

Amendment to Parramatta
City Centre LEP 2007

Planning Proposal

189 Macquarie Street,
Parramatta

Parramatta City Council
20 December 2013

Record of Versions

Version 1 – 3 October 2013 –
Prepared by LJB Urban Planning Pty
Ltd on behalf of Toplace Pty Ltd.

Version 2 – 18 December 2013 –
Prepared by LJB Urban Planning Pty
Ltd in response to issues raised by
Parramatta City Council and DFP
Planning Consultants.

Version 3 – 20 December 2013 –
Amended by Parramatta City Council
to enable submission to the
Department of Planning and
Infrastructure to seek a Gateway
Determination.

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ATTACHMENTS

- Attachment 1 Urban Design Study Prepared by GMU Urban Design & Architecture
- Attachment 2 Flood Study prepared by KF Williams & Associates

1.0 INTRODUCTION

- 1.1 This Planning Proposal relates to land known as 189 Macquarie Street, Parramatta. The *Parramatta City Centre Local Environmental Plan 2007* ('City Centre LEP') applies to this land.
- 1.2 This Planning Proposal seeks an amendment to the City Centre LEP to allow for:
- o a maximum height of 91.3m;
 - o a maximum gross floor area of 36,000m², excluding any space used only for private balconies and communal open space; and
 - o a maximum gross floor area of 2,750m², for the purpose of communal and private open space areas;
- for development on the subject land that is the result of an architectural design competition, exhibits design excellence and provides a public car park.
- 1.3 The Planning Proposal contains an explanation of the intended effect and justification of a proposed amendment.
- 1.4 Parramatta City Council resolved to endorse this Planning Proposal at their meeting of 16 December 2013 and to forward it to the Department of Planning and Infrastructure seeking a Gateway Determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- 1.5 The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Infrastructure's Guides, including 'A guide to preparing local environmental plans' (April 2013) and 'A guide to preparing planning proposals' (October 2012).

2.0 SITE DESCRIPTION & LOCALITY

Locality

- 2.1 The site is located in the local government area of the City of Parramatta. It is located approximately 400 metres to the east of Parramatta Railway line and on the eastern edge of the Parramatta CBD.
- 2.2 The surrounding locality consists of a range of commercial, mixed-use and retail developments. However, the surrounding area is transitioning towards a higher proportion of mixed use development with increased provision of housing.
- 2.3 The site has a dual frontage to Macquarie Street and Hassall Street.
- 2.4 Parramatta City Centre is divided into special areas. The site is located within the City East special area, which is located in close proximity to Robin Thomas Reserve and is a mixed-use area requiring future development to address the park and locality with high quality architecturally designed buildings.
- 2.5 The site is located in close proximity to the railway station, river cat services, shopping centre and the commercial centre of Parramatta.
- 2.6 New development will provide new housing in close proximity to existing employment opportunities within the City Centre and will assist in meeting the targets set by the Metropolitan Plan, Draft Metropolitan Strategy and draft sub-regional strategies established by the State Government.
- 2.7 The site is located on the eastern edge of the Parramatta City Centre. The area is undergoing transition from low-scale buildings to major high-rise redevelopment consistent with the objectives of the City East special area (under the *Parramatta City Centre Development Control Plan 2007*).
- 2.8 Council's Strategic Urban Design initiative for the area as described in the *Design Parramatta Public Domain Framework Plan* identifies Macquarie Street as a tree-lined transit boulevard. This is consistent with the Western Sydney Light Rail proposed along Macquarie Street.
- 2.9 The location of the site is shown below:



Subject Site

- 2.10 The site is located at 189 Macquarie Street, Parramatta. It contains seven lots and one part lot and is legally described as:
- Lot 3A in DP322456;
 - Lot 4A in DP322456;
 - Lot 5 in DP 7809;
 - Lot 1 in DP128928;
 - Lot 20 in DP 706341;
 - Lot C in DP 390897;
 - Part Lot 5 Sec 88 in DP 758829; and
 - Lot 1 in DP 555756
- 2.11 The site is irregular in shape with a frontage of 51.68 metres to Hassall Street and 40.26 metres to Macquarie Street. The western boundary is approximately 133.29 metres long while the eastern boundary is approximately 109.86 metres long.
- 2.12 The site has a total area of 5,211m².
- 2.13 The majority of the site is owned by Parramatta City Council, with Part Lot 5 Sec 88 in DP 758829 being owned by the Minister for Education and Training.
- 2.14 The Council owned land is classified as 'operational land' under the *Local Government Act 1993*.
- 2.15 The site is operated by Parramatta City Council as an at grade open air public car park containing 197 spaces. The site is devoid of any significant features except for six trees, which are intended to be removed to allow for the development of the site. The car park has a bitumen finish.

- 2.16 The site has a cross fall of approximately 2.27 metres from Hassall Street on the south side to Macquarie Street on the north side.
- 2.17 The site has excellent residential potential due to its proximity to Parramatta railway station, the transport interchange, Westfield shopping centre, adjoining school to the east, Robin Thomas Reserve located at the eastern end of Macquarie and Hassall Streets and the River Cat terminal and Parramatta River to the north.
- 2.18 The site is surrounded by commercial and mixed use residential buildings.
- 2.19 The site is not heritage listed and is not located in a heritage conservation area. However, the site is located within close proximity to several heritage items, being attached houses at 113 and 115 Wigram Street, Harris Park and semi-detached cottages at 23 and 25 Hassall Street, Parramatta.
- 2.20 The subject site is identified as flood prone land. It is located approximately 250 metres south west of Parramatta River and 85 metres north of Claycliff Creek Chanel.
- 2.21 The following aerial provides the site in its immediate context.



- 2.22 The accompanying Urban Design Study at Attachment 1 provides further commentary on the surrounding context.

