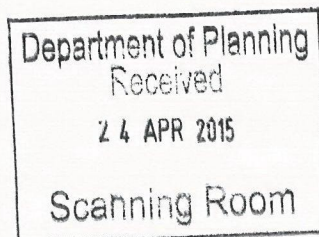


PCU059267

Our Reference: RZ/16/2014
Contact: Paul Kennedy
Telephone: 9806 5093

21 April 2015

Ms Rachel Cumming
Regional Director
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001



Dear Rachel,

Planning Proposal: Justice Precinct – land bound by O'Connell, George and Marsden Streets and the Parramatta River, Parramatta

Please find attached a planning proposal seeking to amend the zoning, floor space ratio, building height and site specific provisions at the above address in the Parramatta City Centre LEP 2007.

Council at its meeting on 13 April 2015 resolved:

- (a) *That the planning proposal at Attachment 1 to amend the Parramatta City Centre LEP 2007 seeking to:*
 - (i) *Increase the maximum building height from part 18m and part 54m to 62.1m across the site; and*
 - (ii) *Increase the maximum floor space ratio from 3:1 to:*
 - ☐ *11: 1 for a portion of the site in the north west corner (refer to Figure 9 in the report)*
 - ☐ *9: 1 for a portion of the site in the north east corner (see Figure 9)*
 - (iii) *Rezone a small strip of land on the eastern edge of the site from SP2 Local Road to B4 Mixed Use and remove the strip of land on the eastern edge of the site from the Land Reservations Map; and*
 - (iv) *Impose site specific provisions to allow an alternative design excellence competition for non-residential buildings and for managing any future residential development on this site,*

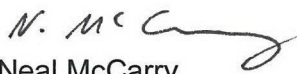
be endorsed and forwarded for Gateway determination by the Department of Planning and Environment in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

- (b) *That Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.*
- (c) *That a site specific DCP be reported to Council prior to formal exhibition of the planning proposal.*
- (d) *That Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the landowner in relation to the planning proposal on the basis that any contribution in a VPA would be an addition to section 94A contributions payable for the development.*

- (e) *That delegated authority be given to the CEO to negotiate the VPA on behalf of Council.*
- (f) *That the negotiated outcome of the VPA be reported to Council for consideration prior to its public exhibition with the planning proposal.*
- (g) *Further, that Council advise the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.*

As per the resolution, Council requests to exercise its plan making delegations for this planning proposal. Please find attached a CD containing all relevant documentation. If you have any queries in relation to this matter please contact, Paul Kennedy, Project Officer – Land Use Planning on 9806 5093.

Yours sincerely



Neal McCarry

Team Leader Land Use Planning

APPLICATION FOR A PLANNING PROPOSAL – PARRAMATTA JUSTICE PRECINCT

AMEND PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

LAND BOUND BY O'CONNELL, GEORGE AND MARSDEN STREETS AND THE PARRAMATTA RIVER, PARRAMATTA

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1. INTRODUCTION

This planning proposal contains an explanation of the intended effect and justification for, a proposed amendment to the Parramatta City Centre Local Environmental Plan (LEP) 2007 as it applies to a site known as the Parramatta Justice Precinct. The site is bounded by the Parramatta River, O'Connell Street, George Street and Marsden Street. 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 Environment (the Department) Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

2. SITE AND CONTEXT

2.1 Site Identification and Description

The site is located on the southern side of Parramatta River and is bounded by O'Connell, George and Marsden Streets. The site consists of four (4) allotments being legally described as:

- Lots 21, 22 and 23 in Deposited Plan 1173876; and
- Lot 2 in Deposited Plan 1080235.

These properties are herein referred to as "the site" and are shown outlined in red in Figures 1 and 2 with the site outlined dotted red. The site contains a variety of public buildings including Parramatta Children's Court in the south west corner, Justice Precinct Offices in the centre of the site, the Trial Courts on Marsden Street and the Brislington House near the south east corner of the site.

There is a Moreton Bay fig tree in the south east corner of the site which is listed as a heritage item of State significance and potential archaeological site. Part of Lot 22 DP 1173876 contains an item of State heritage significance which is described as 'Parramatta Hospital archaeological site'.

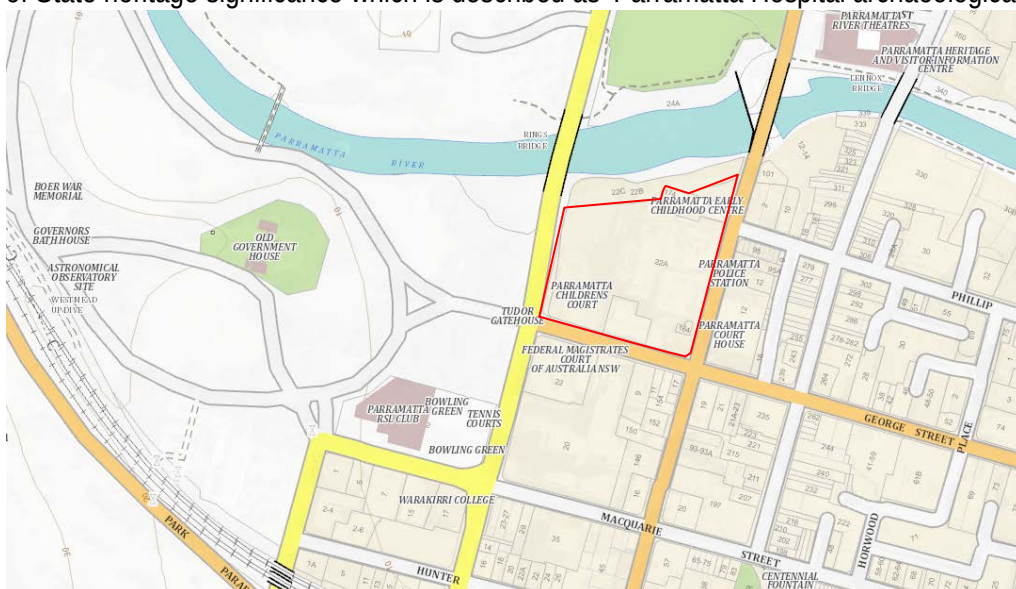


Figure 1: Locality map (Source: maps.six.nsw.gov.au)



Figure 2: Aerial photograph of the site (Source maps.six.nsw.gov.au)

2.2 Surrounding Development

To the north of the site is the Parramatta River and a foreshore public reserve. There is a concrete cycle/walking path through the reserve linking Marsden Street and O'Connell Street. A weir of State heritage significance is located on the river near the north-west corner of the site.

West of the site is Parramatta Regional Park which is itself a heritage item of State significance and contains several items of State and National heritage significance including Old Government House and Domain. The park includes active and passive recreational spaces, public roads, cycle and walking paths. Old Government House and Domain is part of a group of 11 sites throughout Australia identified on the UNESCO World Heritage List. It is also on the National heritage list.

South of the site in George Street are court-related buildings including the Federal Magistrate's Court. Opposite the site in Marsden Street is Parramatta Courthouse and Parramatta Police Station.

The site is at the north-west corner of the Parramatta City Centre and the locality features a mix of commercial and residential uses with density of development increasing as redevelopment projects are underway throughout the CBD. The city centre also contains many heritage items of local and State significance.

2.3 Site Context and Setting

The site is approximately 400m north-west of Parramatta Railway Station and bus interchange. There are several bus stops within 250m radius of the site including stops serviced by the free CBD shuttle service. The Parramatta Rivercat Ferry Wharf is 750m east of the site.

3. CURRENT PLANNING PROVISIONS

3.1 Parramatta City Centre Local Environmental Plan 2007

The Parramatta City Centre Local Environmental Plan 2007 (PCC LEP 2007) came into effect on 21 December 2007 and applies to the site. The following is a summary of the provisions of PCC LEP 2007 that apply to the site.

Land Use Zones

PCCLEP 2007 applies three zones to the subject site as shown in Figure 3 with the site outlined dashed red.



Figure 3: Extract from PCC LEP 2007 Zoning Map LZN_001_010

Zone RE1 Public Recreation

The section of the site in Zone RE1 is adjacent to the foreshore reserve as indicated by the arrow in Figure 3. An existing building (known as Jeffrey House) is partly within Zone RE1.

Zone SP2 Local Road

A narrow strip of land approximately 3m wide along the eastern boundary of the site is subject to Zone SP2 Local Roads. Part of this area in Zone SP2 applies to the setback area to Marsden Road and part applies to an existing building. This strip is also shown on the Land Reservations Map.

Height of Buildings

Clause 21 of the PCCLEP 2007 applies a maximum building height control of 18m to a section of the site adjacent to the foreshore reserve and to O'Connell Street and 54m for the remainder of the site (as shown in Figure 4 with the site outlined dashed red). Clause 22B to PCCLEP 2007 permits an additional 10% height bonus for buildings that are the outcome of an Architectural Design Competition.

Height controls for surrounding sites range 28m for land to the east, 54m for land to the south and up to 80m for land to the north-east adjacent to the river.

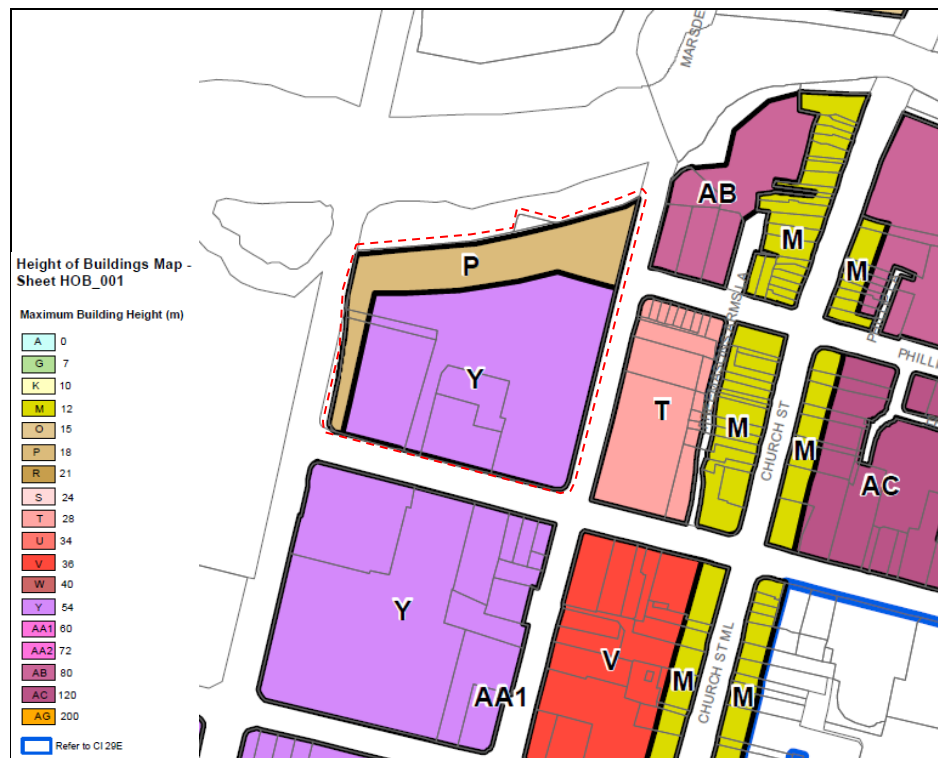


Figure 4: Extract from PCC LEP 2007 Height of Buildings Map

3.1.1.1 Floor Space Ratio

Clause 22 of the PCCLEP 2007 applies a maximum floor space ratio (FSR) of 3:1 to the site (as shown in Figure 5 with the site outlined dashed blue). Clause 22B to PCCLEP 2007 permits an additional 10% in FSR where an Architectural Design Competition has been undertaken. The FSR

controls for properties surrounding the site are 6:1 for land to the south and north-east and 4:1 for land to the east and south-east (as shown in Figure 5).

