



New South Wales

# **Parramatta Local Environmental Plan 2011 (Amendment No 56)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

A handwritten signature in black ink, appearing to be "P. Kelly", written over a dotted line.

**Deputy Secretary, Planning and Land Use Strategy  
Department of Planning and Environment  
as Delegate for the Minister for Planning**

**3 May 2022**

## **Parramatta Local Environmental Plan 2011 (Amendment No 56)**

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### **1 Name of Plan**

This Plan is *Parramatta Local Environmental Plan 2011 (Amendment No 56)*.

### **2 Commencement**

This Plan commences on 14 October 2022 and is required to be published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to land within Parramatta City Centre under the *Parramatta Local Environmental Plan 2011*.

### **4 Maps**

The maps adopted by *Parramatta Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## Schedule 1      Amendment of Parramatta Local Environmental Plan 2011

### [1]    Land Use Table

Omit “; Tourist and visitor accommodation” from Zone B3 Commercial Core, item 3.

### [2]    Land Use Table, Zone B3 Commercial Core, item 3

Insert “Backpackers’ accommodation; Bed and breakfast accommodation;” in alphabetical order.

### [3]    Part 7

Omit the Part. Insert instead—

## Part 7      Additional local provisions—Parramatta City Centre

### Division 1      Preliminary

#### 7.1    Land to which Part applies

- (1)    This Part applies to land in Parramatta City Centre.
- (2)    A provision in this Part prevails over another provision of this Plan to the extent of an inconsistency.

#### 7.2    Definitions

- (1)    In this Part—

**additional GFA** for a building on land means the gross floor area equal to the amount by which the floor space ratio of the building exceeds the applicable FSR.

**applicable FSR** for a building on land means the higher of the following—

- (a)    the maximum permissible floor space ratio, or
- (b)    if applicable—the floor space ratio permitted under clause 7.3, 7.4 or 7.13.

**BASIX target** means a target for water or energy efficiency set by the Planning Secretary for BASIX certificates issued under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**car parking space** means a space intended to be used for the parking of cars that is ancillary to another land use on the site, but does not include the following—

- (a)    a place primarily used to wash vehicles,
- (b)    a place primarily used to load or unload goods,
- (c)    a place primarily used to store bicycles or motorcycles,
- (d)    a car parking space in a car park,
- (e)    a car parking space for the exclusive use of vehicles belonging to a car share scheme.

**car share scheme** means a scheme in which a body corporate, an unincorporated body or a public authority—

- (a)    owns or manages and maintains vehicles for shared or communal use, and

- (b) hires the vehicles exclusively to members of the scheme for occasional use, on demand and on a pay-as-you-go basis.

**competitive design process** means an architectural design competition carried out in accordance with procedures approved by the Planning Secretary.

**maximum permissible FSR** for a building on land means the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

**maximum permissible HOB** for a building on land means the maximum height of buildings shown for the land on the Height of Buildings Map.

**Parramatta City Centre** means the area identified as “Parramatta City Centre” on the Additional Local Provisions Map.

**Sun Access Protection Map** means the Parramatta Local Environmental Plan 2011 Sun Access Protection Map.

- (2) In this Part, the **car parking formula** is—

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

where—

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

**G** is the gross floor area of certain premises in the building in square metres, as specified in the provision in which the formula is used.

**A** is the site area in square metres.

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

## Division 2 Development standards generally

### 7.3 Floor space ratio

- (1) This clause applies to Parramatta City Centre, other than land identified as “Area A”, “Area 8” or “Area 11” on the Special Provisions Area Map.
- (2) The maximum floor space ratio for a building on land for which the maximum permissible FSR is specified in the following table is the floor space ratio specified for the site area of the building—

Maximum permissible FSR	Site area less than 1,000m <sup>2</sup>	Site area of at least 1,000m <sup>2</sup> but less than 1,800m <sup>2</sup>
4:1	3:1	(3 + X):1
6:1	4:1	(4 + 2X):1
7:1	4.5:1	(4.5 + 2.5X):1
8:1	5:1	(5 + 3X):1
10:1	6:1	(6 + 4X):1

- (3) In the table to subclause (2), **X** is calculated according to the following formula—

$$X = (\text{site area in m}^2 - 1000) / 800$$

- (4) Subclause (2) does not apply to a building on a site area that is at least 1,000m<sup>2</sup> and less than 1,800m<sup>2</sup> if—
- (a) the consent authority is satisfied that the site of the building is an isolated site, and
- (b) the building has been subject to a competitive design process, and

- (c) the consent authority is satisfied the building exhibits design excellence considering the matters specified in clause 7.11(2).
- (5) In this section—  
**isolated site** means a site—
  - (a) where amalgamation with adjoining sites is not—
    - (i) physically possible, or
    - (ii) reasonably feasible because of the nature of surrounding development, or
  - (b) that has a reduced development potential because of its size, shape or location.