3.0 LOCAL PLANNING FRAMEWORK

3.1 Parramatta City Centre Local Environmental Plan 2007

Environmental Planning Instrument

- 3.1.1 The environmental planning instrument which applies to the land to which this Planning Proposal relates is the *Parramatta City Centre Local Environmental Plan 2007* ('City Centre LEP').

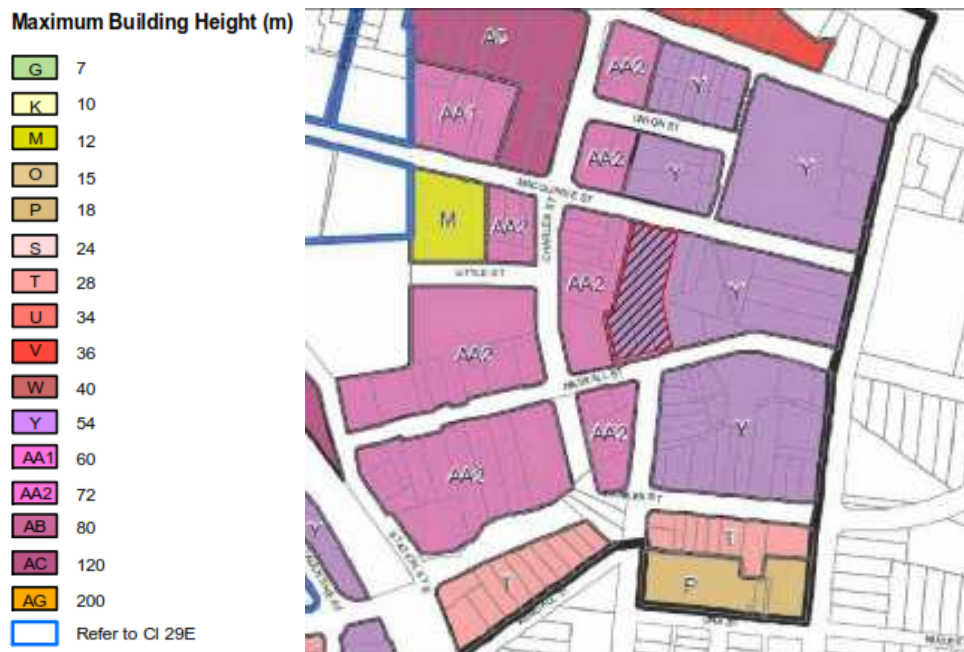
Zoning

- 3.1.2 The land to which this Planning Proposal relates is zoned B4 Mixed Use under the City Centre LEP. Residential flat buildings and retail premises are permitted in this zone with development consent.
- 3.1.3 Car parks are generally prohibited in this zone, except where the City Centre LEP requires this type of development or the car park is 'public car parking provided by or on behalf of the Council'. A public car park therefore is permissible within the B4 Mixed Use zone.

Height

- 3.1.4 Under Clause 21 of the City Centre LEP the current maximum building height shown on the height map for the site is 54 metres, as shown in Figure 1.

Figure 1 – Extract Current Maximum Building Height Map



- 3.1.5 Clause 22B of the City Centre LEP permits a building that is the result of an architectural design competition to exceed the maximum height shown under Clause 21 by up to 10%. A

building subject to this Clause may achieve a maximum height of 59.4 metres under this Clause.

- 3.1.6 A separate Planning Proposal prepared by Parramatta City Council seeks to amend the Design Excellence provisions in the LEP to enable a 15% bonus if a development has undergone an architectural design competition and exhibits design excellence.

Floor Space Ratio

- 3.1.7 Under Clause 22 of the City Centre LEP the current maximum Floor Space Ratio (FSR) shown on the FSR map for the site is 6:1, as shown in Figure 2.

Figure 2 – Extract Current FSR Map



- 3.1.8 Clause 22B of the City Centre LEP permits a building that is the result of an architectural design competition to exceed the maximum FSR shown under Clause 22 by up to 10%. A building subject to this Clause may achieve a maximum FSR of 6.6:1 under this Clause.
- 3.1.9 A separate Planning Proposal prepared by Parramatta City Council seeks to amend the Design Excellence provisions in the LEP to enable a 15% bonus if a development has undergone an architectural design competition and exhibits design excellence.
- 3.1.10 Under the City Centre LEP, gross floor area (GFA) is defined as:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and

- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement:*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

- 3.1.11 Under this definition, an enclosed balcony or terrace that is fully enclosed or partly enclosed with an outer wall height greater than 1.4 metres is included in the GFA calculations.
- 3.1.12 Clause 22C(4) of the City Centre LEP states that “Council owned public car parking is not to be included as part of a building’s gross floor area.”

4.0 BACKGROUND TO PROPOSED AMENDMENT

4.1 Parramatta City Centre Integrated Transport Plan

- 4.1.1 Parramatta City Council has prepared the “*Parramatta City Centre Integrated Transport Plan 2009/10 – 2014/15*” (May 2010). The Integrated Transport Plan recommends a strategy plan to manage the existing and future sustainable transportation needs of the city centre based on the anticipated growth in residents and jobs.
- 4.1.2 A key strategy in the Integrated Transport Plan is for Council to instigate the relocation of Long-Stay Commuter Parking from the City Centre to new multistorey car parks on the city periphery served by the Loop free bus.
- 4.1.3 The Integrated Transport Plan recommends that Council establish four key multi-storey car parks to serve the city centre in the long term and that these should be located adjacent or near to the proposed city ring road and therefore have good access to the surrounding regional road network. The four proposed key car parks are at Fennel Street, Wentworth Street, Hunter Street and the subject site at Macquarie Street.
- 4.1.4 This car parking strategy will reduce traffic congestion in the city centre, improve access to the arterial road network and allow the city to grow by releasing car park spaces on other Council sites (and road network capacity) to support planned future commercial development.
- 4.1.5 This Planning Proposal will facilitate the development of a new public car park of approximately 700 spaces which will assist Council in achieving the car parking strategy envisaged in the Integrated Transport Plan. The new car park is considered to be significant public infrastructure for the Parramatta CBD.
- 4.1.6 Council has entered into a Property Development Agreement with the proponent (Toplace Pty Ltd) for the delivery of a 700 space public car park within a redevelopment of the site.

