to introduce 302 Church Street, should the owner of the site change their mind about selling in the future.

### Subject Site

Council state in their letter dated 15<sup>th</sup> November 2018 that:

*"Council Officers do not consider that the current form can be developed to comply with the Apartment Design Guide without placing unnecessary impacts or future constraints on adjoining sites that would likely also seek to accommodate tower forms in accordance with Council's strategic vision for the Parramatta CBD. Further, the proposed consolidation pattern does not result in an optimal pattern that would readily support the redevelopment of the city block as a whole.*

*As a result, it was considered that the subject site in its current form fails to demonstrate sufficient strategic merit to satisfy the requirements of Clause 7.16 (7)(c) – Opportunity Sites and benefit from the additional incentive FSR available to Opportunity Sites, particularly in relation to:*

- (vi) location of tower and the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form;*
- (xi) pedestrian, vehicular and service access and circulation requirements, including the permeability of the pedestrian network; and*
- (xiii) achieving appropriate interface at ground level between the building and the public domain."*

The Council's stated position that the Planning Proposal does not have sufficient strategic merit to be considered as an Opportunity Site is unreasonable for the following reasons:

- Inclusion of the Opportunity Sites control into the Planning Proposal will simply facilitates an outcome that is consistent with the Council's own current CBD Planning Proposal, which already identifies the land as being within an Opportunity Area.
- The site exceeds the Council's numerical size requirements for being considered an Opportunity Site. Specifically, it has a frontage in excess of 40m to Church Street and has an area of 2,099m<sup>2</sup>, being in excess of the minimum 1,800m<sup>2</sup> requirement.

- Draft Clause 7.16(6) states *“Development consent must not be granted to development to which this clause applies unless **a development control plan that provides for the matters in subclause (7) below has been prepared for the development site.**”*
- Satisfaction of clause 7.16(6) is therefore achieved where a Development Control Plan is prepared that ‘provides’ for the matters outlined in subclause (7). A DCP is yet to be prepared for the site and it is therefore premature for the Council to draw definitive conclusions on the ability of a future site specific DCP to be able to ‘provide’ for the matters specified in Draft Clause 7.16(7).
- With regards to achieving an ‘optimal’ development pattern and not placing unnecessary impacts of future constraints on adjoining sites, it is noted that Draft Clause 7.16(7)(c)(vi) specifically refers to achieving an acceptable relationship to ‘existing or proposed’ towers. There are presently no existing or proposed towers in the immediate vicinity of the subject site that require consideration. The Planning Proposal represents the first tower within the city block and therefore technically there are no towers that need to be considered when evaluating the proposal against draft Clause 7.16(7)(c)(vi).
- Despite only being required to consider ‘existing or proposed’ towers, a block study has been prepared by PTW to respond to Council’s request (**Attachment D**). This study predicts future tower locations and demonstrates that the proposed tower at 286-300 Church Street will have an acceptable relationship with future towers on neighbouring sites in terms of separation, setbacks, amenity and urban form. Furthermore, the block study confirms that proposed tower will not compromise the future development of ‘towers’ on neighbouring sites.
- Land at 302 Church Street is narrow and elongated and is therefore unable to be redeveloped as a tower in its own right. Development of a tower on the Planning Proposal site will therefore not result in an unacceptable impact on a future tower at 302 Church Street, as the site is unable to be developed for such purposes in the first instance.
- Inclusion or exclusion of 302 Church Street from the Planning Proposal site has little bearing on the positioning of the proposed tower. As demonstrated within the block diagram prepared by PTW, at most the inclusion of 302 Church Street would result in a marginal shift of the proposed tower further north. It would not result in wholesale changes to the tower location nor would it have any substantive impact on tower locations or forms within the wider city block. Importantly it would not provide the opportunity to build an additional tower along the Church Street frontage between George Street and Phillip Street.
- Inclusion of 302 Church Street would also most likely result in a slightly larger tower footprint, thus facilitating a wider and bulkier built form and promoting an outcome that is contrary to the objectives of the draft Clause 7.16, which seek to create tall slender towers in the Parramatta CBD.
- As demonstrated by the block analysis diagram prepared by PTW, the proposed tower location and form will still allow for the development of towers on neighbouring sites that achieve acceptable relationships in terms of separation, setbacks, amenity and urban form, and in doing so will support a logical and appropriate redevelopment pattern for the wider city block as a whole. We note that this block plan was presented and discussed in recent meetings with Council, and it was agreed that the proposal would have no negative impact on the future towers to the east, nor those to the south.
- 302 Church Street is located to the north of the Planning Proposal site and will therefore not be adversely impacted by the proposal in terms of satisfying the ADG. The towers on the wider city block will also continue to receive solar access.
- The indicative reference design scheme has been updated in response to Council’s stated concerns and will provide an appropriate outcome in relation to pedestrian, cycle, vehicular and service access and circulation, including the permeability of any pedestrian network. These key design elements (e.g. vehicle access points and pedestrian through site link) can be readily translated into DCP controls as per draft Clause 7.16(7).
- The indicative reference design scheme has been updated in response to Council’s stated concerns in relation to achieving appropriate interface at ground level between the building and the public domain. The key principles of the Reference Design scheme relating to street activation and ground level interface can be readily translated into DCP controls as per draft Clause 7.16(7).