#### **7.4 Floor space ratio—Parramatta Park and Park Edge Highly Sensitive Area**

- (1) The objective of this clause is to preserve built form controls for Parramatta Park, the Park Edge Highly Sensitive Area and certain land on the fringes of Parramatta City Centre.
- (2) This clause applies to land identified as “Area A” on the Special Provisions Area Map, other than land identified as “Area 11” on the Special Provisions Area Map.
- (3) The maximum floor space ratio for a building on land for which the maximum permissible FSR is specified in the following table is the floor space ratio specified for the site area of the building—

Maximum permissible FSR	Site area less than 1,000m <sup>2</sup>	Site area of at least 1,000m <sup>2</sup> but less than 1,800m <sup>2</sup>
6:1	4:1	(4 + 2X):1
8:1	5:1	(5 + 3X):1

- (4) In the table to subclause (3), *X* is calculated according to the following formula—  
$$X = (\text{site area in m}^2 - 500) / 1500$$

#### **7.5 Sun access**

- (1) The objective of this clause is to protect the following land from overshadowing—
  - (a) public open space in Parramatta Square and Jubilee Park,
  - (b) heritage items and curtilage at the Lancer Barracks site and Experiment Farm.
- (2) This clause applies to the following land—
  - (a) land shown purple on the Sun Access Protection Map,
  - (b) land identified as “Block A” and “Block B” on the Sun Access Protection Map.
- (3) Development consent must not be granted for development on land to which this clause applies if a building resulting from the development will create additional overshadowing, on 21 June in any year, on the land shown with blue hatching on the Sun Access Protection Map during the following times—
  - (a) for Experiment Farm—between 10am and 2pm,

- (b) for Jubilee Park—between midday and 2pm,
  - (c) for the Lancer Barracks site—between midday and 2pm,
  - (d) for Parramatta Square—between midday and 2pm.
- (4) Development consent must not be granted for development on land identified as “Block A” or “Block B” on the Sun Access Protection Map if a building resulting from the development will create additional overshadowing in Parramatta Square, between 1pm and 2pm on 21 March and 23 September in any year (the **relevant period**), on the land shown with blue hatching on the Sun Access Protection Map unless an open space area is provided—
  - (a) on the land shown with orange hatching on the Sun Access Protection Map, and
  - (b) that is accessible by the public, and
  - (c) that is at least as large as the area of land in Parramatta Square that is overshadowed during the relevant period, and
  - (d) that is not overshadowed during the relevant period.
- (5) A building resulting from development is taken to create additional overshadowing if the amount of overshadowing on the land after the development is carried out, during the period specified in subclause (3) or (4) as the case requires, will be greater than the amount of overshadowing on the land immediately before the commencement of this clause.
- (6) In this clause, additional overshadowing does not include minor additional overshadowing on Parramatta Square caused by the following parts of a building, other than an excluded part—
  - (a) decorative or architectural elements of the building, including the following—
    - (i) structural elements of the building,  
**Example—** Columns and pillars.
    - (ii) spires,
    - (iii) flag poles,
    - (iv) public art, including sculptures or artwork,
    - (v) signage associated with the building,
  - (b) parts of the building that form part of the restoration of a heritage item on the site,
  - (c) amenities provided at ground level, including the following—
    - (i) shelters,
    - (ii) playground equipment,
    - (iii) shade structures,
    - (iv) awnings,
    - (v) street furniture.
- (7) In this clause—  
**excluded part** of a building means the following—
  - (a) an advertising structure,
  - (b) equipment for servicing the building.  
**Example—** Plant, lift motor rooms and fire stairs.

## 7.6 Serviced apartments

- (1) Development consent must not be granted to development on land in Zone B3 Commercial Core for the purposes of the strata subdivision of a building that is or has been used for serviced apartments.
- (2) Development consent must not be granted to development on land in Zone B4 Mixed Use for the purposes of the strata subdivision of a building that is or has been used for serviced apartments unless the consent authority has considered the following—
  - (a) the design quality principles under *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*,
  - (b) the design principles set out in the Apartment Design Guide under that Policy.
- (3) Development consent must not be granted to development for the purposes of serviced apartments on the following land in Parramatta, comprising the eastern part of the land bounded by Macquarie Street, Smith Street, Darcy Street and Church Street—
  - (a) the eastern part of Civic Place, being the parts of Lots 100 and 101, DP 1262317 in Zone B3 Commercial Core,
  - (b) Lot 41, DP 1238612, 153 Macquarie Street,
  - (c) Lot 10, DP 1228279, 169 Macquarie Street,
  - (d) Lot 1, DP 1136922, 1 Smith Street.

## 7.7 Airspace operations

- (1) The objective of this clause is to protect airspace around airports.
- (2) Development consent must not be granted for development that is a controlled activity on land unless the applicant has obtained an approval for the controlled activity under regulations made for the purposes of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.
- (3) In this clause—

**controlled activity** has the same meaning as in the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.

**Note— Controlled activities** include the construction or alteration of buildings or other structures that cause an intrusion into airspace around airports.

## 7.8 Active frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street, public space and river foreshore frontages in Zone B3 Commercial Core and Zone B4 Mixed Use.
- (2) This clause applies to land identified as “Active Frontage” and “Civic Link” on the Active Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied the building will have an active frontage for the part of the ground floor of the building facing the street, river or a public space.
- (4) An active frontage is not required for the part of a building used for one or more of the following—
  - (a) entrances and lobbies, including as part of mixed use development,
  - (b) access for fire services,

- (c) electrical services,
- (d) vehicular access.
- (5) In this clause—  
*Active Frontages Map* means the Parramatta Local Environmental Plan 2011 Active Frontages Map.