4.2 Architectural Design Competition Process

- 4.2.1 The proponent has undertaken an Architectural Design Competition, as required by Clause 22B of the City Centre LEP.
- 4.2.2 Parramatta City Council recently announced that Krikis Tayler Architects (KTA) was the winner of the architectural design competition. KTA's winning scheme comprised two twenty four storey residential towers sitting above a 6 storey podium which will contain the Council public carpark (see Section 4.1). The scheme provides for retail activation to both the Macquarie and Hassall Street frontages and activation of the Macquarie Street podium by the incorporation of residential sleeving.
- 4.2.3 The KTA winning scheme provides a height of 91.3 metres and Gross Floor Area (GFA) of 36,000m², not including communal areas or enclosed balconies.
- 4.2.4 Photomontages of the KTA winning scheme are provided in Figures 3, 4 & 5 below:

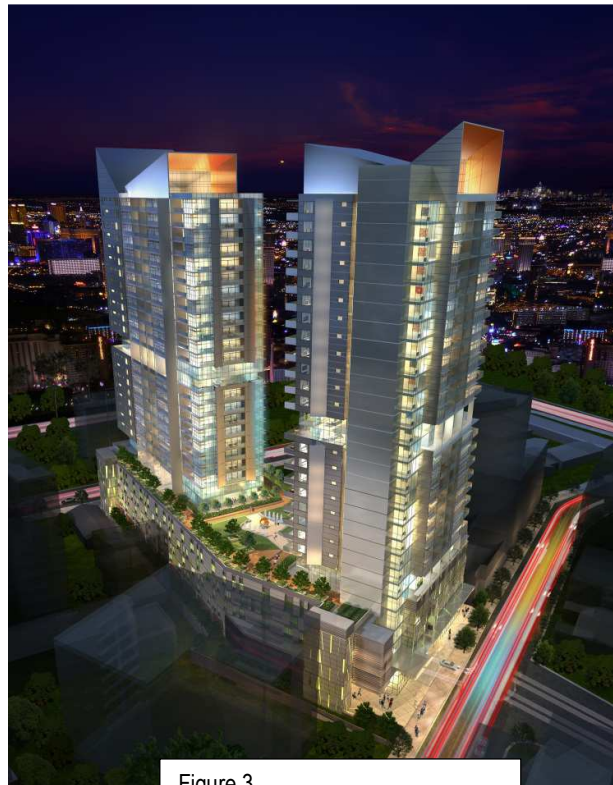


Figure 3
Night view – winning KTA scheme



Figure 4
KTA scheme - Macquarie Street



Figure 5
KTA scheme – Hassall Street

4.2.5 Following the initial presentation of the scheme, KTA were invited back before the jury to respond to the jury's comments and further demonstrate that the scheme achieved design

excellence, particularly in terms of the internal layout of the apartments and the thru site link. Following further refinement of the design, the jury awarded the KTA scheme 'design excellence'. In summary the jury's decision was based on the following key elements of the scheme:

- The design and width of the thru site link.
- Street frontage activation, including the visibility of the retail and lobby areas.
- Incorporation of residential sleeving to the Macquarie Street frontage.
- The modulation of the tower forms.
- Strong linear form of the towers.
- Design of the roof feature and its relationship with the building and street level.
- Integration and screening of the Council car park.
- Public domain interface.

4.3 Urban Design Analysis – Building Height

- 4.3.1 GM Urban Design & Architecture Pty Ltd was engaged by the site's developer (Toplace Pty Ltd) to prepare an Urban Design Study for the site. The Urban Design Study accompanies this Planning Proposal at Attachment 1. The purpose of the study was to inform the proposal in terms of potential heights, FSR and massing that might be reasonably achievable on the site.
- 4.3.2 The Urban Design Study undertook a detailed analysis of the existing and allowable heights in the Parramatta CBD as well as recent development applications and planning proposals. The study undertook a series of massing studies to determine appropriate distribution of height across the site and the relationship of the podium heights with the existing and future streetscape. As a result of this detailed analysis, the Urban Design Study recommends a change to the current height controls on the subject site to permit a maximum height of 91 metres (83 metres + 10% bonus if design achieves design excellence) or approximately 30 storeys. The study also considered that a FSR of 6.9:1 (ie. current FSR + 15%) could be reasonably achieved on the site.
- 4.3.3 The report provides detailed justification for the podium height to both street frontages. Although the podium provides a significant public benefit in the form of a public car park which achieves Council's Parking Strategy it also provides a positive urban design response. It is evident in the analysis that the podium, while serving a car parking function, achieves an appropriate relationship with the existing and proposed built form to both street frontages. The report identifies the importance of the activation of both street frontages and the car park podium to Macquarie Street. These were key elements of the KTA winning scheme as demonstrated in Figures 6, 7 and 8 below.