For the benefit of Council, an analysis of the proposal against the provisions of Clause 7.16 has been undertaken and is provided at **Attachment G**. As demonstrated by this analysis, the Planning Proposal and its accompanying Reference Design scheme are capable of being easily translated into a site specific DCP framework that 'provides' for all the matters outlined in Clause 7.16.

Given the above, it is our considered opinion that draft Clause 7.16 should apply to the site and the Opportunity Site control should form part of the Planning Proposal, including the bonus 3:1 floorspace. Indeed, it is entirely reasonable for draft Clause 7.16 to apply as the subject site:

- a) is already identified as an Opportunity Site in the Council's own Planning Proposal;
- b) satisfies the numerical requirements for being an opportunity site (i.e. frontage in excess of 40m and has an area of 2,099m<sup>2</sup>); and
- c) can be the subject of a site specific DCP that provides for all of the provisions of draft Clause 7.16.

#### Future Consolidation Pattern

A block study has been prepared by PTW to respond to Council's request (**Attachment D**). The study illustrates possible future tower locations within the wider city block and demonstrates that the proposal will have achieve an acceptable relationship with other future towers on neighbouring sites in terms of separation, setbacks, amenity and urban form. Furthermore, the block study confirms that proposed tower will not compromise the future development of 'towers' on neighbouring sites.

As shown in the block study, remaining sites within the wider city block are still able to be consolidated and amalgamated to achieve efficient building envelopes that can be developed in accordance with the Council's controls. These towers will be appropriately located and spaced to achieve an acceptable built form and amenity outcome.

The block study also confirms that the inclusion of 302 Church Street into the Planning Proposal site has little bearing on the positioning of a future tower. It would not result in wholesale changes to the tower location nor would it have any substantive impact on locations or forms of towers within the wider city block. In particular, it would not provide the opportunity to build an additional tower along the Church Street frontage between George Street and Phillip Street.

At most the inclusion of 302 Church Street would result in a larger building envelope with a more elongated north-south axis, thus resulting in a wider and bulkier built form and promoting an outcome contrary to the objectives of draft Clause 7.16, which seeks to create tall slender towers in the Parramatta CBD.

Considering the above, the proposed consolidation pattern is acceptable as:

- a) The Proponent has amalgamated approximately 55% of the identified Opportunity Area. Their land satisfies the numerical size requirements outlined in draft Clause 7.16(4) and is therefore considered to be entirely appropriate for the full uplift that is outlined in the Planning Proposal, and which is consistent with the Council's own CBD Planning Proposal.
- b) With the exception of 302 Church Street, the proposal for 286-300 Church Street has no impact on the consolidation pattern in the wider city block;
- c) With regards to 302 Church Street, the existing landowner is unwilling to sell despite the Proponent's best endeavours to secure the site. As demonstrated by PTW's urban design analysis, 302 Church Street is still be able to be developed in its own right in the future, and is capable of achieving an urban design outcome that positively responds to its surrounding context. It is therefore not critical that a tower be developed on 302 Church Street in order for the City to realise its strategic spatial goals. The Planning Proposal will deliver a tall and slender tower form that will maximise the potential of 286-300 Church Street, and in doing so will provide an outcome consistent with the City's strategic spatial goals