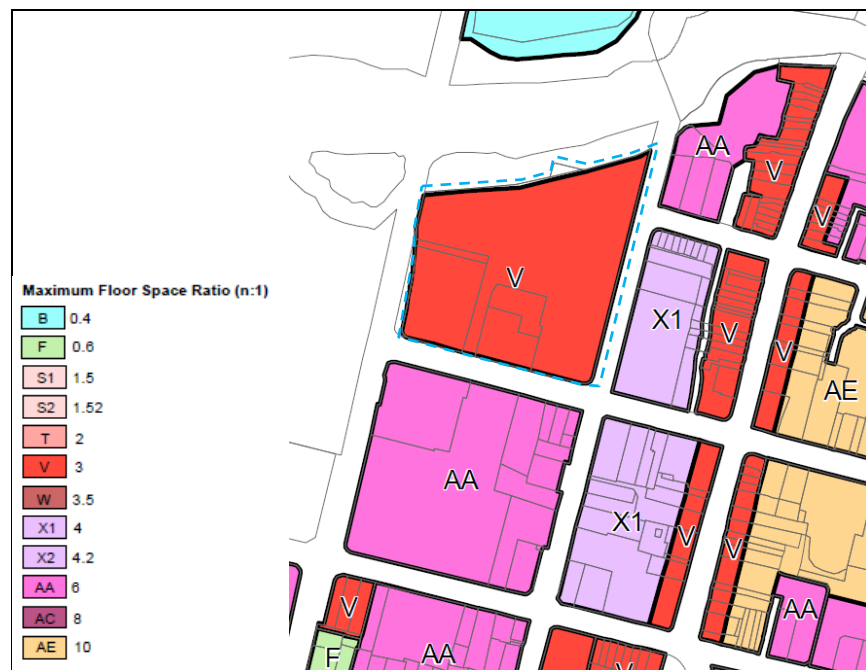


Figure 5: Extract from PCC LEP 2007 Floor Space Ratio Map

3.1.1.2 Design Excellence

Clause 22B to PCC LEP 2007 requires new buildings and significant alterations to existing buildings to demonstrate design excellence. The clause lists matters to be considered in the assessment of development applications. The built form concepts included in the UDR have been developed with reference to these matters.

3.1.1.3 Flooding

The site is known to be flood affected as mapped in PCCLEP 2007. An extract of the PCCLEP Flood Prone Land map is included in Figure 6 (with the site outlined dashed red). The provisions of Clause 33A to PCC LEP 2007 apply to the design and assessment of any future development on the site.



Figure 6: Extract from PCC LEP 2007 Flood Prone Land Map

3.1.1.4 Acid Sulfate Soils

The site is classified as within Class 4 Acid Sulfate Soils. Any future development application for excavation and/or changes to the groundwater levels within the site or on adjoining land will require an Acid Sulfate Soils Management Plan (ASSMP).

3.1.1.5 Heritage

Most of the Justice Precinct is heritage listed of state significance in PCCLEP 2007 and is also included on the State Heritage Register. Heritage elements of significance include Brislington House, archaeological remains of the former Parramatta Colonial Hospital, major views and sightlines along George Street to the Parramatta Park Gatehouse and the street pattern surrounding the Parramatta Hospital site. Refer to Figure 7.

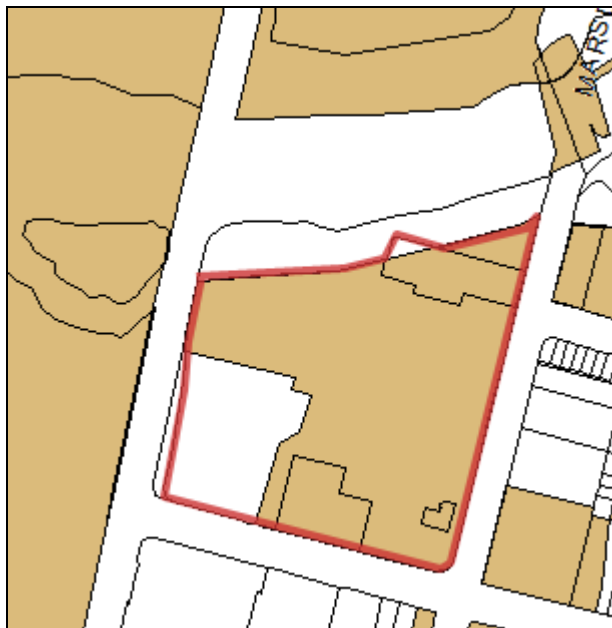


Figure 7: Extract from PCC LEP 2007 Heritage Map

3.1.1.6 Amendment 10

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. Of relevance to this planning proposal, Amendment No.10 includes the following provisions:

- The small corner of the site that encroaches into the RE1 Public Recreation Zone adjacent to the Parramatta River, is rezoned B4 Mixed Use (refer to Figure 3).
- Developments that undergo a design competition and demonstrate design excellence may make application to achieve a building height and FSR variation by up to 15%.
- Developments involving 100% commercial floor space within the B4 Mixed Use Zone that undergo a design competition and demonstrate design excellence may make application to achieve a building height and FSR variation by up to 25%.
- There is no opportunity for the Director-General of the Department of Planning and Environment to waive the requirement for a design competition to ensure that an appropriate level of rigour is applied to the design process.

4. OBJECTIVES OR INTENDED OUTCOMES

The objective of this draft Planning Proposal is to enable the scale and intensity of development and the nature of land uses and ancillary features (such as publicly accessible through links) to be consistent with the capacity of the site, the anticipated future character of high density commercial and residential development in the CBD and the protection of the setting of nearby heritage items.

5. EXPLANATION OF PROVISIONS

The objective is achieved by amending the PCC LEP 2007.

The following amendments are required:

Changes to the zoning of the subject land as follows;

- Rezone land along the eastern edge of the site from SP2 Local Road to B4 Mixed Use (refer to Figure 8) ;
- The proposed amendment to the City Centre LEP is to the Land Zoning Map – (Sheet LZN_001).
- The strip of land zoned SP2 Local Road is also shown on the Land Reservations Map and will be removed from this Map.

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

- From part 18m and part 54m to 62.1m across the site (refer to Figure 9).
- The proposed amendment to the PCC LEP 2007 is to the Height of Buildings Map – (Sheet HOB_001).

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

- From 3:1 to 11:1 and 9:1 for two proposed development areas respectively in the north west and north east parts of the site (refer to Figure 10 which labels development areas 'AF' and 'AD').
- The proposed amendment to the PCC LEP 2007 is to the Floor Space Ratio Map – (Sheet FSR_001).

A change to the design excellence competition requirements for the subject land as follows;

- Exempt proposed non-residential development from the design excellence competition requirements of PCC LEP 2007 and require development to follow an alternative competition design assessment process.
- The proposed amendment to the PCC LEP 2007 is to insert a clause exempting the site from Clause 22B Design Excellence and setting out the framework for the alternate process.

A change to the requirements for managing future residential development of the subject land as follows;

- Require future proposals for residential development to be subject to detailed consideration in terms of such design factors as floor plate size and length of buildings.

NOTE:-. If Amendment No. 10 to the Parramatta LEP 2011 (PLEP 2011) has been made and PCC LEP 2007 repealed the amendments described above will instead be made to the planning controls that were transferred into PLEP 2011.

6. *JUSTIFICATION*

This section sets out the justification for the proposed changes to the LEP and DCP.

Section A - Need for the Planning Proposal

1. Is the draft Planning Proposal the result of any strategic study or report?

The draft Planning Proposal is not the direct result of a strategic study or report. It is one of the outcomes identified from a master planning process undertaken.

It is consistent with the strategies adopted and draft strategies exhibited by Parramatta Council including:

- Parramatta City Centre Vision Plan;
- Parramatta 2038 Community Strategic Plan;
- Parramatta Council Corporate Plan 2013-14;
- Parramatta – Investing in Western Sydney;
- Draft Parramatta City Centre Framework Review and Economic Analysis; and
- Draft Parramatta City River Strategy.

Further detailed reports are expected to be developed to support this draft Planning Proposal as it evolves. These reports include geotechnical, heritage and flooding investigations which have been completed to a preliminary level and are proposed to be expanded. The outcomes of the application in accordance with the EPBC Act application and further consultation with RMS, OEH and NSW Heritage Council in particular will also further expand the information and evidence base of the Planning Proposal.

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

The draft Planning Proposal is an essential component to the overall master plan for the site. The extent of change to the height of buildings and FSR controls and the revision of the RE1 and SP2 Zones are outside the provisions of the current LEP.

3. Is there a net community benefit?

This draft Planning Proposal is intended to be developed in conjunction with VPAs based on the proportional development uplift to be created for the two development lots in the northern part of the site. The VPAs will contribute to public facilities and services and details are intended to be publicly exhibited concurrent with this draft Planning Proposal to demonstrate the nexus.

In addition to potential public benefits delivered through VPAs the Planning Proposal process can:

- Deliver publicly accessible through-site links;
- Maintain and create view and solar access corridors which enhance public amenity, public spaces, views and natural light to nearby properties;
- Boost local and regional economic activity by creating new high density commercial floor space;
- Improve casual and actual surveillance of the site and the foreshore area with the provision of new buildings with active frontages at ground and upper levels;
- Increase activity within and adjoining the site resulting from increased use of the site and foreshore by workers, residents and visitors; and
- Meet the facility needs of government tenants and accommodate additional government employment opportunities on the site which represents a significant local economic boost to commercial activity in the CBD.

Section B - Relationship to Strategic Planning Framework

4. 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)?

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 commercial and space that will contribute towards 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 walking distance to Parramatta Railway Station/Bus Terminal and therefore meets the objective to capitalise on public transport infrastructure.

The proposal creates opportunities to revitalise and better present the north-western corner of the CBD and river foreshore. This will be aided by the proposed increase in density. Allowing for commercial development will also assist in enhancing the strengths of the Parramatta City Centre commercial core.

NSW Long Term Transport master plan

This Plan identifies strategies for improving the capacity of roads and increasing connectivity and continuity in rail services through Parramatta to Campbelltown and Blacktown. The Transport master plan also indicates support for the Parramatta Light Rail system and the Shared Pathways network.

The site is well located for future occupants and workers to take advantage of existing and new transport options. Development of the site to accommodate a commercial and a mixed use building to optimum density will also increase potential demand for transport services and improve overall viability.

Parramatta City Centre Vision Plan

The Parramatta City Centre Vision Plan was prepared by the NSW Department of Planning and Infrastructure as the city was identified as underpinning economic growth in NSW along with Liverpool, Penrith, Wollongong, Gosford and Newcastle. The Vision gives an historic background and current setting for Parramatta and identifies key actions of which the following are consistent with the potential outcomes sought by this draft Planning Proposal:

- deliver 30,000 new jobs and 3,350 new dwellings within the City Centre by 2031;
- focus on the Parramatta River as a natural asset and a historic and cultural link;
- create and enhance the diversity of precincts within the CBD;
- focus commercial development within the CBD core and provide mixed uses at the CBD edges and along the river foreshore; and
- broaden retail opportunities and improve public domain links throughout the CBD.

The future directions identified in the Vision to which this draft Planning Proposal responds are:

- enhance the attractiveness for businesses to create new office employment opportunities by protecting the CBD core from residential development;
- improve the liveability of the CBD by protecting and enhancing heritage assets

- enhance the integration of the river foreshore with the city centre by providing visual and physical links between the foreshore and the civic space network; and
- improve development opportunities within the CBD.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Parramatta 2038 Community Strategic Plan

The Parramatta Community Strategic Plan (CSP) was adopted and effective from June 2013 and aims to guide the decisions of the Council towards strategic objectives and measureable goals. The Vision for Parramatta CBD includes the following themes that are relevant to the subject site:

- expansion of the traditional CBD to places including the Parramatta River foreshore;
- land near the Parramatta River evolving into a key cultural precinct facilitating and promoting history, the arts, entertainment and recreation;
- new development of increased density along the Parramatta River to take advantage of the views along the river corridor;
- potential contribution to an Integrated Transport Plan including providing additional housing within walking distance of the Rivercat terminal and adjacent to the shared pathway network;
- a target to create an additional 50,000 jobs in the Parramatta locality within 25 years (which exceeds the target set by the Draft Metrostrategy 2031).

This draft Planning Proposal is consistent with the themes of the CSP and a higher density of development on parts of the site most suited to accommodate the proposed built forms will enhance the capacity of the site to deliver additional jobs, potentially increase patronage of existing public transport and pathways and contribute development of design excellence along the foreshore and within view lines of Parramatta Park and Old Government House.

Parramatta – Investing in Western Sydney

This publication identifies the most significant industry sectors within the Parramatta CBD as the commercial office market, cultural and recreational uses and accommodation and the retail industry.