Figure 6
Retail activation – Hassall Street



Figure 7
Retail activation – Macquarie Street



Figure 8
Sleeving of carpark – Macquarie St

- 4.3.4 This Planning Proposal has been prepared on the basis of the height nominated in the Urban Design Study, including an allowance for a 10% bonus for sites that undertake a design competition and exhibit design excellence. As such, the Planning Proposal seeks to provide a maximum height of 91.3 metres if a design competition is held and the winning design exhibits design excellence. The design competition jury have determined that the KTA scheme exhibits design excellence. If this scheme proceeds (it is noted that a DA of the winning entry prepared by KTA is currently being finalised) the site will achieve the maximum permitted height.
- 4.3.5 The Urban Design Study played an important role in the Architectural Design Competition for the site. The study formulated a 'Built Form Strategy' which informed the best design outcome

for the site in regards to height, streetscape response, activation, separation, setbacks, pedestrian movement, vehicle access and servicing, communal open space, overshadowing, internal amenity and design excellence.

- 4.3.6 The winning scheme by KTA provides for a building height of 91.3 metres consistent with the Urban Design Study provided at Attachment 1 and the height sought by this Planning Proposal.

4.4 Gross Floor Area – Wintergardens

- 4.4.1 The winning scheme by KTA incorporates the use of 'wintergardens' to a proportion of the units in order to facilitate improved residential amenity to the external open space. These spaces are technically defined as GFA under the definition in the City Centre LEP (see Section 3.1.10), however the definition does not account for high rise and City Centre locations where the use of wintergardens or enclosed communal spaces is required to enhance the residential amenity. The inclusion of these spaces within the GFA calculation will exceed the maximum permissible on the site. As such, the Planning Proposal also seeks to address and allow for the potential enclosure of these spaces.
- 4.4.2 The scheme introduces the use of wintergardens in two key locations:
- Residential sleeving on the Macquarie Street frontage; and
 - Upper levels of the residential towers.
- 4.4.3 The wintergardens are designed as a glass operable louvre system that enables the occupants to control the internal conditions of their external open space. At the podium level, the wintergardens have two primary functions. Firstly they allow an additional level of acoustic amenity due to their proximity to Macquarie Street and secondly they form part of the integral design approach of the podium treatment that was part of the KTA winning scheme. The wintergardens provide a solid base to the building's podium appearing as a wall of glass that shields the external balcony space within.
- 4.4.4 The winning design concept of the podium wintergardens are shown in Figures 9 & 10.

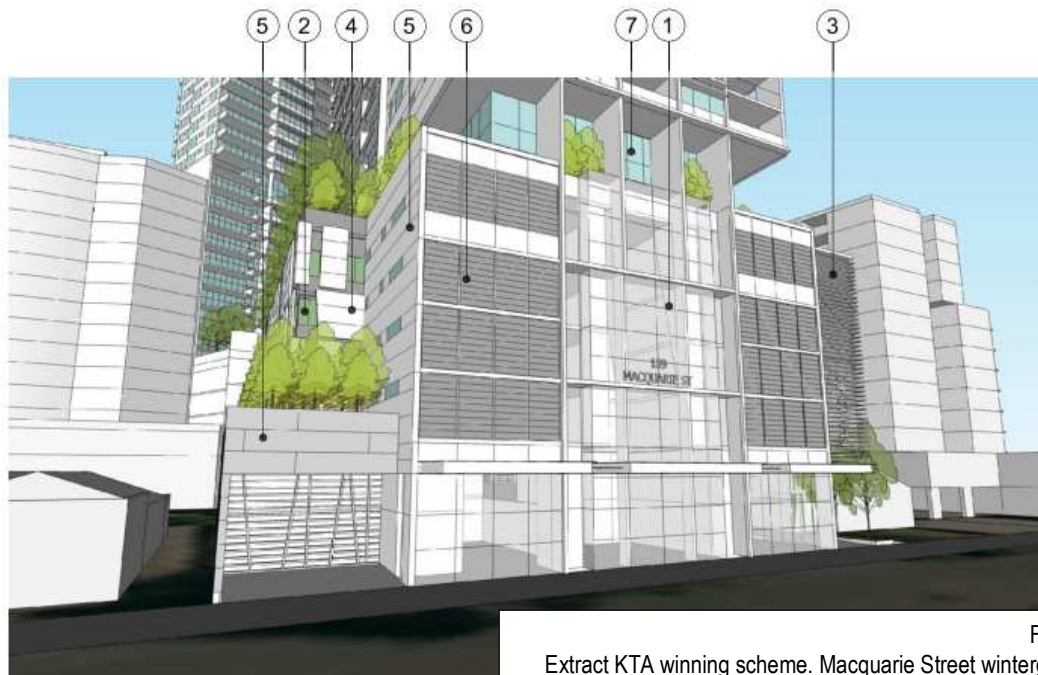


Figure 9.
Extract KTA winning scheme. Macquarie Street wintergardens



Figure 10.
Wintergarden design approach

⑥ GLASS LOUVRES / BALUSTRADE

- 4.4.5 Given the City Centre location and the wind environment, wintergardens will be incorporated into highly exposed areas towards the top of the building. The wintergardens are a versatile solution that will provide wind and rain protection, but unlike other forms of weather protection they will preserve the occupants' access to natural light, outlook and ventilation.
- 4.4.6 Importantly the wintergarden louvre enclosure is capable of opening to reconstitute an open balcony environment when conditions are favourable. The wintergarden extends the times of day and times of year when the balcony can be used comfortably, thus improving the amenity for occupants of the building. The clear glass louvres are a tenuous form of enclosure and do not add to the apparent bulk of the building.
- 4.4.7 Wintergardens are considered the most suitable design solution for this project for the reasons addressed above. Alternative solutions were considered, including hood overhangs, metal louvre panels and pull down blinds, however they do not offer the same level of amenity and environmental benefits.
- 4.4.8 The wintergardens are not intended to be an enclosed space; they will operate with a louvre system that will maximise access to natural light, ventilation and outlook.

