
ECONOMY

ITEM NUMBER	6.1
SUBJECT	Planning proposal for land at 20-22 Macquarie Street, Parramatta
REFERENCE	RZ/21/2015 - D04455041
REPORT OF	Senior Project Officer - Land Use

PURPOSE:

To request the Independent Hearing and Assessment Panel's (IHAP) endorsement to forward a planning proposal for the land at 20-22 Macquarie Street, Parramatta to the Department of Planning and Environment for Gateway determination and to seek endorsement to proceed with formal negotiations to prepare a Voluntary Planning Agreement between Council and the landowner in relation to this Planning Proposal.

RECOMMENDATION

That the IHAP recommend:

- (a) That Council endorse the Planning Proposal in **Attachment 1** subject to it being modified as follows:
- Provide an increase in FSR from 4:1 to 10:1 and an increase in height from 36 metres so not to result in any additional overshadowing of the public domain within Parramatta Square as defined in Figure 4.3.3.7.3 Parramatta Development Control Plan 2011 between 12pm and 2pm throughout the year and enable compliance with State Environmental Planning Policy 65 Apartment Design Guide;
 - The FSR is exclusive of design excellence and comprises a minimum of 1:1 commercial floorspace.
 - A height to be determined by the lodgement of a reference design as described in (b) and (c) below.
- (b) **That** the applicant provides a revised reference design, demonstrating compliance Item (a) above.
- (c) **That** the Interim General Manager be delegated responsibility to consider the reference design provided by the applicant and determine the exact height that will be included in the Planning Proposal prior to it being forwarded to the Department of Planning and Environment seeking a Gateway determination.
- (d) **That** if the reference design proposes a height greater than 156AHD the reference design will need to be supported by an Aeronautical Study to address the relevant Section 117 Direction prior to submission of the planning proposal to the Department of Planning and Environment.
- (e) **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 VPA entered into would be in addition to S94A Development Contributions.
- (f) **That** delegated authority be given to the Interim General Manager to
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negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to its public exhibition.

- (g) **That** Council advises the Department of Planning and Environment that the Interim General Manager will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (h) **That** a site specific Development Control Plan (DCP) be prepared and reported to Council.
- (i) **Further, that** the planning proposal, VPA and DCP be placed on public exhibition concurrently.

THE SITE

1. The subject site is located on the corner of Macquarie and Marsden Streets, Parramatta (refer Figure 1). The legal description of the site is Lot 1 in DP 503651 and Lot 1 in DP 501663. The total site area is approximately 1,233sqm. Currently the site contains a seven storey commercial building fronting Macquarie Street and a single level building fronting Marsden Street.



Figure 1: Location map (Source: Council's GIS)

CURRENT PLANNING CONTROLS

2. Under the Parramatta LEP 2011 (PLEP), 20-22 Macquarie Street, Parramatta is zoned B4 Mixed Use, the maximum FSR is 4:1 and the maximum height is 36 metres (refer **Figures 2 and 3**).

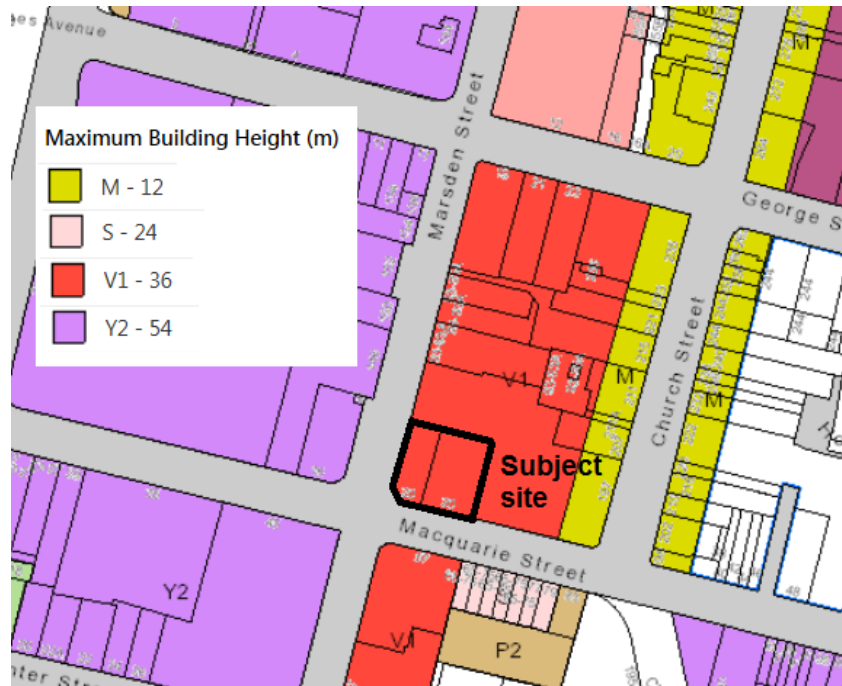


Figure 2: Council's height of buildings map (Source: City of Parramatta Council GIS)

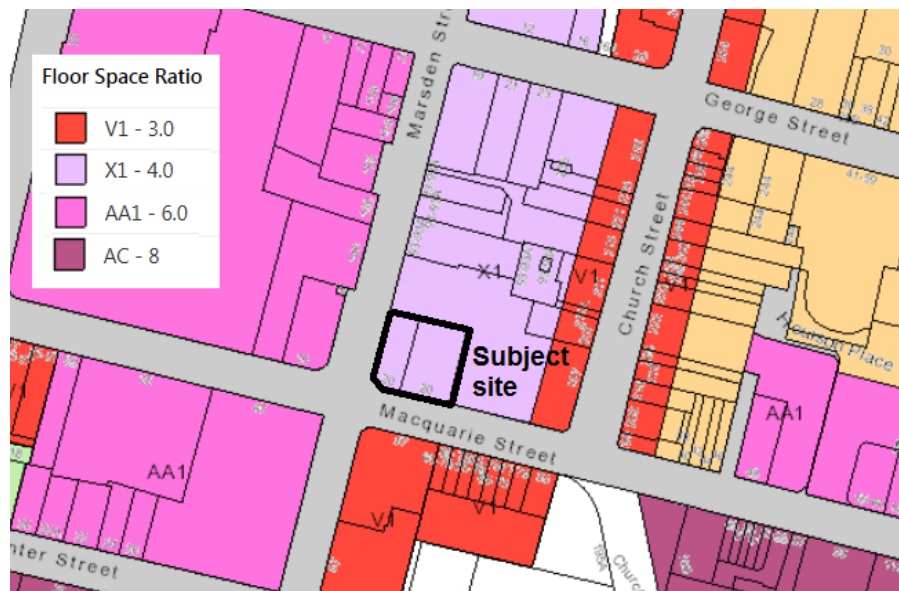


Figure 3: Council's floor space ratio map (Source: City of Parramatta Council GIS)

- The subject site does not contain a heritage item listed under PLEP 2011. However, as demonstrated in **Figure 4** the site is surrounded by heritage items including item number 655 located at 197 Church Street which is the adjoining property.

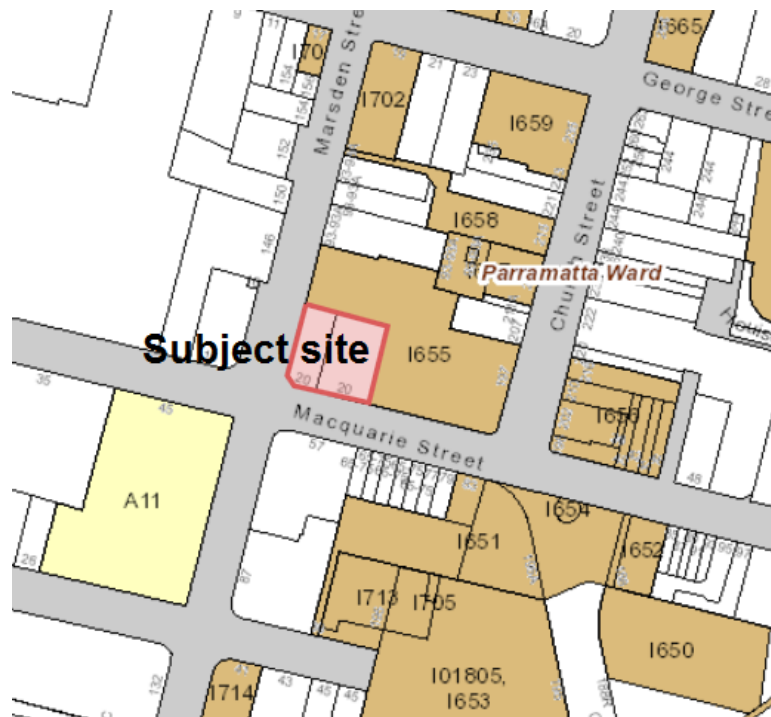


Figure 4: Heritage map (Source: City of Parramatta Council GIS)

INITIAL PLANNING PROPOSAL

4. A planning proposal for land at 20-22 Macquarie Street, Parramatta was lodged with (the then) Parramatta City Council by Urbis on behalf of Schiavello Constructions NSW Pty on 23 October 2015. The planning proposal is accompanied by an Urban Design Analysis, Heritage Impact Statement and Traffic Impact Assessment (refer **Attachments 1 and 2**).
5. The submitted planning proposal sought to:
 - a. Increase the maximum height limit from 36m to 190m
 - b. Increase the FSR from 4:1 to 20:1, with a minimum FSR of 5:1 for non-residential uses.
6. The increase in density sought by the applicant is to deliver a mixed use building which generates approximately 273 units and commercial office and retail floorspace.
7. After conducting an initial assessment of the planning proposal, Council Officers wrote to the applicant on 23 December 2015 outlining the key issues with the proposal and the additional information required for Officers to continue their assessment. In summary these issues related to:
 - a. The FSR proposed is inconsistent with the Council endorsed Parramatta CBD Planning Strategy which clearly identifies a 10:1 FSR for the site.
 - b. The site is a small site and a sliding scale is being considered for the Parramatta CBD which may result in an FSR lower than 10:1.
 - c. The current boundary setbacks do not comply with the Apartment Design Guide (ADG) and the Parramatta DCP 2011.
 - d. The cumulative impact of a density of 10:1 or more across the Parramatta CBD on the functionality of the transport and road network. That the FSR increase must be considered as part of the Strategic

Transport Study as being undertaken as part of the wider Parramatta CBD Planning Proposal.

- e. Any reference design should demonstrate an appropriate relationship and response to the adjacent heritage item at 197 Church Street.
 - f. Provision of information including an architectural reference design, flood study and an aeronautical study.
8. The letter from Council Officers concluded that the proposed development was considered inappropriate for the site and that Council Officers cannot support a development on this site at 20:1 and therefore the planning proposal should be revised.
 9. In response to the issues raised by Council Officers, the applicant met with Council Officers on 1 and 25 February and 22 March 2016 to discuss refinement of the scheme. The applicant subsequently submitted a letter on 2 May 2016 and a revised design scheme on 2 June 2016. A Flood Impact Statement was submitted by the applicant to Council on 26 July 2016.
 10. Following the DPE gateway determination received by Council for the planning proposal at 48 Macquarie Street and 220-230 Church Street Parramatta. Council Officers requested the applicant to submit revised overshadowing diagrams at winter solstice so that Council can ascertain the impact of the latest scheme on the solar protection zone in Parramatta Square. In addition Council Officers requested the submission of a 3D model of the revised Reference Design.
 11. In response to the issues raised above, a revised shadow analysis, built form massing, area schedule and calculations was provided on 5 July 2016. It is noted that a fully revised reference design or Urban Design Analysis has not been submitted. To support the revised scheme, the applicant also submitted a structural engineering assessment advice on 4 October 2016.

CURRENT APPLICANTS PLANNING PROPOSAL

12. The revised scheme seeks to amend the Parramatta Local Environmental Plan (PLEP) 2011 to allow:
 - A maximum FSR of 10:1 (excluding design excellence) of which a minimum of 1:1 must be provided as non-residential uses;
 - Additional FSR of 10:1 for non-residential uses (i.e. a total of 20:1 FSR);
 - Remove any affectation relating to height of buildings (that is, unrestricted height subject to airspace limitations)
13. The revised scheme submitted presents a 65 storey mixed use building design concept shown in **Figures 4 and 5** that includes the following features;
 - 6 storeys (FSR 3:1) of retail/office floor space with an estimated gross floor area (GFA) of 3,885sqm.
 - 23 storeys (FSR 7:1) of hotel floor space with an estimated GFA of 9,056sqm.
 - 35 storeys (FSR 10:1) of residential space with an estimated GFA of 12,926sqm (approximately 170 units).
 - 4.5 levels of basement car park with approximately 196 spaces.

14. As shown in **Figures 7 and 8**, the revised scheme results in a 'cut out' between the 23rd and 27th floors so to facilitate solar access between 12pm and 2pm on 21 June to Parramatta Square.

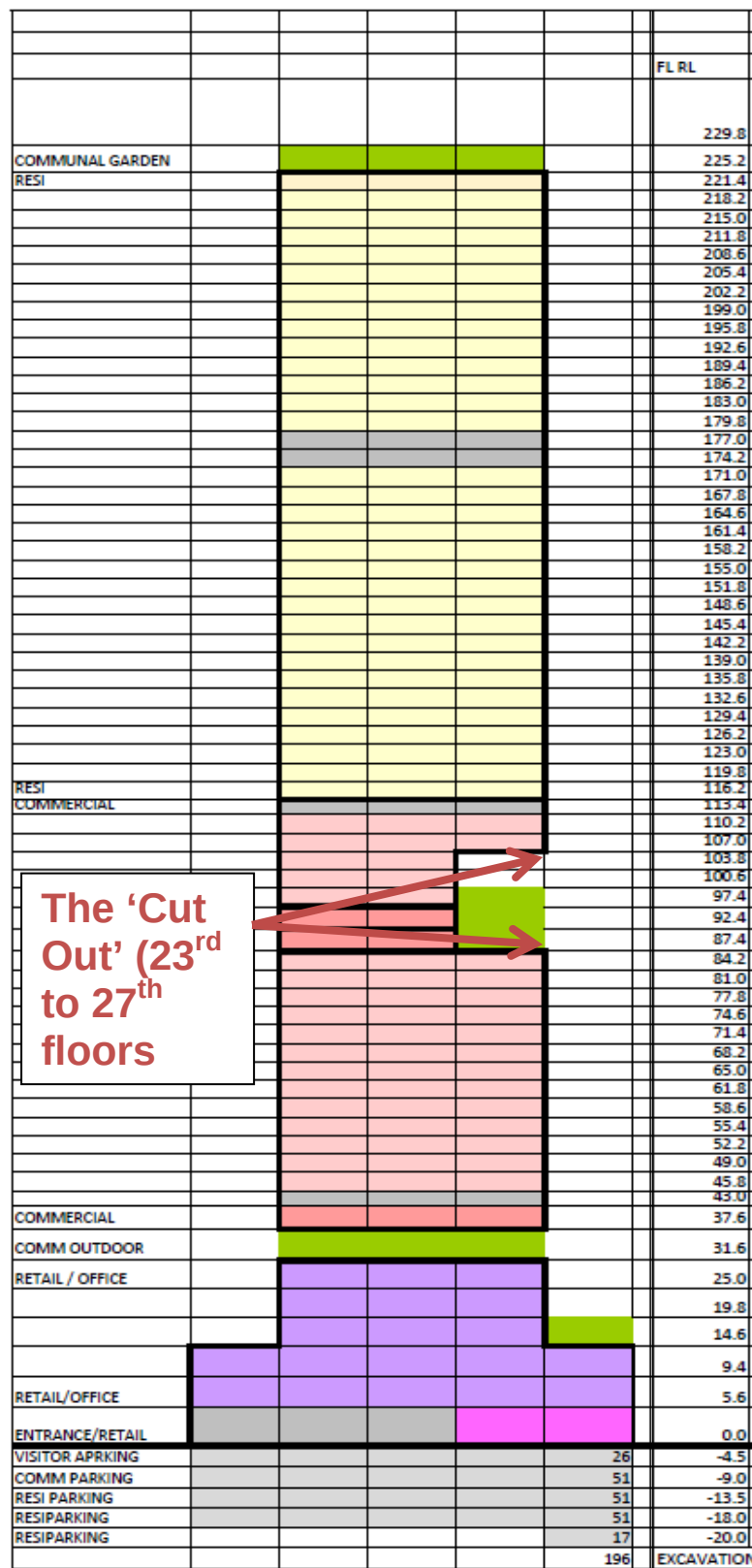


Figure 7: Revised Floor Schedule 5 July 2016 (Source: V Arc Architects)

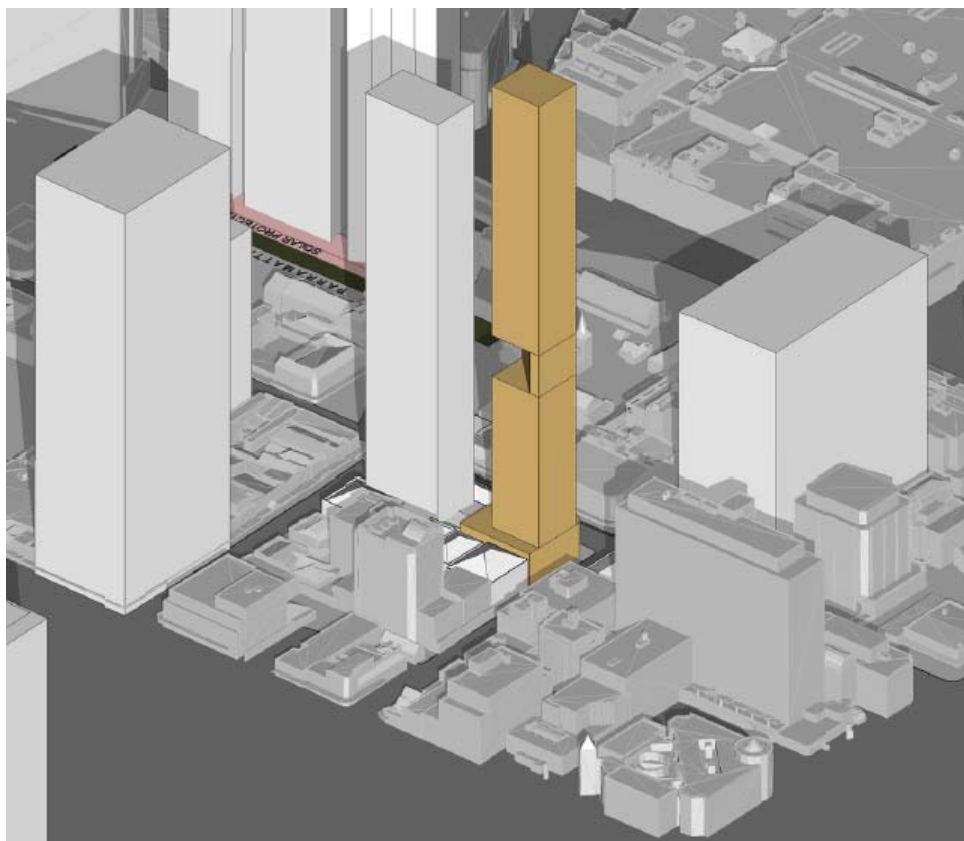


Figure 8: Revised Massing, viewed from the north west, 5 July 2016 (Source: V-Arc Architects)

BACKGROUND

Parramatta CBD Planning Proposal

15. Council at its meeting of 11 April 2016, resolved to adopt the CBD Planning Proposal. The CBD planning proposal was informed by the Parramatta CBD Planning Strategy adopted by Council on 27 April 2015. The CBD Planning Proposal is currently with the Department of Planning and Environment (DPE) seeking a Gateway determination.
16. The CBD Planning Proposal includes the following draft controls (at **Table 1**) relating to land at 20-22 Macquarie Street, Parramatta:

Control	20 Macquarie Street, Parramatta
Zoning	B4 Mixed Use Development
Height	36m base height with an unrestricted* incentive height
Floor Space Ratio	4:1 base FSR with incentive FSR to 10:1**
Minimum Commercial Provision	1:1

**Subject to Clause 7.6 Airspace Operations height considerations*

***Subject to Clause 7.2 FSR for sites less than 1,600sqm (Proposed sliding scale clause)*

Table 1: The draft controls of the Parramatta CBD Planning Proposal relating to 20 Macquarie St

17. The CBD Planning Proposal proposes a sliding scale to the incentive FSR which is aimed at promoting amalgamation of sites and to prevent overdevelopment and inappropriate built forms on small sites. The Council adopted sliding scale is outlined in **Table 2** below.

Part 2 – FSR of 10:1			
FSR Shown on Incentive FSR Map	Site is less than or equal to 800m ²	Site is greater than 800m ² but less than 1,600m ²	Site is equal to or greater than 1,600m ²
10:1	6:1	(6+4Y):1	10:1

Where $Y = (\text{the site area in square metres} - 800)/800$

Table 2: Sliding Scale for sites with an Incentive FSR of 10:1

18. Under the sliding scale adopted in the Parramatta CBD Planning Proposal the site could achieve a FSR of 8.165:1 (excluding design excellence bonus).
19. Council also resolved to include a clause that permits Council to consider development above the sliding scale FSR up to the maximum incentive FSR, provided certain conditions are met. These conditions include undertaking a design excellence competition, compliance with SEPP 65 and provision of activated street frontages.
20. In addition, draft Clause 7.11 of the Parramatta CBD Planning Proposal allows for additional floor space for office and commercial premises (above the required minimum 1:1 FSR). This additional FSR will not be included as FSR for the purposes of the development assessment. This can be achieved on some B4 Mixed Use zone sites, only where the site has a minimum area of 1,800 square metres. The subject site is appropriately 1,230 square metres.

Solar Access to Parramatta Square

21. The Planning Proposal as sought at 20:1 FSR, overshadows Parramatta Square. Therefore a number of key decisions and their evolution are relevant for consideration, namely:
 - a. Planning controls relating to the provision of solar access to Parramatta Square; and
 - b. The status of two other current planning proposals in close proximity to Parramatta Square.

These are discussed in turn below.

Planning Controls for Solar Access to Parramatta Square

22. Solar access to Parramatta Square is currently protected by Clause 7.4 of the Parramatta Local Environmental Plan (PLEP) 2011, as follows:
 - 1) *The objective of this clause is to protect public open space in Parramatta Square, the Lancer Barracks site and Jubilee Park from overshadowing.*
 - 2) *This clause applies if the consent authority considers that development that is the subject of a development application is likely to cause excessive overshadowing of the public open space referred to in subclause (1).*
 - 3) *The consent authority, in determining that development application, must take into consideration the relevant sun access plane controls specified for that land in section 4.3.3 of the Parramatta Development Control Plan*

23. At the 16 December Council Meeting, Council resolved to adopt an amendment to the PDCP 2011 that requires development to 'minimise' the degree of overshadowing. A control was introduced so that buildings must be designed so as to ensure that no point of the area hatched in red in **Figure 6** is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter. This is referred to later in this report as the 45 minute solar access control.

