

PLANNING PROPOSAL

142-154 MACQUARIE STREET PARRAMATTA AMENDMENT TO PARRAMATTA CITY CENTRE LEP 2007

Prepared by Parramatta City Council
January 2015

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to enable the redevelopment of the land at 142-154 Macquarie Street, Parramatta for the purpose a greater intensity of development (in height and floor space terms).

Part 2 - Explanations of Provisions

This planning proposal seeks to amend Parramatta City Centre Local Environmental Plan 2007 (PCC LEP 2007) in relation to the height and floor space ratio controls.

In order to achieve the desired objectives the following amendments to the Parramatta City Centre LEP 2007 would need to be made;

A change to the maximum height limit on the subject land as follows;

- from 54m to 157m,
- The proposed amendment to the City Centre LEP is to the Height of Buildings Map – (Sheet HOB_001).

A change to the maximum floor space ratio on the subject land as follows;

- from 4:1 to 7:1,
- The proposed amendment to the City Centre LEP is to the Floor Space Ratio Map – (Sheet FSR_001).

NOTE:- Council has exhibited an amendment (Amendment No. 10) to the Parramatta LEP 2011 (PLEP 2011) which when made will consolidate all the planning controls for all sites covered by the PCC LEP 2007 into PLEP 2011. Council has exhibited the amendment and adopted the plan post exhibition. The amendment has been sent to the Department of Planning to be made. Once the plan is finalised it will repeal PCC LEP 2007. If this Planning Proposal has not been made when PCC LEP 2007 is repealed the amendments described above will instead be made to the planning controls that were transferred into PLEP 2011.

Further Clauses

- i. Introduce a site specific Clause which mandates a minimum of 21% total non-residential floor space within the site to better align with the desired future employment outcomes within Parramatta City.
- ii. Introduce a site specific Clause which requires that the consent authority must not grant development consent to development that is a **controlled activity** within the meaning of Division 4 of Part 12 of the Federal Airports Act 1996 unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.

It is noted that - Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the Federal Airports Act 1996.

These clauses would need to be legally drafted and included within the PCCLEP 2007 and apply specifically to the site subject to the PP.

Other relevant matters

- i. Voluntary Planning Agreement

[Offer being assessed]

- ii. Design Excellence

The land the subject of this planning proposal is located within the area covered by the existing Parramatta City Centre LEP 2007. Clause 22B of City Centre LEP requires development above 55m in height to undergo an architectural design competition. Proposals demonstrating design excellence are then able to seek variations to development standards (height and FSR) of up to 10%. This may result in development occurring at a greater intensity and height than immediately apparent under this planning proposal. The design excellence process along with the accompanying DCP controls will ensure an acceptable urban design and public domain outcome.

Part 3 - Justification

This section describes the reasons for the proposed outcomes and development standards in the Planning Proposal. The following questions have been extracted from *A Guide to Preparing Planning Proposals* (Department of Planning 2009), addressing environmental, social, economic and locational factors.

Need for a Planning Proposal – Section A

This section establishes the need for a Planning Proposal in achieving the key outcome and objectives. The questions address the strategic origins of the proposal, whether amending the LEP is the best mechanism to achieve the aims on the proposal, and whether a net community benefit will result from the proposal.

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

The primary outcome of this Planning Proposal, to enable a higher density of development and mix of residential and commercial land uses, stems from local and state government strategic plans including the NSW Government's Plan for Growing Sydney, Parramatta City Centre Vision 2007 and Draft Parramatta CBD Planning Framework 2014.

These plans identify the Parramatta City Centre as a key area for future development to cater for the projected increase in the residential and working population.

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

This planning proposal is the only way to achieve the key outcome, to enable a higher intensity of development and mix of residential and commercial uses.

The subject land is a substantial holding in single ownership, presenting significant opportunities to enhance the north-eastern gateway into the Parramatta City Centre. This Planning Proposal will provide a mix of uses and significant contribution to state government dwelling and employment targets in a location well serviced by public transport.

The planning proposal, involving a statutory amendment to the Parramatta City Centre LEP 2007, is considered the only means of achieving the objective and intended outcome.

Is there a net community benefit?

The construction and use of the site which is compliant with the proposed planning controls and the Design Concept will result in a net community benefit.

The proposal for a mixed use development with three buildings around a public square will provide residential, commercial and open spaces close to public transport destinations and nearby parklands. Additional commercial space will help to meet the demand in Parramatta CBD while the mix of retail and commercial uses will provide services and facilities for local residents and for those able to easily access the site.