- 4.4.9 The Planning Proposal seeks to provide for a maximum gross floor area of 2,750m², for the purpose of communal and private open space areas for development the result of an architectural design competition. This is considered consistent with the KTA winning scheme.

4.5 Impact of current controls

- 4.5.1 As described in Section 4.1, the site is required for the purposes of consolidating car parking in the Parramatta CBD, which is in accordance with Council's Integrated Transport Plan. The provision of the public benefit of a 700 space public car park on the site, which does not technically count towards the site's GFA, has a significant adverse impact on the ability of the site to achieve its GFA potential under current FSR controls, which in turn affects development feasibility. Further, provision of a public car park under the current controls also adversely affects the site's ability to provide for a high quality design outcome, in particular one that achieves design excellence.
- 4.5.2 If the public car park is provided as an above ground structure (as per the KTA winning scheme), this significantly limits the height available to achieve a reasonable residential density. Within the current height control of 54 metres, the resultant residential towers would be significantly larger and bulkier, with reduced setbacks to adjoining properties, limited separation, resulting in increased overshadowing and limited solar access. It is reasonable to conclude that a compliant development form could not be achieved and a poor urban design outcome would result. This option, although may be economically 'feasible', would not achieve compliance with the objectives of the planning controls and would be unlikely to receive development consent.
- 4.5.3 In comparison, provision of below ground car parking is significantly affected by site conditions, specifically the presence of dense shale at a depth of RL-1.2. Given these site conditions, the costs associated with excavation significantly affect development feasibility and would render the project economically unviable. In effect, this necessitates the provision of above-ground parking, as reflected in the KTA winning scheme.
- 4.5.4 In summary, given the requirement for a public car park on the site, the current planning controls would not allow for the best design outcome or an economically feasible development solution for the site.

5.0 THE PLANNING PROPOSAL

5.1 Part 1 - Objectives or Intended outcomes

- 5.1.1 The objectives of the Planning Proposal are:

1. To provide suitable height and floor space incentives for development which achieves design excellence, is the winner of an architectural design competition and provides an identified public benefit in the form of a public car park; and
2. To allow the enclosure of private balconies and communal open space to provide suitable weather protection, acoustic amenity and increase the useability of these areas.

5.2 Part 2 - Explanation of Provisions

- 5.2.1 It considered that the objectives will be achieved by amending the City Centre LEP to include a new clause which is generally as follows:

Clause X – Development on certain land in Parramatta

- 1) *This clause applies to Lot 3A in DP322456; Lot 4A in DP322456; Lot 5 in DP 7809; Lot 1 in DP128928; Lot 20 in DP 706341; Lot C in DP 390897; Part Lot 5 Sec 88 in DP 758829; and Lot 1 in DP 555756, known as 189 Macquarie Street, Parramatta.*
- 2) *This clause applies to development where:*
 - a) *the design of the building or alteration is the result of an architectural design competition, and*
 - b) *the consent authority is of the opinion that the development exhibits design excellence with regards to the criteria specified at clause 22B(3); and*
 - c) *the consent authority is of the opinion that the development provides an appropriate public benefit in the form of a public car park.*
- 3) *Development to which this clause applies may not exceed:*
 - a) *a maximum building height of 91.3 metres above natural ground level; and*
 - b) *a maximum gross floor area of 36,000m², excluding any space used only for private balconies and communal open space; and*
 - c) *a maximum gross floor area of 2,750m² for the purpose of communal and private open space areas.*
- 4) *Development to which this clause applies must provide a public car park, the area of which is excluded from the gross floor area calculations at subclause 3.*
- 5) *Clause 21 and Clause 22 do not apply on land to which this clause applies.*
- 6) *Clause 22B(6) does not apply to development to which this clause applies.*

- 5.2.2 The following is a plain-English explanation of the six subclauses listed in the site-specific provision provided above:

1. Subclause 1 states that the clause only applies to the subject site at 189 Macquarie Street, Parramatta.
2. Subclause 2 states that the clause only applies to development that is the result of an architectural design competition, exhibits design excellence and provides a public car park.
3. Subclause 3 provides a maximum building height of 91.3 metres, a maximum gross floor area (GFA) of 36,000m² (excluding any space used only for private balconies and communal open space), and a maximum GFA of 2,750m² for communal and private open space areas for development to which the clause applies.
4. Subclause 4 requires the provision of a public car park on the site.
5. Subclause 5 states that the existing height control of 54m and FSR control of 6:1 do not apply when this clause is used.

6. Subclause 6 states that additional height and floor space bonuses for development subject to an architectural design competition do not apply when this clause is used (as the additional height and floor space bonuses are already incorporated into the provision – see point 3 above).

5.2.3 The LEP will conform to the *Standard Instrument (Local Environmental Plans) Order 2006*.

5.3 Part 3 – Justification

- 5.3.1 This section sets out the reasons for the proposed outcomes and development standards in the Planning Proposal.
- 5.3.2 The following questions are set out in the Department of Planning and Infrastructure's, "A guide to preparing planning proposals" and address the need for the Planning Proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth Government agencies.

5.4 Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or Report?