## **7.9 Floodplain risk management**

- (1) The objective of this clause is to enable occupants of buildings in certain areas subject to floodplain risks to—
  - (a) shelter in a building above the probable maximum flood level, or
  - (b) evacuate safely to land above the probable maximum flood level.
- (2) This clause applies to land identified on the Floodplain Risk Management Map.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied the building—
  - (a) contains an area that is—
    - (i) located above the probable maximum flood level, and
    - (ii) connected to an emergency electricity and water supply, and
    - (iii) of sufficient size to provide refuge for all occupants of the building, including residents, workers and visitors, and
  - (b) has an emergency access point to land above the 1% annual exceedance probability event, and
  - (c) is able to withstand the forces of floodwaters, debris and buoyancy resulting from a probable maximum flood event.
- (4) Subclause (3)(a) does not apply if there is pedestrian access located between the building and land above the probable maximum flood level.
- (5) In this clause—  
*annual exceedance probability* has the same meaning as in the Floodplain Development Manual.  
*Floodplain Development Manual* has the same meaning as in clause 5.21.  
*Floodplain Risk Management Map* means the Parramatta Local Environmental Plan 2011 Floodplain Risk Management Map.  
*probable maximum flood* has the same meaning as in the Floodplain Development Manual.

## **Division 3 Design excellence**

### **7.10 Application of Division**

- (1) The objective of this Division is to deliver the highest standard of architectural, urban and landscape design.
- (2) This Division applies to development involving the erection of a building on land in Parramatta City Centre.



### **7.11 Design excellence**

- (1) Development consent must not be granted to development to which this Division applies unless the consent authority is satisfied the development exhibits design excellence.
- (2) In considering whether development exhibits design excellence, the consent authority must consider the following—
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors,
  - (d) how the development addresses the following—
    - (i) the suitability of the land for development,
    - (ii) existing and proposed uses and use mix,
    - (iii) heritage and archaeological issues and streetscape constraints or opportunities,
    - (iv) the location of any proposed tower, having regard to the need to achieve an acceptable relationship with other existing or proposed towers on the same site or on a neighbouring site in terms of separation, setbacks, amenity and urban form,
    - (v) bulk, massing and modulation of buildings,
    - (vi) street frontage heights,
    - (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
    - (viii) the achievement of the principles of ecologically sustainable development,
    - (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
    - (x) the impact on, and proposed improvements to, the public domain,
    - (xi) the impact on any special character area,
    - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
    - (xiii) excellence and integration of landscape design.

### **7.12 Competitive design process**

- (1) This clause applies to the following development to which this Division applies—
  - (a) development involving a building that has, or will have, a height above ground level (existing) greater than 40m,
  - (b) development on land identified as “Area A” on the Special Provisions Map involving a building that has, or will have, a height above ground level (existing) greater than 55m,
  - (c) development involving a building referred to in clause 7.3(4),
  - (d) development involving a building on land, other than land identified as “Area A” on the Special Provisions Area Map, that—
    - (i) will have a floor space ratio of at least 3:1, and

- (ii) involves or adjoins a heritage item,
  - (e) development on land identified as “Area A” on the Special Provisions Area Map on a site greater than 1,000m<sup>2</sup> and up to 1,800m<sup>2</sup> seeking to have the maximum permissible FSR, where amalgamation with adjoining sites is not physically possible,
  - (f) development with a capital value of more than—
    - (i) \$10 million on a “Key site” identified on the Key Sites Map, or
    - (ii) otherwise—\$100 million,
  - (g) development for which the applicant has chosen to participate in a competitive design process.
- (2) Development consent must not be granted to development to which this clause applies unless a competitive design process has been held in relation to the development.
- (3) A competitive design process is not required if the consent authority is satisfied that—
- (a) a competitive design process is unreasonable or unnecessary in the circumstances, and
  - (b) the development—
    - (i) involves only alterations or additions to an existing building, and
    - (ii) does not significantly increase the height or gross floor area of the building, and
    - (iii) does not have a significant adverse impacts on adjoining buildings or the public domain, and
    - (iv) does not significantly alter an aspect of the building when viewed from a public place.
- (4) This clause does not apply to development in relation to which the Planning Secretary had, immediately before 18 December 2015, issued a certificate under *Parramatta City Centre Local Environmental Plan 2007*, clause 22B(5).

#### **7.13 Additional building height and floor space ratio**

- (1) This clause applies to development that—
- (a) is a winner of a competitive design process, and
  - (b) the consent authority is satisfied exhibits design excellence under this Division.
- (2) A building resulting from the development may exceed the following by up to 15%—
- (a) the maximum permissible HOB for the land,
  - (b) the maximum permissible FSR for the land.
- (3) If development is on land in Zone B4 Mixed Use on land identified as “Area A” on the Special Provisions Area Map and involves a building containing only non-residential floor space, the building may exceed the following by up to 25%—
- (a) the maximum permissible HOB for the land,
  - (b) the maximum permissible FSR for the land.

## **Division 4 Car parking**

### **7.14 Application of Division**

- (1) The objectives of this Division are as follows—
  - (a) to identify the maximum number of car parking spaces that may be provided to service particular uses of land,
  - (b) to minimise the amount of vehicular traffic generated in relation to development.
- (2) This Division does not apply to development for the purposes of car parks.
- (3) If the maximum number of car parking spaces calculated under this Division is not a whole number, the number of car parking spaces must be rounded to the nearest whole number.
- (4) If more than 1 provision in this Division applies to mixed use development—
  - (a) the maximum number of car parking spaces is the sum of the number of spaces permitted under each provision, and
  - (b) a reference in each provision to a building is taken to be a reference to the parts of the building in which the relevant land use occurs, and
  - (c) a reference in each provision to the gross floor area is taken to be a reference to the gross floor area of the parts of the building in which the relevant land use occurs.
- (5) This Division does not require a reduction in the number of car parking spaces provided in an existing building.