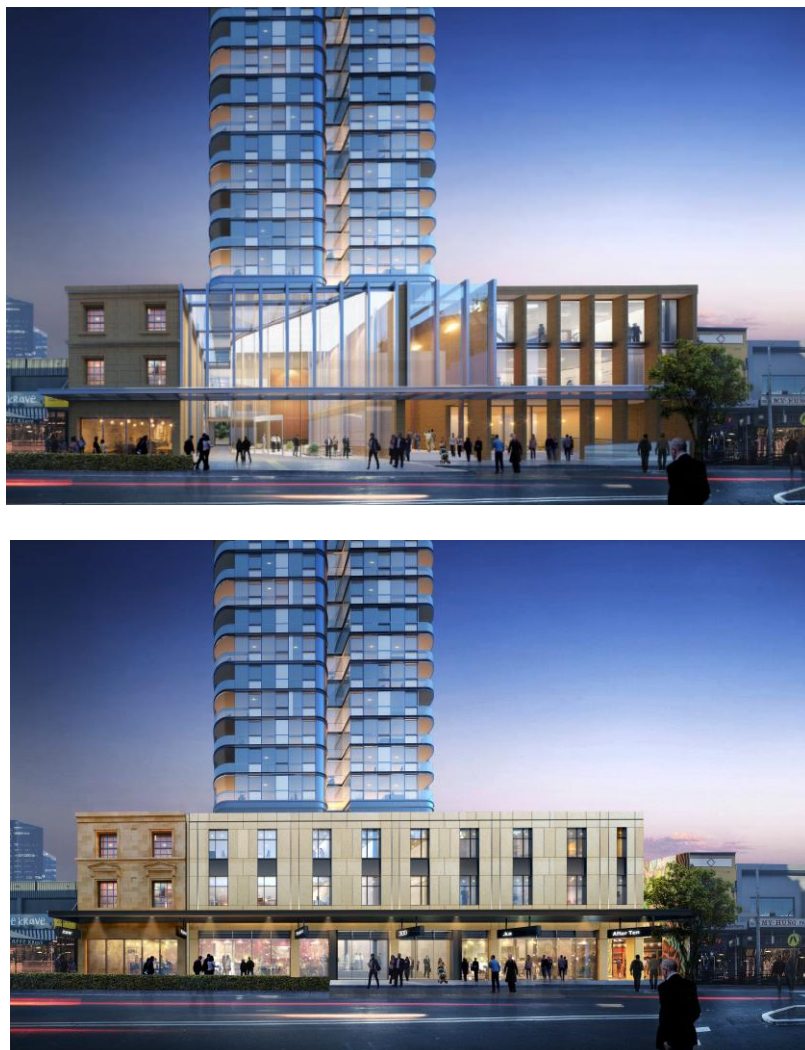


- d) The Planning Proposal will not compromise the future redevelopment of the remaining lots fronting Church Street and the wider city block, which will still be capable of being amalgamated and delivering new towers characterised by efficient floor plates and form typical of the Central Business District

### 3. Podium design

Council raised in its letter that the previous podium design did not enhance the public domain of Church Street as it failed to relate to the character, rhythm, grain and activity at the street level. The design has been updated in response to Council's concerns to provide a podium form that more closely reflects the built form and façade design of the existing streetscape. This redesign has been developed by PTW in consultation with NBRS (heritage consultant).

Amendments include a change in materials such as the use of brick and heavier materials to define the podium. The size, positioning and repetition of windows have been amended to complement the historical shopfront rhythm and character of Church Street. Active frontages are now maximised on both Church Street, Erby Place and the laneway (refer to Point 4 below). The initial and amended schemes are both shown for comparison in the images below.



**Figure 2 Initial podium design (top) in comparison to revised podium design (bottom)**

Source: PTW

The proposed Parramatta Light Rail stop is located to the immediate south of the site. The relationship to the stop has been enhanced by providing a higher prevalence of fine grain activated streetscape that will make Church Street more interesting and engaging for light rail customers.