- 5.4.1 The Planning Proposal is not a direct result of a Strategic Study or Report, but it does respond to the objectives and outcomes of Council's Integrated Transport Plan (see Section 4.1). In addition, it responds to a detailed Urban Design Study (Attachment 1) and architectural design competition carried out for the site (see Section 4.2).
- 5.4.2 Council's Integrated Transport Plan seeks to consolidate public parking in the City Centre to four key locations including Fennel Street, Wentworth Street, Hunter Street and the subject Macquarie Street site. The provision of public parking in these locations will provide greater access to the arterial road network and reduce traffic pressure in the City Centre. The delivery of the public car park on Macquarie Street in accordance with Council's Integrated Transport Plan impacts on the development potential of the subject site under the existing planning controls (see Section 4.5). The need for the Planning Proposal is a direct result of providing the significant public benefit of a public car park in this location and achieving a quality urban design outcome. The new car park is considered to be significant public infrastructure for the Parramatta CBD.
- 5.4.3 An Urban Design Study was prepared by GM Urban Design & Architecture (Attachment 1) and accompanies this Planning Proposal at Annexure One. The Urban Design Study provides the detailed analysis and justification for the proposed amendments to the Building height on the subject site and should be read in conjunction with this Planning Proposal. The Urban Design Study was used to guide the architectural design competition required by Clause 22B of the City Centre LEP. This planning proposal reflects the outcomes of the architectural design competition.
- 5.4.4 By providing a high quality landmark towers in the Parramatta CBD, and freeing up other Council car park sites for new commercial development by consolidating parking on this site, the Planning Proposal also provides a response to the various metropolitan strategies prepared by the State Government including:
 - Metropolitan Plan for Sydney 2036

- Draft Metropolitan Strategy for Sydney to 2031

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

- 5.4.4 The Planning Proposal is the best way of achieving the objectives and intended outcomes. The extent of variation to building height proposed under this planning proposal is more appropriately addressed by a change to the site's planning controls.
- 5.4.5 The partial enclosure of balconies with the use of louvres in the form of wintergardens is generally considered to be an enclosed space although the nature of a louvre enables the balcony to retain a degree of openness. By virtue of the definition defining 1.4m high walls, these spaces are generally caught in the definition of GFA. The use of louvres is highly appropriate to improve the amenity of external open space in a City Centre location and therefore should be encouraged. The winning design competition entry by KTA incorporates the use of wintergardens as discussed in Section 4.4 of this Planning Proposal.
- 5.4.6 The Planning Proposal is the best means of achieving a public car park on the site which is both economically feasible and a high quality design which achieves design excellence (see Section 4.5). Provision of the public car park is a significant public benefit and in accordance with Council's Integrated Transport Plan
- 5.4.7 A Planning Proposal is the best way.

5.5 Section B – Relationship to Strategic Planning Framework

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

- 5.5.1 The Draft Metropolitan Strategy for Sydney to 2031 strengthens the policy of the NSW State Government that Parramatta should continue as Greater Sydney's second CBD. Parramatta is identified as Sydney's Premier Regional City and single biggest concentration of employment outside Global Sydney.
- 5.5.2 Parramatta is identified under the Draft Metropolitan Strategy in the West Central and North West subregion. Under the Metropolitan Plan for Sydney 2036, Parramatta was identified in the West Central Subregion. The West Central Subregion Draft Subregional Strategy further cements the role of Parramatta as a Regional City.
- 5.5.3 To achieve a 'regional city' greater building height is required to achieve landmark buildings that will complement the city skyline and add further prominence to the City to reinforce its role as Greater Sydney's second CBD. Further, by freeing up other Council car park sites for new commercial development by consolidating parking on this site, the Planning Proposal will facilitate ongoing growth of the Parramatta CBD as Sydney's Premier Regional City.
- 5.5.4 The Planning Proposal is consistent with relevant regional and sub-regional strategies.

4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Parramatta 2038 Community Strategic Plan

- 5.5.5 The Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta. The plan formalises several big and transformational ideas for the City and the Region.
- 5.5.6 The Planning Proposal is considered to meet the strategies and key objectives identified in the plan including; to help build the City as a centre of high value adding employment, eco-efficient city that effectively manages and uses the City's growth to improve and protect the environment, a world class city where people live well and a centre of excellence.
- 5.5.7 The Planning Proposal is consistent with the strategic objectives of this plan.

Parramatta City Centre Vision 2007

- 5.5.8 The Vision sets the strategic framework for the future development of the Parramatta City Centre. The overarching vision for the Parramatta City Centre is:

Parramatta will continue to strengthen its role as a regional city and successful second CBD for Sydney, based on a highly competitive commercial office market, retail, public space and a range of facilities including cultural, medical, educational, tourism and recreational. It will also benefit from a unique inner city residential living environment that values heritage assets and the natural environment. The centre will continue to plan strategically to maintain its position as an accessible primary business services centre for Western Sydney as a significant business location for metropolitan Sydney.

- 5.5.9 The Planning Proposal is consistent with this Vision.

Parramatta City Centre Integrated Transport Plan 2009/10 – 2014/15

- 5.5.10 The "Parramatta City Centre Integrated Transport Plan 2009/10 – 2014/15" (May 2010) recommends a strategy plan to manage the existing and future sustainable transportation needs of the city centre based on the anticipated growth in residents and jobs.
- 5.5.11 A key strategy in the Integrated Transport Plan is for Council to instigate the relocation of Long-Stay Commuter Parking from the City Centre to new multistorey car parks on the city periphery served by the Loop free bus. The subject site is one such site identified in the plan for the provision of a new multi-storey car park.
- 5.5.12 By providing a new multi-storey car park on the site, the Planning Proposal is consistent with this plan.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

- 5.5.13 The following table provides an assessment against State Environmental Planning Policies which are relevant to this Planning Proposal:

Table 3 - Planning proposal's consistency with SEPPs.