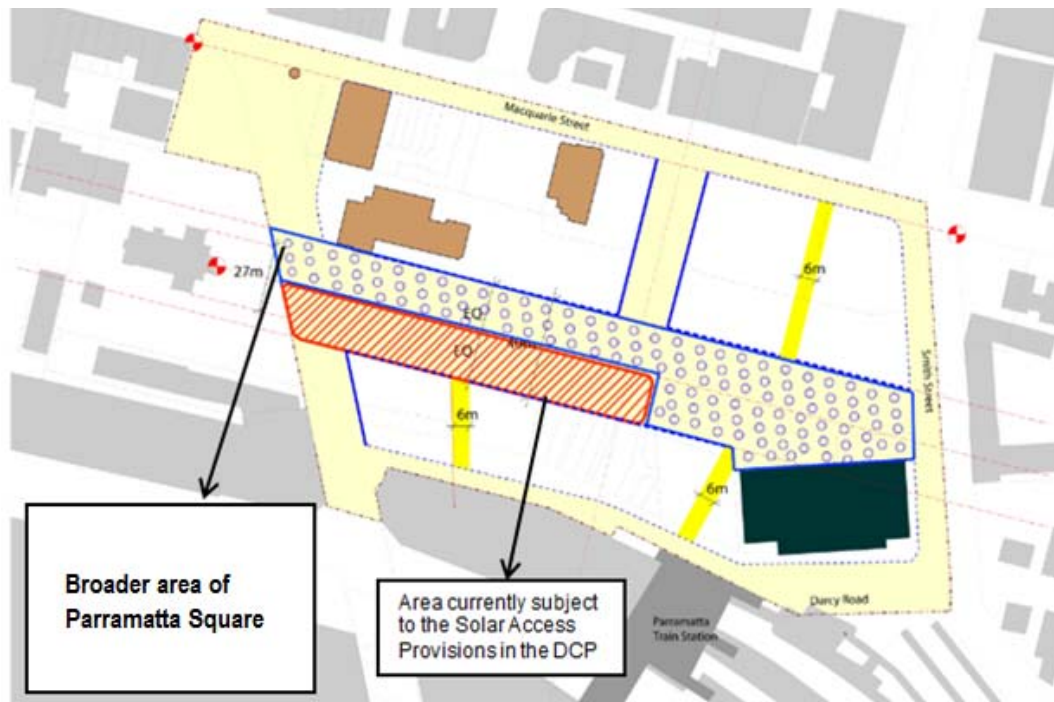


Figure 6 – Solar Access Protection in Parramatta Square

24. The provision of solar access to Parramatta Square has been subject to extensive review and consideration by Council. Item 7.7 within the Business Paper from the 23 November 2015 Council Meeting provides a detailed summary of the history of review and amendments to Section 4.3.3.7 of the PDCP 2011 (Refer **Attachment 3**).

Planning Proposals in proximity to Parramatta Square

25. In April 2015 three preliminary planning proposals were presented to Council for the land at the subject site (20-22 Macquarie Street), land at 197 Church Street and land at 220-230 Church Street and 48 Macquarie Street. **Figure 5** shows the location of these sites.

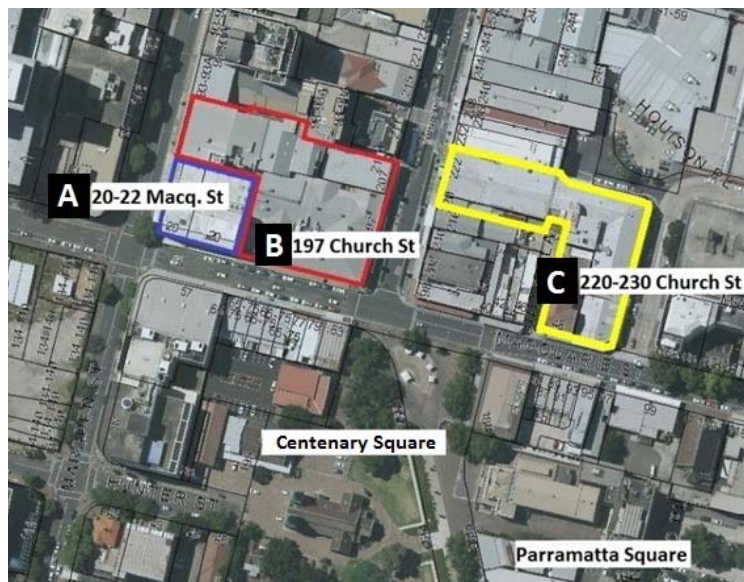


Figure 5 – Three Planning Proposals on Macquarie Street and Church Streets

26. The three preliminary concept proposals presented development schemes that sought significant departure from Council's current City Centre height and FSR controls. Common to all three proposals was the intention to increase the level of permitted density on the sites to develop mixed use towers (largely residential). This would produce taller buildings in close proximity to Centenary Square and Parramatta Square - two key public domain areas within the city centre area north of the railway line and south of the river foreshore.
27. The proximity of these three sites to Centenary Square and Parramatta Square warranted careful consideration at this early stage of the planning process in order to determine the potential impact on Council's key public domain areas arising from these proposals. This is to ensure the public domain is adequately protected and receives sufficient solar access, specifically between 12pm and 2pm, to deliver a high level of amenity to the space for the community.
28. In addition, consideration of the three proposed building envelopes' relationship to each other and other current and future developments (including the Aspire Tower) was assessed to ensure tall slender towers.
29. The three preliminary concept proposals were subject to a series of Councillor Workshops in July, August and October 2015. This included the presentation of the three proposals in Council's 3D model of the City Centre to illustrate the proposed built form and resultant overshadowing impacts on Centenary Square and Parramatta Square.
30. Council considered a report on the three preliminary concept proposals on 15 December 2015. At the meeting, Council resolved:
 - (a) *That Council accept building proposal (a), (b) and (c) and request a further report.*
 - (b) *That Council seek an opportunity to create an A Grade building in the CBD by encouraging the developer to submit an innovative plan/proposal for the key site which would then be assessed on its merits.*

- (c) *Further, that each application for (a), (b) and (c) be assessed on its merits individually with a 10:1 FSR as stipulated in Council's draft planning framework.*

Note: That Item (a) refers to proposals a, b and c as they correspond in **Figure 5** above.

31. Planning proposals for each of the sites were lodged in 2015. The two planning proposals at 197 Church Street and 48 Macquarie and 220-230 Church Streets have been considered by Council, and details of these are outlined below.
32. At its meeting on 23 November 2015 Council considered Item 7.8 'Planning Proposal for Land at 48 Macquarie Street and 220-230 Church Street'. The site is known as Greenway Plaza. Council resolved to allow an FSR of 10:1 (plus design excellence) with no proposed height control. The reference design accompanying this proposal demonstrated that it is compliant with the current 45 minute DCP 2011 provisions. The planning proposal was subsequently forwarded to the DPE for gateway determination.
33. A conditional Gateway Determination was issued by the DPE on 17 June 2016 for the planning proposal at 48 Macquarie Street and 220-230 Church Street. The following condition relates to solar access to Parramatta Square:
 1. *Prior to exhibition, Council is to amend the planning proposal to:*
 - (a) *Amend the Explanation of Provisions to indicate that the planning proposal will*
 - i. *Amend clause 7.4 Sun Access, to ensure no overshadowing occurs between 12pm-2pm of the protected area of public domain within Parramatta Square (Note: this is not intended as a site specific control but will apply to all land affected by clause 7.4)*
34. The decision overrode the 45 minute overshadowing control contained in the PDOP 2011 and impacts on the FSR that can be achieved on 48 Macquarie and 200-220 Church Streets for this reason the proponent has requested a review of the Gateway Determination in accordance with Clause 56 of the *Environmental Planning and Assessment Act 1979*.
35. Council resolved on 11 July 2016 to seek an independent review of five CBD planning proposals that received Gateway Determinations, including 48 Macquarie Street and 220-230 Church Street Parramatta. This independent review provided advice as to whether Gateway Determination Review applications should be lodged by Council with the DPE. The outcome of the independent review process was reported to Council on 14 November 2016. Council resolved that consistent with the recommendations contained in the independent planner report Council write to the DPE advising that it will not be initiating any Gateway Review requests in relation to the Greenway site at 48 Macquarie and 200-220 Church Streets Parramatta.
36. The applicant (for 20 Macquarie Street) was advised of the status of the planning proposal for Greenway and the outcomes of Council's independent review. Council staff asked the applicant if they would like to delay the consideration of their planning proposal pending the finalisation of the Gateway Review underway with the Department. The applicant has indicated to Council staff that they would not like to await the outcomes of the Gateway Review process and would like staff to report their planning proposal to IHAP and Council respectively.

37. The planning proposal at 197 Church Street Parramatta was considered at the Council meeting of 7 December 2015. Council resolved to endorse a scheme for an FSR of 15:1 (excluding design excellence); and no height, with the final height to be determined by an international design excellence competition. The decision the Department has made to override the Council's 45 minute solar access control contained in the PDOP 2011 if applied to 197 Church Street would also impact on the height and FSR that could be achieved on this site. The planning proposal was submitted for a Gateway Determination on 4 May 2015. Gateway determination is still pending as the applicant has requested further consideration of their planning proposal be deferred until the post gateway review for the planning proposal at 48 Macquarie and 220-230 Church Streets Parramatta (Greenway Plaza) is completed.

ISSUES

38. A detailed assessment of the proponent's planning proposal and supporting studies is provided below.

Land Use Planning

39. The site's prime location in the centre of the Parramatta CBD and its proximity to Parramatta Transport Interchange makes it a strategically desirable location to increase density. This aligns with the NSW Government's policy position in the Metropolitan Plan for Sydney, *A Plan for Growing Sydney* (2014) and the recently released *Draft Central West District Plan* (2016), for higher density development to be located close to public transport and provide for a mix of land uses within the Parramatta CBD.
40. However the proposed built form and scale of development generated by an FSR of 20:1 is considered excessive for the following reasons.
41. As discussed above, on 11 April 2016 Council endorsed the Parramatta CBD Planning Proposal. The applicant's proposed FSR of 20:1 is significantly higher than the FSR proposed within the Planning Proposal.
42. The Parramatta CBD Planning Proposal proposes incentive FSR controls for land within the CBD Core, including the subject site, to have an FSR of 10:1 and sites within the peripheral areas to have an FSR of 6:1 except sites that are subject of a gazetted Planning Proposal and for sun access or heritage reasons.
43. The City Centre Planning Framework Review and the Parramatta CBD Strategy, which informed the Planning Proposal calculated that an FSR of 10:1 across the majority of the City Centre would deliver the floor space projections required to meet the residential and commercial targets projected by the State Government within a *Plan for Growing Sydney*.
44. While ultimately the removal of height controls for all sites in the CBD is an objective of the CBD Planning Strategy this approach has not yet been implemented for other Planning Proposals endorsed by Council within the CBD (i.e. they all include height in the planning proposal where there is an existing height control in place). In order to maintain a consistent approach on CBD Planning Proposals it is recommended that the applicant provide Council with a reference design which complies with relevant criteria such as solar access and SEPP 65. This reference design will determine the appropriate height which can then be included in the Planning Proposal.

45. As detailed in paragraphs 6 to 8 above, the Parramatta CBD Planning Proposal proposes a sliding scale to the incentive FSR which is aimed at preventing inappropriate built forms on small sites. Under the sliding scale adopted the site could achieve a FSR of 8.165:1 (excluding design excellence bonus). The CBD Planning Proposal (under draft LEP Clause 7.2 (2C)) permits Council to consider development above the sliding scale FSR (up to the maximum incentive FSR) provided a design excellence competition is undertaken, compliance with the provisions of SEPP 65 and provision of activated street frontages.
46. A recent DPE Gateway Determination for a planning proposal at 295 Church Street endorsed a 10:1 (excluding design excellence) on a site that is 1,082sqm in area. This recent decision highlights a consistent approach applying the Parramatta CBD Planning Proposal.
47. Council Officers consider that a maximum FSR of 10:1 (excluding design excellence) for the site is achievable based on the design and development criteria set out in the draft controls of the CBD Planning Proposal. Importantly as detailed in the resolution, the proposal must demonstrate compliance with the solar access provisions for Parramatta Square.
48. The planning proposal seeks 10:1 non-residential development, comprising 7:1 hotel development and 3:1 retail / office. The proposed Clause 7.11 of the Parramatta CBD Planning Proposal allows for a minimum provision of 1:1 of commercial uses as part of the overall FSR provision. It is staff recommendation that the proposal shall include a minimum provision of 1:1 FSR of commercial uses, consistent with the Parramatta CBD Planning Proposal.
49. In addition, draft Clause 7.11 of the Parramatta CBD Planning Proposal allows for additional floor space for office and commercial premises (above the required minimum 1:1 FSR). This additional FSR will not be included as FSR for the purposes of the development assessment. This can be achieved on some B4 Mixed Use zone sites, only where the site has a minimum area of 1,800 square metres. The subject site is appropriately 1,230 square metres.
50. It is noted that the planning proposal at 2-10 Phillip Street which was issued a Gateway Determination by DPE on 17 June 2016, increasing a maximum permissible FSR of 10:1 (of which 1:1 is to be and an additional 5.5:1 for the purposes of a hotel. However this site is over 2,300sqm in size, and is not subject to the same solar access and urban design constraints.

Urban Design and Built Form

Solar Access to Parramatta Square

51. The Planning Proposal overshadows Parramatta Square and when created, will be a critical area of public domain for the Parramatta CBD. Solar access to the public domain adds both tangible and intrinsic value to Parramatta as Sydney's Central CBD. Sunlight is an essential asset in making Parramatta Square desirable and attractive to Parramatta CBD's workers, visitors and residents. Without sunlight, people will walk through the Square rather than choose to stay there.
52. The built form has been designed with a 'cut out' so that on 21 June does not overshadow the nominated area of Parramatta Square between the hours of 12pm and 2pm (refer **Figures 7 and 8**).

53. Council Officers tested the revised scheme, as submitted by the applicant as a 3D model, and confirm that proposal does not overshadow the identified portion of Parramatta Square on 21 June between 12pm and 2pm (refer **Figure 9**).



Figure 9: Shadow impact of revised scheme at 12pm, 1pm and 2pm, 21 June (mid winter)
(Source: City of Parramatta Council's 3D Model)

54. Council Officers have also analysed the effect of the proposal on solar access to the nominated area throughout the year. Other than on 21 June, the proposal will overshadow Parramatta Square defined area for varying amounts of time between the hours of 12pm-2pm on every day between 15 March and 29 September (except for 21 June). This equates to 198 days (or over 54%) of the year that the proposal would overshadowing to some extent Parramatta Square.
55. For example as shown in **Figure 10** the extent of overshadowing at 2pm on 21st July is 14.5% of the Parramatta Square defined area.



Figure 10: Extent of overhshadowing at 2pm on 21 July (Source: City of Parramatta Council's 3D Model)

56. The planning control as outlined in the PDCP 2011 is 21 June (mid-winter) this is the day when the sun is lowest in the sky and therefore represents the 'worst case' scenario for solar access. Therefore the intent of the control is to prevent overshadowing from occurring at other times of the year.
57. Council Officers are not satisfied that the built form response and the overshadowing caused throughout other times of the year is consistent with the objective of Clause 7.4 PLEP 2011 which is to:
- 1) The objective of this clause is to protect public open space in Parramatta Square, the Lancer Barracks site and Jubilee Park from overshadowing.*
58. Therefore Council Officer recommend that the proposal be revised to incorporate appropriate FSRs and heights of a building so not to cause excessive overshadowing to Parramatta Square between 12pm and 2pm at all times through the year.
59. Council officers met with the applicant on 16 November 2016 and in which solar access issues were discussed. The applicant advised verbally that they consider the design of the building allows for a larger 'cut out' which would comply with more days of solar access to Parramatta Square.

Structural Assessment and Key Issues

60. In response to concerns raised in relation to the structural integrity of the 'cut out' of the revised scheme, the applicant submitted 'Preliminary High Level Structural Assessment – Project Viability Phase' prepared by WSP Structures on 4 October 2016. As detailed in the Assessment, its purpose is to:

“WSP have been commissioned quickly evaluate the V-Arc preliminary architectural concept and work with them to present a high level structural ‘philosophical’ solution to demonstrate the viability of the current proposed building in achieving the design intent and primarily to demonstrate that it is likely to be viable to build the tower section above the ‘Bite.’”

61. In summary the Assessment outlined the following:

- a. The proposed tower is “very complex” because it is tall slender and further complicated by the very large ‘bite’, approximately 100 metres above ground;
- b. Stability in tall slender towers can be addressed in traditional or non-traditional methods, of which their use is usually determined by cost and the methods and means of the construction industry.
- c. Recommends the hotel and tower core box located and orientated to be as close to the ‘cut out’ as possible, as centralised as possible and to be at 90 degrees to the composite ‘cut out’ line. Also the addition of columns and mega columns so to facilitate the transfer of load from the cantilevered building section above the cut out back to the core of the building; contribute to the efficient floor system for most floors and stabilising the tower.
- d. It is expected that the building is likely to need to be fully tested in a wind tunnel;
- e. Anticipated at a minimum the requirement to allow for the space for a wind acceleration damping system (water tanks) at the top of the tower in order to assist in mitigating building movements perceived by the building inhabitants;
- f. Any solution will be less efficient than one without the ‘bite’.
- g. Recommends a next phase of work to undertake an in-depth structural analysis to contribute to a return on investment assessment. To then contribute to a cost-benefit analysis weighing up the inefficiencies in the structure and the ‘challenged planning of the floors’ versus the return on investment benefit of having the tower floors above the bite.

62. The Assessment concludes that

“..we believe there is a very good likelihood that the indicative solution presented will be viable from a structural perspective, i.e. we expect that if the philosophical approaches we present are adopted / developed as part of a detailed analysis and design process down the track that they will be found to be structurally adequate / fit for their intended structural function / purpose.”

63. Council does not currently employ a structural engineer to review the statement, however the following concerns are noted by Council Officers in relation to the submitted assessment:

- a. The advice is highly qualified.
- b. The advice is preliminary and concludes the solution would require further in-depth testing.
- c. The assessment raises concerns about the significant cost of the structural solutions.

64. Council Officers (Architect) have reviewed the floorplates as a result of the structural assessment response (refer Figures 9 and 10) and have raised the following significant concerns with the viability and workability of the floorplates.
65. It is noted that the Assessment provided floorplates in sketch form which is very preliminary as well as highly qualified. It indicates a core that has been turned at 45 degrees to the perimeter, not centralised in the plan, with 'mega columns' set well in from the perimeter. Council Officers consider that this solution would present great, if not insurmountable, difficulties in developing workable floor plans with resolved services (for the hotel, commercial and residential uses) dealing with these constraints. It is noted by Council Officers that no final reference design has been developed to resolve these issues.
66. In addition it is not clear from the sketches submitted if any of the columns proposed penetrate the 'bite'. If so, they would potentially overshadow Parramatta Square on 21 June between the hours of 1-2pm.
67. Council Officers consider that if a reference design was presented which incorporated the structural response, it remains unlikely that such an inefficient structure would be financially feasible, a possibility recognised in the structural engineers assessment.

Compliance with SEPP 65

68. Design Principles are set out in Schedule 1 of the *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) and are a primary consideration in the assessment of design competitions and development applications. Specifically Council Officers believe the scheme does not satisfy Principle 9 Aesthetics *"Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure."*
69. Officers consider that the proposal cannot satisfy Principle 9 (Aesthetics) of SEPP 65 as it cannot achieve *"a built form that has good proportions and a balanced composition of elements"*. The distortion of the form caused by the 'cut out' is gratuitous, arbitrary, and results in a built form without compositional logic. As such, Officers believe that it is inherently incapable of achieving design excellence.
70. The reference design demonstrates that it is able to provide adequate setbacks with the adjoining property at 197 Church Street Parramatta (refer **Figure 11** below). The 6 metre setback from the proposed tower to the north would not strictly meet SEPP 65 – Apartment Design Guide (ADG) inter-building separation. However given that a building higher than 25 metres is unlikely to be located to that part of the land to the north of the subject site, this may be addressed with the commercial uses proposed or privacy screening for these levels. These requirements can be included as part of a site specific development control plan (DCP).

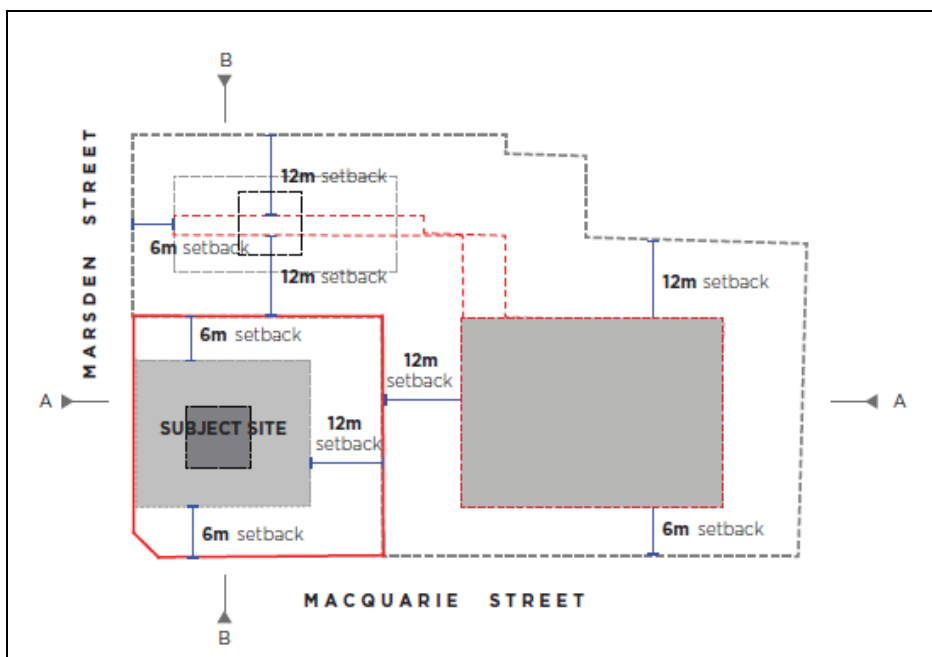


Figure 11: Proposed Building Separation, Reference Design (V Arc 19 April 2016)

Front Setbacks

71. A revised reference design responded to Council Officer's concerns in relation to the edge conditions along Macquarie Street, that is, a 14 metre street wall with tower setback 6 metre (refer **Figure 12**). This assists with integration with the heritage street wall to the east. The proposed street edge along Marsden is a zero setback, as consistent with the current provisions of PDCP 2011 for corner sites.
72. The sheer edge that the tower will create along Marsden Street will create issues of wind-downdraft and scale especially with the 14m high street wall established along Macquarie Street. It is recommended that a wind engineers report be submitted as part of the design excellence and development application stage and this be reflected in a site specific DCP. A wind engineers report will assist in addressing architectural treatment to minimise wind downdraft impacts of the proposal.