The residential apartments will enjoy a high amenity environment with good access to transport, commercial services and facilities and public open space. Outstanding views and pleasant microclimatic conditions will be possible for new dwellings due to

the unobstructed northerly aspect to the river and location near Robin Thomas Reserve.

In broader terms, the development of the site in accordance with the Design Concept will:

- contribute to targets for new jobs and new housing in Parramatta CBD;
- add to the economic, social and cultural activities within Parramatta City Centre;
- provide connectivity between the City Centre, Parramatta River and foreshore reserve;
- increase activation of the public domain; and
- improve the quality of the built form.

A VPA linked to the potential uplift created by proposed new height and FSR controls has the potential to contribute to enhancement works within and adjoining the site for aesthetic and recreational purposes.

Overall the community or public benefits potentially generated by the development are both internal and external to the site.

Relationship to strategic planning framework – Section B

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.

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'.

The actions within the plan that specifically relate to Parramatta are:

1. Grow Parramatta as Sydney's second CBD by connecting and integrating Parramatta CBD, Westmead, Parramatta North, Rydalmere and Camellia;
2. Grow the specialised health and education precincts at Westmead and Rydalmere;
3. Renew Parramatta North to create a vibrant mixed-use precinct; and
4. Grow the arts and cultural opportunities in Parramatta to include State-level facilities.

The planning proposal will enable the development of residential dwellings and commercial and space that will contribute towards dwelling and employment targets. It will also allow for a greater development yield on land in close proximity to public transport and Parramatta CBD. The site is within approximately 400m walking distance to Parramatta Railway Station/Bus Terminal as well as Parramatta CBD and therefore meets the objective to capitalise on public transport infrastructure.

The proposal creates opportunities to revitalise and better present the north-eastern corner of the CBD and river foreshore. This will be aided by the proposed increase in density to an FSR of 7:1. Allowing for mixed use development with a focus on both residential and retail/commercial will also assist in preserving the strengths of the commercial core around Parramatta station.

West Central Subregional Strategy

The Subregional Strategy translates objectives to the local level, and recognises that some issues extend beyond local government boundaries and require a 'subregional' approach. The draft Subregional Strategies act as a broad framework for the long term development of the area, guiding government investment and linking local and state planning issues.

Key components of the draft West Central Subregional Strategy of relevance to future development of the subject site and the broader development of Parramatta city centre include the following:

- Economy and Employment: It is projected that Parramatta will provide for an additional 27,000 jobs by 2031 (calculated from 2001). The primary role of Parramatta city centre is a commercial hub which includes business, government, retail, cultural, entertainment and recreational activities.

The commercial core of Parramatta is concentrated to the north of the rail corridor, with only a small proportion located to the south. The surrounding development, including residential development and retail/commercial uses, supports the core commercial activities. The development of the site for predominantly residential with commercial and retail development is appropriate as it will support the commercial core but not detract from its importance.

- Centres and Corridors: Parramatta is identified as a regional centre and has developed as Sydney's second CBD. The Strategy states that Parramatta Council is to investigate the potential for greater development in areas within close proximity to major proposed transit networks such as the Parramatta-Rouse Hill and Parramatta-Liverpool Transitway.

The proposed changes to the height and FSR controls will allow for the development of residential and commercial/retail uses which will support the viability of Parramatta as a regional centre. The subject land is considered valuable in contributing towards dwelling and employment targets due to its close proximity to Parramatta CBD, public transport and strategic bus corridors.

- *Housing: Housing stress is considered a significant problem for the west central subregion. This is an indicator of poor housing affordability. The Strategy encourages*

a greater mix of housing types, especially in centres with good public transport, to accommodate changing demands of existing residents and to support the workforce.

There are no Greenfield sites left within the subregion, therefore most of the future dwelling growth will be located within centres or through infill development. The Strategy recommends that councils should aim to provide at least 80% of new dwellings in locations within 30 minutes by public transport of a Strategic Centre.

The Planning Proposal seeks to allow for a greater intensity of development with opportunities to then make a contribution towards housing targets.

- *Transport: The state government has invested in a number of new bus corridors include the Parramatta– Liverpool Transitway, Parramatta– Rouse Hill Transitway and the Strategic Bus Corridors connecting Parramatta to surrounding major centres of Bankstown, Burwood, Castle Hill, Hornsby, Macquarie Park, Ryde and the CBD.*

The site is in a good location to provide mixed use development as it is within 400m of Parramatta Railway Station/Bus terminal, the Ferry and within walking distance of Parramatta CBD.