Parramatta – Investing in Western Sydney notes that commercial office rentals in the Parramatta CBD are at \$300/m² of floor space and are highly competitive with the Sydney CBD. The strategic direction is to increase the amount of commercial floor space within the CBD and provide mixed use developments incorporating cultural and recreational opportunities along the CBD edges and in particular along the river foreshore. The strategy acknowledges that higher density development opportunities may be required to attract and maintain the scale of growth required accommodating an additional 30,000 new jobs and 3,350 new dwellings. This draft Planning Proposal is consistent with these strategic directions.

Draft Parramatta City River Strategy

This draft strategy has been publicly exhibited and provides design recommendations for upgrading works and new projects and uses for the river foreshore area. This application for a Planning Proposal is consistent with the sections of the draft Strategy that apply to the Kings Quarter (Precinct 1).

Major works projects identified in this draft strategy within the foreshore reserve adjacent to the site are hard and soft landscaping to create activated plaza spaces and a graded ramped area, adaptive re-use of the Marsden Street Weir to connect the north and south riverbanks and stormwater quality treatment systems.

This application for a Planning Proposal supports the installation of activated plaza spaces within the public open space area adjacent to the site. Works are intended within the site to integrate with these public plazas noting that the graphic representations of potential areas of public open space in the Draft Strategy do not accurately reflect the boundaries between the subject site and land in Zone RE1.

The podium sections of the concept building forms in the Urban Design Report are consistent with these recommended frontage heights along the foreshore. The UDR demonstrates that new buildings can be designed with an upper level built form set back from a podium section along the foreshore façade as envisaged by the DCP and the Draft River Strategy. Specific heights and setbacks are to be established for inclusion in a site-specific DCP.

Negotiations for a VPA linked to the potential uplift created from this application for a Planning Proposal are anticipated to be aligned with foreshore reserve works and the potential provision of public open space and will be informed in part by this Draft Strategy.

The Draft Strategy identifies the opportunities for additional active frontages to buildings along the foreshore and along movement links to the foreshore. This application is consistent with the Strategy as detailed in Section 4.1.6.

The draft Strategy also notes the opportunities for new movement pathways through the Justice Precinct site and along the foreshore as shared walking and cycling path and a separate river-edge boardwalk. This application for a Planning Proposal includes through links and proposes works within the foreshore to improve movement pathways.

Draft Parramatta City Centre Framework Review and Economic Analysis

Council has exhibited the Draft Parramatta City Centre Framework Review and the accompanying Economic Analysis with the intention that it forms the basis for the preparation of a Planning Proposal to amend the LEP. The recommendations from these strategies that are relevant to this site include:

- Expansion of the Parramatta City Centre to include this site in the “commercial core” with no change to the existing Zone B4 Mixed Use zoning;
- Removing the building height control throughout the city centre;
- Applying an incentive for FSR up to 10:1 subject to the provision of a minimum 1:1 commercial floor space with any mixed use development and a value sharing mechanism for uplift associated with additional residential floor space; and
- Additional Section 94A contributions equivalent to 1.5% for recreational purposes for all development.

While the strategy identifies the above broad strategies, it also acknowledges that more detailed analysis will need to be prepared to deal with solar access to key public domain precincts and sensitive precincts such as the highly sensitive Park Edge Special Area which covers this site.

This strategy is more conservative than the CBD Framework Review recommendation would allow, which is reflective of its location in the Park Edge Special Area.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no State Environmental Planning Policies (SEPPs) or known Draft SEPPs that would prohibit or restrict the planning proposal. An assessment against relevant SEPPs is provided in Table 6 (note SEPPs that are not relevant to the proposal have not been included in the table):

TABLE 6: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES			
SEPP	Relevance	Consistency	Comments
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	The land is zoned for urban development under the current Zone B4 Mixed Use.	Yes	The draft Planning Proposal is consistent with the Policy by facilitating additional floor space on an infill site which is currently underutilised and is readily serviced by utilities and accessible to transport, recreational and commercial land uses.
SEPP No 55- Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land.	Yes	The site history indicates it is likely to be suitable for residential and commercial use.
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP aims to achieve buildings which are energy and water efficient.	Yes	Compliance with BASIX would be achieved under future development applications. There are no site constraints that would preclude compliance with the SEPP.
State Environmental Planning Policy No.65 (Design of Residential Flat Buildings)	Residential flat buildings and shop-top housing are permissible with consent in Zone B4.	Yes	This proposal seeks to facilitate construction of two new commercial buildings in the precinct in the short term. Any future residential proposals on other parts of the precinct would be required to comply with SEPP 65.
SEPP (Affordable Rental Housing) 2009	The Policy seeks to retain and provide affordable housing in areas with good access to public transport and established utilities, services and facilities. The Planning Proposal will not reduce the availability of affordable rental housing or opportunities for new affordable housing.	Yes	The draft Planning Proposal is consistent with and does not change the manner in which the Policy applies.
SEPP (Exempt and Complying	This SEPP defines types	Yes	The draft Planning Proposal

Development Codes) 2008	of development for which development consent is not required.		does not change the way in which the SEPP applies to any future development or use of the site.
SEPP (Housing for Seniors or People with a Disability) 2004	This SEPP facilitates the delivery of housing suitable for people with special needs and sets minimum design standards for that housing.	Yes	The draft Planning Proposal does not change the way in which this SEPP applies to the site.
SEPP (Infrastructure) 2007	This Policy aims to facilitate the delivery of new infrastructure, protect the safe and efficient operation of existing infrastructure and ensure future development is compatible with the continued operation of infrastructure.	Yes	Consultation with Railcorp and RMS is recommended as part of the Community Engagement Strategy for this draft Planning Proposal. Clause 104 of the SEPP will apply to redevelopment of the site due to the potential traffic generated but applies at DA stage.
SEPP (State and Regional Development) 2011	The Policy applies to the extent that the capital investment value of a redevelopment project may exceed \$20 million in which case the redevelopment may fit the criteria for 'state significant' development.	Yes	Future development on the two proposed development' sites in the northern part of the site is likely to meet the threshold limit of general development with a capital investment value of more than \$20 million as defined in Schedule 4A to the Environmental Planning and Assessment Act, 1979. The Joint Regional Planning Panel is likely to be the consent authority.

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

The proposal is consistent with all applicable Ministerial Directions under Section 117 of the Environmental Planning & Assessment Act, 1979. An assessment against the applicable directions is provided in Table 7 as follows.

TABLE 7: S.117 MINISTERIAL DIRECTIONS

Ministerial Direction	Relevance	Consistency	Implications
1. Employment and Resources			
1.1 Business and Industrial Zones	The objectives of this direction are to: - encourage employment growth in suitable locations, - protect employment land in business and industrial zones, and - support the viability of identified strategic centres. A Planning Proposal must retain business and industrial zones and not reduce the floor space created for business and industrial uses.	Yes	This draft Planning Proposal seeks to retain the existing Zone B4 Mixed Use and increase height of buildings and FSR controls to accommodate new buildings on the site. These changes will contribute to employment growth by increasing the density of commercial floor space permissible within the site. The draft Planning Proposal is consistent with this Direction.
2. Environment and Heritage			
2.3 Heritage Conservation	(1) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area or object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act, 1979, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provide to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture or people. (2) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:	Yes	The draft Planning Proposal does not seek to change the existing identification of heritage items within the site and should have no impact on heritage elements of significance listed in Parramatta LEP 2011 and on the State Heritage Register. The planning proposal will result in the demolition of Jeffrey House which is included in the Section 170 Register held by NSW Department of Health. However, the heritage value of this building is not recognised by inclusion in Parramatta City Centre LEP 2007 or on the State Heritage Register. A Heritage Impact Mitigation Report and a Conservation Management Plan, that have been prepared, as well as consultations conducted to date with Aboriginal community representatives and the NSW Heritage Office will be used as reference material for the preparation of a more detailed Statement of Heritage Impact (SHI) This application for a draft Planning Proposal acknowledges that further investigation into the potential impacts on existing heritage items may be directed by the Gateway process and that further directions may be given as a result of feedback from the Commonwealth Department of Environment in accordance with the EPBC Act. For these reasons it is premature to undertake a comprehensive SHI at this time. A future SHI will be prepared and made available for public exhibition and consultation purposes. The SHI is expected to make recommendations for conserving the archaeological and cultural significance of the site and for the ongoing management of heritage items and their significance.

- (a) The environmental or indigenous heritage significant of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation or regulations that apply to the land, or
- (b) The provisions of the planning proposal that are inconsistent are of minor significance:

It is possible that the degree to which the draft Planning Proposal is consistent with this Direction may be considered of minor significance if the impact is limited to an acceptable change to the outlook and views from heritage items (and there is no physical change to items, significance and curtilage). The scope of impacts and conservation methods will be more fully investigated as this Planning Proposal evolves.

Therefore the draft Planning Proposal is consistent with the objectives and intent of Direction 3.1 to the extent necessary to progress the Planning Proposal to the Gateway process.

3.Housing,Infrastructure and Urban Development

3.1 Residential Zones	A planning proposal must include provisions that encourage the provision of housing that will: • broaden the choice of building types and locations available in the housing market, and • make more efficient use of existing infrastructure and services, and • reduce the consumption of land for housing and associated urban development on the urban fringe, and • be of good design. A planning proposal must: • contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and • not contain provisions which will reduce the permissible residential density of land.	Yes	The site is zoned B4 Mixed Use which permits residential development. However, this proposal seeks to facilitate commercial redevelopment of parts of this site. Should residential developments be proposed in the future they will need to comply with Council's existing controls which will ensure these housing objectives are met.
3.4 Integrating Land Use and Transport	A planning proposal must locate zones for urban purposes and include provisions that give effect to, and are consistent with the aims, objectives and principles of: (1) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (2) <i>The Right Place for Business and Services – Planning Policy</i>	Yes	The subject site is within walking distance to bus and rail transport and is adjacent to cycleway and pathway networks. Therefore, the draft planning proposal is considered to be consistent with the aims and objectives of Direction 3.4.

(DUAP 2001).

4. Hazard and Risk

4.1 Acid Sulfate Soils	A planning proposal must consider the environmental impacts of Acid Sulfate Soils.	Yes	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. The potential impacts of Acid Sulfate Soils has been considered to the extent necessary for a Planning Proposal.
4.3 Flood Prone Land	A Planning Proposal must include provisions that give effect to and are consistent with the <i>NSW Flood Prone Land Policy</i> and the principles of the <i>Flood Development Manual</i> .	Yes	The role of the site in management of stormwater and floodwater is acknowledged and hydrological and hydraulic analyses will be required to support any future development application. A preliminary assessment of floodwater and stormwater management options has been undertaken and the intention is for more detailed investigations and design parameters to be established for future building works as this Planning Proposal progresses. The existing provisions of Clause 33A to PCC LEP 2007 (and the new provisions of the amalgamated PLEP 2011) adequately address the requirements for all land uses and works on flood prone land in a manner consistent with the <i>NSW Flood Prone Land Policy</i> and the principles of the <i>Flood Development Manual</i>. This application for a Planning Proposal is therefore consistent with the requirements of Direction 4.3.

6. Local Plan Making			
6.1 Approval and Referral Requirements	A planning proposal must: • minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, • not identify development as designated development unless the relevant planning authority has obtained the approval of the Director-General of the Department of Planning	Yes	This draft Planning Proposal does not introduce additional concurrence requirements or identify the development as designated development.
6.2 Reserving Land for Public Purposes	This Direction applies to all Planning Proposals and requires consideration of the need to reserve land for public purposes or remove reservations that are no longer required.	Yes	There is no longer a need for road widening along Marsden Street and the SP2 Zone is no longer required. Future negotiations will be consistent with the requirements of Direction 6.2.
6.3 Site Specific Provisions	A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A Planning Proposal must not contain or refer to drawings that show details of the development proposal.	Yes	This draft Planning Proposal does not seek to allow a specific development. The UDR which has informed the preparation of this draft Planning Proposal is useful to demonstrate that an appropriate redevelopment of parts of the site can be achieved by implementing the proposed development controls. The UDR shows future buildings can be compatible with the features of the site and surrounding properties and the anticipated future character of the locality. The UDR is not intended to form part of the amended Planning Instrument. The UDR does identify design opportunities which are intended to be developed into site-specific DCP provisions in consultation with Council as the Planning Proposal progresses. This application for a Planning Proposal does seek a site-specific exemption to the LEP requirements for conducting a Design Excellence Competition. However, provision for such an exemption is already contained in the LEP in terms of certification from the Minister for an exemption. However, this site-specific provision does not: • impose additional development standards; or • refer to specific drawings. Therefore this application is consistent with the requirements of Direction 6.3.