State Environmental Planning Policy (SEPP's)	Consistency of Planning Proposal
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State Environmental Planning Policy (SEPP's)	Consistency of Planning Proposal
SEPP (State and Regional Development) 2011	The future development of the site is likely to be deemed as regional development, meeting the relevant threshold. The JRPP will be the determining authority.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Affordable Rental Housing) 2009	Not inconsistent. The provision of affordable housing is not proposed on this site.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable.
SEPP (Infrastructure) 2007	Not inconsistent. A detailed traffic assessment will accompany the future DA.
SEPP (BASIX) 2004	Not inconsistent. A BASIX certificate will accompany the future DA.
SEPP 70 (Affordable Housing)	Not applicable.
SEPP 65 (Design Quality of Residential Flat Development)	Not inconsistent. The Urban Design Study provided at Attachment 1 demonstrates that the building heights are capable of meeting the design principles of SEPP 65. Detailed compliance will be demonstrated at the DA stage.
SEPP 64 (Advertising and signage)	Not applicable.
SEPP 55 (Remediation of Land)	Not inconsistent. The land is currently zoned for mixed use development and the proposed amendment to the LEP does not change the nature of the permissible uses.
SEPP 32 - Urban Consolidation (redevelopment of Urban Land)	Not inconsistent. The Planning Proposal seeks to provide housing in an area that has existing infrastructure.
SEPP 1 - Development Standards	Not applicable. It does not apply to Parramatta City Centre LEP 2007.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

5.5.14 The following table provides an assessment against the Ministerial Directions:

Table 4 - Planning proposal's consistency with Ministerial Directions

s.117 Direction Title	Consistency of Planning Proposal
1. Employment & Resources	
1.1 Business and Industrial Zones	The planning proposal does not seek to change the land use zone and therefore does not reduce the extent of business or industrial zones.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production & Extractive industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and heritage	
2.1 Environment Protection zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	The City Centre LEP contains heritage provisions. This Planning Proposal does not seek to amend them. Heritage aspects in relation to neighbouring properties will be considered as part of the future DA.

s.117 Direction Title	Consistency of Planning Proposal
2.4 Recreation Vehicle areas	Not applicable.
3. Housing, Infrastructure and urban development	
3.1 Residential Zones	Not applicable.
3.2 Caravan parks and manufactured home estates	Not applicable.
3.3 Home occupations	Not applicable.
3.4 Integrating Land Use and Transport	The Planning Proposal will concentrate residential uses in a central location with excellent access to public transport, jobs and services.
3.5 Development near licensed aerodromes	Not applicable.
3.6 Shooting ranges	Not applicable.
4. Hazard and risk	
4.1 Acid Sulphate Soils	Not applicable.
4.2 Mine subsidence and unstable land	Not applicable.
4.3 Flood Prone Land	The City Centre LEP contains provisions relating to flood prone land. As the Planning Proposal only permits a marginal increase in development on the land it is considered that compliance with the Direction is achieved. Refer to detailed consideration below and Flood Study prepared by KF Williams and Associates Pty Ltd provided at Attachment 2.
4.4 Planning for bushfire protection	Not applicable, the land is not identified as bushfire prone land.
5. Regional Planning	
5.1 Implementation of regional strategies	Not applicable.
5.2 Sydney's drinking water catchments	Not applicable.
5.3 Farmland of State or regional significance	Not applicable.
5.4 Commercial and retail development along the Pacific Hwy	Not applicable.
5.5 Development in the vicinity of Ellalong, Paxton & Millfield	Not applicable.
5.6 Sydney to Canberra corridor	Not applicable.
5.7 Central Coast	Not applicable.
5.8 Second Sydney Airport	Not applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	No new concurrence provisions are proposed.
6.2 Reserving Land for Public purposes	Not applicable.
6.3 Site Specific Provisions	The Planning Proposal seeks to include a site-specific provision that will allow the development proposed in the KFW winning scheme to be carried out (see Section 4.2). The provision is inconsistent with this s117 direction in that it provides additional development standards in the form of height and GFA allocations that only apply if an architectural design competition is held and a public car park provided. This inconsistency is considered to be of minor significance given that the proposed controls are the best means of achieving a high quality design outcome which also includes the public benefit of a public car park. The planning proposal does not contain drawings that show details of the development proposal. Further, the existing controls will continue to apply should a proposal not comply with the proposed site-specific provision.

s.117 Direction Title	Consistency of Planning Proposal
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	The Planning Proposal achieves the overall intent of the plan and does not undermine the achievement of its vision, land use strategy, policies or outcomes. The proposal will achieve residential housing in an area that is highly accessible and has excellent access to public transport, employment opportunities, local schools and shopping centres. The proposal is consistent with the identification of Parramatta as Sydney's second CBD.

5.5.15 The following provides a response to the S117 Direction relating to Flood Prone Land.

5.5.16 Direction 4.3 Flood Prone Land applies to the subject site, as the land is flood affected. A Flood Study was prepared by KF Williams and Associates Pty Ltd dated 16 December 2013 and is provided at Attachment 2. The Flood Study was prepared to address the amendments sought to the City Centre LEP and includes a discussion on the S117 Direction, which is further discussed below. The report addresses the marginal increase in development density that is achieved by the Planning Proposal.

Relevant consideration	Response
(1) 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 <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).	A Flood Study was prepared by K.F. Williams Pty Ltd dated 16 December 2013 and is provided at Attachment 2. The study was prepared to address the amendments sought to the LEP under this Planning Proposal. The Flood Study prepared in the support of the Planning Proposal is 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). Clause 33A of the City Centre LEP, which relates to development on flood prone land, will not be affected by this Planning Proposal and will continue to apply.
(2) 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.	This does not apply to this Planning Proposal.
(3) A planning proposal must not contain provisions that apply to the flood planning areas which:	
(a) permit development in floodway areas,	No change is proposed to development permitted on the site.
(b) permit development that will result in significant flood impacts to other properties,	The Flood Study has clearly demonstrated that the development on the site will have no adverse impact on flood flows or velocities. Adjacent properties will not be subject to flood impact nor subject to increased flood risk.
(c) permit a significant increase in the	Whilst the Planning Proposal allows for a significant

Relevant consideration	Response
development of that land,	increase in height, it only permits a marginal increase in development on the land with respect to permissible floor space.
(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or	As demonstrated in the Flood Study, the development of the site will have no impact on flood flows or velocities. Additional flood mitigation works will not be required. Development of the site will in fact provide a place of safe refuge in the event of extreme flood.
(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 floodways or high hazard areas), roads or exempt development.	This is not sought by this Planning Proposal.
(4) 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 propose flood related controls.
(5) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	The Flood Study provided at Attachment 2 is consistent with the Floodplain Development Manual 2005. The Planning Proposal does not seek to vary the flood planning level.