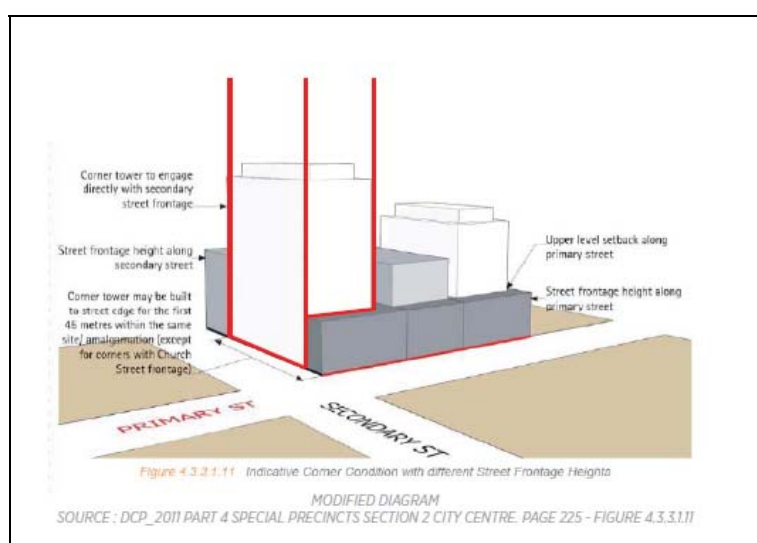


Figure 12: Proposed tower setbacks, Reference Design (V Arc 19 April 2016)

Airspace considerations

73. The subject site is located approximately 20 kilometres northwest of Sydney Airport and 11 kilometres north of Bankstown Airport. Airspace above the Parramatta CBD is affected by the operation of these airports.
74. The planning proposal seeks the removal of an existing height control. The revised scheme submitted shows a height of 229.8 metres, with a potential to increase to 245.55 inclusive of a roof feature (as submitted with the 3D model). Therefore, Council estimates the height of building translates to an AHD of 255.15 metres, which would encroach on the 155.1m Obstacle Limitation Surface (OLS) for Bankstown Airport over the Parramatta City Centre.
75. Council staff have been contacted by the Aviation Environment Branch of the Commonwealth Department of Infrastructure and Regional Development (the Department). The Department was made aware of the planning proposal through a referral directly from the applicant to Bankstown Airport in May 2016 for a scheme at 288m AHD.
76. The Department has subsequently provided preliminary advice to Council, based on input from the relevant aviation agencies, is that the “maximum height the development could be without affecting the Sydney airport Radar Terrain Clearance Chart, which is the critical surface, is 243.8m AHD”. The Commonwealth Department also notes there would also “be issues with procedures at the Westmead Hospital Heliport above 245.9 m AHD”.
77. Therefore Council Officers are unable to support the removal of a height control, as sought by the applicant, noting the maximum height in line with the preliminary advice from the Commonwealth Department is 243.8m AHD.
78. Council Officers recommend, in line with the recommended FSR of 10:1, that if a revised reference design is submitted with a height greater than 156AHD, an Aeronautical Study will be required to be submitted in order to address the relevant Section 117 Direction.

Heritage

79. The site adjoins Heritage Item listed under the PLEP 2011 at 197 Church Street, a two storey former department store of local heritage significance erected in 1925 representing the Inter-War period. Refer **Figure 14** below.
80. The building at 197 Church Street is of local significance for the Parramatta area for historical and aesthetic reasons. Today, it is an important element of the streetscape in Church Street, contributing strongly to the townscape.



Figure 14: View west along Macquarie Street towards subject site, with immediate view heritage listed shop at 197 Church Street (Source: Urbis Heritage Impact Statement July 2015)

81. The planning proposal was accompanied by a Heritage Impact Statement prepared by Urbis and dated July 2015. The statement has made the following conclusions:
 - a) It is considered that the present site building does not contribute to the setting of the adjoining item or proximate heritage items and the proposal will form part of a backdrop of development in views to the nominate heritage items. Impacts of scale to the adjoining interwar shop building are mitigated by the envelope of the tower which is modulated to reduce the massing of the tower form in view west behind the heritage item.
 - b) The site falls within an area of important view corridors of World and National Heritage listed Old Government House and Domain and therefore possible impacts on these views need to be considered. It is concluded that the proposed tower will form part of a backdrop of the growing CBD it is part of an area which is considered 'sensitive' "which appear in the middle ground of a view or which do not feature within an important view cone". Therefore "there is no risk of resulting in a significant impact upon the World and National Heritage values".
 - c) The site has been identified as having moderate to high historical archaeological potential. Surviving evidence of convict occupation at the site would be of state heritage significance. However it is considered that the likely significance of the archaeological resource would be contributory only and would not preclude development in these identified areas of archaeological potential.
82. Council Officers conclude that any future development will be allowed to harmonise with surrounding area, including the adjacent heritage item. This could be achieved through controls through a site specific DCP for the site to ensure that the street wall height and tower setback respond to the adjacent heritage item.
83. The Heritage Impact Statement recommends that *"a Historical Archaeological Impact Assessment and Research Design specific to the proposed works, be prepared in conjunction with the development application process. These documents would provide recommendations to investigate and manage the potential archaeological resource."* Council Officers consider that the site has

no known archaeological potential and considerations at the development application stage for the potential archaeology resources is acceptable.

84. In relation to views, Council Officers consider that the site is in the area of sensitive views, but not in one of main identified view corridors. The site is adjacent to, but located outside, the designated highly sensitive Park Edge Special Area which any buildings in this area form a backdrop to Old Government House and Domain's National and World Heritage Listed area. If the proposal, as recommended in this report, be aligned with the controls for Parramatta CBD and the surrounding area, then any future development will be should not stand out in the panorama of the city, be allowed to harmonise with surrounding area and not impact adversely on view lines.

Flooding

85. The site is partially affected by the 20 and 100 year Average Recurrence Interval (ARI) events at the Macquarie Street and Marsden Street frontages. All of the property would be inundated in the Probable Maximum Flood (PMF) event. Refer **Figure 15**.

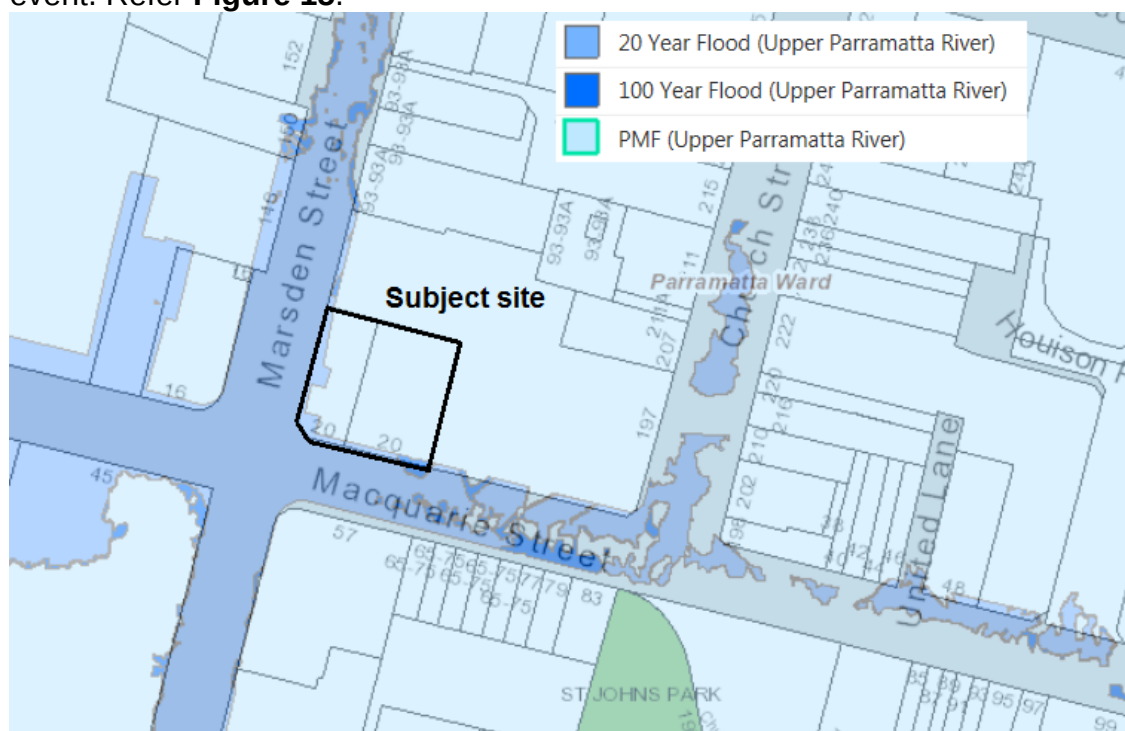


Figure 15: Flooding map (Source: City of Parramatta Council's GIS)

86. A Flood Impact Statement was prepared by Wood and Grieve Engineers dated 25 July 2016. The Flood Impact Statement analyses existing flooding conditions, Council's current requirements, the predicted flood impacts of the proposed density increase and identifies methods of mitigating the foreseen flood impacts that can be undertaken at the development application stage of the project, including preparation of an evacuation management plan.
87. The documentation has been assessed by Council's flooding team and the following comments have been made:
- The existing seven storey building covers the surface area of the site and is already of a high density, reducing the flooding implications of the proposed form.
 - This is an area of moderate flood hazard. Access to and egress from the site to higher 'dry ground' in 1 per cent AEP (100 year) river flood events

should be relatively straightforward and would not prejudice development. Should an extreme flood event occur the site will be inundated and emergency measures for future residents will need to be in place, with particular attention to emergency access for people in the basement.

- Any development application will need to adequately demonstrate to Council's satisfaction rainwater flooding modelling, flood planning levels and corresponding freeboard, design measures such as driveway crests and stair access levels and a suitable shelter/refuge in place.
88. The level of detail in the Flood Impact Statement is considered a satisfactory response to the relevant Section 117 Direction for 1:100 event, applying to the subject site.
 89. Whilst the planning proposal is considered to comply with the S117 direction 4.3 (Flood Prone Land) and Council's current controls, Draft LEP provisions as a result of the Parramatta CBD Planning Proposal relating to floodplain risk management should be considered with the development.
 90. The CBD Planning Proposal seeks to insert a new Clause requiring new development (in the identified floodplain risk management area) to provide safe areas for refuge or egress for occupants of buildings or a flood free pedestrian access between the building and land above the PMF level. All new buildings must be certified by an engineer to withstand forces of floodwaters, debris and buoyancy resulting from the probable maximum flood.
 91. As the proposed planning controls introduces new flood risk management controls on land over the Flood Planning Level, the Ministerial Direction requires Council to apply for special circumstances from the Minister for Environment for its inclusion. Council is currently preparing the application to the Minister.
 92. Furthermore, in response to the public exhibition of a recent Planning Proposal at 142-154 Macquarie Street, Parramatta, Council has received a submission from the State Emergency Service (SES) in relation to the proposed policy framework envisaged under the Parramatta CBD Planning Proposal in relation to flood risk management and increased development density.
 93. The SES submission indicates that they are not supportive of the vertical evacuation and 'shelter-in place' policy position as the proposed strategy. That is in the event of a significant flood event for occupants to shelter in place within development (above the flood planning level) until such time as flood waters recede rather than evacuate. In a residential context this would typically occur within apartments and non-residential uses would shelter in a shared area within the building. The SES submission suggests that this approach would only be supported where opportunity exists to then be able to evacuate horizontally, that is, via paths of travel that elevated above the PMF level to outside the floodplain.
 94. This issue will be the subject of further investigation and study by the relevant NSW Government Agencies (including SES, Office of Environment and Heritage, DPE) and Council during the progression of the CBD Planning Proposal. It is acknowledged that this may result in site specific planning proposals being impacted upon or the design of any building being impacted by the need to incorporate a potential horizontal evacuation pathway.
 95. Options to progress this issue with respect to this site specific planning proposal include incorporating provisions within a site specific DCP that require

the demonstrating of the ability to evacuate horizontally to safe ground or alternately waiting until the broader policy position is resolved as part of the Parramatta CBD Planning Proposal.

Traffic and Transport

96. A Traffic Impact Assessment Report dated 22 October 2015 prepared by Ason Group has been submitted with the Planning Proposal. The report assesses the existing site conditions, proposed form, car parking implications and a traffic analysis of the proposed density on the site. The initial planning proposal proposed 392 parking spaces.
97. The Report concludes that:

"Based on the analysis presented within the Traffic Impact Assessment report it is our conclusion that the Proposal would have no material impact in regard to the operation of the local road network and can provide appropriate access and parking provisions compliant with all planning guidelines and Australian standards."
98. Council Officers raised concern with the initial planning proposal and the car parking rates proposed within the development, considering its proximity to the Parramatta Transport Interchange and the proposed Light Rail. In response the revised planning proposal approach to reduced parking rates from 392 car parking spaces to 196 car parking spaces is supported by Council Officers. The vehicular access points into the site need to be further resolved, however Council Officers consider that this can be addressed at a development application stage.
99. Council Officers raised concern with the initial planning proposal and the cumulative impact the density of 10:1 or more across the Parramatta City Centre will have on the functionality of the CBD Planning Strategy. Council is currently undertaking a Strategic Transport Study which will determine whether FSR increase can be accommodated across the City Centre.
100. In accordance with the recent DPE Gateway Determinations for sites with the Parramatta CBD, Council Officer supports the applicant's planning proposal proceeding to the Department of Planning and Environment for gateway determination, subject to the proposal not being finalised until the cumulative traffic impact assessment has been completed.

Summary of Assessment

101. The adopted Parramatta CBD Planning Proposal forms the overarching strategic framework that informs Council staff's assessment and recommendation for the suitable density for the subject site. Sufficient justification to warrant such a significant variation from the adopted FSR of 10:1 was not provided, therefore Council Officers are unable to support the proposal in its current form.
102. The additional non-residential FSR of 10:1 (hotel and retail/office uses) under the 20:1 scheme is not consistent with the CBD Planning Proposal. The site area is approximately 1,233sqm. The CBD Planning Proposal allows for additional non-residential development only where a site has a minimum site area of 1,800sqm.
103. The proposal at 20:1 overshadows Parramatta Square, which is a critical area of public domain for the Parramatta CBD. Although it is acknowledged that the 'cut out' does not overshadow the nominated area of Parramatta Square

between the hours of 12pm and 2pm at 21 June (mid-winter), it overshadows between 12pm and 2pm for at least 198 days of the year. This is considered to constitute excessive overshadowing impact and is not consistent with the objective of Clause 7.4 PLEP 2011.

104. Therefore the proposal as sought at 20:1 is considered an overly intense development in this context. Modifications are recommended to ensure an acceptable built form outcome is provided within the capacity of the site. As detailed, the circumstances have changed considerably since Council's initial receipt of this planning proposal due to the progression of the CBD Planning Proposal.
105. It is considered that a suitable design outcome can be achieved on this site that does address the current application of the sliding scale. As detailed previously in this report the Parramatta CBD Planning Proposal allows this approach where certain conditions are met, including undertaking the design excellence process, ensuring SEPP 65 compliance and provision of an active street frontage. It is considered that these conditions are possible to be met on this site with the recommended 10:1 FSR.
106. To ensure consistency with the adopted Parramatta CBD Planning Strategy, Council Officers recommend an FSR of 10:1 on the subject site with the resulting built form being subject to compliance with the solar access provisions designed to minimise overshadowing in Parramatta Square.

VOLUNTARY PLANNING AGREEMENT

107. A preliminary letter of offer for a Voluntary Planning Agreement (VPA) was lodged by the applicant for this planning proposal. The applicant has identified opportunities for items for inclusion in a potential VPA. All opportunities identified are cash contributions and include:
 - Affordable accessible early learning centre;
 - infrastructure upgrade and beautification towards Marsden and Macquarie Streets;
 - Annual Arts in the Park exhibition and prize;
 - Music Bowl outdoor venue in Parramatta;
 - Improvements to Riverside Park;
 - Improvements to Parramatta High School
 - Support for institutions that provide opportunities for people with disabilities;
 - communal green open space.
108. Where proposals are seeking substantial uplift in development potential these contributions should be provided in addition to the requisite future Section 94A contributions associated with subsequent development applications for the site.
109. 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 interim General Manager 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.

CONCLUSION

110. The planning proposal seeks to amend the planning controls to facilitate the development of a mixed use tower on the site. As detailed in this report the proposed scheme is constrained by the subject site's small size and its potential impact on the solar access to Parramatta Square.
111. The planning proposal currently seeks 20:1 FSR is inconsistent with Council adopted Parramatta CBD Planning Strategy. Therefore Council Officers recommend an FSR of 10:1 on the subject site, which is consistent with the Parramatta CBD Planning Proposal and that the resultant built form is subject to design excellence and compliance with the solar access provisions applying to Parramatta Square.

WHAT'S NEXT

112. Should Council resolve to pursue a planning proposal for this site the relevant information will be forwarded to the Department of Planning and Environment for Gateway Determination.
113. Whilst awaiting the gateway determination, Council officers will work with applicant to prepare a set of site specific DCP provisions to apply to the site consistent with the principles outlined in the body of this report.
114. The applicant will be required to submit a formal letter of offer for a Voluntary Planning Agreement (VPA). Both the DCP and VPA will be reported to Council for consideration and then be publicly exhibited alongside the planning proposal.
115. Once a Gateway determination is received, the planning proposal will be placed on public exhibition concurrently with relevant DCP controls.

Bianca Lewis

Senior Project Officer – Land Use Planning

Robert Cologna

Manager Land Use Planning

Sue Weatherley

Director Strategic Outcomes and Development

PLANNING AGREEMENT

ATTACHMENTS:

- | | | |
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| 3 | Attachment 3: Council Meeting Report and Minutes 23 November 2015 | 47
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REFERENCE MATERIAL

Planning Proposal

20-22 Macquarie Street,
Parramatta

Prepared for M20 Pty Ltd
October 2015

urbis

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Report Number	Final

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You must read the important disclaimer appearing within the body of this report.

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1 Introduction

This Planning Proposal has been prepared by Urbis on behalf of Schiavello Constructions NSW Pty Ltd (the "Proponent") seeking to initiate the preparation of a Local Environmental Plan amendment for the land at 20-22 Macquarie Street, Parramatta.

This report has been prepared to assist Council in preparing a Planning Proposal for the rezoning of the land in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The current principal planning instrument for the subject site is the *Parramatta City Centre Local Environmental Plan 2007* (PLEP 2007), which zones the land B4 Mixed Use. The PLEP 2007 prescribes a building height standard of 36m and a floor space ratio (FSR) standard of 4:1.

The intended outcome of this Planning Proposal is to amend PLEP 2011 as follows:

- Amendment to the maximum height limit to 190m.
- Amendment to the FSR standard to a maximum 20:1, with a minimum FSR of 5:1 for non-residential uses.

These amendments will facilitate the redevelopment of the site for an iconic conceptual mixed use development as submitted at **Appendix A** prepared by V-Arc that will incorporate the following:

- A podium comprising active retail, café/restaurants uses, entertainment and function/meeting spaces.
- Several levels of commercial office floorspace,
- Residential component including the provision of approximately 273 units

The site provides the opportunity to create a vibrant precinct and accommodate a mixed use development which will significantly revitalise this part of the CBD. The conceptual development scheme seeks to establish a statement building that celebrates the prominent corner position, reinforces the importance of Macquarie Street and through a slender tower structure minimises adverse environmental impacts. The public benefits of such a development include:

- The introduction of approximately 456 jobs to the local economy through the provision of approximately 6,465sqm of non-residential floorspace.
- Delivering residential housing in response to the identified need outlined by State and Local planning strategies situated close to facilities and services.
- The creation of an iconic slimline tower that will complement the emerging new CBD profile. This approach assists in minimising overshadowing of Parramatta Square between 12pm and 2pm midwinter and would not cast shadow over any single area for more than 45 minutes.
- Providing retail and entertainment premises to cater for both residents and visitors to the site and support the future light rail corridor.
- Enhancing and ensuring long-term future of the City through a dynamic mix of residential and non-residential floorspace.
- Catering for tourist and business needs through the potential provision of conference facilities.
- Providing opportunities for the improvement in the wider public domain.

The proponent is seeking to contribute towards the enhancement of Parramatta through the provision of a range of public benefits. A letter of offer for consideration by Council accompanies this planning proposal and is attached at **Appendix D**. It is intended that this would be consolidated and crystallised into a Voluntary Planning Agreement (VPA) with Council.

The letter of offer proposes contributions to funding art and cultural events within Parramatta and also proposes monetary contributions to the upgrading of Macquarie Street, public open space and contributions to education and social support services.

This Planning Proposal has been prepared having regard to the NSW Department of Planning and Infrastructure's (DPI) 'A guide to preparing Planning Proposals' and 'A guide to preparing local environmental plans' and provides the following:

- Description of the subject site and context.
- Indicative site plans showing sufficient detail to indicate the effect of the proposal.
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal.
- Summary of the justification of the proposal.

The Planning Proposal is supported by the following documentation:

- Site Survey prepared by Project Surveyors (**Appendix A**).
- Urban Design Analysis prepared by V-Arc (**Appendix A**).
- Heritage Impact Statement prepared by Urbis (**Appendix B**).
- Traffic and Parking Assessment prepared by Ason Group (**Appendix C**).
- Letter of Offer prepared by M20 Pty Ltd (**Appendix E**).

2 Site Analysis

2.1 SITE DESCRIPTION

The site:

- Is located at 20-22 Macquarie Street, Parramatta on the prominent corner of Macquarie and Marsden Street, located within the Parramatta Central Business District (see **Figure 1** and **Figure 2** below)
- Comprises two lots that are legally described as Lot 1 in DP 503651 and Lot 1 in DP 501663.
- Has a total site area of 1,230sqm and a frontage to Macquarie Street and Marsden Street of 36m and 34m respectively.
- Currently accommodates a seven storey commercial building fronting Macquarie Street and a single level building fronting Marsden Street.
- Has a commercial GFA of approximately 4,337sqm, equivalent to an FSR of 3.52:1.
- Comprises three at grade car parking spaces, accessible from Marsden Street.