7. Metropolitan Planning

7.1 Implementation of A Plan for Growing Sydney	This Direction applies to all Planning Proposals in nominated Local Government Areas including Parramatta and seeks to give legal effect to the implementation of the vision, transport and land use strategy, policies, outcomes and actions contained in A Plan for Growing Sydney.	Yes	The draft Planning Proposal is consistent with A Plan for Growing Sydney as detailed in Section B.
A Planning Proposal must be consistent with the Plan.			

SECTION C – Environmental, Social and Economic Impact

8. 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 does not contain critical habitat or habitat for threatened species, populations or endangered ecological communities. The potential future development of the site is not likely to have a negative impact on such habitats and the site does not have potential to contribute to links or support habitat of significance for threatened species, populations or endangered ecological communities.

9. 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 are outlined below. These matters will be subject to further investigations and further directions which may result from the Gateway process. Also, they will be examined in detail with any future development proposal for the site.

Built Form

Design analysis undertaken at this preliminary stage is considered to provide sufficient detail and confidence that the subject land can be redeveloped within the proposed building envelopes and have an acceptable impact on the public domain and adjoining properties.

Flooding

Investigations indicate that 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 flood affectation should not preclude the site being used for commercial/retail and residential purposes.

Soil contamination

An Acid Sulphate Soils Management Plan will be required to support any future development application in accordance with the existing provisions of Parramatta LEP 2007. There are no other aspects of the natural environment that require assessment as a result of the application for a planning proposal.

Heritage

Development allowed under the planning proposal should have no impact on heritage elements of significance listed in PCC LEP 2011 and on the State Heritage Register. Conditions can be imposed at the time of Development Consent to protect any significant European and Aboriginal archaeological objects. The planning proposal will result in the demolition of Jeffrey House which is included in the Section 170 Register held by NSW Department of Health. However, the heritage value of this building is not recognised by inclusion in PCC LEP 2007 or on the State Heritage Register.

The site is within the "Highly Sensitive" area of the World and National heritage significant Parramatta Park an Old Government House and Domain. The Commonwealth Government is still

to determine the referral to allow an increased height and FSR for the Justice Precinct. The referral outcome may have implications for this planning proposal and may require further LEP and DCP amendments.

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

The social and economic effects of the draft planning proposal have been considered in the context of net community benefit analysis in Section 4.2.3(3). The Community Engagement Strategy and direct consultation with public authorities to be conducted with this Planning Proposal process will identify any matters requiring further examination as the Planning Proposal evolves and progresses.

SECTION D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

All essential services are available for connection to the subject site. Arrangements are to be made direct with the providers of each service in conjunction with any specific development application.

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

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.

The outcomes of the application to the Federal Department of Environment in accordance with the EPBC Act will indicate the views of that department. The referral process and this application for a Planning Proposal have been revised based on preliminary feedback from the Federal Department of Environment.

Consultation with RMS is necessary regarding traffic management and compatibility with the safe and efficient operation of O'Connell Road as a regional road. Initial consultation has indicated that the use of existing limited vehicle crossing points in O'Connell Street is consistent with the requirements of the RMS and that additional development with increased traffic generation is to be anticipated.

Consultation with NSW Heritage Council has been undertaken in the preparation of the EPBC Act application and revision of the Conservation Management Plan. Further consultation is recommended due to the presence of heritage items of State significance within the site and heritage items of State and National significance in close proximity to the site. This consultation is anticipated to be part of the standard Gateway process and a standard letter of consultation issued by Parramatta City Council to NSW Heritage Council as part of the public exhibition process.

The outcomes of the AHIP application to OEH will provide feedback on the future impacts on potential archaeological items and the cultural significance of the site. Further consultation is recommended in conjunction with the public exhibition of the Planning Proposal.

The land and existing buildings are significant State Government assets. The efficient and optimum use of these assets is a high priority for the NSW Government and can be achieved through development facilitated by this draft Planning Proposal. The project has the potential to deliver new buildings to accommodate long term high density government employment which will translate to a significant local and regional economic boost and high quality apartments to improve the choice of housing in a high amenity location. New buildings and associated works to improve publicly accessible space will enhance the site and its surroundings and contribute to overall employment growth in Western Sydney.

Pursuant to Section 57(8) of the EP&A Act, 1979 the Responsible Planning Authority must consider any submissions made concerning the proposed instrument.

7. MAPPING

The current zoning, maximum permitted height and FSR shown for the site on the Zoning Map, Height of Buildings Map and Floor Space Ratio Map of the PCC LEP 2007 are illustrated in Figures 3, 4 and 5.

The amendments sought by the planning proposal to the Zoning Map, Height of Buildings Map, and Floor Space Ratio Map of the PCC LEP 2007 are shown in Figures 8, 9 and 10 below.

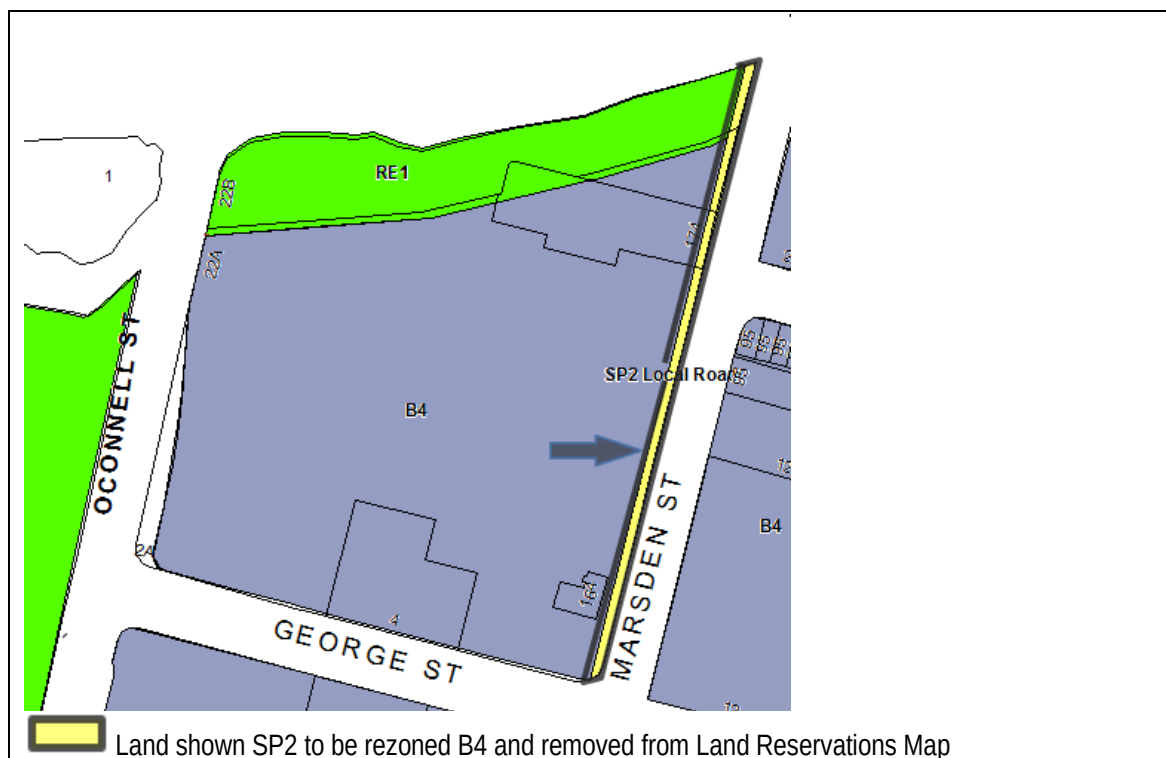


Figure 8: Proposed amendment to the PCC LEP 2007 Zoning Map

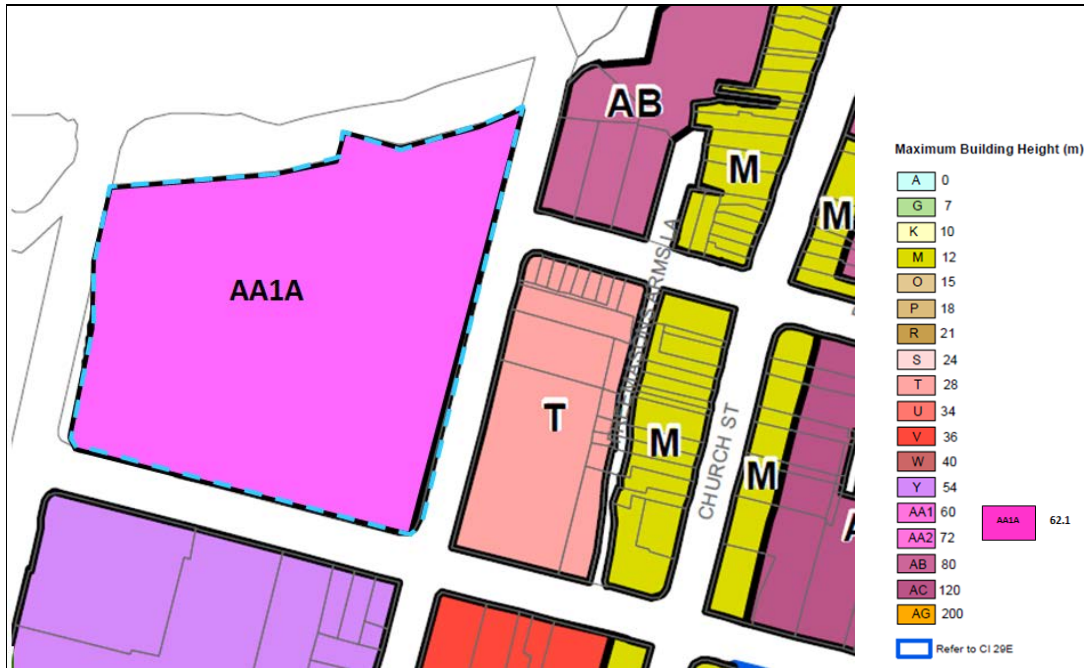


Figure 9: Proposed amendment to the PCC LEP 2007 Height of Buildings Map

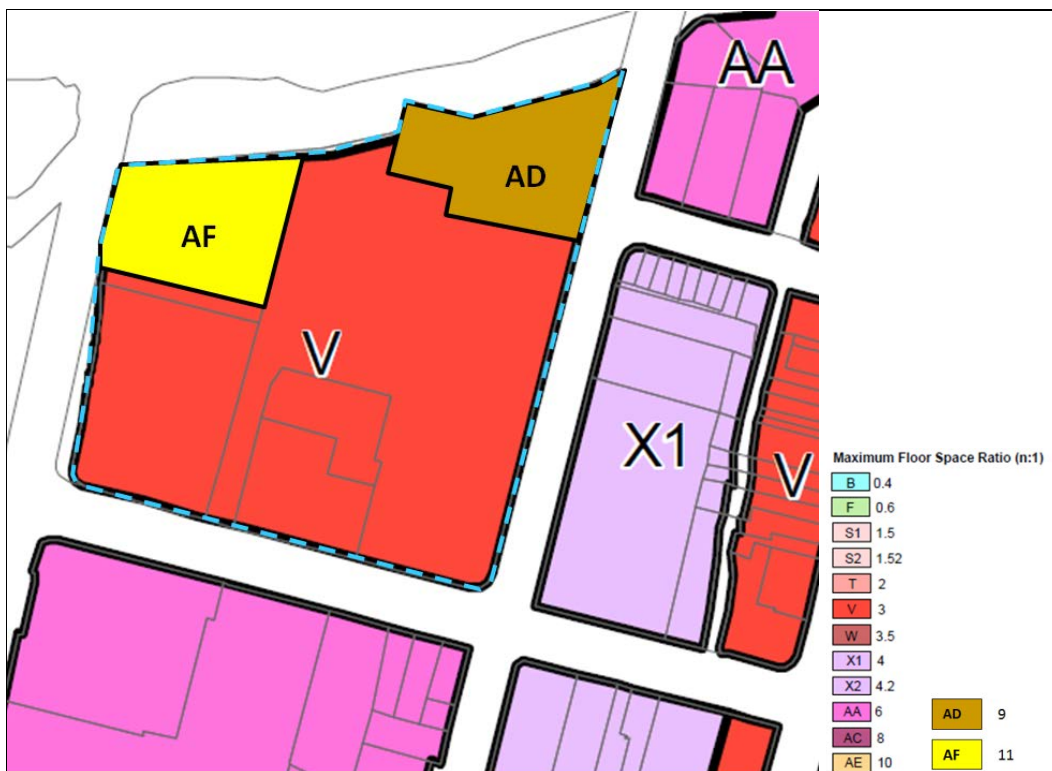


Figure 10: Proposed amendment to the PCC LEP 2007 Floor Space Ratio Map

8. 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.