### **7.15 Car parking—general**

- (1) This clause applies to development—
  - (a) involving a land use specified in the table to subclause (2) if the development includes a car parking space that is ancillary to the land use, and
  - (b) that is not on land identified as “Area A” on the Special Provisions Area Map.
- (2) The maximum number of car parking spaces, including existing car parking spaces, for development to which this clause applies is the number calculated for the land use in accordance with the following table—

<b>Land use</b>	<b>Maximum number of car parking spaces</b>
Business premises and office premises	<ol style="list-style-type: none"><li>(a) for a building with a floor space ratio of less than or equal to 3.5:1—1 space for every 175m<sup>2</sup> of gross floor area, or</li><li>(b) otherwise—as calculated using the car parking formula</li></ol>
Centre-based child care facilities	1 space plus 1 parking space for every 100m <sup>2</sup> of gross floor area
Dwelling houses, attached dwellings and semi-detached dwellings	1 space for each dwelling
Health consulting rooms and medical centres	2 spaces for each consulting room

Land use	Maximum number of car parking spaces
Hotel or motel accommodation and serviced apartments	The sum of the following— (a) 1 space for every 4 bedrooms up to and including 100 bedrooms (b) 1 space for every 5 bedrooms above 100 bedrooms
Information and education facilities	1 space for every 200m <sup>2</sup> of gross floor area
Light industries	1 space for every 150m <sup>2</sup> of gross floor area
Places of public worship and entertainment facilities	The greater of— (a) 1 space for every 10 seats, or (b) 1 space for every 30m <sup>2</sup> of gross floor area
Residential flat buildings, dual occupancies and multi dwelling housing	The sum of the following— (a) 0.1 space for each studio dwelling (b) 0.3 space for each dwelling containing 1 bedroom (c) 0.7 space for each dwelling containing 2 bedrooms (d) 1 space for each dwelling with 3 or more bedrooms
Retail premises	(a) if the building has a total of less than 2,000m <sup>2</sup> of retail premises and a floor space ratio of no more than 3.5:1—1 space for every 90m <sup>2</sup> of gross floor area, or (b) otherwise—as calculated using the car parking formula

- (3) For the purposes of the car parking formula in the table to subclause (2), **G** is the gross floor area of all non-residential premises in the building in square metres.

#### 7.16 Car parking for particular land in Parramatta City Centre

- (1) This clause applies to the following land at Parramatta—
- (a) Lot 1, DP 1041242, 220 Church Street,
  - (b) Lot 1, DP 702291, 230 Church Street,
  - (c) Lot B, DP 394050, 48 Macquarie Street,
  - (d) Lot 11, DP 1115358, Lot 30, DP 1115365 and Lot 20, DP 1115360, 184–188 George Street,
  - (e) Lot 10, DP 789520, 128 Marsden Street,
  - (f) Lot 2, DP 1119257, 10 Valentine Avenue,
  - (g) Lot 1, DP 1009227 and Lot 100, DP 632636, 87 Church Street and 6 Great Western Highway,
  - (h) Lot 4, DP 310151, 55 Aird Street,
  - (i) Lot 11, DP 790287, 142–154 Macquarie Street,
  - (j) Lot 1, DP 785930, 470 Church Street.

- (k) SP 20716, 5 Aird Street,
- (l) Lot 156, DP 1240854, 12 Hassall Street,
- (m) Lot 1, DP 501663 and Lot 1, DP 503651, 20 Macquarie Street.
- (2) This clause also applies to Lot 10, DP 128882, Lots 13 and 14, DP 1077402 and Lot 2, DP 128524, 14–20 Parkes Street, Harris Park.
- (3) The maximum number of car parking spaces for a building with a floor space ratio greater than 3.5:1 on land to which this clause applies is the number calculated using the car parking formula.
- (4) For the purposes of the car parking formula in subclause (3), **G** is the gross floor area of all non-residential premises in the building in square metres, except as follows—
  - (a) for land referred to in subclause (1)(k) and (m)—**G** is the gross floor area of all commercial premises in the building in square metres,
  - (b) for land referred to in subclause (1)(l)—**G** is the gross floor area of all commercial premises and community facilities in the building in square metres.