The site is extremely well connected, being within 600m of Parramatta train station and within a 15m walkable catchment to a wide range of employment, transport, retail, entertainment, medical, education, cultural, sporting, recreation and other services and amenities (see **Figure 1**).

FIGURE 1 – LOCATION PLAN

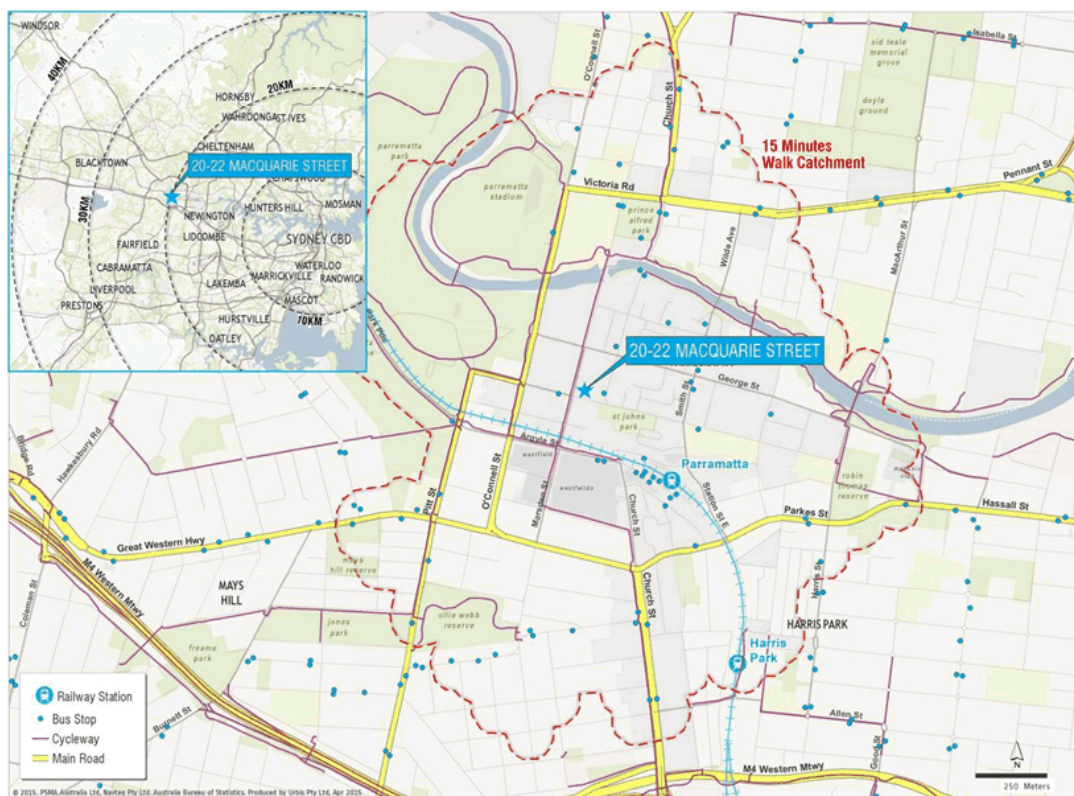


FIGURE 2 – AERIAL LOCATION PLAN (SOURCE: NEARMAP)



As shown in **Figure 3** the site is a detracting element and does little to contribute to the streetscape amenity of land use mix of the CBD.

FIGURE 3 – IMAGES OF THE SITE



PICTURE 1 – THE SITE, AS VIEWED FROM MARSDEN STREET



PICTURE 2 – THE SITE, AS VIEWED FROM THE INTERSECTION OF MACQUARIE STREET AND MARSDEN STREET



PICTURE 3 – THE SITE, AS VIEWED FROM MACQUARIE STREET



PICTURE 4 – THE GROUND FLOOR PEDESTRIAN ENTRY, AS VIEWED FROM MACQUARIE STREET

2.2 SURROUNDING CONTEXT

With the exception of the heritage listed buildings, most of Parramatta's building stock was constructed in the 1950's, 60's and 70's and as a result, will be coming to the end of its structural building life over the next 20 years.

Photographs of the surrounds are provided in **Figure 4**. These demonstrate that with the exception of the heritage building to the north, the building stock is ageing and commercial in nature. Specifically, the immediate surrounds include:

- To the north of the site is a three storey commercial building fronting Marsden Street.
- To the east of the site is a two storey commercial building comprising retail on the ground floor.
- To the south of the site is a three storey commercial building comprising retail on the ground level.
- To the west of the site is a four storey commercial building.

FIGURE 4 – IMAGES OF SURROUNDING SITES



PICTURE 5 – DEVELOPMENT TO THE NORTH OF THE SITE



PICTURE 6 – TO THE EAST OF THE SITE (PICTURED RIGHT)



PICTURE 7 – TO THE SOUTH OF THE SITE (PICTURED LEFT)



PICTURE 8 – TO THE WEST OF THE SITE

2.3 BUILT FORM IN THE CITY CENTRE

The subject site is located on the corner of Macquarie Street and Marsden Street in the Parramatta City Centre. With the exception of the heritage listed building directly to the north and a few other heritage listed buildings not in the immediate vicinity of the subject site, most buildings appear to have been built since the 1970's.

Parramatta CBD is being progressively redeveloped with a number of recent approvals and proposals for mixed use residential buildings that will collectively contribute to the evolution of the CBD into taller built forms. As shown in **Figure 5** below key future developments include:

- Parramatta Square, Aspire Tower: 90 storeys (305m high).
- Parramatta Square, Twin Towers: 53 storeys.
- Altitude, Meriton: 32 and 22 storeys.
- V by Crown: 29 storeys.

In addition Macquarie Street has been identified as the preferred route for the proposed light rail east-west route through the City, with potential connection to the transport interchange via the public domain of Parramatta Square. The subject site is strategically placed to utilise and enhance this service.

FIGURE 5 – KEY FUTURE DEVELOPMENTS



PICTURE 9 – PARRAMATTA SQUARE – ASPIRE TOWER



PICTURE 10 – PARRAMATTA SQUARE – TWIN TOWERS



PICTURE 11 – ALTITUDE BY MERITON



PICTURE 12 – V BY CROWN

2.4 HERITAGE

The site is not listed as a heritage item pursuant to the *Parramatta City Centre Local Environmental Plan 2007* (PLEP 2007) or located within a heritage conservation area (see **Figure 6**). However, the site is located adjacent heritage item, specifically a 'shop and potential archaeological site' at 197 Church Street, Parramatta (Item 11). This is considered to have State heritage significance. An overview of the surrounding heritage items is contained within the Heritage Impact Statement included at **Appendix C**.

The site is located outside the zone of influence of Old Government House and therefore does not trigger state legislation considerations.

FIGURE 6 – HERITAGE MAP EXTRACT FROM PLEP 2007



3 Background

3.1 PRELIMINARY CONCEPT PROPOSAL

A preliminary concept proposal for the site was submitted to Council in April 2014. Around this time preliminary concept proposals were also separately submitted for 197 Church Street and 220-230 Church Street. Whilst separate to this planning proposal, the cumulative solar impacts of the three proposals were assessed.

On 15 October 2015 representatives of the applicant for the site presented at a Councillor Workshop. The preliminary concept for the site was amended in response to overshadowing concerns raised by Council officers. The preferred development schemes that were presented for each site is summarised in **Table 1**.

TABLE 1 – PRELIMINARY DEVELOPMENT SCHEMES

SITE	PROPOSED FSR	PROPOSED HEIGHT
20-22 Macquarie Street	39:1	265m (80-85 storeys)
197 Church Street	12.5:1	250m (82 storeys)
220-230 Church Street	14:1	190m (55-60 storeys)

3.1.1 PRELIMINARY ASSESSMENT

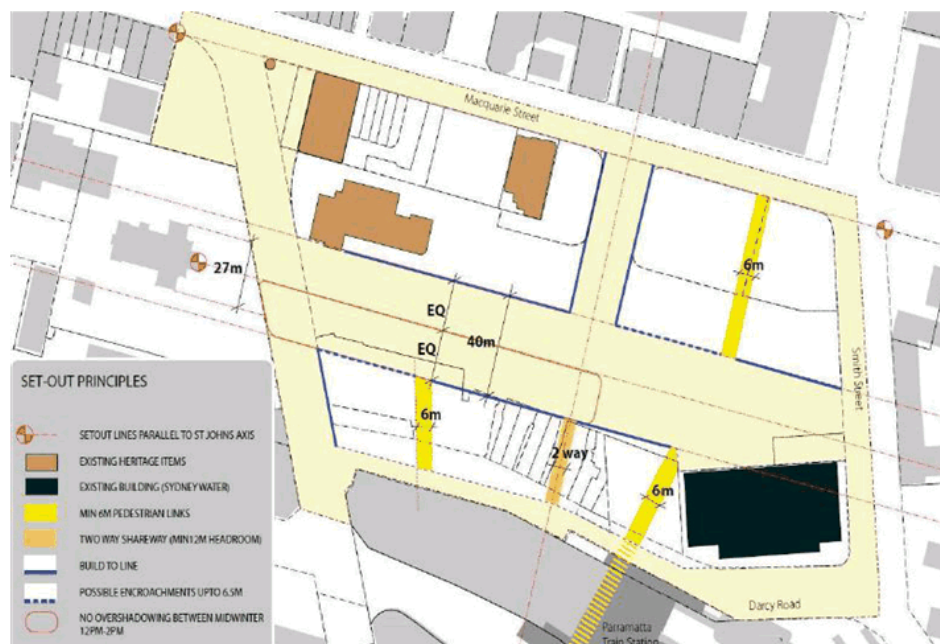
The main aspect considered in the assessment of the three proposals was the provision of solar access to Parramatta Square and Centenary Square. Clause 29E of the PLEP 2007 requires development to be restricted by the sun access plane controls established by the Parramatta DCP 2011. Specifically Section 4.3.3.7(b) of the DCP requires that no overshadowing of the south western portion of Parramatta Square is permitted between 12pm and 2pm mid-winter. This area is illustrated in **Figure 7**.

Council has assessed the cumulative solar impact of the three preliminary proposals. A summary of the individual solar impacts is provided in **Table 2**.

TABLE 2 – PRELIMINARY PROPOSALS – SUMMARY OF OVERSHADOWING IMPACTS

SITE	SUMMARY OF OVERSHADOWING IMPACT
20-22 Macquarie Street	This proposal had the least overshadowing impact on the solar protection zone in Parramatta Square in mid winter.
197 Church Street	This proposal had the most overshadowing impact on the solar protection zone in Parramatta Square in mid-winter and the autumn/spring equinox.
220-230 Church Street	This form of the building proposed casts a narrow shadow (approximately 24 metres wide at 21 noon). The proposal was found to overshadow the solar protection zone in Parramatta Square in mid-winter and the autumn/spring equinox.

FIGURE 7 – FIGURE 4.3.3.7.3 IN PARRAMATTA DCP 2011



3.1.2 RECOMMENDATION

In light of the above, Council officers recommended an alternative option (Option 2) to allow for the retention of solar access to the solar protection zone of Parramatta Square. The alternate controls for the three sites that were proposed by Council officers is summarised in **Table 3**.

TABLE 3 – ALTERNATIVE INDICATIVE CONTROLS PROPOSED BY COUNCIL OFFICERS (OPTION 2)

SITE	PROPOSED FSR	PROPOSED HEIGHT
20-22 Macquarie Street	10:1 – 20:1	82m – 180m (26 -54 storeys)
197 Church Street	6.6:1	70m – 95m (21-30 storeys)
220-230 Church Street	9.4:1	89, (28 storeys)

Whilst not publically exhibited, the draft Parramatta CBD Strategy was being considered concurrently at the time the preliminary concept was being considered. Notwithstanding the indicative FSR proposed in the CBD Strategy, Council officers identified that there was potential to accommodate an FSR of up to 20:1 on the site.

The Council officer's report provided three recommendations for Councillors. The report recommended options 2, which stated:

"OPTION 2

- That** Council consider a planning proposal that seeks to increase the permissible floor space ratio and building height on each site whilst maintaining solar access to 50% of the public domain in Parramatta Square ie the solar access protection zone.
- That** Council notes that the floor space ratio and building height controls referred to in this option within this report are indicative and require further testing.
- Further**, that Council advises the applicants of its decision and the requirements for a planning proposal submission."

On 15 December 2014, at its ordinary Council meeting Councillors resolved to:

“

- (a) **That** Council accept building proposal (a), (b) and (c) and request a further report.
- (b) **That** Council seek an opportunity create an A Grade building in the CBD by encouraging the developer to submit an innovative plan/proposal for the key site which would then be assessed on its merits.
- (c) **Further, that** each application for (a), (b) and (c) be assessed on its merits individually with a 10:1 FSR as stipulated in Council's draft planning framework.”

Since the resolution, the concept proposal has been amended and reduced in scale to generally reflect the development standards identified by Council officers as being potentially acceptable.

3.2 DRAFT AMENDMENTS TO PARRAMATTA DCP 2011

On 9 March 2015 Council resolved to remove the overshadowing control that relates to Parramatta Square.

Following the notification period, Council officers recommended that the Parramatta Square solar protection zone be retained but the controls be amended to allow some overshadowing between 12pm and 2pm midwinter.

On 9 June 2015 Council resolved to endorse the recommendation of Council officers are retain the solar protection zone outlined in Figure 4.3.3.7.3 and amend the relevant controls to state “overshadowing is to be minimised”. This demonstrates Council's acknowledgment that some additional overshadowing of Parramatta Square is inevitable in mid-winter.

Councillors also resolved to exhibit a further amendment to the PDCP 2011 which states:

“Building form – C. 7 – Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3. buildings shall be designed so as to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter.”

The proposed development standards and the concept design has been carefully developed to minimise overshadowing of the Parramatta Square solar protection zone in accordance with the solar access controls. Furthermore, the shadow cast by the building would also comply with the draft control, given that the minor area of the solar protection zone impacted by the proposal would not be affected for a period greater than 45 minutes.

4 Strategic Planning Context

4.1 NSW STATE PLAN

The NSW State Plan 2010 presents new targets for service improvements across a range of areas including (amongst other things) objectives for creating 'better transport and liveable cities' and 'support for business and jobs' which include:

- Increase the number of jobs closer to home – Increase the percentage of population living within 30 minutes by public transport of a city or major centre; and
- Grow cities and centres as functional and attractive places to live, work and visit

4.2 A PLAN FOR GROWING SYDNEY

In December 2014, the State Government released 'A Plan for Growing Sydney' (the Plan). The document is now the principle strategic planning document to guide future land use decisions in the greater Sydney region. The plan outlines the vision for Sydney as a 'strong global city and a great place to live'. The Government has established four key goals to achieve this vision:

- A competitive economy with world-class services and transport.
- A city of housing choice with homes that meet our needs and lifestyles.
- A great place to live with communities that are strong, healthy and well connected.
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

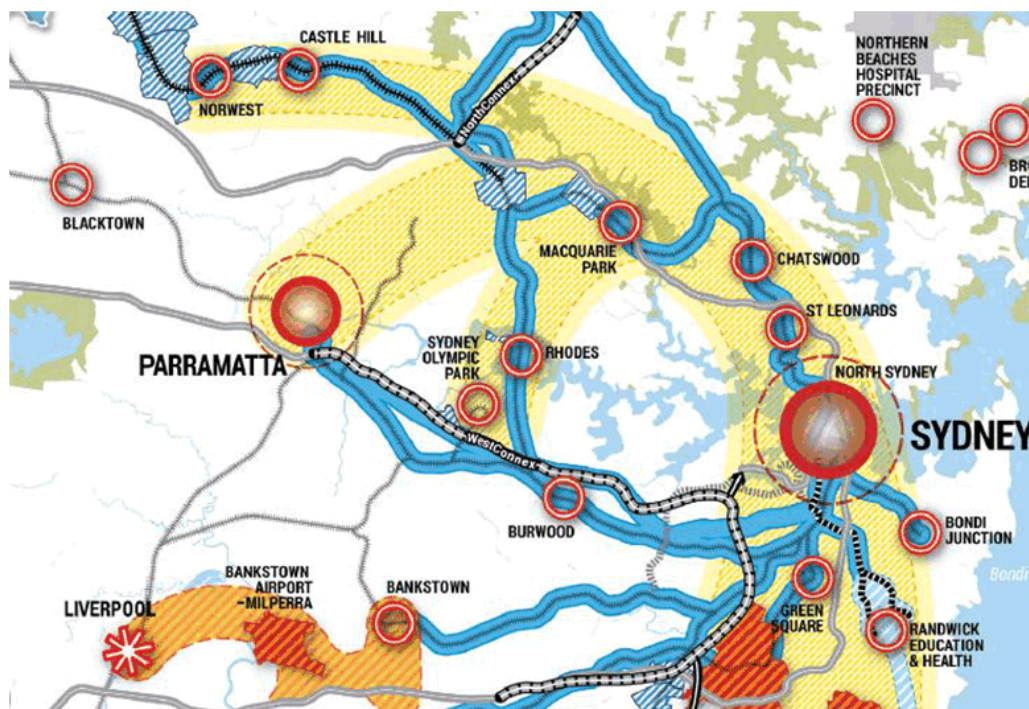
These goals are underpinned by 22 directions and 95 actions. Table 4 outlines the directions relevant to this proposal.

TABLE 4 – A PLAN FOR SYDNEY DIRECTIONS

NUMBER	DIRECTION
Direction 1.2	Grow Greater Parramatta – Sydney's second CBD
Direction 1.4	Transform the productivity of Western Sydney through growth and investment
Direction 1.6	Expand the Global Economic Corridor
Direction 1.7	Grow strategic centres – providing more jobs closer to home
Direction 2.1	Accelerate housing supply across Sydney
Direction: 2.2	Accelerate urban renewal across Sydney – providing homes closer to jobs.
Direction 2.3	Improve housing choice to suit different needs and lifestyles
Direction 3.3	Create healthy built environments

The Plan includes a categorisation system for centres. The subject site is located with the Parramatta CBD, which identified as of only two CBD centres. This reflects the increasing emphasis on Parramatta to become Sydney's second CBD, which is outlined throughout the document.

FIGURE 8 – A PLAN FOR GROWING SYDNEY



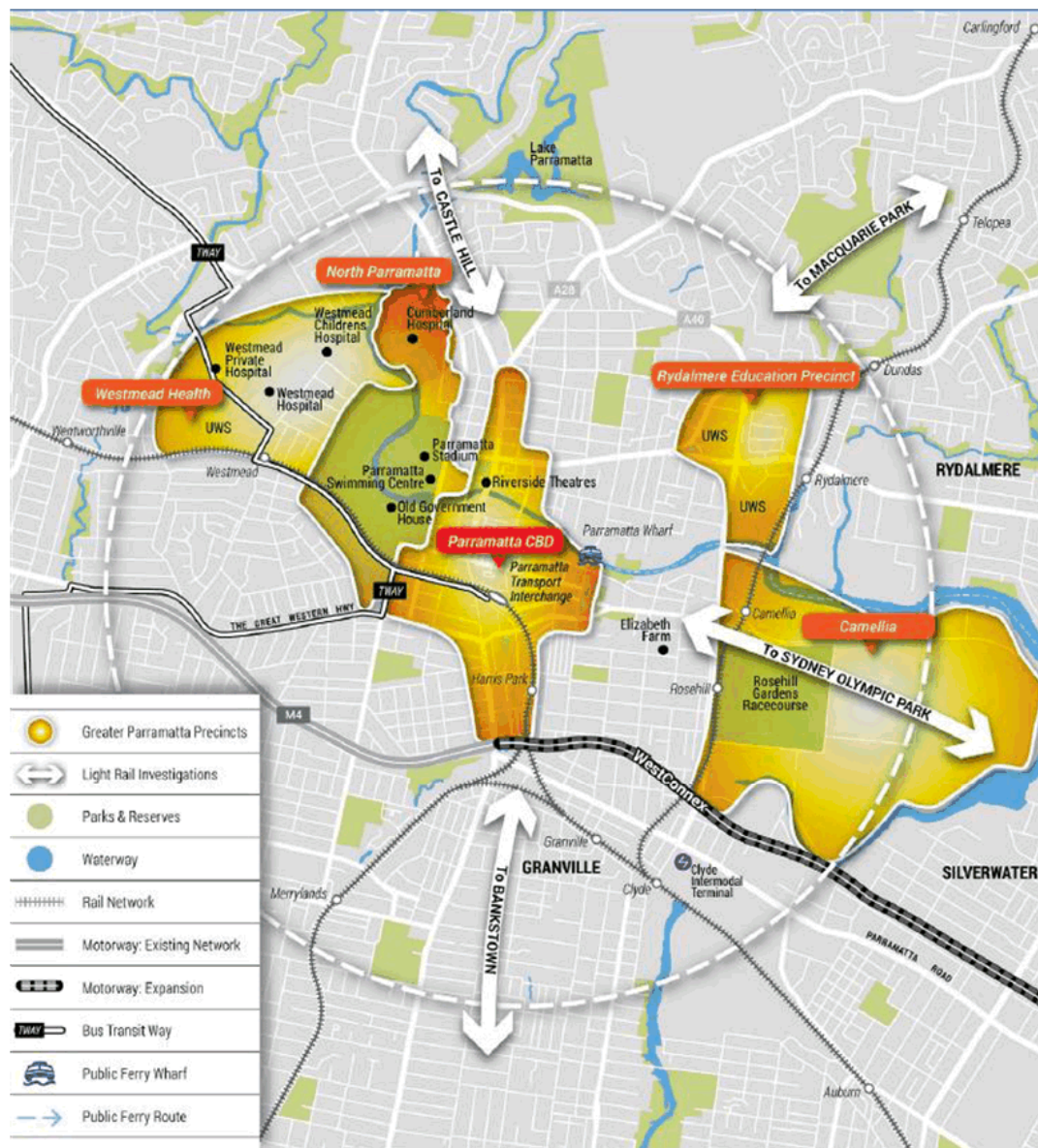
4.2.1 WEST CENTRAL SUBREGION

The subject site is within the west central subregion and is located within the area identified as the Parramatta CBD (see **Figure 9**). The relevant priorities identified in the Plan for the west central subregion and strategic centres include:

- Leverage investment and economic development opportunities for the whole subregion generated by the growth of Greater Parramatta.
- Recognise and plan Greater Parramatta as a transformation place.
- Plan Greater Parramatta as Sydney's second CBD and Western Sydney's number one location for employment and health and education services, supported by a vibrant mixture of land uses and cultural activity, with the Parramatta River foreshore as a focus for recreational activities.
- Provide capacity for long-term employment growth in Greater Parramatta, particularly in its CBD.
- Provide capacity for additional mixed-use development in Parramatta CBD.
- Work with council to retain a commercial core in Parramatta CBD for long-term employment growth.