- *Environment, Heritage and Resources: As the second oldest European settlement in Australia, Parramatta contains significant historical artefacts and archaeological sites. The Strategy also states that when preparing Principal LEP's Councils should incorporate measures that will protect identified Aboriginal cultural heritage values and provide for ongoing participation of Aboriginal communities in the decision-making process.*

The site has the potential to contribute towards our understanding of Parramatta's historical development and Aboriginal heritage. Archaeological assessments will need to occur prior to development. Re-development of the site will also need to consider the impact on the adjacent heritage items including Experiment Farm Cottage (State), Hambledon Cottage (Local), Ancient Aboriginal and Early Colonial Landscape, Robin Thomas Reserve (Local), Elizabeth Farm (State), Gasworks Bridge (local) and Tara (also known as Ellengowan) (local).

- *Parks, public places and culture: The Sub-regional Strategy states that the provision of new open space should be considered as part of large scale infill developments. Local councils should plan for the acquisition of lands for local open space as part of developer contributions. Urban civic spaces and pedestrianised areas should be considered in the planning for future the growth of Strategic Centres and smaller local centres.*

The future development of the site will include public spaces including a central large space in the north-eastern quadrant of the site. Through site links and improved access to nearby open spaces will also be enhanced with improvements to the public domain around the site.

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

The following strategic planning documents are relevant to the planning proposal.

Parramatta 2038 Community Strategic Plan

The 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 and transformational ideas for the City and the Region.

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 and a driving force behind a generation of prosperity for Western Sydney.

The increase in development potential and incorporation of the provisions included in this planning proposal are consistent with the identified strategic objectives contained in Parramatta 2038 – Community Strategic Plan.

The Planning Proposal is considered to meet the strategies by allowing for an appropriate mix of residential and commercial/retail uses which will support the city centre and revitalisation of a large underutilised site. The development will also allow for the concentration of housing around transport nodes and contributing towards dwelling targets for the Parramatta local government area.

Parramatta City Centre Vision 2007

This Vision sets the strategic framework for the future development of Parramatta City Centre, including details on cultural and economic growth. The subject site is located within the City East precinct, identified in the Vision.

The overarching vision for Parramatta City is as follows:

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 and a significant business location for metropolitan Sydney. The city centre will accommodate 30,000 more jobs and 20,000 new residents.

The Cumberland newspaper site is within the City East Precinct with future development in this area required to address the significance of the locality and park location with complementary buildings and high quality architecture. The Planning Proposal is consistent with the above *Action* in that it will allow for redevelopment of the site for mixed residential and commercial development.

Draft Parramatta City Centre Planning Framework Review, Study and Economic Analysis

This draft strategy has been publicly exhibited with the intention that it informs the preparation of a Planning Proposal. Council's adopted position, as expressed in its resolution of 8 September 2014, includes proposed controls on built form, land use mix, tower slenderness and the subject proposal is generally consistent with these provisions.

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

The following State Environmental Planning Policies are of most relevance to the site.

State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land)

The intention of the State Environmental Planning Policy No. 32 Urban Consolidation (Redevelopment of Urban Land) is to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

The PP is consistent with the SEPP given its purpose is for the orderly and economic development of the land for high density residential housing in a location which benefits from suitable infrastructure, employment and leisure opportunities.

State Environmental Planning Policy No. 55 – Remediation of Land

The underlying aim of SEPP No. 55 is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

A contamination study by Douglas Partners, *Report on Detailed Contamination Assessment, Cumberland Newspaper Redevelopment Site, 142-154 Macquarie Street, Parramatta* (July 2010) for the site concluded that contamination is not a constraint to the intended redevelopment of the site and upon demolition of the present buildings, further contamination investigations will be possible. Required remediation could be completed as part of any associated consent for the future redevelopment of the site.

Council's environmental health team have reviewed the study and agree with this approach being an appropriate response based on information provided and previous land uses.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

Clause 28 of the SEPP requires that in preparing an environmental planning instrument that makes provision for residential flat development, a provision shall be included in the instrument to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication Residential Flat Design Code. It is noted that SEPP 65 will be required to be considered during the assessment of any future development on the site that includes three or more storeys and four or more dwellings.

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

In accordance with Clause 117(2) of the EP&A Act the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making.

The following directions have been extracted from *Directions for Planning Proposals* as they are considered relevant to the subject Planning Proposal.

Employment and Resources - 1.1 Business and Industrial Zones

Business and Industrial Zones The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified strategic centres.*

The planning proposal will maintain the existing zone which allows for a mix of residential and non-residential uses. A mix of residential and commercial uses will support the core commercial precinct.

This Planning Proposal is consistent with the strategic directions outlined in state and local planning strategies including A Plan for Growing Sydney, West Central Subregional Strategy and Parramatta City Centre Vision 2007.