#### **7.17 Car parking—Parramatta Park and Park Edge Highly Sensitive Area**

- (1) This clause applies to development—
  - (a) on land identified as “Area A” on the Special Provisions Area Map, and
  - (b) involving a land use specified in the table to subclause (2) if the development includes a car parking space that is ancillary to the land use.
- (2) The maximum number of car parking spaces, including existing car parking spaces, for development to which this clause applies is the number calculated for the land use in accordance with the following table—

<b>Land use</b>	<b>Maximum number of car parking spaces</b>
Centre-based child care facilities	1 space for every 4 child care places
Commercial premises	1 space for every 100m <sup>2</sup> of gross floor area
Drive-in take away food and drink premises with seating	The lesser of— <ul style="list-style-type: none"> <li>(a) 1 space for every 10m<sup>2</sup> of gross floor area, or</li> <li>(b) 1 space for every 6 seats</li> </ul>
Health consulting rooms	1 space for every 300m <sup>2</sup> of gross floor area
Hostels and residential care facilities	The sum of the following— <ul style="list-style-type: none"> <li>(a) 1 space for every 10 beds,</li> <li>(b) 1 space for every 2 employees,</li> <li>(c) 1 ambulance space</li> </ul>
Hotel or motel accommodation	The sum of the following— <ul style="list-style-type: none"> <li>(a) 1 space for every 5 hotel rooms or suites,</li> <li>(b) 1 space for every 2 motel rooms or suites,</li> <li>(c) 1 space for every 3 employees</li> </ul>

Land use	Maximum number of car parking spaces
Multi dwelling housing with 1, 2 or 3 bedrooms and residential flat buildings	The sum of the following— (a) 1 space for every dwelling, (b) 1 visitor space for every 5 dwellings
Restaurants or cafes	The lesser of— (a) 1 space for every 10m <sup>2</sup> of gross floor area, or (b) 1 space for every 4 seats
Seniors housing, other than residential care facilities	The sum of the following— (a) 1 space for every 10 dwellings, (b) 1 visitor space for every 10 dwellings
Shops	1 space for every 30m <sup>2</sup> of gross floor area
Warehouse or distribution centres	1 space for every 300m <sup>2</sup> of gross floor area

- (3) The consent authority may approve additional car parking spaces in excess of the maximum number of car parking spaces under this clause if the additional car parking spaces will be included as part of the building's gross floor area, whether the car parking space is below or above ground level (existing).

#### **7.18 Use of car parking spaces by persons other than occupiers of building**

If the consent authority is satisfied an existing building has more car parking spaces than are needed by the occupiers of the building, the consent authority may grant development consent to the use of the car parking spaces by persons other than the occupiers of the building.

### **Division 5 Provisions for Parramatta City Centre other than “Area A”**

#### **7.19 Application of Division**

This Division applies to Parramatta City Centre, other than land identified as “Area A” on the Special Provisions Area Map.

#### **7.20 Managing heritage impacts**

- (1) The objective of this clause is to ensure development in Parramatta City Centre—
  - (a) relates appropriately to heritage items and heritage conservation areas, and
  - (b) responds positively to the heritage fabric of the area, the street and surrounding areas.
- (2) This clause applies to development involving the erection of a building on the following land—
  - (a) land on which a heritage item is located,
  - (b) land in a heritage conservation area,
  - (c) land adjacent to land referred to in paragraph (a) or (b).
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—

- (a) the extent to which the carrying out of the development is likely to affect the heritage significance of the relevant heritage item or heritage conservation area,
- (b) a heritage impact statement,
- (c) if the development involves a lot amalgamation, which includes a lot that contains, or is adjacent to, a heritage item—a heritage conservation management plan that identifies whether—
  - (i) further lot amalgamations will be required to support the development of the land, while retaining the heritage significance of the heritage item, and
  - (ii) the significance of the heritage item has been prioritised in the amalgamation of the lots.

#### **7.21 End of journey facilities**

- (1) The objective of this clause is to facilitate pedestrian and cycling access to commercial premises.
- (2) This clause applies to development involving the erection of a building that—
  - (a) will be used only for the purposes of commercial premises, or
  - (b) involves mixed use development with at least 600m<sup>2</sup> gross floor area to be used for the purposes of commercial premises.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied the building includes all of the following facilities together in 1 area of the building—
  - (a) showers,
  - (b) change rooms,
  - (c) lockers,
  - (d) bicycle storage areas.

#### **7.22 Dual water systems**

- (1) The objective of this clause is to ensure the security of water supply in Parramatta City Centre.
- (2) Development consent must not be granted to the erection of a building unless the consent authority is satisfied the building uses a dual water reticulation system containing pipes for potable water and recycled water for all inside and outside water uses.

#### **7.23 High performing building design**

- (1) The objectives of this clause are as follows—
  - (a) to encourage high performing building design that minimises energy and water consumption for development for the following purposes—
    - (i) hotel or motel accommodation,
    - (ii) office premises,
    - (iii) residential flat buildings,
    - (iv) large retail premises,
    - (v) serviced apartments,
    - (vi) mixed use development,
  - (b) to increase amenity to occupants in the long term,