The West Central Subregional Strategy is being prepared and is anticipated to be released later in the year. It is anticipated that the subregional strategies will set new dwelling and job targets for each region, which will reflect the overall target of 664,000 new dwellings and 689,000 new jobs by 2031.

FIGURE 9 – A PLAN FOR GROWING SYDNEY – GREATER PARRAMATTA



4.3 NSW METROPOLITAN TRANSPORT PLAN 2010

The NSW Metropolitan Transport Plan aims to deliver a 25 year vision for land use planning for Sydney, and a 10-year fully funded package of transport infrastructure to support it. The need to focus on connecting our strategic centres (including Parramatta) to drive economic growth and productivity and ensuring more people live closer to services and to where they work is identified.

4.4 CITIES TASKFORCE PLAN

The Cities Taskforce set up in 2006 was tasked with creating new city centre visions and planning documents for the regional cities of Wollongong, Gosford, **Parramatta**, Liverpool, Penrith and Newcastle. The Cities Taskforce project was part of a NSW Government initiative to plan for active, vibrant and prosperous regional cities which attract jobs and investment.

The Cities Taskforce, comprising representatives of the Department of Planning and Parramatta City Council prepared a new vision for the future of Parramatta.

The vision for the Parramatta City Centre is to become a vibrant, attractive and cosmopolitan city, providing a safe and healthy environment in which to live, work, visit and invest. The vision emphasis exemplary urban design through world class architecture to provide city living and working opportunities.

5 Local Planning Framework

This section provides a summary of the existing local planning framework relevant to the subject site and the city centre broadly.

At present, Parramatta Council, are undertaking a review of the controls that apply to the city centre. The two key documents include:

- Economic Analysis prepared by SGS Economics and Planning.
- Parramatta CBD Planning Strategy.

5.1 PLANNING FRAMEWORK: ECONOMIC ANALYSIS

SGS Economic and Planning undertook a review of the underlying market dynamic of development in Parramatta, and in particular office development. This provided an assessment of supply and demand for both residential and commercial uses.

A key statement in the document is to ensure that the employment function of Parramatta is retained. One recommendation to achieve employment outcomes was to investigate the possibility of providing an incentive or mechanism for providing a minimum amount of commercial floorspace in mixed use zones. One approach suggested in the document was to place a minimum requirement for commercial floorspace.

5.2 PARRAMTTA CBD PLANNING STRATEGY

On 27 April 2015 Council resolved to endorse the Parramatta CBD Planning Strategy (the Strategy) for the purpose of informing the preparation of a planning proposal to amend the controls for the Parramatta CBD.

The objectives of the Strategy are:

1. *To set the vision for the growth of the Parramatta CBD as Australia's next great city.*
2. *To establish principles and actions to guide a new planning framework for the Parramatta CBD.*
3. *To provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.*

The Strategy also contains a vision for the Parramatta CBD, which states

"Parramatta will be Australia's next great city, defined by landmark buildings and high quality public spaces with strong connections to regional transport. It will respect its heritage, be an exemplar in design excellence, facilitate job growth and ensure its street are well activated."

To achieve this vision several principles are outlined in the document include:

- P1 Achieve world's best practice in the planning and development of cities.*
- P2 Achieve a strategic balance of land uses.*
- P3 Create an attractive and distinctive city skyline, defined by tall, slender towers.*
- P4 Create a liveable, active and highly desirable city.*
- P5 Promote economic diversity, prosperity and jobs growth.*
- P6 Improve the quality of urban design and the public domain.*

P7 Achieve design excellence.

P8 Celebrate heritage and the natural environment.

P9 Facilitate the delivery of infrastructure to support Parramatta's growth.

P10 Improve access to the regional transport network.

The key recommended actions which support the objectives, vision and principles include:

- Investigating the potential expansion of the boundaries of the Parramatta CBD.
- Increasing the base FSR for the main central area of the City Centre to 10:1, as shown in **Figure 10**.
- Providing an additional 15% FSR where proposals demonstrate design excellence.
- Investigate potential sun access controls to key public spaces from 12pm to 2pm in midwinter as shown in **Figure 11**. However on 9 March 2015 Council resolved to remove the solar access controls that relate to Parramatta Square.
- Removing the maximum height control for the site and surrounds, with height controlled by sun access controls and aviation restrictions.
- Increasing the maximum height limits within the Auto Alley precinct and transitional area.
- Potentially expanding the commercial core zone. However the site is not proposed to be rezoned B3 Commercial Core.

This uplift is estimated to facilitate an additional 1,060,000sqm of employment floorspace and 1,730,000 of residential floorspace with the Parramatta city centre.

In order to implement the actions of the Strategy, Council will undertake further urban design testing and refinement, and also prepare a suite of technical studies. This additional work will help to inform a Planning Proposal to amend the planning controls for the CBD.

FIGURE 10 – POTENTIAL FSR CONTROLS

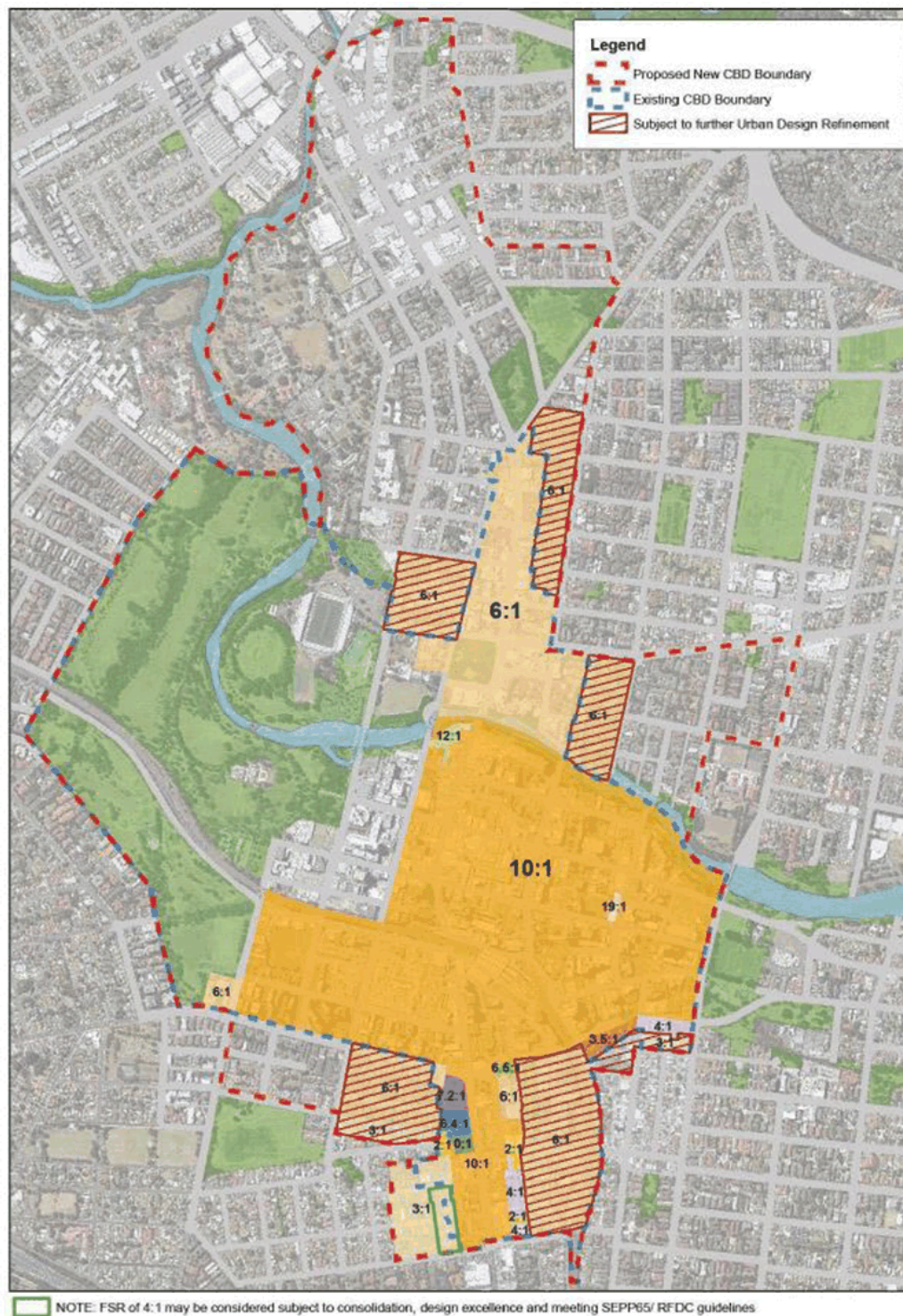
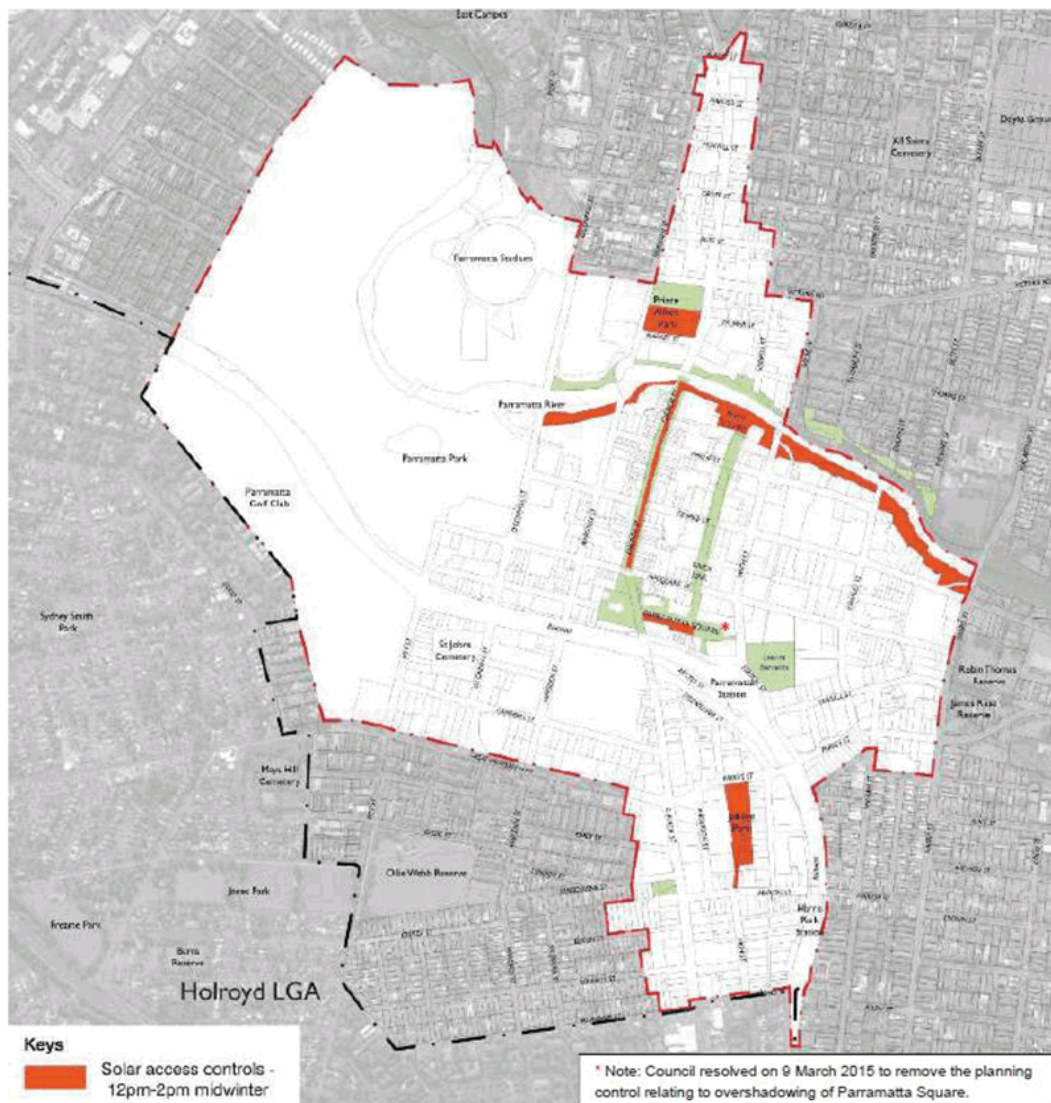


FIGURE 11 – POTENTIAL SOLAR ACCESS CONTROLS



5.3 PARRAMATTA 2038 COMMUNITY STRATEGIC PLAN

Adopted in June 2013, Parramatta 2038 Community Strategic Plan (the Strategic Plan) is a long term vision for the LGA. The vision states:

"Parramatta will be the driving force and heart of Australia's most significant economic region; a vibrant home for diverse communities and a centre of excellence in research, education and enterprise."

Six strategic objectives underpin this vision. These include:

- **Economy:** Parramatta's economic growth will help build the City as a centre of high, value-adding employment and the driving force behind the generation of new wealth for Western Sydney.
- **Environment:** Parramatta will be an eco-efficient city that effectively manages and uses the City's growth to improve and protect the environment.
- **Connectivity:** Parramatta will be a city with fast, reliable transport and digital networks that connect people to each other, to the information and services they need and to where they need to go.
- **People and Neighbourhoods:** Parramatta will be a world-class city at the centre of Sydney that attracts a diversity of people: a city where people can learn, succeed and find what they need; a city where people live well, get together with others, feel like they belong and can reach their potential.
- **Culture and Sport:** Parramatta will be a place where people want to be: a place that provides opportunities to relate to one another, the City and the local area; a place that celebrates its cultural and sporting heritage; and a place that uses its energy and cultural richness to improve quality of life and drive positive growth and joy.
- **Leadership and Governance:** Parramatta will be widely known as a great city, a centre of excellence and an effective capital of Western Sydney, with inspirational leadership and good governance.

The Strategic Plan identifies that Parramatta will need an additional 50,000 jobs by 2038 and plans for the majority of new jobs to be in the Parramatta CBD. It aims to realise vibrant streets and precincts that attract people and business.

5.4 PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

The *Parramatta City Centre Local Environmental Plan* (PLEP 2007) is the local environmental planning instrument applying to the site.

5.4.1 LAND USE ZONING

The existing zoning of the site is B4 Mixed Use. The site is outlined in red in Figure 12 below, and the B4 Mixed Use zoning controls are provided in **Table 5**.

Uses including 'commercial premises', which includes business, office, and retail premises and 'Residential flat buildings' and 'shop top housing' are not listed as prohibited development and are therefore permissible with consent.

FIGURE 12 – PLEP 2007 ZONING MAP



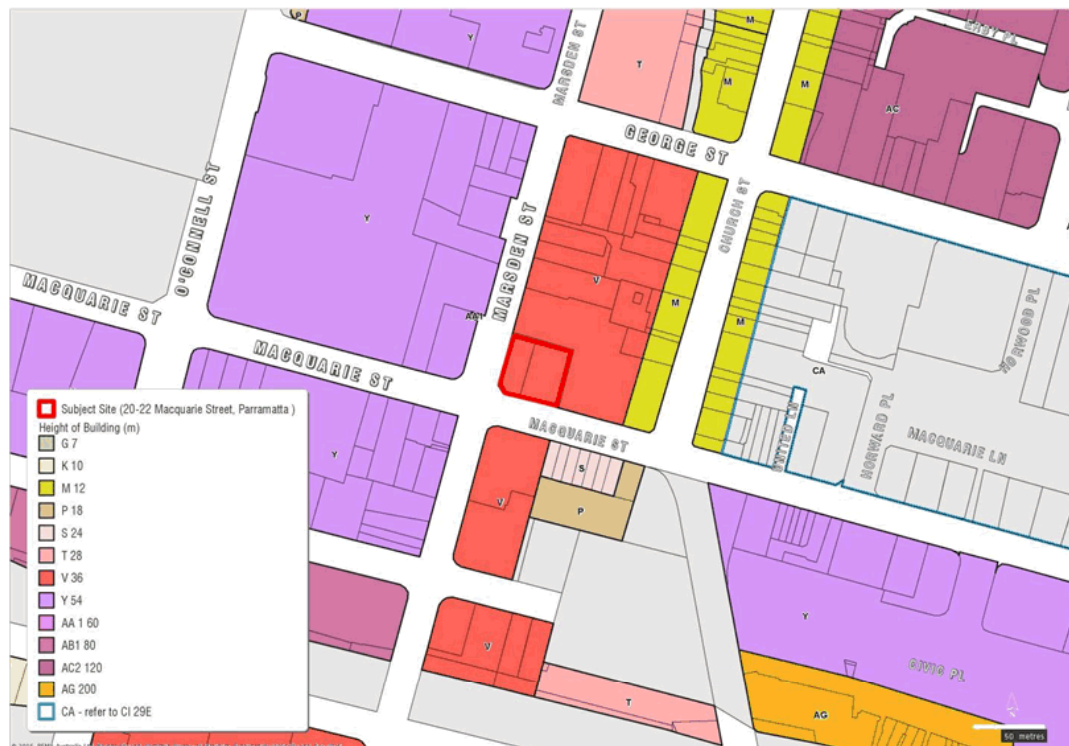
TABLE 5 – B4 MIXED USE ZONING CONTROLS IN THE PLEP 2007

CONTROL	B4 MIXED USE
1. Zone Objectives	The objectives of the zone are: ▪ To provide a mixture of compatible land uses. ▪ To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. ▪ To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone. ▪ To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including: – commercial and retail development, – cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining, – tourism, leisure and recreation facilities, – social, education and health services, – high density residential development. ▪ To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.
2. Permitted without Consent	Nil
3. Permissible Development	Any other development not otherwise specified in item 2 or 4
4. Prohibited Development	Car parks (except those required by this Plan or public car parking provided by or on behalf of the Council); Caravan parks; Dual occupancies; Dwelling houses; Extractive industries; Home occupation (sex services); Industries; Light industrial retail outlets; Mines; Vehicle body repair workshops; Warehouse or distribution centres

5.4.2 HEIGHT OF BUILDINGS

The PLEP 2007 applies a 36m building height control to the site, as shown in Figure 13. The lots on the opposite side of Marsden Street, to the west are assigned a height limit of 54m.

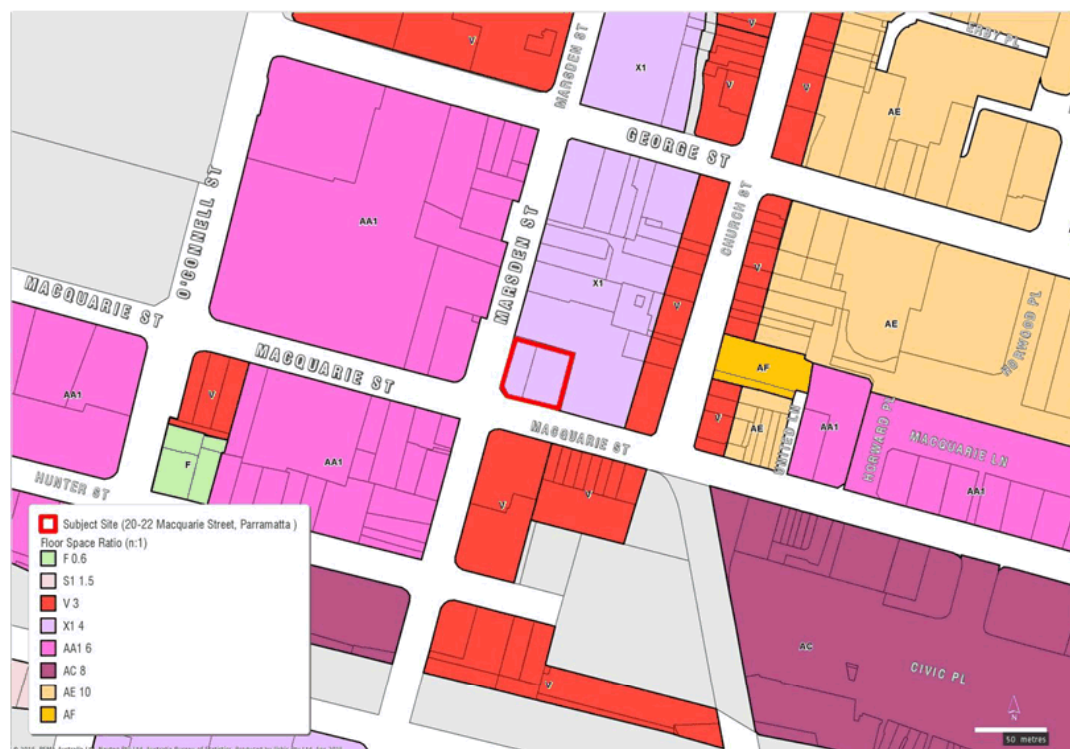
FIGURE 13 – PLEP 2007 HEIGHT OF BUILDINGS MAP



5.4.3 FLOOR SPACE RATIO

As shown in Figure 14 a floor space ratio control of 4:1 applies to the site. The lots on the opposite side of Marsden Street, to the west are assigned an FSR of 6:1.

FIGURE 14 – PLEP 2007 – FSR MAP



5.5 PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The Parramatta Development Control Plan 2011 (DCP 2011) was adopted by Council on 12 October 2011 and was amended on 2 April 2014 to consolidate the Parramatta City Centre DCP 2007 into the DCP 2011.

Within this plan, Parramatta City Centre has its own section and specific controls that govern building form, such as site coverage and landscaping, building materials and finishes, parking requirements and dwelling mix.

Any development application that results from this proposal will need to consider the DCP 2011 and its relevant sections.

6 Indicative Design Concept

6.1.1 OVERVIEW

The detailed design of the overall building will be finalized following the overall design excellence process that will be part of the DA process. In broad terms however the optimum built form has been identified in the attached Urban Design Analysis prepared by V-Arc (refer **Appendix A**).

The components of the concept include:

- As shown in **Figure 15**, a built form that addresses both the Macquarie and Marsden Streets through the provision of a six storey podium comprising active uses such as retail, conference/meeting and entertainment uses.
- A street wall height that establishes a human scale relationship to the street and maximises the provision of active frontages
- A slender tower component above the podium, comprising a mix of high quality commercial office floorspace and residential apartments.
- A development that reinforces the built form envisaged in the Parramatta CBD, by providing a building that achieves design excellence and offers an appropriate transition in building height.
- A built form that limits the potential for adverse solar impacts on surrounding buildings and maintains solar access to existing proposed public spaces, including Parramatta Square and Jubilee Park.
- A potential viewing platform, function space and or bar/restaurant on the upmost level.

The proposal will serve as a catalyst for the redevelopment of this section of Macquarie Street, which is critical as the key pedestrian and light rail corridor to the CBD heart.