5.5.17 As demonstrated in the above table the Planning Proposal is consistent with the S117 Direction in regards to flood prone land.

5.6 Section C - Environmental, Social and Economic Impact

7. 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?

5.6.1 No. The Planning Proposal will not result in any impact to any critical habitats, threatened species, populations or ecological communities.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

- 5.6.2 No. There are no identified environmental effects of the planning proposal. The subject site is identified as flood prone and accordingly a Flood Study has been prepared by K.F. Williams dated 16 December 2013 and is provided at Attachment 2.
- 5.6.3 The Flood Study clearly demonstrates that the future development on the site will have no adverse impact on flood flows or velocities. Adjacent properties will not be subject to flood impact nor subject to increased flood risk.
- 5.6.4 Additional flood mitigation works will not be required. Development of the site will in fact provide a place of safe refuge in the event of extreme flood.

9. Has the Planning Proposal adequately addressed any social and economic effects?

- 5.6.5 The proposed development will have a positive social and economic impact as it will provide for the consolidation of existing public car parking as per Council's Integrated Transport Plan, which will enable the efficient use of that land. The site will accommodate a major new public car park which will provide a significant public benefit for the employment sector of Parramatta and enhance Parramatta's role as a destination regional city.
- 5.6.6 Council's Integrated Transport Plan seeks to consolidate public parking in the City Centre to four key locations including Fennel Street, Wentworth Street, Hunter Street and the subject Macquarie Street site. The provision of public parking in these locations will provide greater access to the arterial road network and reduce traffic pressure in the City Centre.
- 5.6.7 The provision of higher buildings with a more slender and elegant form which was recommended by the Urban Design Study provided at Attachment 1 will make a substantial contribution to the streetscape and improve the overall sense of place.

5.7 Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

- 5.7.1 The subject site is well serviced by existing transport and infrastructure. There will be a need to upgrade the services for the redevelopment of the site; however these are not a result of the amendments sought by this Planning Proposal.
- 5.7.2 Any augmentation to services will be dealt with appropriately at the DA stage.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

- 5.7.3 At this stage, the views of appropriate State and Commonwealth public authorities have not been obtained. This will occur following the Gateway Determination and are likely to include:
- Department of Education and Communities
 - NSW Office of Education and Communities
 - Energy Australia
 - NSW Police Service

- Transport for NSW
- Railcorp
- Roads and Maritime Services
- Sydney Water

5.7.4 It is noted that a small part of the subject site is owned by the Minister for Education and Training.

5.8 Part 4 – Mapping

5.8.1 There are no amendments sought to the City Centre LEP maps.

5.9 Part 5 – Community Consultation

5.9.1 Given the scale of the planning proposal the consultation mechanism is likely to include:

- Notification letter to adjoining owners
- Advertisement in the local paper
- Information provided on Council's website

5.9.2 Following the Gateway Determination, the Department of Planning and Infrastructure will advise the extent of 'formal' community consultation that is required. It is recommended that the community consultation period run for at least 28 days.

5.10 Part 6 – Project Timeline

5.10.1 Below is an indicative timeline for the Planning Proposal:

- Referral to DP&I for Gateway determination – December 2013
- Gateway determination – January 2014
- Public exhibition/Public authority consultation – February 2014
- Consider submissions – March / April 2014
- Post exhibition report to Council – May 2014
- Submit to DP&I to finalise LEP amendment (including drafting by Parliamentary Counsel) – May/June 2014
- Anticipated date for notification of LEP amendment – July 2014

5.10.2 The Development Application (DA) for the redevelopment of the site in accordance with the KTA winning scheme is being prepared for submission to Council to enable the Planning Proposal and DA to be concurrently exhibited if possible. Given the significant public benefit that will result from the consolidation of public parking on this site, the timing for the progression of the Planning Proposal is critical.

6.0 CONCLUSION

6.1 The Planning Proposal seeks an amendment to City Centre LEP as it relates to 189 Macquarie Street, Parramatta to allow for:

- o a maximum height of 91.3m;
- o a maximum gross floor area of 36,000m², excluding any space used only for private balconies and communal open space; and
- o a maximum gross floor area of 2,750m², for the purpose of communal and private open space areas;

for development on the subject land that is the result of an architectural design competition, exhibits design excellence and provides a public car park.

6.2 The planning proposal will have a positive impact and provide a significant community benefit for the following reasons:

- It will improve the urban form and amenity of the area with high quality, well designed high density housing appropriate in a Regional City;
- Additional building height will reduce the visual bulk and scale with the potential for taller more slender forms that will consolidate the overall desired built form of the Parramatta CBD;
- It will provide an appropriate response to the existing built form creating a defined building form that will complement the streetscape character;
- Provide the catalyst for further redevelopment of this precinct;
- Will facilitate the provision of a significant public infrastructure, a 700 space public car park; which achieves Council's vision of consolidating public car parking in the City Centre;
- The residential amenity of the external open space will be improved through the encouragement of 'wintergardens' which allow the occupant to control the weather impacts and use of the space; and
- The increased building heights will facilitate a high quality architectural solution which will provide a distinctive and interesting punctuation in the skyline.