- (c) to ensure the increase in gross floor area is compatible with surrounding buildings in terms of bulk, height and amenity,
  - (d) to ensure high performing building measures reflect new technologies and commercial viability.
- (2) This clause applies to development for the following purposes—
  - (a) office premises with a gross floor area of at least 1,250m<sup>2</sup>,
  - (b) retail premises with a gross floor area of at least 5,000m<sup>2</sup>,
  - (c) hotel or motel accommodation,
  - (d) serviced apartments,
  - (e) residential flat buildings and mixed use development that includes residential accommodation if the lot on which the development will be carried out—
    - (i) is at least 24m wide at the front building line, and
    - (ii) has a site area of at least 1,800m<sup>2</sup>, and
    - (iii) has a maximum permissible FSR of at least 6:1,
  - (f) significant alterations or additions to an existing building if the development has a capital value of more than \$5 million and the building is used for the purposes of—
    - (i) retail premises with a gross floor area of at least 5,000m<sup>2</sup>, or
    - (ii) office premises, or
    - (iii) hotel or motel accommodation, or
    - (iv) serviced apartments.
- (3) A building resulting from development to which this clause applies may exceed the maximum permissible FSR by up to 5% if the consent authority is satisfied of the following—
  - (a) the additional GFA will be used for the purposes of residential accommodation,
  - (b) the development will not adversely impact on neighbouring land in terms of visual bulk or overshadowing,
  - (c) the part of a building used for the purposes of retail premises is capable of achieving the following—
    - (i) a maximum energy target of 52.8kg CO<sub>2</sub>e/m<sup>2</sup> per year,
    - (ii) a maximum water target of 1.1kL/m<sup>2</sup> per year,
  - (d) the part of a building used for the purposes of office premises is capable of achieving the following—
    - (i) a maximum energy target of 63.8kg CO<sub>2</sub>e/m<sup>2</sup> per year,
    - (ii) a maximum water target of 0.5kL/m<sup>2</sup> per year,
  - (e) the part of a building used for the purposes of hotel or motel accommodation or serviced apartments is capable of achieving the following—
    - (i) a maximum energy target of 5,220kg CO<sub>2</sub>e/m<sup>2</sup> per room each year,
    - (ii) a maximum water target of 76.1kL/m<sup>2</sup> per room each year,
  - (f) the part of a building that is a dwelling, whether or not as part of a residential flat building or mixed use development, is capable of exceeding—



- (i) the applicable BASIX target for water by at least 15 points or equivalent, and
- (ii) the applicable BASIX target for energy by at least the amount of points specified for the building in the following table, or equivalent—

	Building with FSR of at least 6:1 but less than 14:1	Building with FSR of at least 14:1
Height of building	BASIX points	BASIX points
5–15 storeys	25	15
16–30 storeys	20	10
31–40 storeys	10	10
41 or more storeys	10	10

- (4) This clause does not apply to development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 applies.

#### **7.24 Commercial premises in Zone B4 Mixed Use**

- (1) The objective of this clause is to facilitate development for the purposes of commercial premises on land in Zone B4 Mixed Use.
- (2) This clause applies to land in Zone B4 Mixed Use identified on the Additional Local Provisions Area Map.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied—
  - (a) for land identified as “Area 20” on the Special Provisions Area Map—a gross floor area equal to a floor space ratio of at least 3:1 will be used only for non-residential purposes, and
  - (b) otherwise—a gross floor area equal to a floor space ratio of at least 1:1 will be used only for the purposes of commercial premises.

#### **7.25 Concurrence of Planning Secretary**

- (1) Development consent to development in Zone B3 Commercial Core must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
  - (a) the impact of the development on—
    - (i) designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (b) the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—
    - (i) existing designated State public infrastructure, and
    - (ii) the need for additional designated State public infrastructure,
  - (c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.

- (3) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the development.
- (4) This clause does not apply to development if all or part of the land on which the development will be carried out is in a special contributions area to which a determination under the Act, section 7.23 applies.
- (5) In this clause—  
***designated State public infrastructure*** means public facilities or services that are provided or financed by the State, or if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State, of the following kinds—
  - (a) State and regional roads,
  - (b) bus interchanges and bus lanes,
  - (c) light rail infrastructure,
  - (d) regional open space,
  - (e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

## **Division 6 Site specific provisions**

### **7.26 Church and Early Streets, Parramatta**

- (1) This clause applies to the following land at Parramatta—
  - (a) Lot 10, DP 733044, 83 Church Street and Lot B, DP 304570, 44 Early Street (***Site 1***),
  - (b) Lot 20, DP 732622, 63 Church Street (***Site 2***).
- (2) The objectives of this clause are to ensure that development on land to which this clause applies—
  - (a) provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes, and
  - (b) the scale and bulk of the development does not adversely impact the amenity of the precinct.
- (3) Development consent must not be granted for development, including staged development, involving the erection of a building on Site 1 unless the consent authority is satisfied that—
  - (a) at least 40% of the gross floor area of Site 1 will be used for purposes other than residential accommodation or serviced apartments, and
  - (b) the floor space ratio of Site 1 will not exceed—
    - (i) if the development includes a basement to be used for commercial purposes—7.2:1, or
    - (ii) otherwise—6.4:1, and
  - (c) the gross floor area of each storey of a building above a height of 40m will not exceed 700m<sup>2</sup>.
- (4) Development consent must not be granted for development, including staged development, involving the erection of a building on Site 2 unless the consent authority is satisfied that at least 40% of the gross floor area of Site 2 will be used for purposes other than residential accommodation or serviced apartments.

**7.27 160–182 Church Street, Parramatta**

- (1) This clause applies to land marked “Area 3” on the Special Provisions Area Map.
- (2) A building on land to which this clause applies may have a gross floor area of up to 95,000m<sup>2</sup> if the consent authority is satisfied that—
  - (a) at least 10% of the gross floor area will be used for common areas, such as common rooms, communal gardens, corridors, foyers and recreation facilities (indoor), and
  - (b) at least 5% of the gross floor area will be used for private open space.