9. PROJECT TIMELINE

The detail around the project timeline is expected to be prepared following the referral of the planning proposal to the NSW Department of Planning and Environment for Gateway Determination.

The following steps are anticipated:

- Referral to the Department of Planning and Environment for Gateway determination
- Date of 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



Our Reference: RZ/16/2014
Contact: Paul Kennedy
Telephone: 9806 5093

21 April 2015

Ms Rachel Cumming
Regional Director
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Rachel,

Planning Proposal: Justice Precinct – land bound by O'Connell, George and Marsden Streets and the Parramatta River, Parramatta

Please find attached a planning proposal seeking to amend the zoning, floor space ratio, building height and site specific provisions at the above address in the Parramatta City Centre LEP 2007.

Council at its meeting on 13 April 2015 resolved:

- (a) *That the planning proposal at Attachment 1 to amend the Parramatta City Centre LEP 2007 seeking to:*
 - (i) *Increase the maximum building height from part 18m and part 54m to 62.1m across the site; and*
 - (ii) *Increase the maximum floor space ratio from 3:1 to:*
 - ☐ *11: 1 for a portion of the site in the north west corner (refer to Figure 9 in the report)*
 - ☐ *9: 1 for a portion of the site in the north east corner (see Figure 9)*
 - (iii) *Rezone a small strip of land on the eastern edge of the site from SP2 Local Road to B4 Mixed Use and remove the strip of land on the eastern edge of the site from the Land Reservations Map; and*
 - (iv) *Impose site specific provisions to allow an alternative design excellence competition for non-residential buildings and for managing any future residential development on this site,*

be endorsed and forwarded for Gateway determination by the Department of Planning and Environment in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

- (b) *That Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.*
- (c) *That a site specific DCP be reported to Council prior to formal exhibition of the planning proposal.*
- (d) *That Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the landowner in relation to the planning proposal on the basis that any contribution in a VPA would be an addition to section 94A contributions payable for the development.*

- (e) *That delegated authority be given to the CEO to negotiate the VPA on behalf of Council.*
- (f) *That the negotiated outcome of the VPA be reported to Council for consideration prior to its public exhibition with the planning proposal.*
- (g) *Further, that Council advise the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.*

As per the resolution, Council requests to exercise its plan making delegations for this planning proposal. Please find attached a CD containing all relevant documentation. If you have any queries in relation to this matter please contact, Paul Kennedy, Project Officer – Land Use Planning on 9806 5093.

Yours sincerely



Neal McCarry
Team Leader Land Use Planning

Our Ref: 0122/14lt4

27 March 2015

Ms. Sue Weatherly
Parramatta City Council
PO Box 32
PARRAMATTA NSW 2124

Dear Sue,

**RE: LETTER OF OFFER – VOLUNTARY PLANNING AGREEMENT
IN ASSOCIATION WITH AN APPLICATION FOR A PLANNING PROPOSAL
PARRAMATTA JUSTICE PRECINCT (PJP)**

Further to our ongoing discussions regarding the abovementioned application for a Planning Proposal, this letter proposes the negotiation of two (2) Voluntary Planning Agreements (VPAs). This letter provides preliminary information to enable Council to consider a resolution in principle to commence negotiations for the proposed VPAs.

The VPAs are to be in connection with those parts of the site intended to receive development uplift through the potential amendment of height of buildings and floor space ratio controls in the Local Environmental Plan (LEP) as shown in the draft LEP amendment maps in Figures 1 and 2. The PJP site is outlined dashed blue in Figures 1 and 2. The areas within the site anticipated to receive development uplift are labelled AD and AF in Figure 2. These parts of the site may receive uplift in development potential in conjunction with an application for a Planning Proposal which is currently being assessed by Council. It is anticipated that the VPAs will be proportional to the anticipated uplift and encompass contributions otherwise sought in accordance with Council's adopted Section 94 and Section 94A Contributions Plans. It is also anticipated that the contributions and value of works which may be negotiated with the VPAs will not exceed the total value of contributions otherwise sought in accordance with Council's adopted Section 94 and Section 94A Contributions Plans and may be further offset by the value of other contributions that may be required as explained in Section 4.

The following sets out the key terms of the proposed VPA:

1.0 Parties to the Planning Agreement

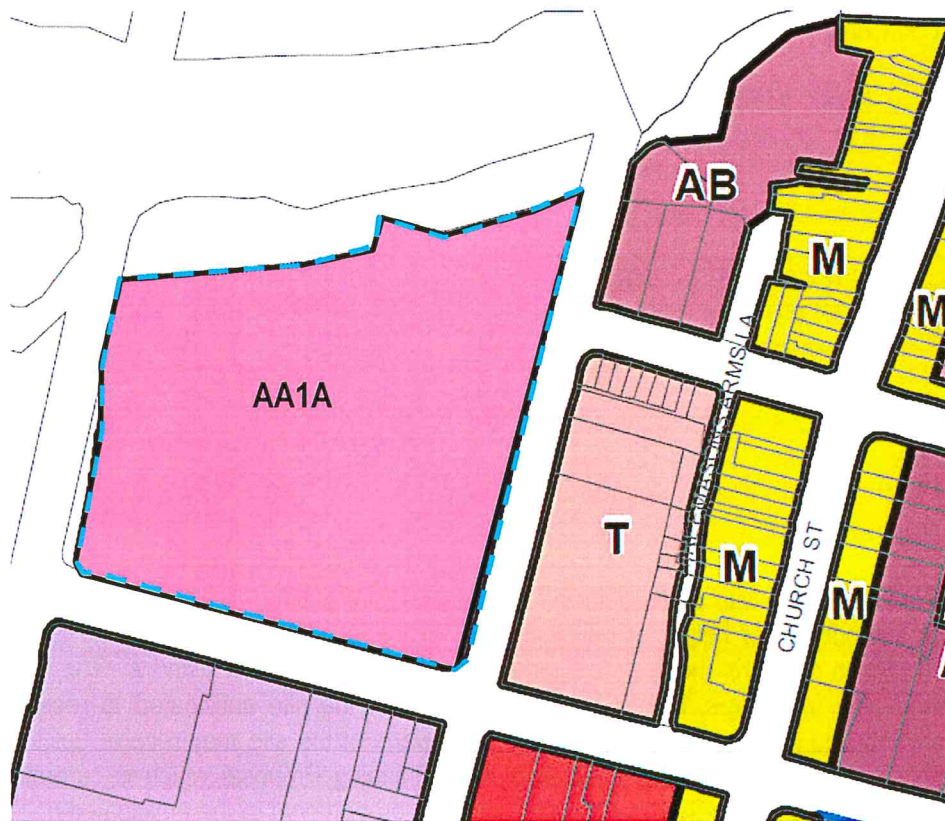
- Parramatta City Council
- Government Properties NSW (GPNSW)
- Western Sydney Local Health District (WSLHD)

2.0 Land to which the VPA relates

- Land shown labelled AD and AF in Figure 2 and publicly accessible land within the Parramatta Justice Precinct site (outlined dashed blue in Figures 1 and 2).

3.0 Development to which the VPA relates

A commercial building with basement car parking is anticipated to be constructed in the north west portion of the site. A commercial building or mixed use building is anticipated to be constructed in the north east corner of the site.



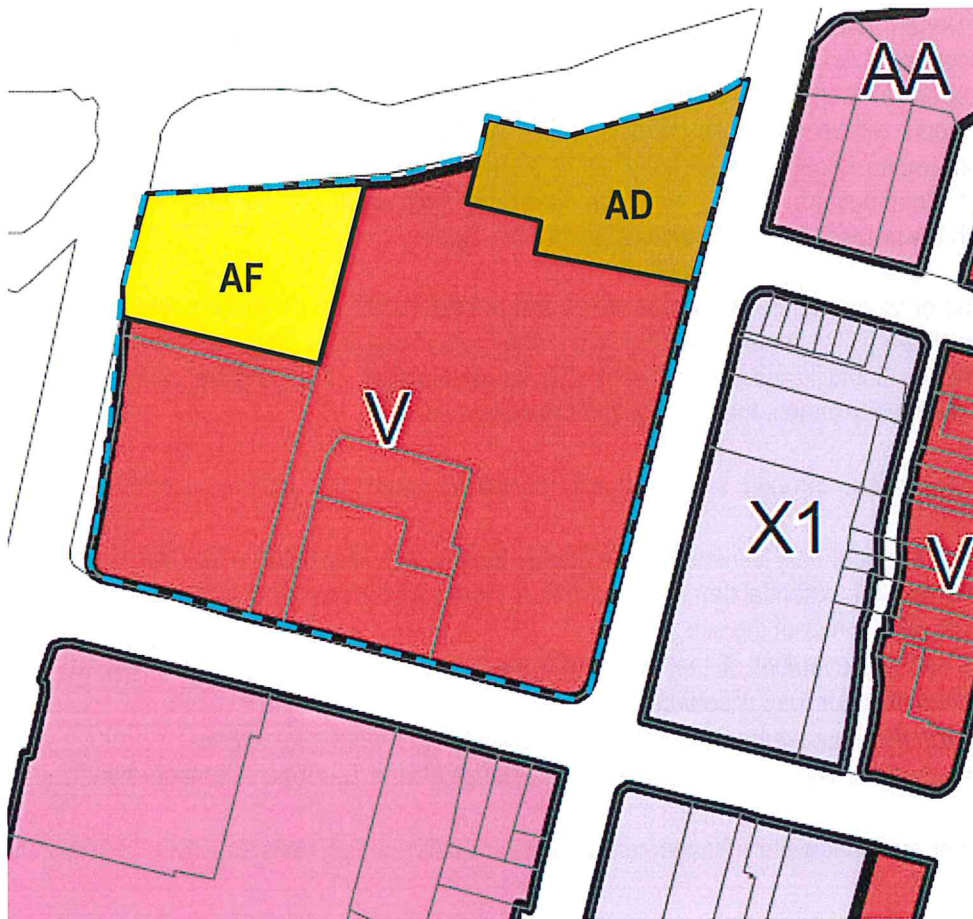
Height of Buildings Map -
Sheet HOB_001

Maximum Building Height (m)

A	0
G	7
K	10
M	12
O	15
P	18
R	21
S	24
T	28
U	34
V	36
W	40
Y	54
AA1	60
AA2	72
AB	80
AC	120
AG	200
AA1A	62.1

Refer to CI 20E

Figure 1: Draft LEP amendment for PJP site – height of buildings



Floor Space Ratio Map -
Sheet FSR_001

Maximum Floor Space Ratio (n:1)

B	0.4		
F	0.6		
S1	1.5		
S2	1.52		
T	2		
V	3		
W	3.5		
X1	4		
X2	4.2		
AA	6	AD	9
AC	8		
AE	10	AF	11

Figure 2: Draft LEP amendment for PJP site – floor space ratio

4.0 Nature and extent of development contributions and timing of delivery

Development of those parts of the site labelled AD and AF in Figure 2 will require approval from the Commonwealth Department of Environment in accordance with the *Environmental Protection and Biodiversity Conservation Act, 1999* (EPBC Act). It may be that an approval under the EPBC Act may be conditional upon a monetary contribution and/or works-in-kind for public benefits. These contributions or works will be for public benefits which will add value to the public realm and be of benefit to the Parramatta Local Government Area in a similar manner to those matters contained in Council's current Contributions Plans. As such these potential contributions must be taken into consideration with the proposed VPAs to ensure no "double-dipping".