Environment and heritage - 2.3 Heritage Conservation

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

The subject site contains no listed heritage items but is within the vicinity of state and local items of heritage including Experiment Farm Cottage, Hambledon house ,

Ancient Aboriginal and Early Colonial Landscape, Robin Thomas Reserve, Elizabeth Farm, Gasworks Bridge and Tara (also known as Ellengowan).

The Design Concept supporting this application for a Planning Proposal reflects the heritage and archaeological assessments conducted to date and any future development application will be required to comply with these requirements and the provisions of Clause 35 Heritage Conservation to PCC LEP 2007 (and the provisions of the amalgamated PLEP 2011 when published).

Housing, infrastructure and urban development - 3.1 Residential Zones

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The planning proposal is consistent with the objectives of this direction as it will enable the development of infill residential dwellings, in a location that is in close proximity to public transport, shops and employment. In addition the planning proposal will enable the development of an appropriate mix of high density dwellings which respond to current and predicted housing demands.

Housing, infrastructure and urban development - 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Increasing the density of development in the walking catchment around transport nodes, namely Parramatta Railway Station/Bus Terminal and Ferry will support the viability of existing and proposed public transport services and reduce dependence on cars. The proposal integrates land use and transport outcomes to a high degree.

Housing, infrastructure and urban development - 3.5 Development near Licensed Aerodromes

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 PP proposes to introduce a site specific clause which restricts the consent authority from granting development consent to development that is a controlled activity, within the meaning of Division 4 of Part 12 of the Federal Airports Act 1996, unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.

It is noted that - Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the Federal Airports Act 1996.

The site is not subject to any mapped ANEF contour for either airport.

Hazard and risk - 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

With the exception of several small blocks, the majority of Parramatta city centre (including the subject site) is affected by Class 4 or Class 5 Acid Sulfate soils. Despite this the centre has accommodated medium to high density development throughout to date. This application for a Planning Proposal acknowledges that the site is affected by Acid Sulfate Soils and that an appropriate Management Plan will be required to support any development application which involves excavation and changes to the ground water levels.

Hazard and risk - 4.3 Flood Prone Land

This direction applies where a planning proposal creates, removes or alters a zone or a provision that affects flood prone land. The planning proposal seeks to introduce residential development in an area identified as being flood prone.

The objectives of this direction 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.

The planning proposal has been assessed in accordance with the NSW Flood Prone Land Policy, the Floodplain Development Manual 2005 and Lower Parramatta River Floodplain Risk Management Study and Plan 2005. Specific provisions and design parameters to accommodate stormwater and flooding will be investigated with any future development application.

Environmental, Social and Economic Impact – Part C

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

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?

The site is located within a highly modified urban environment and it is very unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

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:

- Acid Sulfate Soils;
- Contamination;
- Flooding;
- Built form;
- Aeronautical operations; and
- Heritage impacts;

Acid Sulfate Soils

An Acid Sulfate Soils Management Plan will be required to support any future development application in accordance with the existing provisions of PCC LEP 2007. There are no other aspects of the natural or built environment that require assessment as a result of the application for a Planning Proposal.

Soil Contamination

A contamination study for the site concluded that contamination is not a constraint to the intended redevelopment of the site and upon demolition of the present buildings, further contamination investigations will be possible. Required remediation must be completed as part of any associated consent for the future re-development of the site.

Flooding

The detailed flood modelling results indicate that residential and commercial development may be appropriate on the site subject to acceptable design and development controls. The assessment reviewed by Council's Catchment Management Team concludes that flooding affectation should not preclude the site from being used for residential and commercial/retail.

Built form

The Planning Proposal seeks a maximum FSR of 7:1, which will have implications for the adjacent residential development and public domain. Matters to consider in detail in the future development of the site will include:

- Overshadowing and solar access;
- Amenity of existing surrounding land;
- Appropriate provision of car parking;
- The interface between public and private land and particularly how buildings address the street and public domain.
- The mix of land uses including residential, retail and commercial.

The Urban Design Structure Plan as revised incorporates a design which responds to the constraints of the site and its context. The following has been considered in the development of the Structure Plan:

- A mix of uses with retail, commercial and residential uses to support the economic viability of the Parramatta city centre.
- The principles of Transport oriented design given the close proximity to Parramatta Railway Station/Bus Terminal.
- Enhancement of the public domain to support a vibrant and walkable centre.
- Increased height of buildings to the south to decrease shadow impacts to heritage items and sensitive land uses.
- Appropriate setbacks and building separation that will better articulate street frontages and reinforce corners.
- A density and scale of buildings that is appropriate for the north-eastern gateway to the city centre and the surrounding context of the site.