**7.28 189 Macquarie Street, Parramatta**

- (1) This clause applies to land marked “Area 4” on the Special Provisions Area Map.
- (2) A building on land to which this clause applies may exceed the maximum permissible FSR and the maximum permissible HOB if the consent authority is satisfied of the following—
  - (a) the design of the development is the result of a competitive design process,
  - (b) the development exhibits design excellence, considering the matters specified in clause 7.11(2), and
  - (c) the development continues to include a public car park on the site, and that area is not subject to paragraph (e) or (f), and
  - (d) the building height does not exceed 167m above natural ground level, and
  - (e) the gross floor area does not exceed 60,000m<sup>2</sup>, excluding floor space used only for enclosed communal areas and enclosed private balconies, and
  - (f) the gross floor area used for enclosed communal areas and enclosed private balconies does not exceed 2,750m<sup>2</sup>.
- (3) In this clause—

***enclosed communal area*** means an area provided for recreational use by tenants, including gymnasiums, common rooms and enclosed communal gardens.

***enclosed private balcony*** means an enclosed balcony, deck, terrace or winter garden attached to a dwelling for private use.

**7.29 7 Charles Street and 116 Macquarie Street, Parramatta**

- (1) This clause applies to the following land at Parramatta—
  - (a) Lots 3 and 4, DP 17466, 7 Charles Street,
  - (b) Lot 12, DP 706694, 116 Macquarie Street.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that at least 6,000m<sup>2</sup> of the floor space of the building will be used for commercial premises.

**7.30 153 Macquarie Street and part of 1A Civic Place, Parramatta**

- (1) This clause applies to land marked “Area 5” on the Special Provisions Area Map.

- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied of the following—
  - (a) the design of the development is the result of a competitive design process,
  - (b) the development exhibits design excellence, considering the matters specified in clause 7.11(2),
  - (c) the gross floor area does not exceed 46,200m<sup>2</sup>,
  - (d) at least 90% of the floor space of the building will be used for business premises, office premises or retail premises,
  - (e) no part of the building will be used for residential purposes,
  - (f) the development does not result in additional overshadowing on the land shown with blue hatching on the Sun Access Protection Map between 12 noon and 2pm on 21 June in each year.

**7.31 180 George Street, Parramatta**

- (1) This clause applies to land marked “Area 6” on the Special Provisions Area Map.
- (2) The minimum floor space ratio for a building used for one or more of the following purposes on land to which this clause applies is 1:1—
  - (a) commercial premises,
  - (b) tourist and visitor accommodation,
  - (c) centre-based child care facilities,
  - (d) serviced apartments.
- (3) The maximum number of car parking spaces for a building on land to which this clause applies is the number calculated using the car parking formula if the building—
  - (a) is used for one or more of the following purposes—
    - (i) commercial premises,
    - (ii) tourist and visitor accommodation,
    - (iii) centre-based child care facilities,
    - (iv) serviced apartments, and
  - (b) has a floor space ratio greater than 3.5:1.
- (4) For the purposes of the car parking formula in subclause (3), *G* is the gross floor area of all commercial premises, tourist and visitor accommodation, centre-based child care facilities and serviced apartments in the building in square metres.

**7.32 2–10 Phillip Street, Parramatta**

- (1) This clause applies to land marked “Area 7” on the Special Provisions Area Map.
- (2) A building on land to which this clause applies may exceed the maximum permissible FSR by up to 5.5:1 if the consent authority is satisfied the additional gross floor area will be used only for the purposes of hotel or motel accommodation or commercial premises.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that—

- (a) part of the building will be used for the purposes of commercial premises, and
  - (b) the part used for the purposes of commercial premises will have a minimum gross floor area that equates to a floor space ratio of 1:1.
- (4) Gross floor area used for the purposes of commercial premises may be counted only to satisfy either subclause (2) or (3).
- (5) The maximum number of car parking spaces for a building on land to which this clause applies is the number calculated using the car parking formula if the building—
  - (a) is used for the purposes of hotel or motel accommodation or commercial premises, and
  - (b) has a floor space ratio greater than 3.5:1.
- (6) For the purposes of the car parking formula in subclause (5), **G** is the gross floor area of all hotel or motel accommodation or commercial premises in the building in square metres.

**7.33 2–6 Hassall Street, Parramatta**

- (1) This clause applies to Lot 22, DP 608861, Lot 62, DP 1006215 and Lot 7, DP 128820, 2–6 Hassall Street, Parramatta.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies with a gross floor area that exceeds 10,000m<sup>2</sup> unless the consent authority is satisfied the building complies with the following standards—
  - (a) the energy target is a maximum 140kg CO<sub>2</sub>e/m<sup>2</sup> per year,
  - (b) the water target is a maximum 0.65kL/m<sup>2</sup> per year.
- (3) The maximum number of car parking spaces for a building on land to which this clause applies is the number calculated using the car parking formula if the building—
  - (a) is used for the purposes of educational establishments, and
  - (b) has a floor space ratio greater than 3.5:1.
- (4) For the purposes of the car parking formula in subclause (3), **G** is the gross floor area of educational establishments in the building in square metres.

**7.34 87 Church Street and 6 Great Western Highway, Parramatta**

- (1) This clause applies to land marked “Area 10” on the Special Provisions Area Map.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied—
  - (a) part of the building will be used for one or more of the following purposes—
    - (i) commercial premises,
    - (ii) tourist and visitor accommodation,
    - (iii) centre-based child care facilities,
    - (iv) serviced apartments, and
  - (b) that part of the building will have a gross floor area that equates to a floor space ratio of at least 1:1.