The specific items or works nominated in the VPAs are anticipated to be consistent with Parramatta Civic Improvement Plan (CIP) (Amendment No.2) and the Draft Parramatta City River Strategy Design Report as exhibited by Council (and possibly subject to further revision). The potential works which will have public and community benefit may include the following concepts:

- Publicly accessible through site links and movement routes for vehicles, pedestrians and cyclists;
- Revision of the boundary between the adjoining foreshore public reserve and the subject site associated with the potential demolition of Jeffrey House and the construction of a new building in the north east corner of the site;
- Revision and improvement of the land within the public domain of Marsden Street which is currently identified for road widening;
- Landscaping and improvements works within the adjoining foreshore reserve;
- Features which assist in the interpretation of Aboriginal and European heritage significance; and
- Stormwater and floodwater management and water quality control devices within the foreshore reserve.

5.0 Value of VPA

The estimated value of works and monetary contributions is to be subject to negotiation. The nature of contributions will be consistent with the principles of Parramatta Civic Improvement Plan (CIP) (Amendment No.2) and current Section 94A Contributions Plan as well as potential costings to be developed from revised versions of Draft Parramatta City River Strategy Design Report and site-specific land valuations.

6.0 Application of s94, s94A or s94EF

The cost of development is not yet known. However, it is anticipated that the VPA will, in accordance with Section 93F(3)(d), wholly exclude the application of Section 94 and Section 94A of the *Environmental Planning and Assessment Act 1979* to the development.

7.0 Additional Community Benefits

As stated previously, the EPBC Act application process may impose conditions for additional community benefits within Parramatta Park which also have benefit to the Parramatta Local Government Area.

Additional community benefits are anticipated to be created from future redevelopment of the site and may include:

- Additional commercial floor space with long term public sector tenants contributing to the vitality of the commercial core;
- Mixed uses and active street and foreshore frontages which contribute to the vibrancy, safety and security of the site and surrounds;
- Additional housing supply and choice contributing to improved housing affordability; and
- Additional off-street parking, safe vehicle access and egress to improve the safe movement of vehicles, pedestrians and cyclists to and from the site.

8.0 Costs

Each party should bear its own costs of preparing, negotiating, executing and stamping the VPAs and any documents related to the VPAs.

We would appreciate further liaison with Council staff to discuss this offer in order to facilitate the delivery of public benefits in association with the future development of the Parramatta Justice Precinct.

Should you have any questions regarding this letter please contact me direct at our offices on Phone 9531 2555 or by email jeff@planningingenuity.com.au

Yours faithfully,
Planning Ingenuity Pty Ltd



Jeff Mead
DIRECTOR

ECONOMY

ITEM NUMBER	10.4
SUBJECT	Planning Proposal for land bound by O'Connell, George and Marsden Streets and the Parramatta River, Parramatta
REFERENCE	RZ/16/2014 - D03626274
REPORT OF	Project Officer- Land Use Planning

PURPOSE:

To seek Council's endorsement of a planning proposal for land bound by O'Connell, George and Marsden Streets and the Parramatta River, Parramatta for the purposes of forwarding it to the Department of Planning and Environment for consideration under the Gateway process.

RECOMMENDATION

- a) **That** the planning proposal at **Attachment 1** to amend the Parramatta City Centre LEP 2007 seeking to:
- (i) Increase the maximum building height from part 18m and part 54m to 62.1m across the site; and
 - (ii) Increase the maximum floor space ratio from 3:1 to:
 - 11: 1 for a portion of the site in the north west corner (refer to **Figure 9** in the report)
 - 9: 1 for a portion of the site in the north east corner (see **Figure 9**)
 - (iii) Rezone a small strip of land on the eastern edge of the site from SP2 Local Road to B4 Mixed Use and remove the strip of land on the eastern edge of the site from the Land Reservations Map; and
 - (iv) Impose site specific provisions to allow an alternative design excellence competition for non- residential buildings and for managing any future residential development on this site,

be endorsed and forwarded for Gateway determination by the Department of Planning and Environment in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.

- b) **That** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.
- c) **That** a site specific DCP be reported to Council prior to formal exhibition of the planning proposal.
- d) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the landowner in relation to the planning proposal on the basis that any contribution in a VPA would be an addition to section 94A contributions payable for the development.
- e) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council.
- f) **That** the negotiated outcome of the VPA be reported to Council for consideration prior to its public exhibition with the planning proposal.

- g) **Further, that** Council advise the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.

THE SUBJECT SITE AND SURROUNDINGS

1. The site is located on the southern side of Parramatta River and is bounded by O'Connell, George and Marsden Streets. The relevant property addresses are 22A and 22B O'Connell Street, 164 and 174 Marsden Street and 4 George Street. Refer to **Figure 1**.



Figure 1 Aerial of the site

2. The site contains a variety of public buildings, including Parramatta Children's Court in the south west corner, Justice Precinct Offices in the centre of the site, the Trial Courts on Marsden Street, Brislington House in the south east corner of the site and Jeffrey House in the north east corner.
3. The site is in the north west corner of the Parramatta City Centre and the locality features a mix of commercial and residential uses. The Parramatta River and a foreshore public reserve are to the north of the site. West of the site is Parramatta Regional Park, which is a heritage site of state, national and world significance. South of the site in George Street are court related buildings including the Federal Magistrates Court. Opposite the site in Marsden Street is Parramatta Courthouse and Parramatta Police Station.

CURRENT PLANNING CONTROLS

4. The site is predominantly zoned B4 Mixed Use under the Parramatta City Centre LEP 2007. A small corner of the site encroaches into the RE1 Public Recreation Zone adjacent to the Parramatta River. However, upon

amalgamation of the Parramatta City Centre LEP 2007 and Parramatta LEP 2011 the encroaching land will be zoned B4 Mixed Use, resolving the anomaly. A narrow strip of land approximately 3m wide along the eastern boundary of the site is zoned SP2 Local Road and included as land to be acquired in the Land Reservations Map. Refer to **Figure 2** – arrows show site encroachment into RE1 Zone and SP2 Zone.

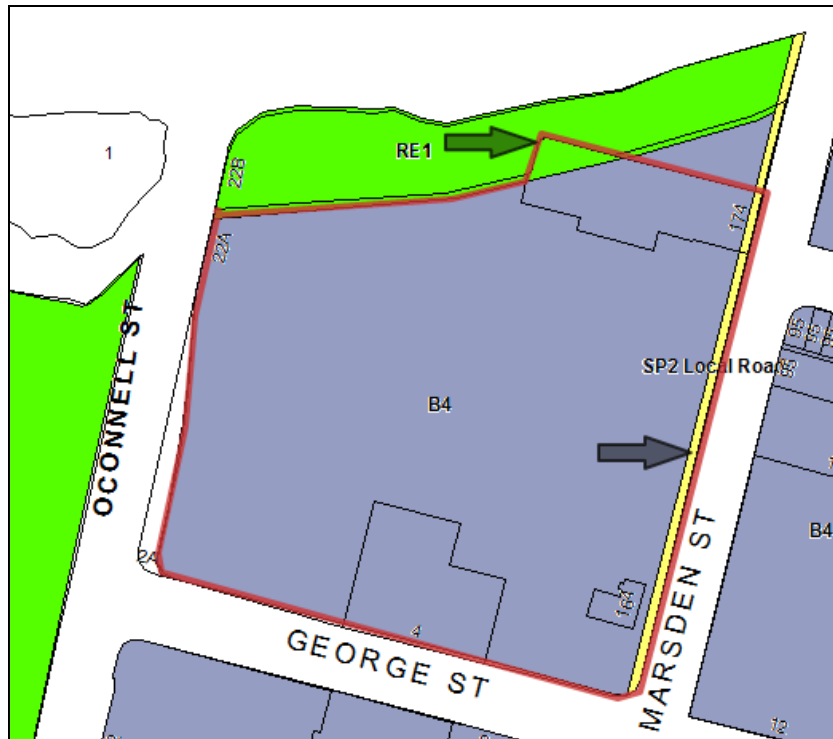


Figure 2: Zoning Map Extract

5. The Parramatta City Centre LEP 2007 applies a maximum building height of 18m to a section of the site adjacent to the foreshore reserve and to O'Connell Street and 54m for the remainder of the site. Refer to **Figure 3**.

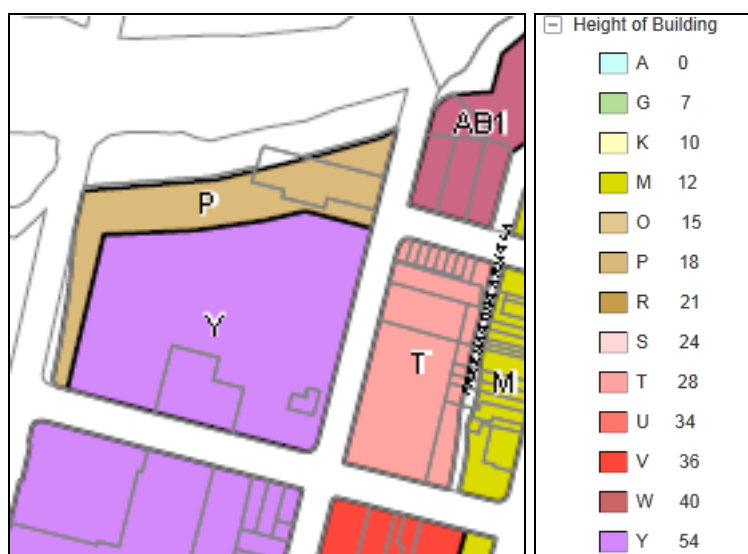


Figure 3: Height of Buildings Map Extract

6. The maximum floor space ratio (FSR) permitted for the subject site is 3:1. Refer to **Figure 4**.

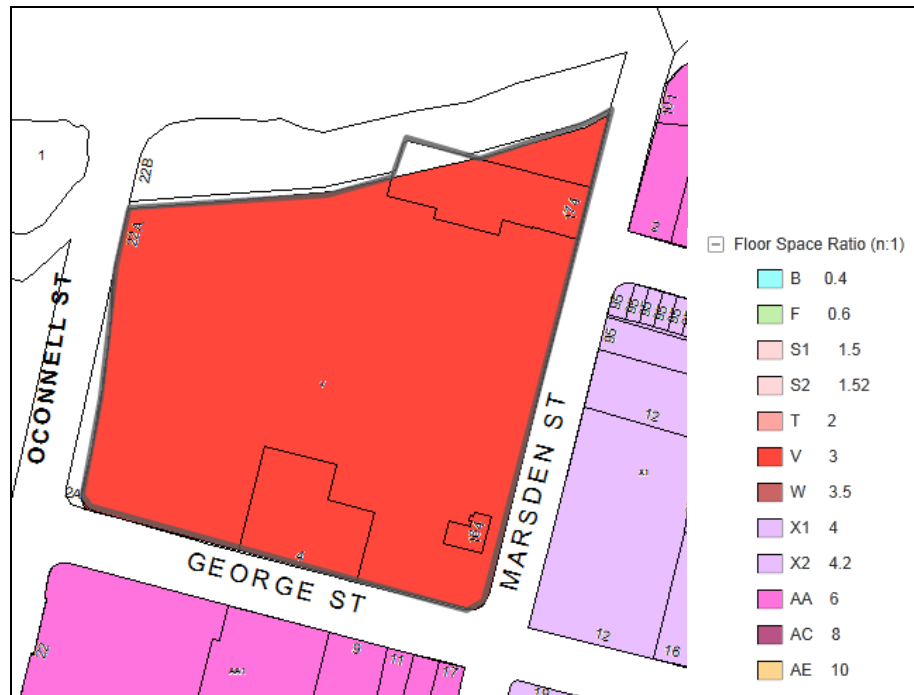


Figure 4: Floor Space Ratio Map extract

7. Under the Parramatta City Centre LEP 2007 a design excellence bonus of 10% (in height or FSR) may be achieved. Upon amalgamation of the Parramatta City Centre LEP 2007 and Parramatta LEP 2011, the City Centre Design Excellence Bonus will increase to 15%.
8. Most of the Justice Precinct is of state heritage significance and is listed in Parramatta City Centre LEP 2007 and included on the State Heritage Register. Heritage elements of significance include Brislington House, archaeological remains of the former Parramatta Colonial Hospital, major views and sightlines along George Street to the Parramatta Park Gatehouse and the street pattern surrounding the Parramatta Hospital site. Jeffrey House (proposed to be demolished) is not listed in the Parramatta City Centre LEP 2007 or on the State Heritage Register, but is heritage listed in the Section 170 Register held by NSW Department of Health. Section 170 of the Heritage Act 1977 provides for NSW Government agencies to identify and manage heritage assets. The Heritage Act allows removal of items from the Register at the discretion of the agency, but subject to notification of the Heritage Council. Refer to **Figure 5**.