The amendments to the podium design is considered to deliver an outcome that positively responds to Council's concerns, and which is consistent with the design arrangements agreed at meetings held with Council on 28 November 2017 and 8 January 2018.

The key principles for the podium design can be readily translated into a future DCP for the site in accordance with Clause 7.16, with the ultimate design of the podium being the subject of a competitive design process aimed specifically at achieving design excellence for the site.

#### 4. Location of arcade and laneway

Council advised that the location of the originally proposed arcade and laneway through the centre of the site is not supported, and that the through site link would be preferred along the site's southern boundary as this will provide a mid-block link consistent with the *Parramatta City Centre Lanes Policy*. As per Council's request, the design of the ground floor has now been amended to include a 3m wide laneway along the site's southern boundary. The proposed new location for the laneway achieves the mid-block link and provides the opportunity for the future widening of the laneway when land to the south is redeveloped. The revised podium design provides for active frontages to both the street and the laneway to ensure a high quality active pedestrian environment is provided throughout the site.

The proposed amendment is in accordance with the *Parramatta City Centre Lanes Policy*, which demonstrates a mid-block connection between George Street and Phillip Street potentially connecting from the riverfront near Charles Street through to Marsden Street. It is noted however that this policy does not technically include a laneway on the applicant's land, rather, the suggested laneway is located entirely on the site to the south. Notwithstanding this, the Proponent is willing to provide 50% of the laneway width on their land, thus enabling the laneway to be delivered soon, and also reducing the burden on land to the south. It is anticipated that the adjacent site to the south will be required to provide the remaining 50% of the laneway when it is redeveloped in the future.

To facilitate the provision of a laneway along the site's southern boundary, the loading dock, previously proposed at the south of the site, has been moved further north. A turntable has also now been included in the plans to enable trucks and other vehicles to access the site in a forward in/forward out manoeuvre.

Overall, the revised design approach maximises pedestrian permeability through the city block, removes any potential conflict between pedestrians and vehicles accessing the driveway entrance and/or service/loading dock, and increases the extent of active frontages to the public domain.

#### 5. Service and private vehicle access

Council has considered that a more appropriate location for vehicle access would be to the northern end of the site. As discussed above, an amended design has been prepared by PTW that allows for the driveway entrance and service dock to be moved to the north of the site in order to minimise pedestrian and vehicular conflict. The proponent agrees that this provides for a superior design outcome and allows the inclusion of a new pedestrian laneway in a manner that is consistent with Council's Lanes Policy.

In order to continue to ensure the safety of pedestrians, a turntable has been included in the revised plans to ensure service vehicles can enter and exit in a forward direction.

#### 6. Site Specific DCP

Council have requested that a draft site specific DCP be prepared and exhibited concurrently with Planning Proposal and draft VPA (refer **Section 8**). The proponent confirms that they are willing to prepare a site specific DCP following Gateway determination provided that the Planning Proposal includes the Opportunity Area control in accordance with draft Clause 7.16 – Opportunity Sites. The draft DCP would be prepared in collaboration with Council and in accordance with draft Clause 7.16(6), will be written to 'provide for the matters in subclause 7.16(7).'



This approach will provide an outcome consistent with Council's standard practice.

If the Planning Proposal is not identified as an Opportunity Site then it is noted that there is no requirement for the preparation of a development control plan, and irrespective of Council's current practice, Section 83C(2) of the EP&A Act 1979, states:

*"if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land."*

Despite this clause it is the proponent's clear preference for the site to be identified as an Opportunity Site, and for the preparation of a Site Specific DCP as part of the Planning Proposal process.

## 7. Flooding

Council has requested that a flood assessment be provided that responds to the relevant key issues contained within the Section 117 Direction relating to flooding, in addition to the requirements of Clause 7.19 'Floodplain Risk Management' of the Parramatta CBD Planning Proposal.

### Section 117 Direction 4.3

As has been updated in the Updated Planning Proposal report appended to this letter, Section 117 Direction 4.3 'Flood Prone Land' applies where a planning proposal creates, removes or alters a zone or a provision that affects flood prone land. The Planning Proposal does not seek to alter the zoning of the land, however, does seek to increase the density of development on the site.