- (3) A building on land to which this clause applies may exceed the maximum permissible FSR if the consent authority is satisfied the gross floor area of the part of the building used for the purposes of residential accommodation is equal to a floor space ratio of no more than—
  - (a) 9:1, or
  - (b) if the consent authority is satisfied the building exhibits design excellence—10.5:1.

**7.35 55 Aird Street, Parramatta**

- (1) This clause applies to land marked “Area 14” on the Special Provisions Area Map.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied—
  - (a) part of the building will be used for non-residential purposes, and
  - (b) that part of the building will have a gross floor area that equates to a floor space ratio of at least 1:1.

**7.36 142–154 Macquarie Street, Parramatta**

- (1) This clause applies to land marked “Area 12” on the Special Provisions Area Map.
- (2) Development consent must not be granted to erection of a building on land to which this clause applies unless the consent authority is satisfied that at least 21,000m<sup>2</sup> of floor space on the building will be used for purposes other than residential accommodation.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has obtained the concurrence of Transport for NSW.
- (4) In deciding whether to grant concurrence, Transport for NSW must consider the potential effects of the development on proposed future road and public transport infrastructure in the locality.

**7.37 10 Valentine Avenue, Parramatta**

- (1) This clause applies to land marked “Area 9” on the Special Provisions Area Map.
- (2) Development consent must not be granted for the strata subdivision of any part of a building on land to which this clause applies that is above ground level (existing) and used for the purposes of car parks.
- (3) A building on land to which this clause applies may exceed the applicable FSR if the consent authority is satisfied the additional gross floor area will be used only for the purposes of office premises.

**7.38 197 and 207 Church Street and 89 Marsden Street, Parramatta**

- (1) This clause applies to land identified as “Area 19” on the Special Provisions Area Map.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied—
  - (a) part of the building will be used for commercial premises, and
  - (b) that part of the building will have a gross floor area that equates to a floor space ratio of at least 1:1.

- (3) A building on land to which this clause applies may exceed the applicable FSR if the consent authority is satisfied that the additional gross floor area will be used only for non-residential purposes.

**7.39 5 Aird Street and 12 Hassall Street, Parramatta**

- (1) The objectives of this clause are as follows—
- (a) to encourage high performing building design that minimises energy and water consumption for mixed use development in the Parramatta City Centre,
  - (b) to provide increased amenity to occupants over the long term,
  - (c) to ensure the increase in gross floor area is compatible with surrounding buildings in terms of bulk, height and amenity,
  - (d) to ensure high performing building measures reflect new technologies and commercial viability.
- (2) This clause applies to land identified as “Area 16” or “Area 17” on the Key Sites Map.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied of the following—
- (a) the building will appropriately transition to neighbouring heritage items and heritage conservation areas,
  - (b) a gross floor area that equates to a floor space ratio of at least 1:1 will be used only for the purposes of commercial premises,
  - (c) the part of the building used for the purposes of commercial premises is capable of achieving the following—
    - (i) a maximum energy target of 140kg CO<sub>2</sub>e/m<sup>2</sup> per year,
    - (ii) a maximum water target of 0.65kL/m<sup>2</sup> per year,
  - (d) if at least 5,000m<sup>2</sup> of the gross floor area of the building will be used for the purposes of retail premises—that part of the building is capable of achieving the following—
    - (i) a maximum energy target of 100kg CO<sub>2</sub>e/m<sup>2</sup> per year,
    - (ii) a maximum water target of 0.95kL/m<sup>2</sup> per year.
- (4) A building on land to which this clause applies may exceed the applicable FSR by the following—
- (a) 0.5:1 if the consent authority is satisfied that—
    - (i) the building comprises commercial premises and dwellings, and
    - (ii) the part of the building that is a dwelling is capable of exceeding the applicable BASIX target for water and energy by at least 10 points each or equivalent,
  - (b) for land identified as “Area 16” on the Key Sites Map—1.2:1 if the consent authority is satisfied that the additional GFA will be used only for the purposes of commercial premises,
  - (c) for land identified as “Area 17” on the Key Sites Map—1:1 if the consent authority is satisfied that the additional GFA will be used only for non-residential purposes.

**7.40 20 Macquarie Street, Parramatta**

- (1) This clause applies to land identified as “Area 18” on the Special Provisions Area Map.
- (2) A building on land to which this clause applies may have a floor space ratio of up to 10:1 if the consent authority is satisfied that the additional GFA will—
  - (a) be used only for the purposes of hotel or motel accommodation.
  - (b) not be used for the purposes of residential accommodation or serviced apartments.

**[4] Schedule 1 Additional permitted uses**

Insert after clause 8(2)—

- (3) This clause does not apply to the erection of a new building if the floor space ratio of the building exceeds 6:1.

**[5] Schedule 1, clause 9(2)**

Omit the subclause. Insert instead—

- (2) Development for the purposes of retail premises is permitted with development consent on land in Zone B5 Business Development.
- (3) Development for the purposes of vehicle repair stations is permitted with development consent on land in Zone B3 Commercial Core.

**[6] Dictionary, definition of “Parramatta Development Control Plan”**

Omit the definition. Insert instead—

***Parramatta Development Control Plan*** means the Parramatta Development Control Plan 2011, as in force on the commencement of *Parramatta Local Environmental Plan 2011 (Amendment No 56)*.