FIGURE 15 – THE CONCEPT PROPOSAL, AS VIEWED FROM MACQUARIE STREET



6.1.2 DESIGN RESPONSE

The design of the concept is described in the Urban Design Analysis and summarised in the paragraphs below.

Building Setback and Separation

Given the constraints of the site, the concept proposes an innovative massing response and has been designed to minimise overshadowing and maximise daylight penetration to the street level through a structure that is effectively 'carved out' at the lower levels.

As shown in **Figure 16** the height standard proposed allows for a tall slender tower which achieves an average setback of

- 6.55m setback to Macquarie Street.
- 1.5m to Marsden Street.
- 7m to the northern boundary.
- 7.95m to the eastern boundary.

The proposed building height and FSR standards allow for the creation of a slender tall tower, with an envelope that represents a contemporary design response to the surrounding urban context. The design creates an interactive urban art work with and achieves the required separation under the building codes.

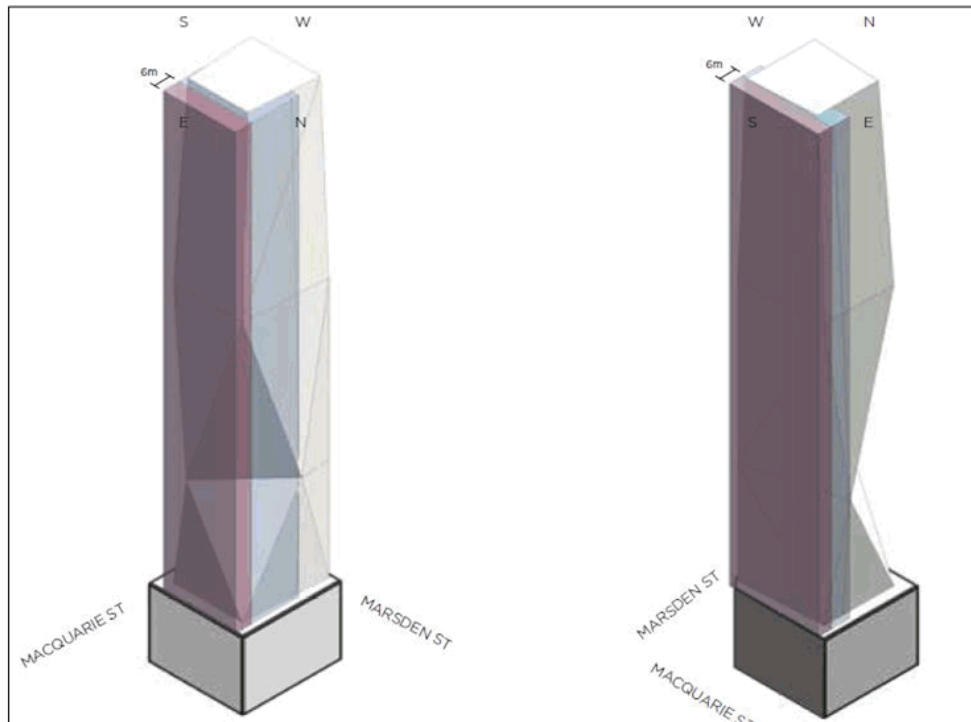
Mix of Land Uses

As documented in the Urban Design Analysis the planning proposal seeks to facilitate a development outcome that will offer a true mixed of uses and attract new business to Parramatta by providing retail, commercial and residential uses. This is proposed to be achieved by establishing a minimum 5:1 FSR requirement for non-residential land uses.

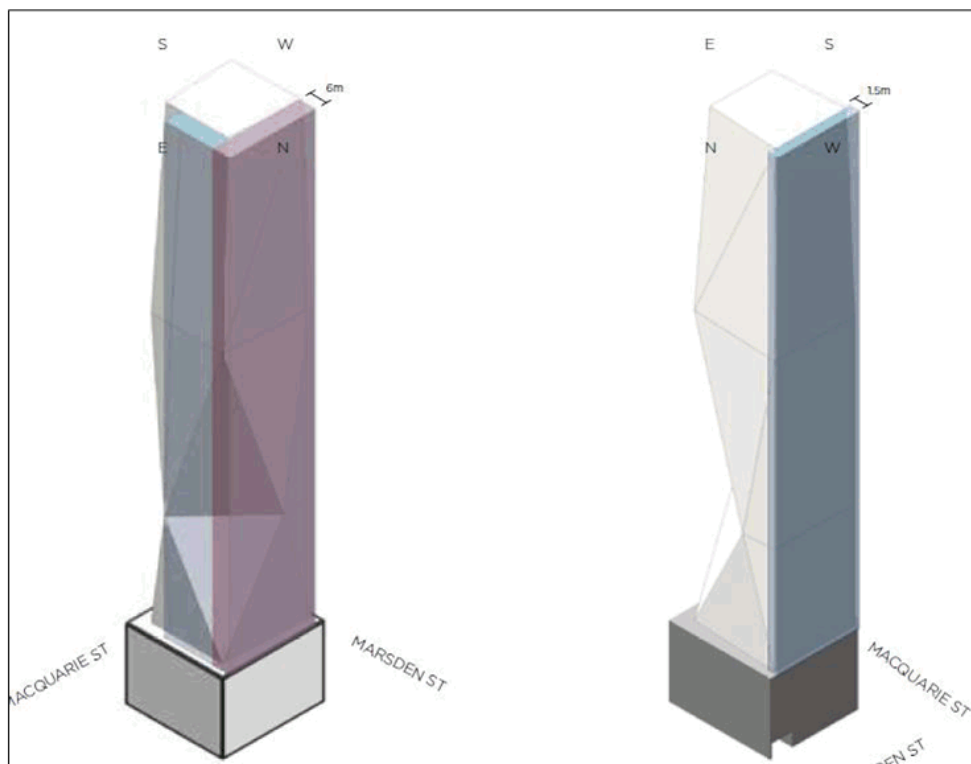
Sustainability

It is envisaged that the concept proposal will achieve a high level of sustainability, in excess of the statutory requirements. The planning proposal will facilitate the creation of a vertical city, which will feature green roofs and communal gardens. As demonstrated in the Urban Design Analysis the concept design maximises north facing apartments and promotes natural cross ventilation through corner and cross through apartments.

FIGURE 16 – BUILDING ENVELOPE DIAGRAMS



PICTURE 13 –SETBACKS TO THE EASTERN BOUNDARY AND MACQUARIE STREET



PICTURE 14 –SETBACKS TO THE NORTHERN BOUNDARY AND MARSDEN STREET

6.2 VOLUNTARY PLANNING AGREEMENT

Under section 93F of the *Environmental Planning & Assessment Act 1979* (the Act), a proponent may enter into a VPA where a change is sought to an environmental planning instrument, under which the developer is required to pay a monetary contribution or provide a material public benefit to be used or applied towards a public purpose.

A letter of offer for consideration by Council accompanies this planning proposal and is attached at **Appendix D**. It is intended that should the amendments to the environmental planning instrument be gazetted, this would be consolidated and crystallised into a VPA with Council. The letter of offer proposes a range of contributions to the value of \$10 million, including a:

- Contribution of \$1,000,000 over a ten year period to subsidise pre-school learning centre fees for local residents and workers with children engaged in the essential services sector.
- Contribution of \$100,000 towards the beautification of Macquarie Street and Marsden Street. The beautification may incorporate new design of lighting, landscape, signage, foot path design and furniture.
- Contribution of \$400,000 towards the establishment of an annual Art in the Park in Parramatta Park.
- Contribution of \$8,000,000 towards the design and construction of a Music Bowl as a permanent outdoor venue for public performances to be located within the City of Parramatta in support of Recommendation 8 of the Building Western Sydney's Cultural Arts Economy — a key to Sydney's success Report 2015 (Deloitte Touche Tohmatsu 2015 page 60).
- Contribution \$200,000 towards beautification of Queens Wharf Park to incorporate sculptures, picnic and barbeque facilities with a general viewing platform to capture views from the Park to the river and link this with the overall Parramatta Green Grid Strategy.
- Contribution \$100,000 towards Parramatta High School for improvements to classrooms, upgrade of the school sporting facilities.
- Contribution \$200,000 towards the supply of equipment/technology and support of local institutions that provide education, family support, and employment opportunities to the disabled.

7 Planning Proposal Overview

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* with consideration of the Department of Planning and Infrastructure's 'A guide to preparing planning proposals' dated October 2012.

Accordingly, the planning proposal is addressed in the following four parts:

- **Part 1:** A statement of the objectives or intended outcomes of the proposed amendment;
- **Part 2:** An explanation of the provisions that are to be included in the proposed amendment;
- **Part 3:** The justification for those objectives, outcomes and the process for their implementation; and
- **Part 4:** Details of community consultation that is to be undertaken for the planning proposal.

Discussion for each of the above parts is outlined in the following sections.

8 Part 1 – Objectives or Intended Outcomes

8.1 OBJECTIVE

As demonstrated in **Figure 17** the primary objective of this planning proposal is to facilitate a slender tower structure that achieves a mixture of uses on the site and reinforces the built form shape of the Parramatta CBD whilst ensuring that there are no significant adverse environmental impacts.

The client is committed to achieving design excellence for this important site in the CBD. This process would be conducted following the adoption of the new LEP controls but prior to the lodgement of a DA.

The proposed development standards will revitalise this strategically important site with a slender building that comprises active retail on the ground floor and commercial and residential floorspace on the levels above. The planning proposal will facilitate a high level of residential amenity, whilst facilitating an increase in employment floorspace.

A concept plan has been prepared to demonstrate the likely development that would occur if the nominated planning controls were implemented (refer **Appendix A**). The concept plan illustrates a scheme that achieves an FSR of up to 20:1, including a non-residential FSR of at least 5:1. This achieves a height of 190m, representative of a slender landmark building.

8.2 INTENDED OUTCOME

The intended outcome of the planning proposal is to facilitate the delivery a landmark building of design excellence. To achieve this outcome it is necessary to amend the height and FSR controls applicable to the site.

FIGURE 17 – INDICATIVE CONCEPT



9 Part 2 – Explanation of Proposed Provisions

9.1 OVERVIEW

The purpose of the planning proposal is to amend the PLEP 2007 to allow development to occur as part of the comprehensive redevelopment of the site.

The proposed LEP amendment would facilitate the subsequent lodgement of a development application for a development of a comparable built form proposed in the concept drawings. The site does not need to be rezoned, given the existing B4 Mixed Use zone permits all of the uses envisaged on the site.

9.2 PROPOSED OUTCOME

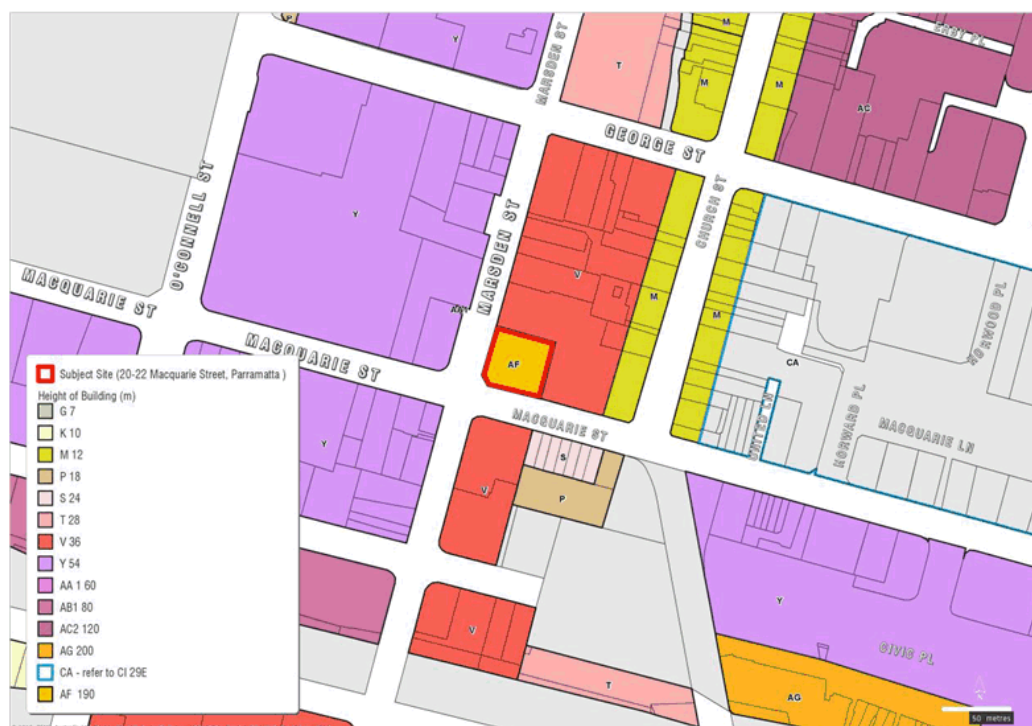
The proposed outcome will be achieved by amending the PLEP 2007 as follows:

- Amending the PLEP 2007 Height of Buildings Map to allow for a maximum building height of 190m.
- Amending the PLEP 2007 Floor Space Ratio Map to allow for a maximum floor space ratio of 20:1 on the site.
- Inserting a new clause in the PLEP 2007 that requires a minimum non-residential floorspace of 5:1 in any new development.

9.2.1 HEIGHT CONTROL

It is proposed to amend the PLEP 2007 to permit a maximum building height of 190m. The proposed Height of Buildings Map (HOB) is provided at **Figure 18**.

FIGURE 18 – PROPOSED PLEP 2007 HOB MAP



9.2.2 FLOOR SPACE RATIO

It is proposed to amend the PLEP 2007 to permit a maximum FSR of 20:1 across the site, calculated on a site area of 1,293sqm. The proposed Floor Space Ratio map is provided at **Figure 19**.

This figure is exclusive of the additional 15% that can be achieved under the imminent new LEP provisions through a Design Excellence Competition process.

As a commitment to satisfying Council's employment objectives, the proposal also seeks to ensure that a minimum proportion of non-residential floorspace is provided as part of any development proposal, which will facilitate a genuine mix of uses and provide assurance to Council that non-residential floorspace will be provided. Based on the concept plan and the approximate floorspace of the existing building, a minimum non-residential FSR of 5:1 is proposed.

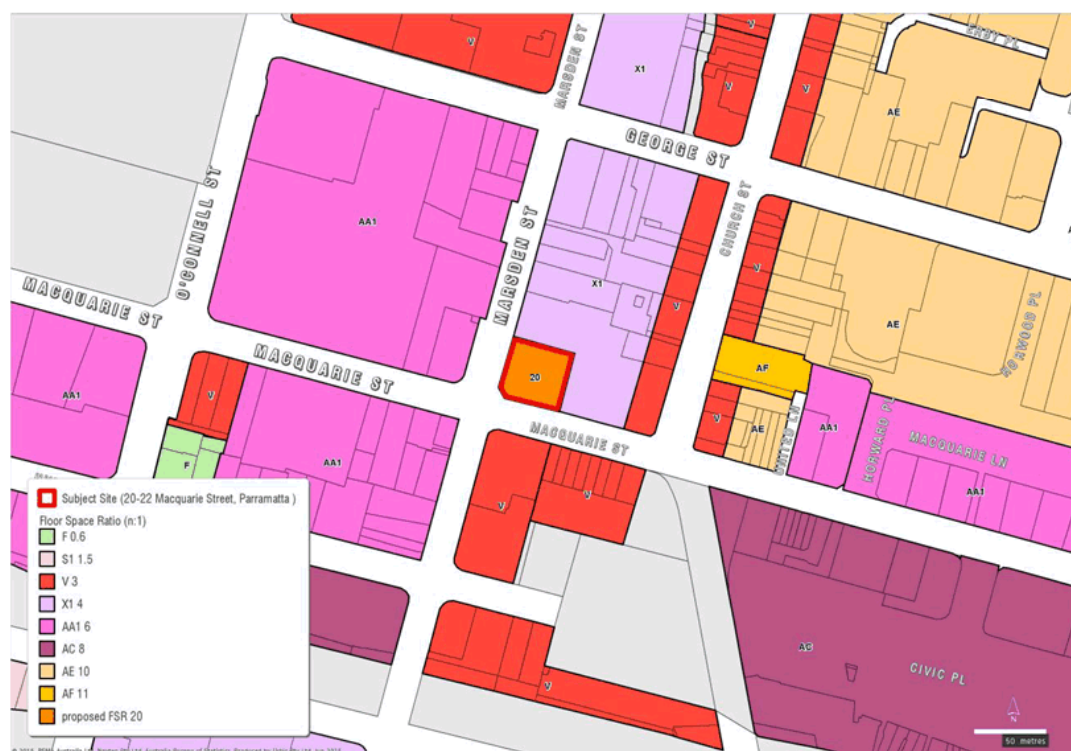
This can be achieved through amending the Special Provisions Area map by including the site as "Area 5" and inserting a new clause into the PLEP 2007 as follows:

"22K Use of certain land at 20-22 Macquarie Street

- (1) This clause applies to the land identified as "Area 5" on the Special Provisions Area Map.
- (2) Development consent must not be granted to the erection of the building on land to which this clause applies unless the building includes development for a purpose other than residential accommodation and that development has a floor space ratio of at least 5:1."

The above clause is modelled on Clause 6.6 in the Lane Cove Local Environmental Plan 2008.

FIGURE 19 – PROPOSED PLEP 2007 FSR MAP



10 Part 3 – Justification for the Objectives, Outcomes and Process for their Implementation

10.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

This planning proposal has been informed by the Parramatta CBD Strategy and has also been the subject of detailed site testing to determine the most appropriate development for the site and the building height limit that is most appropriate for the site's location within the city centre.

The proposal is strongly aligned with a number of state and local strategic documents that set out goals that seek to plan Greater Parramatta as Sydney's second CBD and provide capacity for long-term employment growth and additional mixed use development. These documents are listed below, and are outlined in more detail in Sections 4 and 5.

- A Plan for Growing Sydney.
- NSW Metropolitan Transport Plan.
- Cities Taskforce Plan.
- Parramatta CBD Planning Framework Study.
- Parramatta 2038 Community Strategic Plan.

Additionally:

- The proposed amendments are commentary (and lower in height) that the future tower and densities proposed on key sites within the Parramatta CBD, including the Aspire Tower at 160-162 Church Street and Altitude tower at 330 Church Street.
- The proposed changes will enhance this section of Macquarie Street and would provide for a transition in scale from the taller buildings proposed in and around Parramatta Square.

Detailed studies have been undertaken to inform the proposal (specifically the proposed height and FSR controls). This includes the preparation of a concept plan and a range of specialist technical reports that address key issues, including traffic generation and heritage impact.

Q2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The changes to the height and FSR controls proposed in this planning proposal are the best means of achieving the stated objectives. Alternative approaches are considered inadequate for the following reasons:

- **Maintaining the existing controls:** Whilst the current controls allow for a development with a maximum height of 36m and FSR of 4:1, these controls are widely recognised as outdated and not appropriate for Sydney's second CBD. Furthermore, these controls will not facilitate the redevelopment of the site as the existing building has an FSR of approximately 3.52:1. For this reasons there is little incentive to demolish or redevelop the existing commercial building. Increased height and FSR are required to achieve the built form aspirations and the mix of uses advocated by the applicant and state and local strategies.
- **Seeking variations to the existing standards:** The degree of variation required to achieve the urban design outcome and mix of uses is considered too great to be considered via a Clause 4.6 variation.

10.2 SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUBREGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN PLAN AND EXHIBITED DRAFT STRATEGIES)?

NSW State Plan

With the site being within 600m of Parramatta train station and within immediate proximity to the potential light east-west light rail route, the opportunity to provide employment and housing within 30 minutes by public transport can be realised.

The proposal will assist in ensuring Parramatta remains an employment destination, by facilitating the necessary increase in non-residential floor space in the CBD. Positive investment in built form located in a prominent location within the public domain has the potential to contribute to improving the attractiveness of the Parramatta city centre.

A Plan for Growing Sydney

A Plan for Growing Sydney strengthens the stated policy of the NSW State Government that Parramatta should continue to develop as Greater Sydney's second CBD. The proposed development facilitated by this planning proposal supports this policy through additional housing and employment growth within the Parramatta CBD.

Table 6 assesses the proposal against the relevant objectives of A Plan for Growing Sydney.

TABLE 6 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST RELEVANT DIRECTIONS OF THE PLAN FOR GROWING SYDNEY

PLAN FOR GROWING SYDNEY DIRECTION	PLANNING PROPOSAL
Direction 1.2: Grow Greater Parramatta – Sydney's second CBD	- The planning proposal will support the growth of Greater Parramatta in significance to Sydney through investment and greater diversity of activities. - By committing to a significance minimum proportion of employment space, the planning proposal will play a role in the Parramatta CBD achieving a projected 100,000 jobs over the next 20 years and will encourage new knowledge jobs through the provision of commercial office floorspace.
Direction 1.4: Transform the productivity of Western Sydney through growth and investment	The planning proposal improves the scale and mix of job opportunities within a centre readily accessible by public transport.
Direction 1.7: Grow strategic centres – providing more jobs closer to home	- Greater Parramatta is identified as a strategic centre. The proposal will support the agglomeration of jobs within the Parramatta CBD and provide for new housing in a highly accessible location. - The proposal will improve the walkability of the centre through an improved ground floor interface, attract significant investment through potential high end retail outlets and enhance the range of services offered in the area generally.

PLAN FOR GROWING SYDNEY DIRECTION	PLANNING PROPOSAL
Direction 2.1: Accelerate housing supply across Sydney	The planning proposal will stimulate local housing supply and choice without broadening the urban footprint.
Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs	The planning proposal will facilitate the increase of housing in a location close to jobs.
Direction 2.3: Improve housing choice to suit different needs and lifestyles	The planning proposal will provide for an increased supply of dwellings that respond to the local demographics and dwelling mix demand in the area.
Direction 3.3: Create healthy built environments	The planning proposal will foster a healthy built environment by facilitating a mixed use development that provides for the convenient focus for daily activities and encourages walking and cycling.

The draft west central subregional strategy has not been released. However, **Table 7** assesses the proposal against the priorities for the west central subregion

TABLE 7 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST THE RELEVANT PRIORITIES FOR THE WEST CENTRAL SUBREGION

PRIORITY	PLANNING PROPOSAL
Recognise and plan Greater Parramatta as a transformation place.	The planning proposal will facilitate the transformation of the site to a contemporary, mixed use development that will achieve design excellence.
Plan Greater Parramatta as Sydney's second CBD and Western Sydney's number one location for employment and health and education services, supported by a vibrant mixture of land uses and cultural activity, with the Parramatta River foreshore as a focus for recreational activities.	The existing zone permits a wide range of compatible land uses, with the planning proposal providing a minimum non-residential component to ensure that employment floorspace is both retained and increased.
Provide capacity for long-term employment growth in Greater Parramatta, particularly in its CBD.	The planning proposal will facilitate employment growth in the Parramatta CBD.
Provide capacity for additional mixed-use development in Parramatta CBD.	The planning proposal will provide additional capacity for mixed use development in the Parramatta CBD.
Work with council to retain a commercial core in Parramatta CBD for long-term employment growth.	Whilst outside the B3 Commercial Core zone, the proposal will double the area of commercial floorspace currently provided on the site.