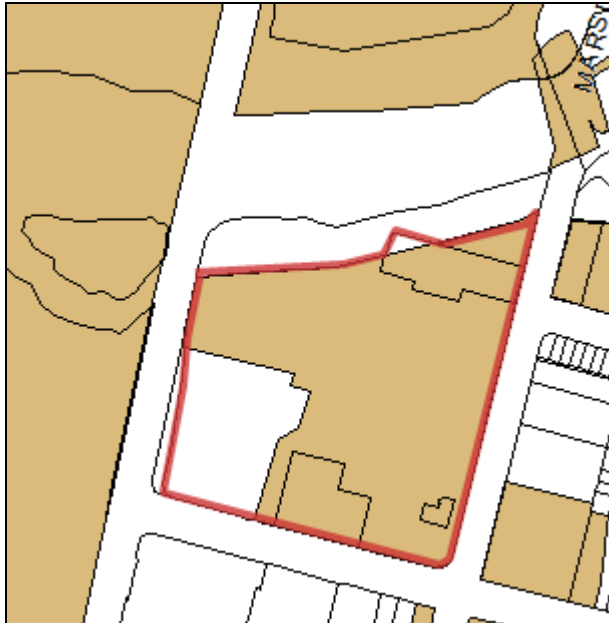


Figure 5: Extract from Heritage Map

9. The site falls within the 'Highly Sensitive' Park Edge Special Area of the World and National heritage significant Parramatta Park and Old Government House and Domain, as outlined in Section 4.3.3.7 of the Parramatta DCP 2011. This special area is located at the western edge of the Parramatta City Centre adjacent to and including part of Parramatta Park. Refer to **Figure 6**. Buildings within this area form a backdrop to Parramatta's Old Government House and Domain (OGHD). The Park Edge (Highly Sensitive) Area has been identified in the study "*Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values, Planisphere 2012*", as an area where development is likely to have a significant impact on the world and national heritage values of OGHD, unless it is designed to mitigate potential impact to below a significant impact threshold.
10. As outlined in the DCP, the effect of a Conservation Agreement between Council and Commonwealth and State Governments is that developments which exceed the building height and floor space ratio controls under the City Centre LEP 2007 will need to be referred to the Commonwealth Government for approval under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999.

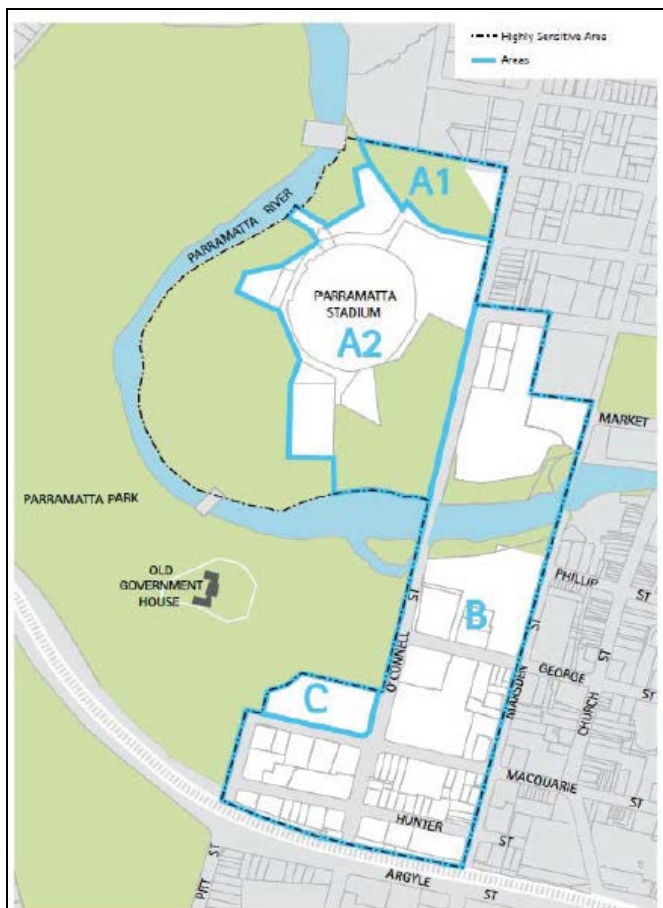


Figure 6: Park Edge Highly Sensitive Area

11. The Flood Prone Land Map in Parramatta City Centre LEP 2007 identifies part of the subject site as being flood prone. In addition, Council's data shows that the property is located within an area affected by medium hydraulic flood hazard conditions.

COUNCIL STRATEGIC STUDIES

12. Two draft strategic documents, which were on public exhibition in November 2014, contain principles of relevance to the Justice Precinct.
13. The draft Parramatta City Centre Planning Framework Review recommended the 'increased FSR controls with no height control' scenario to form the basis of a new planning approach for the Parramatta City Centre excluding the Park Edge Special Area. This approach aims to deliver tall and well separated buildings contributing to the public domain. The review also suggests extending the B3 Commercial Core Zone of the city centre to include the Justice Precinct, and increasing FSR to 10:1 whilst protecting sensitive areas from overshadowing and other sensitive view corridors.
14. The draft Parramatta City River Strategy proposes that the Justice Precinct's riverside frontage should be re-addressed through active building edges and a network of paths that connect the Justice Precinct seamlessly to the river's edge, Parramatta Park and Riverside Tower. Refer to **Figure 7**.



Figure 7: Proposals for riverside frontage of the Justice Precinct

THE PLANNING PROPOSAL

15. On 19 September 2014, Council received a planning proposal (prepared by Planning Ingenuity Pty Ltd) from Government Property, NSW which sought to:
 - to increase the maximum floor space ratio from 3:1 to an average of 5.1:1 for the site and
 - to increase the maximum building height from 18m and 54m to 120m and 130m in the north-east and north-west portions of the site.
16. The original proposal sought these controls to facilitate a commercial building on the northwestern corner of the site and a residential building on the northeastern corner of the site.
17. The landowner made a referral to the Commonwealth Government Department of Environment in accordance with the requirements of the Environment Protection and Biodiversity Act 1999, as the degree of the proposed variation would potentially have an impact on the World and National heritage values of Old Government House. Following preliminary advice from the Commonwealth Government, the original planning proposal building height has been amended to facilitate two commercial buildings rather than one commercial and one residential. The referral process is expected to evolve into an application for the potential new buildings supported by a view impact analysis.
18. Since the submission of the planning proposal, Council staff have consulted extensively with the applicant on matters to be addressed in the planning proposal and on proposed building form and site layout. In late January 2015, a revised planning proposal was forwarded to Council responding to matters raised by Council staff and the Commonwealth Government.

19. The revised planning proposal at **Attachment 1** is to:

- increase the maximum building height from part 18m and part 54m to 62.1m across the site. Refer to **Figure 8**.
- increase the maximum floor space ratio of 3:1 to 11: 1 and 9: 1 for two proposed development areas respectively in the north west and north east parts of the site. Refer to **Figure 9** which labels development areas 'AF' and 'AD'.
- rezone land on the eastern edge of the site from SP2 Local Road to B4 Mixed Use and remove the strip of land from the Land Reservations Map. Refer to **Figure 10**.
- impose site specific provisions to allow an alternative design excellence competition for non- residential buildings on this site. This will allow a maximum height of 62.1m to be achieved for the site equivalent to what could be achieved under the 54m height limit with a bonus of 15% available upon amalgamation of the Parramatta City Centre LEP 2007 and Parramatta LEP 2011. The site specific provisions will not allow any other height or FSR bonuses for the site under the LEP controls.
- impose site specific provisions to manage any future residential development of the site.

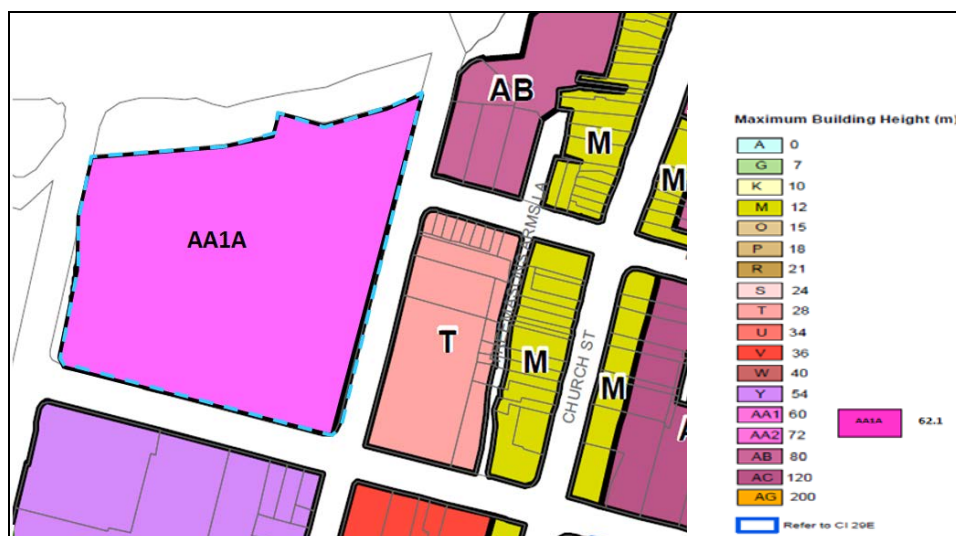


Figure 8:

Proposed amendment to Height of Buildings Map

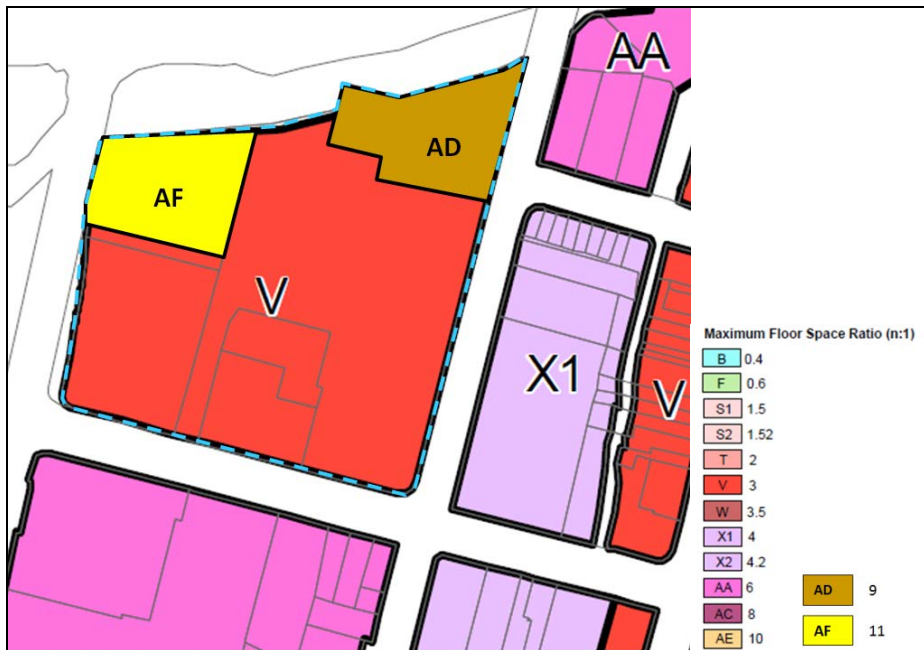


Figure 9: Proposed amendment to the Floor Space Ratio Map

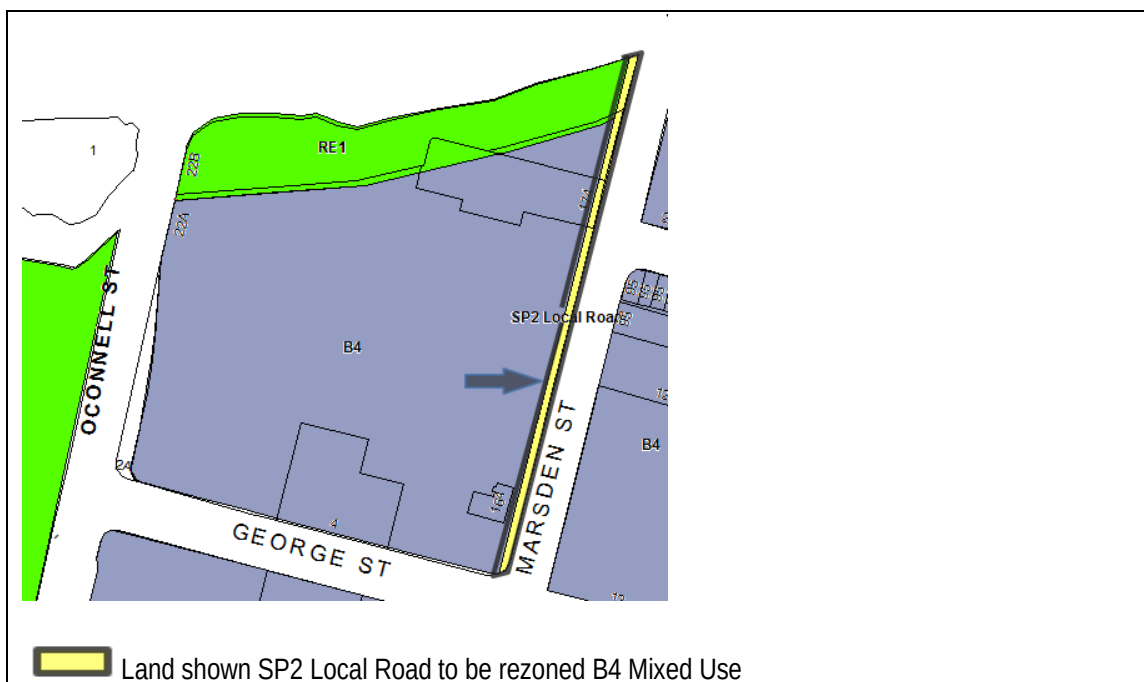


Figure 10: Proposed amendment to the Zoning Map

20. The planning proposal will allow two new buildings to be constructed to a height of 62.1m (approximately 16 storeys), in the northern portion of the site to accommodate at least 50,000 m² of floor space for office-based tenants. A possible future redevelopment scenario for the northern portion of the site is shown in **Figure 10**, but is subject to further review as part of the preparation of a site specific DCP.



Figure 10: Possible future redevelopment scenario

21. The planning proposal is supported by an urban design study and preliminary flood and heritage assessments. These documents reflect the building form proposed in the original application, which is different from the revised planning proposal. The urban design study will need to be updated together with the flood and heritage assessments prior to exhibition.
22. In addition, a site specific DCP will be prepared and exhibited simultaneously with the planning proposal dealing with building form and massing, public domain and access to ensure the development achieves acceptable urban design and planning outcomes.

ASSESSMENT

23. Council's Land Use, Urban Design, Heritage, Catchment Management, and Traffic and Transport Teams have all been involved in the consideration of this planning proposal. Key issues that have been considered are summarised below.

Land use planning and urban design

24. The planning proposal is considered acceptable for the following reasons:
 - (i) Strategic Directions: Proposals for increased floor space ratios and height on the site are in accordance with NSW State Government strategies to promote commercial development in the Parramatta CBD.
 - (ii) Draft Parramatta City Centre Planning Framework Review: The planning proposal, which involves erecting two buildings for commercial purposes in the northern part of the site, is generally in line with the draft Parramatta City Centre Planning Framework Review. This Review suggests extending the commercial core to include the Justice Precinct and to increase the FSR whilst still protecting sensitive areas such as the Park Edge Special Area of significance. Any future proposals for

residential development in the precinct will need detailed consideration in terms of such design factors as floor plate size and length of buildings. This will be ensured by the imposition of site specific provisions.

- (iii) Height: The proposed height increase from the 18m height limit along O'Connell Street and the Parramatta River, and 54m for the remainder of the site, to a height of 62.1m across the site is considered acceptable, being based on detailed design analysis. The height increase now sought is relatively modest and for most of the site could be achieved through the design excellence competition provisions available upon amalgamation of Parramatta City Centre LEP 2007 and Parramatta LEP 2011.
- (iv) FSR: The proposed increase of FSR for two areas in the northern part of the site is considered acceptable, being in line with the FSR envisaged under the draft Parramatta City Centre Framework Review, is based on detailed design analysis and should enable satisfactory planning and urban design outcomes to be achieved.
- (v) Urban Design: The building form proposed for the site is based on a detailed design analysis and is in principle considered acceptable, particularly as it addresses the river foreshore. The two proposed commercial buildings incorporate podiums to a height of 14m with a 4.5m setback to upper levels with an interface zone at the ground level of the river frontage to allow pedestrian access and outdoor dining. The site specific DCP will include provisions relating to building form, site layout, access, landscaping and public domain to ensure satisfactory building and planning outcomes. There will be particular attention placed on maintaining appropriate north/south and east/west connections and view corridors, including to the south of the existing Jeffrey House building and ensuring the adequate provision of open space and retention of significant vegetation.
- (vi) Foreshore Configuration: Changes to the configuration of the open space is proposed. Areas of open space shown in the north- west and north- east corners of the planning proposal are reduced whilst an increased area is provided to the west of the existing Jeffrey House footprint. The changes are considered acceptable and will allow an open space corridor of sufficient width to be established along the river foreshore and a more functional civic space between the two new buildings being proposed along the foreshore. This is generally consistent with the draft Parramatta City River Strategy. The proposal in the strategy for a network of paths can be established through the negotiation of a VPA with the developer.
- (vii) Design Excellence: The applicant is seeking to undertake an alternate design competition process. Under the current Parramatta LEP 2007 (LEP 2007) there are provisions for an exemption to be given which would allow an applicant to pursue an alternate design process subject to the concurrence of the Government Architect being obtained. However, under Parramatta LEP 2011 - Amendment 10 (which seeks to incorporate the existing controls for the Parramatta CBD contained in LEP 2007 into LEP 2011 and repeal LEP 2007) the opportunity to

obtain an exemption will no longer be available. The application seeks to pursue an alternate process to allow Government Property NSW to incorporate an alternate design quality process into their tender process. The alternate process must still be in accordance with the Government Architects Guidelines for Excellence and this will be stipulated in the clause in the LEP. The details of this alternate process will be drafted in consultation with the applicant. The decision at this point is an in principle decision to allow an alternate design quality process in place of the normal design competition for non-residential development on this site. Any residential development would still require compliance with Council's design competition controls.

- (viii) Heritage: Development allowed under the planning proposal should have no impact on heritage elements of significance listed in Parramatta City Centre LEP 2007 and on the State Heritage Register. Conditions can be imposed at the time of Development Consent to protect any significant European and Aboriginal archaeological objects. Development will not have any impact on historic views identified in Parramatta DCP 2011. The planning proposal will result in the demolition of Jeffrey house, which is included in the Section 170 Register held by NSW Department of Health. This is a matter the Department of Health will need to resolve. However, the heritage value of this building is not recognised by inclusion in Parramatta City Centre LEP 2007 or on the State Heritage Register.
25. The Commonwealth Government is still to determine the referral to allow an increased height and FSR for the Justice Precinct. The referral outcome may have implications for this planning proposal and may require further LEP and DCP amendments.
26. The planning proposal addresses all relevant matters outlined by the Department of Planning and Environment's guidelines to preparing a planning proposal, including compliance with all relevant State Environmental Planning Policies and consistency with applicable Ministerial Directions (s.117 directions). Refer to **Attachment 1** for details.

Flooding

27. Advice from Council's Catchment Management team confirms that the site is mostly outside the 1:100 year floodplain (refer to **Figure 11** below) and the Low Flood Risk Precinct. However the entire site would be subject to inundation (to depths of 2 to 4 metres) in the event of a Probable Maximum Flood (PMF).



Figure 11 – Flood Map (extent of 1:100 flood)

28. The Flood Planning Levels (FPLs) for the site are:
 - RL 7.94 AHD for the 1:100 year flood; and
 - RL10.06m AHD for the PMF.
29. The supporting flood advice indicates that the development of the site is consistent with the Floodplain Development Manual 2005 and relevant Council flood planning controls. The planning proposal is also considered to be consistent with the Section 117 Direction 4.3 – Flood Prone Land as appropriate design features and evacuation measures can be implemented at the DA stage.

Transport and Traffic

30. Council's Traffic Management team has reviewed the proposal and raises no specific concerns with the proposal. However more broadly, concern is raised about the lack of a study into the cumulative impacts of the additional traffic generation from the increased development potential in the CBD which is an issue that will be addressed as part of the further work on the Parramatta CBD Planning Framework Review. In addition, no objection is raised to the removal of the SP2 Local Road Zone on the eastern edge of the Justice Precinct.

VOLUNTARY PLANNING AGREEMENT

31. The land owner has provided a Letter of Offer (**Attachment 2**) to enter into a Voluntary Planning Agreement (VPA) with Council relating to the planning proposal. The offer includes contributions towards:
 - (i) Public publicly accessible through site links for vehicles, pedestrians and cyclists;
 - (ii) Revision of the boundary between the adjoining foreshore public reserve and the subject site associated with the potential demolition of Jeffrey house and the construction of a new building in the north east corner of the site;

- (iii) Revision and improvement of the land within the public domain of Marsden Street, which is currently identified for road widening;
 - (iv) Landscaping and improvement works within the adjoining foreshore reserve;
 - (v) Features which assist in the interpretation of Aboriginal and European heritage significance; and
 - (vi) Stormwater and floodwater management and water quality control devices within the foreshore reserve.
32. The proposal is seeking Council's agreement that these works be provided instead of section 94A contributions being paid. Nevertheless, Council officers consider that **the VPA offer should be in addition to Section 94A development contributions**. Council has consistently sought Section 94A contributions in addition to VPA offers for comparable development sites to capture an appropriate portion of the land value uplift associated with the increased development yield sought through a planning proposal. Varying the VPA to not require Section 94A contributions erodes the ability of the Section 94 Plan to deliver nominated items that have wider community benefits such as public domain works, water quality improvements etc.
33. There are potential planning and public benefits in this preliminary offer that should be further explored. This report recommends that, as required by Council's VPA policy, a formal resolution be made to proceed with negotiations and that the Chief Executive Officer be given delegated authority to explore and negotiate the VPA on Council's behalf. The outcome of any negotiations must be reported back to Council for further consideration prior to public exhibition.

PLAN-MAKING DELEGATIONS

34. New delegations were announced by the (then) Minister for Planning and Infrastructure in October 2012, allowing councils to make LEPs of local significance. On 26 November 2012 Council resolved to accept the delegation for plan making functions. Council also resolved that these functions be delegated to the Chief Executive Officer.
35. Should Council resolve to proceed with this planning proposal, Council will be able to exercise its plan-making delegations. This means that after the planning proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the drafting of the LEP amendment. When the planning proposal is submitted to Gateway, Council advises the DP&E that it will be exercising its delegation.

NEXT STEPS

36. Council as the relevant planning authority must resolve to support a planning proposal before it can proceed to "Gateway" by the Department of Planning and Environment (DP&E).
37. Should Council resolve to support the planning proposal, the proposal (and related documentation) would be submitted to DP&E for Gateway determination prior to any formal exhibition being undertaken.
38. In the meantime, a site specific Draft DCP will be developed to address relevant matters such as built form and massing, public domain, access and the like. In addition, a VPA will be negotiated with the landowner.
39. The site specific Draft DCP and the outcome of the VPA negotiations will be reported to Council prior to the exhibition of the Planning Proposal.
40. A report on the outcomes of the public exhibition will be put to Council before the LEP amendment is finalised.

CONCLUSION

41. The site of the subject planning proposal has the potential to contribute to the transformation of the north-west corner of the CBD and the River precinct (Justice Precinct Quarter) described in the Draft Parramatta City River Strategy.
42. The planning proposal would enable a substantial increase in the scale of commercial development on the northern edge of the Justice Precinct. The proposal would facilitate 50,000 m² of commercial floor space in two buildings. The negotiation of a VPA will provide the opportunity to embellish the foreshore reserve, create new publicly accessible spaces, view corridors and movement paths through the site.
43. It is recommended that Council support the planning proposal and forward it to the DP&E for Gateway determination.

Paul Kennedy
Project Officer
Land Use Planning

ATTACHMENTS:

- 1 Planning proposal 25 Pages
- 2 Letter of offer 5 Pages

REFERENCE MATERIAL