The objectives of Section 117 Direction 4.3 are:

- a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

A Flooding Application for Commercial development was received from Parramatta Council in June 2017 and is appended to the updated Planning Proposal. The report details that the site is subject to the following flood levels:

- 1:20 year ARI – RL 8.8m AHD
- 1:100 year ARI – RL 8.82m AHD
- PMF – RL 12.5m AHD

To minimise the impact of the proposal with respect to flooding, a 600mm freeboard has been applied above the 1:100 year ARI which has raised the retail and the residential/commercial lobbies to RL 9.42m AHD. We note that this is +500mm above Council's required flood planning level of the 1 in 100-year event. 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.

Refuge areas within the Reference Design scheme are indicated within the first-floor lobby for the commercial uses, and on the communal podium level for the residential component. Lifts in the residential lobbies have also been designed to achieve the necessary freeboard in order to ensure the basement will not be subject to inundation during a 1 in 100-year event.

An assessment against the requirements of the S.117 directions is captured in the table below.

**Table 1 Assessment against S117 Direction 4.3**

S.117 Requirements	How the Proposal Addresses the Requirement
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).	The existing LEP and DCP 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: - It is not subjected to flooding from the local catchment; - It is not subject to additional site drainage controls to manage flooding in the local catchment; and - 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 proposed 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 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)	The planning proposal does not seek to impose flood related development controls above the residential flood planning level.

Further details of these design features and evacuation measures, including a designated on-site evacuation area and protection in the basement car park when flooding occurs will be addressed as part of the Design Excellence and Development Application process. This satisfies Direction 4.3 with respect to Flood Prone Land.

We also note that this approach represents a management and design solution that is consistent with the Council's approach to other recent Planning Proposal's in the CBD, in particular:

- 2-10 Phillip Street, Parramatta; and
- 142-154 Macquarie Street, Parramatta.

#### Clause 7.19 'Floodplain Risk Management'

Further to the above, Council's Planning Proposal for the Parramatta CBD intends to introduce a new clause to the Parramatta LEP (Clause 7.19 'Floodplain Risk Management') that requires a shelter to be available within a building that is above the PMF level, or that people can evacuate safely to land that is located above the PMF, and that buildings be able to withstand flooding up to the PMF.

Under the current plans, scope has been made to ensure that people are able to evacuate above the PMF via a central and easily accessible stairway. As the proposed development is multi-storey, on-site evacuation or vertical evacuation to higher storeys would be a feasible option for pedestrians at ground level. The base of this stairway at ground level is currently provided at 100mm above the 1 in 100 year event. Refuges on upper levels have been provided in the shared corridors for both residential and commercial services, which is to be solved largely via a management initiatives including early warning system with sirens, appropriate signage, depth indicators, refuge areas and overall building management. Preparation of a detailed flood emergency management plan for extreme events (including and up to the PMF), may be required as part of the development application for the site.

Prior to the detailed design of the project, this assumes compliance with Clause 7.19 of Council's Planning Proposal and is consistent with other planning proposals in the area, including 180 George Street Parramatta.

## 8. Site Specific Clause – Community Infrastructure

The proponent is willing to enter into VPA discussions to address community infrastructure needs. This could be undertaken post gateway determination and prior to public exhibition.

## 9. Updates to the Planning Proposal Report

The Planning Proposal Report has been updated to respond to a number of matters. **Table 2** below lists the updates and the relevant sections in the Report which have been updated:

**Table 2** Updates to the Planning Proposal Report

Matter	Response
Section 117 Direction 4.3 Flood Prone Land	Refer to <b>Section 7.7</b>
Revised Draft Central City District Plan	Refer to amended <b>Section 6.2.1</b>
Section 117 Direction 7.5	Refer to amended <b>Section 6.2.1</b>
Draft Sydney Region Plan	Refer to amended <b>Section 6.2.1</b>
Aviation/Aeronautical Assessment	Refer to <b>Section 7.8</b>

We trust that this information satisfies your request for further information. If you have any further queries regarding this, please do not hesitate to contact me at the details below.

Yours sincerely,



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