NSW Metropolitan Transport Plan 2012

The planning proposal is consistent with the NSW Metropolitan Transport Plan 2012 as it will allow for increased residential densities in a locality that is highly connected. Furthermore, the planning proposal will allow for more people to live closer to services and to where they work.

Cities Taskforce Plan

The planning proposal is consistent with the visions contained in the Revitalising Parramatta City Centre Plan. An assessment against the relevant vision statements for the Parramatta City Centre is provided in **Table 8** below.

TABLE 8 – ASSESSMENT OF PLANNING PROPOSAL AGAINST THE VISION STATEMENTS IN THE REVITALISING PARRAMATTA CITY CENTRE PLAN

VISION STATEMENT	PLANNING PROPOSAL
Creating a Liveable and Desirable City	The planning proposal will facilitate a mixed use development that offers a range of services, experiences and housing typologies.
Shaping the City Form	The maximum height and FSR controls proposed will contribute to a 'flowing' city skyline that provides an appropriate transition from the Parramatta Square developments.
Improving the Quality of Urban Design	The existing building on the site detracts from the visual amenity of the area. The planning proposal will provide the necessary incentive for the redevelopment of this site. The applicant is also committed to achieving design excellence and is seeking to create a strong identity for the site.
Developing Economic Diversity and Prosperity in the City Centre	The planning proposal will retain and enhance the employment function of the site and will facilitate significant investment.

Q4. IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?

Parramatta 2038 Community Strategic Plan

The proposal will assist in the attainment of many of the objectives contained in the Parramatta 2038 Community Strategic Plan.

Table 9 assesses the proposal against the relevant objectives identified previously in Section 5.3.

TABLE 9 – ASSESSMENT OF PROPOSAL AGAINST RELEVANT OBJECTIVES IN PARRAMATTA 2038 COMMUNITY STRATEGIC PLAN

OBJECTIVE	PLANNING PROPOSAL
Economy	The planning proposal will facilitate the significant redevelopment of this key site, which will have positive implications for Parramatta's economic growth and prosperity.
Environment	The planning proposal will lead to the consolidation of the urban built form, providing for increased densities in an accessible location.

OBJECTIVE	PLANNING PROPOSAL
Connectivity	Activity generated by the redevelopment of the site will support existing and proposed public transport networks, including the future light rail network that is proposed to run adjacent to the site.
People and Neighbourhoods	The planning proposal will support a variety of active uses, which may include high end retail, function and meeting spaces, commercial offices and entertainment venues.

Parramatta CBD Planning Strategy

The planning proposal is consistent with the vision and supporting principles contained within the Parramatta CBD Planning Strategy. The planning proposal supports the vision statement as follows:

- The planning proposal will allow for the development of a landmark building.
- The proposal will facilitate job growth and will comprise a minimum non-residential component of 5:1.
- The concept proposal demonstrates that both Macquarie and Marsden Streets will be activated.

Table 10 assesses the proposal against the relevant principles as follows.

TABLE 10 – ASSESSMENT OF PROPOSAL AGAINST RELEVANT PARRAMATTA CBD PLANNING STRATEGY PRINCIPLES

PRINCIPLE	PLANNING PROPOSAL
<i>P2 Achieve a strategic balance of land uses.</i>	The planning proposal directly achieves this goal, with the concept proposal demonstrating how a variety of land uses can be accommodated on the site.
<i>P3 Create an attractive and distinctive city skyline, defined by tall, slender towers.</i>	The proposal will facilitate the construction of a tall slender tower that provides for a transition in built form from Parramatta Square.
<i>P4 Create a liveable, active and highly desirable city.</i>	The planning proposal will facilitate this principle through an active podium that incorporates retail, meeting/function spaces and entertainment land uses. The residential component will stimulate activity through increased densities.
<i>P5 Promote economic diversity, prosperity and jobs growth.</i>	The planning proposal will retain and enhance the employment potential of the site and may serve as a catalyst for the redevelopment of other sites within the immediate area.
<i>P6 Improve the quality of urban design and the public domain.</i>	The applicant is committed to achieving design excellence for this site. The public domain will be enhanced through a legible ground floor. An FSR of 20:1 provides the economic incentive necessary for significant redevelopment.
<i>P7 Achieve design excellence.</i>	The proponent is willing to conduct a design competition prior to DA lodgement to ensure design excellence is achieved on this key site.
<i>P8 Celebrate heritage and the natural</i>	A Heritage Impact Statement has been prepared and is included at Appendix B. This concludes that the proposal will not adversely impact surrounding heritage items.

PRINCIPLE	PLANNING PROPOSAL
<i>environment.</i>	

The CBD Planning Strategy recommends a base FSR of 10:1 for all sites within Parramatta city centre and does not include a maximum height limit. However, an FSR of 10:1 on this site would not achieve a tall slender building, given the relatively small lot size. To support the vision and achieve the principles, an FSR of 20:1 is considered appropriate for the site.

The consideration of this site for built form uplift has been considered concurrently with the CBD Strategy. While the strategy recommends a 10:1 blanket FSR across the CBD, Council planners have sought it appropriate to explore an FSR of up to 20:1 on this site as part of a formal planning proposal, which this application has done.

Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified below.

TABLE 11 – CONSISTENCY WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

POLICY	DETAILS
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	The planning proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing and non-residential activities in area where there is existing public infrastructure, transport and community facilities.
SEPP 55 Remediation of Land	Given the existing use of the site for commercial office purposes, it is considered unlikely the site is contaminated. This will be confirmed at DA stage.
SEPP 65 Design Quality of Residential Apartment Buildings	The Concept Plan which forms part of this proposal has been tested and shown to be capable of achieving the SEPP 65 principles and the design criteria in the accompanying Apartment Design Guidelines (ADG).
SEPP (Buildings Sustainability Index: BASIX) 2004	Building orientation, massing and depth have been designed to facilitate compliance with the requirements of the BASIX SEPP at the development application stage.
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across the State. The following matters are relevant to the proposal: ▪ The site is within an established urban area, with all urban services provided to the site. While the proposal may require upgrading of service facilities such as water, electricity or sewer to cater for the proposed increase in density, the need for such upgrades can be confirmed through a Section 73 certificate prior to the issue of any Construction Certificate. ▪ Pursuant to Clause 104, whilst the site does not have direct vehicular access to a classified road, Marsden Street connects to a classified road. Referral to the RMS will therefore be required. ▪ The transport report prepared by Ason Group and submitted with the planning proposal assesses the operation of the proposed access arrangements in detail (refer Appendix C).

POLICY	DETAILS
SEPP (State and Regional Development) 2011	The future development of the site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with JRPP acting as determining authority.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.

Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH THE APPLICABLE MINISTERIAL DIRECTIONS (S117 DIRECTIONS)?

The Planning Proposal has been assessed against the Section 117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

TABLE 12 – SECTION 117 DIRECTIONS

DIRECTION	COMMENT
1. Employment and Resources	
1.1 Business and Industrial Zones	The proposal is consistent with the Direction as follows: - The planning proposal does not propose to change the zoning of the site and will facilitate commercial uses in the future development of the site. - Whilst the concept proposal includes mixed uses, this is consistent with the mixed use zone.
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not Applicable
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	- As demonstrated in the Heritage Impact Statement that accompanies this report, the planning proposal will not adverse impact on the surrounding heritage items. - A number of items of heritage significance are within the general locality of the site. The HIS confirms that the planning proposal will not affect the conservation of these items.

DIRECTION	COMMENT
	Historic views and view corridors will be preserved in accordance with the Parramatta DCP.
2.4 Recreation Vehicle Areas	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The planning proposal is consistent with this direction, in that it: - Facilitates additional housing in the Parramatta city centre that is currently not provided on the site. - Provides residential development in an existing urban area that will be fully serviced by existing infrastructure. - Does not reduce the permissible residential density of land. - Will facilitate a high level of residential amenity and provide a high quality design.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations	Not Applicable.
3.4 Integrating Land Use and Transport	The proposal is consistent with the direction for the following reasons: - Will provide new dwellings in close proximity to existing public transport links and within immediate vicinity of the proposed Parramatta light rail network. - Will enable residents and employees to walk or cycle to work if employed in the Parramatta CBD. - Will provide new commercial premises in proximity to existing transport links. - Makes more efficient use of space and infrastructure by increasing densities on an underutilised site.
3.5 Development Near Licensed Aerodromes	Commonwealth prescribed airspace requirements identifies a Bankstown Airport Obstacle Limitation Surface (OLS) of 156m AHD and a critical surface at the site due to the Radar Terrain Control Charts for Sydney Airport of 243m AHD that applies to Parramatta CBD and surrounds.
3.6 Shooting Ranges	Not Applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	The site is identified as Class 4 on the Acid Sulfate Soils Map in PLEP 2007. Acid sulfate soils are generally not found in Class 4 areas however this will be addressed further at the development application stage.

DIRECTION	COMMENT
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	It is understood the site is slightly flood affected by the 1:100 year event. This site is an established urban property on higher land than new residential development towards the river and it is considered that appropriate studies and the determination of floor levels can be carried out after Gateway approval, at the development application stage.
4.4 Planning for Bushfire Protection	Not Applicable
5.Regional Planning	
Directions 5.1 -5.8.	Not Applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the PLEP 2007.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan	The planning proposal is consistent with the aims of The Plan for Growing Sydney as detailed previously.

10.1 SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. 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?

No. The site is located within an established urban area. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative ecological impacts are minimal.

Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Potential environmental effects of this planning proposal are considered below.

THE BUILT FORM

The street edge will be defined by a six storey podium. Above the podium, the concept proposal has been contoured so that it exhibits varying setbacks. This design approach provides for a landmark building that exhibits a slender built form, thereby reducing potential solar impacts. As important, the proposed building envelope facilitated by the planning proposal reinforces the function and significance of this gateway corner site.

Consistency with Height Objectives

The proposal's consistency with the objectives for building heights under the PLEP 2007 is demonstrated in **Table 13**.

TABLE 13 – CONSISTENCY WITH HEIGHT OBJECTIVES OF PLEP 2007

OBJECTIVE	PROPOSAL	CONSISTENT
(a) to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times.	The proposed height amendment will facilitate the future development of the site in a single slender tower form that will not provide any significant overshadowing impacts of Parramatta Square or surrounding areas of public domain.	YES
(b) to provide high quality urban form for all buildings.	The proposal will facilitate the redevelopment of the site making a positive contribution to the Parramatta CBD skyline and the local urban form.	YES
(c) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms and to public areas, including parks, streets and lanes.	The proposal will allow enable a taller mixed use building, which exhibits a slender form.	YES
(d) to ensure that taller development occurs on sites capable of providing appropriate urban form and amenity.	The proposal will enable a taller mixed-use residential building to be provided on the site. The proposed height provides a transition from the developments envisaged around Parramatta Square.	YES
(e) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.	The proposed building height steps up appropriately from surrounding development to the west and south west of the site. The proposed height fits within the height profile parabola that is emerging as part of the redevelopment of Parramatta Square.	YES
(f) to require the height of future buildings to have regard to heritage sites, and their settings, their views and their visual interconnections.	The proposed height will not have a detrimental impact on any heritage items. The site is not located within a nominated view protection corridor.	YES
(g) to ensure the preservation of historic views shown in the City Centre Development Control Plan.	The site is not located within a historic view corridor.	N/A

Consistency with FSR Objectives

The proposal's consistency with the objectives for FSR under the PLEP 2007 is demonstrated in **Table 14**.

TABLE 14 – CONSISTENCY WITH FSR OBJECTIVES OF PLEP 2007

OBJECTIVE	PROPOSAL	CONSISTENT
(a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre.	The proposal will not result in a reduction in development potential on any nearby sites. The relatively small size of the site warrants an increased FSR in order to achieve a tall slender tower structure.	YES
(b) to ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan.	Built form has been a key consideration in this proposal. The proposed FSR amendment facilitates the high quality redevelopment of the site. Future development of the site will require a design competition and will hence be required to demonstrate design excellence.	YES
(c) to provide sufficient floor space for high quality development for the foreseeable future.	The indicative concept plan has been prepared by V-Arc to ensure that the proposed FSR is capable of accommodating a quality mixed-use development that provides a high level of residential amenity.	YES
(d) to regulate density of development and generation of vehicular and pedestrian traffic.	Parking rates and traffic generation studies will be in accordance with the LEP rates and will be further investigated at Development Application stage. The proposed development will also take advantage of the multitude of transportation modes in the local area. As identified in the Traffic Impact Assessment at Appendix C the proposal would have no material impact in regard to the operation of the local road network.	YES
(e) to encourage increased building height and site amalgamation at key locations.	The site is appropriately located to accommodate a building of increased height.	YES

HERITAGE

Whilst the site is not identified as a heritage item under the PLEP 2007, it is located within the vicinity of a number of local items. The Heritage Impact Statement prepared by Urbis attached at **Appendix B** provides further detail on the development in this context. In summary:

"The subject proposal has been assessed with regard to the heritage items in the vicinity and with consideration for significant views. The site adjoins a heritage item to the east and north, being the shop and potential archaeological site at 197 Church Street Parramatta. The site is also opposite an archaeological site at the southwest corner of the Marsden and Macquarie Street intersections (134-140 Marsden Street). With consideration for the scale of the proposed tower, proximate heritage items, specifically the Bicentennial Square and adjoining buildings, the

Centennial Memorial Clock and heritage items fronting Church Street, namely the Horse parapet facade and potential archaeological site at on the corner of Church and Macquarie Streets, Telstra House (former post office) at 213 Church Street and HMV (former Commonwealth Bank) at 215 Church Street have also considered.

It is considered that the present site building does not contribute to the setting of the adjoining item or proximate heritage items and the proposed tower will form part of a backdrop of development in views to the nominated heritage items. Impacts of scale to the adjoining inter-war shop building are mitigated by the envelope of the tower which is modulated to reduce the massing of the tower form in views west behind the heritage item. The item primarily responds to like development along Church Street, which is characterised by late 19th and early 20th century largely commercial and retail development and the proposed development will not impact on this.

The site falls within an area of important view corridors of Old Government House and the Domain and the proposal has been assessed with regard to identified significant views within the DCP and the Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed values, Technical Report. It is noted that the subject site falls outside the boundary of the 'highly sensitive' zone as defined in the Technical report and the proposed tower will form part of a backdrop of increasingly scaled development in views from the park and domain. The proposal will also not impact on the identified significant view corridors along Church and Macquarie Streets.

As identified in section 4.4, the site has been identified as having moderate to high historical archaeological potential, however it is considered that the likely significance of the archaeological resource would be contributory only and would not preclude development in these identified areas of archaeological potential. The site is however located within the original township and is associated with early convict occupation. Surviving evidence of convict occupation at the site would be of state heritage significance."

OVERSHADOWING

The extent of additional overshadowing is mitigated as the planning proposal facilitates the development of a slender tower. Shadow diagrams at hourly intervals on June 21 and September 21 have been prepared, based on the concept proposal and included at **Attachment B**. In summary, these demonstrate:

- There will be no additional overshadowing of the Parramatta Square solar protection zone between 9am and 1pm on June 21. Only a minor portion of the square would be overshadowed by the proposal at 2pm.
- The proposal is consistent with the adopted PDCA 2011 provisions, which seeks to minimise overshadowing of the Parramatta square solar protection zone. Furthermore, the proposal is consistent with the draft solar access controls given that the extent of overshadowing between 1pm and 2pm is less than 45 minutes.
- The proposed increase in building height will result in longer shadows, however, the width of the shadows cast is reduced due to the unique tower design.

TRAFFIC AND TRANSPORT

The Traffic Impact Assessment prepared by Ason Group provides an overview of the traffic and parking impacts that could be reasonably expected as a result of the development concept proposed. Attached at **Appendix C** this concludes:

- The Concept Plan design provides for maximum pedestrian accessibility and exposure to podium and then ground levels, providing a seamless interface to the broader Parramatta CBD pedestrian environment and to key pedestrian and cycle routes.
- General and service vehicle access is provided via Marsden Street in compliance with DCP 2011 access location requirements and will necessarily be designed to provide compliance with all relevant Australian Standards.

- The vehicle trip generation of the Proposal is very moderate, simply as a factor of the low residential and commercial peak hour trip generation rates applicable in a location with excellent accessibility to both public transport and general services.
- Further to a determination and distribution of background Parramatta CBD traffic flow, SIDRA intersection analysis shows that the Proposal would have no material impact on the operation of key intersections adjacent to the Site.
- As importantly, the assessment has determined that there is no significant difference in regard to trip generation and associated impact potential between the Proposal and a smaller 10:1 FSR development of the Site such as would be provided for under the proposed planning provisions recommended by the CBD Strategy.
- Car, motorcycle and bicycle parking would be provided in accordance with LEP 2007 and DCP 2011. All parking and service areas will necessarily be designed to provide compliance with the appropriate Australian Standards.

Furthermore, whilst the proposal will introduce an increased supply of new dwellings, resulting in additional traffic movements around the site, given the location of the site within easy walking distance of rail/bus transport and a wide range of employment, retail and entertainment facilities, public transport and/or walking will replace private cars for many of the trips undertaken by future residents.

The potential traffic impacts associated with a development scheme comprising an FSR of 10:1 has also been assessed. This has been prepared to compare the difference between the traffic generated from the concept proposal and what might be reasonably expected from a development comprising an FSR of 10:1, as outlined in Parramatta CBD Planning Strategy. The results in the Traffic Impact Assessment are summarised as follows:

- The indicative 20:1 concept plan proposed is likely to generate some 93 trips in the morning peak hour period and 57 trips in the evening peak hour period.
- An indicative 10:1 scheme comprising 129 units (32 one-bedroom, 81 two-bedroom and 16 three-bedroom), 3,879sqm of office retail and 194 basement parking spaces is anticipated to generate some 50 and 30 vehicle trips in the morning and afternoon peak hour periods respectively.
- The proposed 20:1 FSR concept would generate an additional 43 morning peak hour vehicle trips and 27 evening peak hour trips when compared to the indicative 10:1 concept.
- The modelling indicates that the proposal would result in only marginal increases in delays at the key intersections when compared with the current (2015) operating performance and the performance anticipated for the adopted CBD Strategy (FSR 10:1).

Accordingly, the forecast traffic impacts of the proposal can be satisfactory accommodated on the local CBD road network both now and into the future.

THE PUBLIC DOMAIN

The proposed changes and the building form that they facilitate are of a scale that will act as a 'gateway' and landmark feature for Macquarie Street. An improved façade quality with multiple retail tenancies will benefit the vitality and aesthetics of the area.

FLOOD IMPACTS

This matter is discussed in reference to 117 Direction 4.3 however it is considered that the impact of any 1:100 year even can be readily managed through appropriate design and will be managed at the development application stage.

SOIL AND WATER

The basement parking design will need to have regard to the presence of Acid Suphate Soils and groundwater. It is considered that these issues can be managed after Gateway determination or at the DA stage if required.

Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The proposed development will result in positive economic and social flow-on effects for the local area. The renewed commercial components of the development will contribute to employment and commerce in the area by providing new spaces for local businesses in an appropriate location.

The residential component will deliver valuable housing in a location close to public transport, community facilities and jobs. Overall, the proposed development will support the viability of Parramatta as Greater Sydney's second CBD.

10.2 SECTION D - STATE AND COMMONWEALTH INTERESTS

Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

The site is served by all urban utility infrastructure and is located to allow incoming residents and employees to capitalise on the wide range of infrastructure and services existing within the locality. Existing infrastructure will be modified and / or extended to accommodate the needs of future development.

WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION, AND HAVE THEY RESULTED IN ANY VARIATIONS TO THE PLANNING PROPOSAL?

Concurrent to the public exhibition of the planning proposal consultation will be undertaken with the relevant public authorities.

11 Part 4 - Community Consultation

The Planning Proposal will be publically exhibited for a minimum of 28 days in accordance with the requirements of the gateway determination.

It is anticipated that the proposal would be notified by way of:

- A public notice in the local newspaper(s)
- A notice on the Parramatta Council website.
- Written correspondence to adjoining and surrounding landowners.

The Planning Proposal is likely to be publically exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

12 Conclusion

This planning proposal has been prepared to initiate an amendment to the *Parramatta City Centre Local Environmental Plan 2007* as it relates to land at 20-22 Macquarie Street, Parramatta.

The site is positioned at the intersection of Macquarie and Marsden Streets. The site has the potential to accommodate a significant 'gateway' development that will revitalise this part of the CBD, by improving the quality of built form and the relationship with the public domain.

The proposal will facilitate the development of a built form that provides for a transition from the scale of developments proposed in Parramatta Square. The concept development scheme seeks to establish a statement building that provides for a slender built form, above an active podium.

Specifically, the planning proposal seeks to amend the PLEP 2007 as follows:

- Assign a maximum building height standard of 190m.
- Assign a maximum floor space ratio for the site of 20:1, with a minimum non-residential floor space ratio of 5:1.

This planning proposal has thoroughly considered the above LEP amendments in terms of the immediate context and the broader local and metropolitan strategic planning context. The planning proposal has significant planning merit for the following reasons:

- The proposed height and FSR is more appropriate for the site and will deliver a built form outcome that is consistent with Council's vision to create a tall slender built form.
- The proposal is supported by a letter of offer which details a range of public benefits to the immediate locality as a result of the planning proposal. This includes substantial contributions to Parramatta's art and cultural programs, in addition to contributions towards streetscape public domain upgrades, education facilities and support services.
- Provide the necessary catalysis for renewal of the site.
- Enhance and ensure the long-term future of Parramatta through a dynamic mix of residential and non-residential floorspace.
- Delivering residential housing in response to the identified need outlined by State and Local planning strategies situated close to facilities and services.

For these reasons it is recommended that the planning proposal is endorsed by Council to enable a gateway determination by the Department of Planning and Environment.