The structure plan is considered to provide sufficient detail at this preliminary stage to illustrate the subject land can be redeveloped within the proposed building envelopes and have an acceptable impact on the public domain and adjoining properties.

Aeronautical operations of Bankstown and Sydney airports

The subject site is located approximately 20km north west of Sydney Airport and 11km north of Bankstown Airport. Airspace above the Parramatta CBD is affected by the operation of these airports. Given the proposed height on the site, an Aeronautical Study (by Lambert & Rehebein) accompanied the planning proposal. Key criteria, relating to both airports, requiring consideration are:

- **Obstacle Limitations Surface (OLS):** This is defined airspace that should ideally be kept free of obstacles to minimise danger to aircraft during an entirely visual approach to an airport; and
- **Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS):** Airspace surfaces intended to safeguard aircraft from collision with obstacles when a pilot is flying solely by reference to instruments.

Permanent or temporary penetrations of an OLS by a building or structure may be permitted via approval granted by the Commonwealth Department of Infrastructure and Regional Development. It is possible for approval to also be granted for a temporary penetration of PANS-OPS, however permanent penetration of PANS-OPS will not be approved.

For Bankstown Airport the Aeronautical Study indicates that:

- the OLS is 155.1m which will be exceeded by the proposal (with a “base” height of 157m and DE bonus height of 180m), however appropriate mitigation measures are available to address this – eg. the installation of medium intensity obstacle lighting in accordance with relevant standards;
- the location of the site should ensure that navigational aids are not affected;
- the proposed maximum building height **will not result in any penetration of the PANS-OPS surface.**

For Sydney Airport the Aeronautical Study indicates that:

- the site is located outside of the OLS;
- the proposed building height will not impact upon the most restrictive of PANS-OPS surfaces;
- the development will not affect navigational aids; and
- the proposed height should enable cranes during construction to avoid penetrating radar surface, but this is subject to confirmation from Airservices Australia.

Therefore, the proposed 157m (180m with DE bonus) height control is satisfactory in terms of relevant airspace safety considerations. Nonetheless, consultation with Bankstown and Sydney Airports, Airservices Australia and the Civil Aviation Authority (CASA) would be prudent at the exhibition stage.

A specific clause will be introduced in the LEP which requires that the consent authority must not grant development consent to development that is a **controlled activity** within the meaning of Division 4 of Part 12 of the Federal Airports Act 1996 unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.

It is noted that - Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth.

Heritage

With respect to site excavation and preparation, the recommendations of the *Heritage Issues Identification report* prepared by NBRS+Partners could potentially be applied to any future development proposal for the site.

A Statement of Heritage Impact specific to any future development proposal will be expected to be submitted in accordance with the provisions of clause 35 to PCC LEP 2007.

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

There is adequate justification for this planning proposal, which will facilitate an increase in density and the future development of housing and employment.

The Planning Proposal has the potential to result in improvements to the public domain, provide new community facilities and contribute to improvements to Robin Thomas Reserve. The future development will likely incorporate a mix of apartment types to respond to the diverse population and potentially contributing to housing choice and affordability. Based on the assumed development outcomes the proposal has the potential to generate jobs during the construction phase and permanent jobs following completion of the development.

A Voluntary Planning Agreement/contributions framework addressing contributions towards community, recreation and physical services will be developed between the proponent and Council. A formal letter of offer has been provided and is currently being assessed. It is intended that any VPA be exhibited concurrently with the planning proposal in accordance with Council's VPA policy.

The social and economic effects of the application for a Planning Proposal have been considered in detail in the context of net public benefit analysis in Part B. Community consultation and public authority consultation during the assessment of the application will explore the social and economic benefits in more detail.

State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The subject land is approximately 400m from Parramatta Railway Station/Bus terminal. Civil and utility infrastructure is suitably accessible to service the subject land and support the proposed development.

Redevelopment of the subject site can provide a catalyst for further development within area and this will optimise public infrastructure investment within this area.

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

Preliminary consultation with the NSW Heritage Office has occurred with further consultation planned. State and Commonwealth authorities will be consulted in

accordance with Section 57 of the EP&A Act, 1979, following the outcomes of the gateway determination.

Part 4 – Mapping

To be prepared

Part 5 - Community Consultation

In accordance with Section 57(2) 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 a 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.

Pursuant to Section 57(8) 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

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:

- Referral to Minister for review of Gateway determination
- Date of revised Gateway determination
- Commencement and completion dates for public exhibition period and government agency notification
- Consideration of submissions
- Consideration of proposal post exhibition and reporting to Council
- Submission to the Department to finalise the LEP
- Notification of instrument