Disclaimer

This report is dated October 2015 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Schiavello Constructions NSW Pty Ltd (**Instructing Party**) for the purpose of x (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A

Urban Design Analysis

Appendix B

Heritage Impact Statement

Appendix C

Traffic Impact Assessment]

Appendix D

Public Benefit Offer

Sydney

Level 23, Darling Park Tower 2
201 Sussex Street
Sydney, NSW 2000
t 02 8233 9900
f 02 8233 9966

Melbourne

Level 12, 120 Collins Street
Melbourne, VIC 3000
t 03 8663 4888
f 03 8663 4999

Brisbane

Level 7, 123 Albert Street
Brisbane, QLD 4000
t 07 3007 3800
f 07 3007 3811

Perth

Level 1, 55 St Georges Terrace
Perth, WA 6000
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Attachment 2 - List of Planning Proposal Attachments

1. Urban Design Analysis (including amendments & structural engineer assessment)
2. Heritage Impact Statement
3. Traffic Impact Assessment
4. Public Benefit Offer
5. Flood Impact Statement

Please note: The attachments listed above have not been included in Council's Business Paper due to their large size. For access to any of these documents, please contact Council's Senior Project Officer, Bianca Lewis on blewis@parracity.nsw.gov.au.

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ECONOMY

ITEM NUMBER	7.7
SUBJECT	Amendment to Parramatta Development Control Plan 2011 - Parramatta Square - Outcome of Public Exhibition
REFERENCE	F2012/01980 - D03972276
REPORT OF	Team Leader - Land Use Planning

PURPOSE:

The purpose of this report is for Council to consider submissions made during the public exhibition of the draft site specific Development Control Plan (DCP) for Parramatta Square and to seek Council's endorsement of parts of the exhibited draft DCP amendment.

RECOMMENDATION

- (a) **That** Council receive and note the submissions made during the exhibition of the amendment to Parramatta Development Control Plan 2011 - Parramatta Square contained at **Attachment 1**.
- (b) **That** Council return to the provisions in place within Section 4.3.3.7 of Parramatta Development Control Plan 2011 immediately prior to 9 June 2015 that do not allow any overshadowing to occur within the identified solar protection zone (being 31.5%) of the public domain within Parramatta Square included in **Attachment 2** (shown red).
- (c) **That** Council endorse the exhibited amendments relating to desired design and facade responses to building elevations facing Parramatta Square within the Parramatta Development Control Plan 2011 contained at **Attachment 2** (shown blue).
- (d) **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 DCP finalisation process.
- (e) **That** Council take the necessary steps to implement the endorsed amendments and that a notice be published in the local newspaper to put into effect the endorsed draft amendment to Parramatta Development Control Plan 2011.
- (f) **Further, that** applicants for any relevant planning proposals and development applications be advised of the retention of Council's DCP provisions and be invited to revise current applications to demonstrate compliance with the solar access provisions.

BACKGROUND

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1. Council at its meeting on 9 June 2015 considered a draft amendment proposed for the Parramatta Development Control Plan 2011 relating to Parramatta Square and resolved the following:
 - (a) **That** Council receive and note the submissions made during the exhibition of the amendment to Parramatta Development Control Plan 2011 - Parramatta Square contained at Attachment 1.
 - (b) **That** Council endorse the amendments as exhibited to the Parramatta Development Control Plan 2011 contained at Attachment 2, subject to the controls related to solar access for Parramatta Square being modified as;
 - The current area subject to the solar access controls outlined in red of approximately 3000m² area contained in Figure 4.3.3.7.3 being retained
 - Site objectives - C.2 - Overshadowing is to be minimised within the area outlined red in Figure 4.3.3.7.3
 - Building form – C.7 – Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3.
 - Legend of Figure 4.3.3.7.3 be amended to read; Minimise overshadowing between mid-winter 12pm-2pm
 - (c) **That** Council take the necessary steps to implement these amendments and that a notice be published in the local newspaper to put into effect the draft amendment to Parramatta Development Control Plan 2011.
 - (d) **That** Council authorise the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise while finalising the plan amendment.
 - (e) **That** a further amendment as follows be exhibited for a period of 28 days:-
 - Building form – C.7 – Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3. Buildings shall be designed so as to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter
 - (f) **Further, that** the outcomes of this further public exhibition be reported to Council.
2. Following this resolution, Council at its meeting on 13 July 2015 considered a second separate amendment to the site specific controls for Parramatta Square contained in the Parramatta Development Control Plan for public exhibition. The amendment relates to a requirement for new buildings to recognise the scale of St John's cathedral and ensure buildings present visually integrated facades to frame the public domain. At this meeting Council resolved;
 - (a) **That** Council endorse the amendment to the Parramatta Development Control Plan (DCP) 2011 relating to Parramatta Square as contained in paragraph 5 of this report, for the purposes of public exhibition.
 - (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 amendment process.

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(c) **Further, that** a report be put to Council following the public exhibition.

3. The two amendments listed above were exhibited concurrently from 29 July – 28 August 2015.
4. Council at its meeting of 28 September 2015 considered a report on the outcomes of the public exhibition of these amendments and resolved;
 - a) **That** Council receive and note the submissions made during the exhibition of the amendment to Parramatta Development Control Plan 2011 - Parramatta Square contained at Attachment 1.
 - b) **That** Council endorse the amendments as exhibited to the Parramatta Development Control Plan 2011 contained at Attachment 2, subject to a minor wording change to clarify the intended application of controls.
 - c) **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 amendment process.
 - d) **Further, that** Council take the necessary steps to implement these amendments and that a notice be published in the local newspaper to put into effect the draft amendment to Parramatta Development Control Plan 2011."
5. A rescission motion was subsequently lodged and Council at its meeting of 12 October 2015 rescinded its decision of 28 September 2015 and resolved;
 - (a) **That** consideration of this matter be deferred pending the holding of a workshop to explore the impact of overshadowing.
 - (b) **Further, that** half hour overshadowing be modelled and the results be available at the proposed workshop.
6. A workshop was held with Councillors on 2 November 2015. At this workshop a 3D model was presented to Councillors which demonstrated the overshadowing impact of a range of development scenarios on sites to the north of Parramatta Square. Extracts of this modeling work is provided at **Attachment 3**.

EXHIBITED AMENDMENT

7. In summary the draft amendment proposed to Parramatta DCP 2011 – Parramatta Square most recently exhibited includes;
 - A control to provide greater guidance on the need to minimise overshadowing in the solar protection area (approx 31.5% of the public domain) within Parramatta Square by stipulating that an individual building cannot overshadow the solar access protection area for a period greater than 45 minutes between 12-2pm mid-winter;
 - Addition of site objectives that recognise the scale of St John's Cathedral and ensure that proposed buildings facing the public squares present visually integrated elevations;

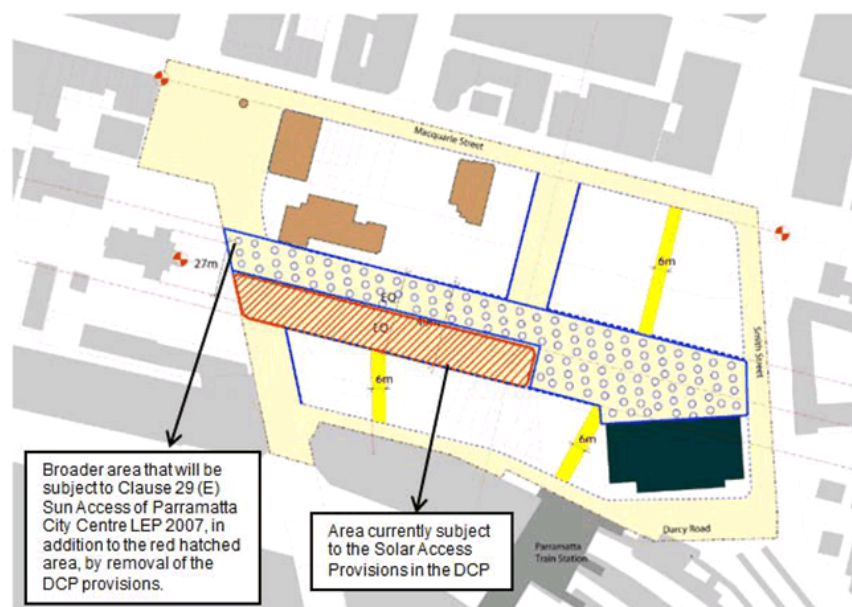
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- An amendment of the control relating to building elevations facing Main Square, Station Square and Eastern Square.

PROTECTING SOLAR ACCESS TO THE PUBLIC DOMAIN OF PARRAMATTA SQUARE

8. Providing solar access to areas of public (and private) open space within urban environments is a fundamental and long established principle enshrined in planning legislation and planning controls throughout NSW. The importance of providing a good level of amenity to the success of this key area of open space and the city cannot be overstated. The transformation of Parramatta Square and its role in the overall development of Parramatta represents a generational opportunity to re-define Parramatta's role in Sydney and direct one of the biggest urban renewal projects currently underway in NSW including the City of Sydney.
9. As an assessment tool the measurement of overshadowing on 21 June is also used throughout NSW as it determines an acceptable level of overshadowing between the March and September equinoxes (when the length of day and night is almost equal) that is for up to 6 months of the year.
10. It is further highlighted that Council's original provisions only apply to approximately 1/3 of the total area of the future Parramatta Square with the remaining area likely to be significantly overshadowed (as depicted below). It is also highlighted that large areas of the adjacent centenary square will also be overshadowed.



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Figure 1 Parramatta Square – solar protection area

11. The area identified above as Parramatta Square is approximately 9,500sqm in area. The area hatched red subject to current solar access provisions is approximately 3000sqm which represents only 31.5% of the total area of the square. The area marked in blue dots is approximately 6500sqm which represents 68.5% of the total area of the square.

PUBLIC EXHIBITION

12. The draft DCP amendments were publicly exhibited for four weeks from Wednesday 29 July 2015 to Friday 28 August 2015.
13. The public exhibition comprised of advertising in the local newspaper, relevant material being placed on Council's website and a hard copy located at the Parramatta Heritage and Visitors Centre. This location was selected as Council's administrative offices were being relocated at the time.
14. A total of five (5) submissions were received. One (1) submission objected to numerous elements of the Parramatta Square DCP (including the exhibited amendments). The concerns raised are addressed in more detail in Attachment 1.
15. The second submission was received from a party with an interest in 220-230 Church Street and 48 Macquarie Street. The submitter currently has a Planning Proposal being considered by Council. The submission advised that recent modelling indicated the site was capable of being re-developed to accommodate a building that met the proposed DCP provision, (requiring buildings to be designed to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter). Clarification was sought that the control applied to the individual building not to the cumulative impacts or all buildings located to the north of Parramatta Square.
16. Two (2) of the submissions were from parties with an interest in 197 Church Street who have a Planning Proposal that is currently being assessed by Council officers and raised objection to the provisions relating to solar access. The applicant's consultant has been contacted to further explain the intended application of the exhibited DCP provision to make it clearer that the draft provision does not deal with the issue of the cumulative impact of all buildings. The planning consultant maintains that no DCP controls relating to overshadowing should be included in the DCP.
17. The fifth submission from a landowner of a site immediately adjoining the Parramatta Square site to the north (No's 99, 119A & 119B Macquarie Street) raised concern that the proposed provision would limit design flexibility. This would force a shorter building form to be provided on the site compared to the case where no solar access control is included in the DCP. This objector has

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also been contacted to further clarify the exhibited controls related to solar access but maintains a preference for no control to be provided. These sites would not likely be able to accommodate a tower form that complied with the most recently exhibited DCP provisions.

18. A more detailed summary of the submissions is included at Attachment 1.

ASSESSMENT

Design provisions

19. The exhibited amendments relating to desired design responses include the addition of site objectives that recognise the scale of St John's Cathedral and ensure that proposed buildings facing the public squares present visually integrated elevations. One submission was received in respect to these amendments supporting the proposal. It is recommended that Council endorse these items for inclusion within the DCP.

Overshadowing

20. The most recently exhibited amendment to minimise overshadowing within Parramatta Square and the inclusion of the 45 minute control aimed to;

- Provide a greater level of certainty to guide future development
- Provide clarity to the extent of overshadowing that is acceptable
- Reduce the severity of the overshadowing by encouraging slender built forms.

21. To achieve this, the exhibited amendment reads;

"Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3. Buildings shall be designed so as to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter".

22. **The exhibited amendment would not address the issue of the cumulative impact of overshadowing on what is a key area of public domain in the soon to be developed Parramatta Square.**

23. The proposal to remove all solar access controls from the DCP as requested in some of the submissions will not mean that the consent authority does not need to give consideration to the issue of overshadowing associated with a development immediately north of Parramatta Square. Clause 29E Sun Access in the Parramatta City Centre LEP 2007 states the following:-
"29E Sun access

(1) The objective of this clause is to protect public open space in the vicinity of the Civic Place site, the Lancer Barracks site and Jubilee Park from overshadowing.

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(2) Despite any provision of Part 4, development is prohibited on land to which this Plan applies if the development results in any part of a building projecting above the sun access plane controls established for that land by the City Centre Development Control Plan."

24. This clause will still need to be addressed as part of the assessment of future development applications. The consent authority would also be required to address overshadowing as part of the environmental considerations under Section 79C. Given this, the removal of the controls from the DCP would reduce certainty about the level of shadowing that is considered appropriate in order to comply with this clause.

Modeling analysis

25. The 45 minute time period was calculated based on Council's internal modelling and would allow the redevelopment of sites to the north of the square to overshadow however, would ensure where a tower element is provided it is in a more slender form. Extracts of the modelling of the cumulative impact of development of sites to the north of the square are provided below. As illustrated below and detailed further in Attachment 3 the majority of the solar protection area (coloured light blue) will be in shadow for 6 months of the year at some time between the hours of 12-

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2pm.

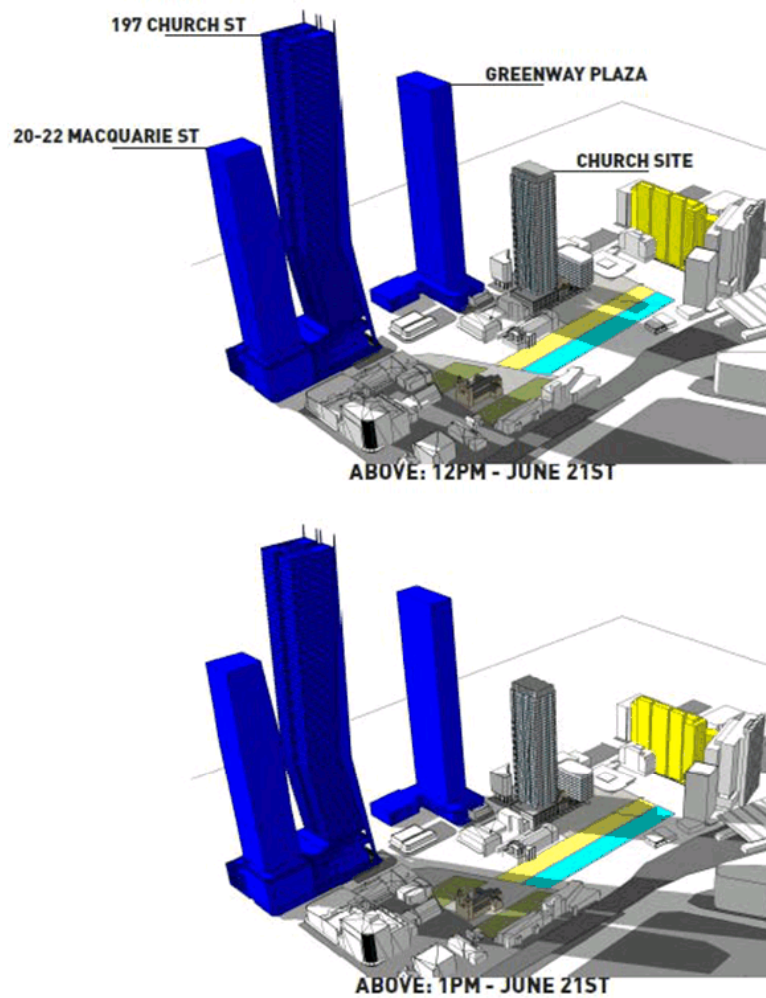


Figure 2 Extract from proponent's schemes June 21st at 12pm, 1pm

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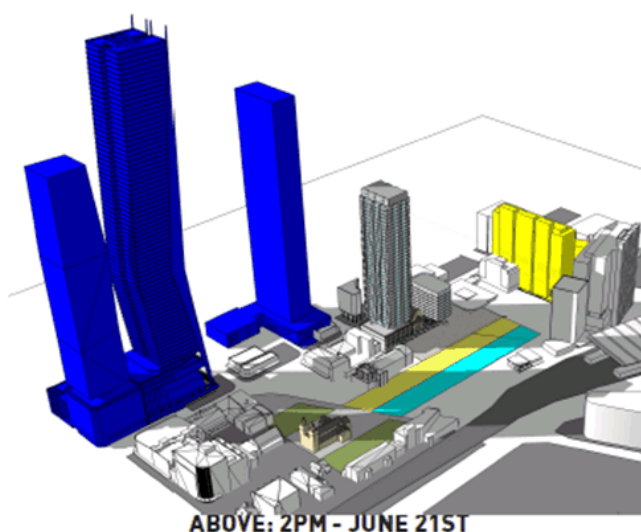


Figure 2 (continued) - Extract from proponent's schemes June 21st at 2pm

26. The tower forms (coloured dark blue) shown in Figure 2 (from left to right) represent the proponents' reference designs for current planning proposals at 20-22 Macquarie Street, 197 Church Street & 220-230 Church & 48 Macquarie Street (Greenway plaza).
27. The tower form represented above at No's 99 – 119A Macquarie Street (Church site) is an indicative concept provided by the landowner's representatives in response to the exhibition of the DCP amendments. Testing of this site (see Attachment 3) indicates that this site is unable to accommodate a tower form in the location shown and comply with any solar access provisions (i.e. no overshadowing, 30 minutes or 45 minutes of the solar protection zone).
28. A revised potential development form was provided by the applicant that locates the tower element at the eastern end of the site (see Figure 3 below). A tower in this location would still overshadow the solar protection zone albeit to a lesser extent. This would however likely create an expectation for the adjoining landowners to the west at No's 85-97 Macquarie Street to also be able to accommodate a tower form on their site (coloured pink in the extract below) in Figure 3. **The impact of this site combined with the four developments to the north, discussed above will effectively create a moving 'wall' of shadow rendering the solar protection area almost entirely in shadow between 12 and 2pm mid-winter.** The testing presented to Councillors at the recent workshop (2 November) also provided an analysis of the shadow impacts on 21 March & 21 September which demonstrates the shadow impact is still significant at these times of the year (refer **Attachment No 3**). **Effectively, the cumulative impact will see Parramatta Square significantly overshadowed for approximately 6 months of the year.**

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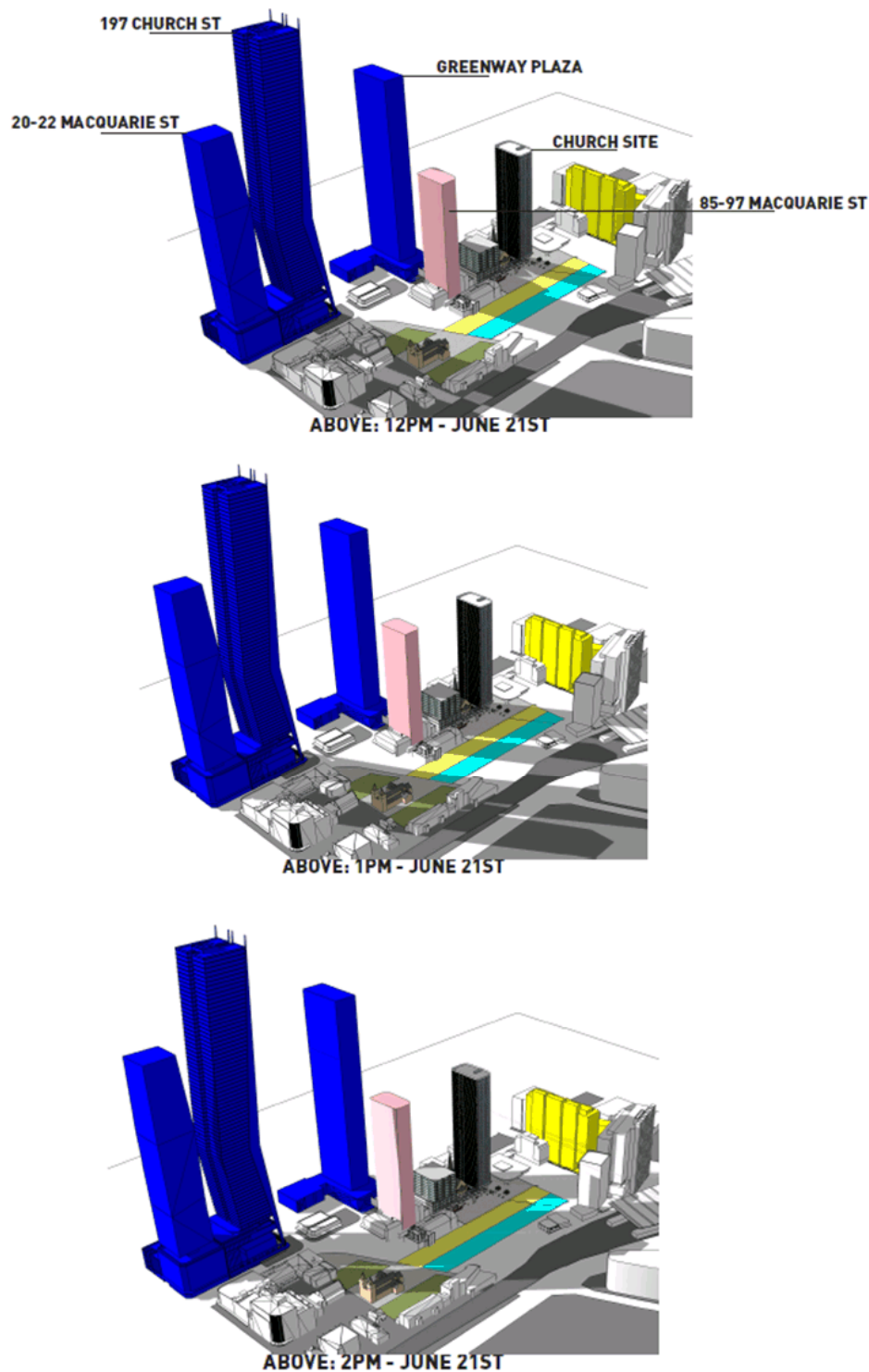


Figure 3 - Extract, cumulative impact of 5 sites - June 21st at 12pm, 1pm and 2pm

Potential redevelopment – compliant with solar access provisions

29. The maintenance of the current solar access provisions as recommended by this report will still allow relatively intense levels of re-development to occur,

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however not at the heights or form currently proposed. Some preliminary modelling work has been undertaken to examine the potential form able to be accommodated on these sites. More details are contained within Attachment 3, see an extract at Figure 4 below.

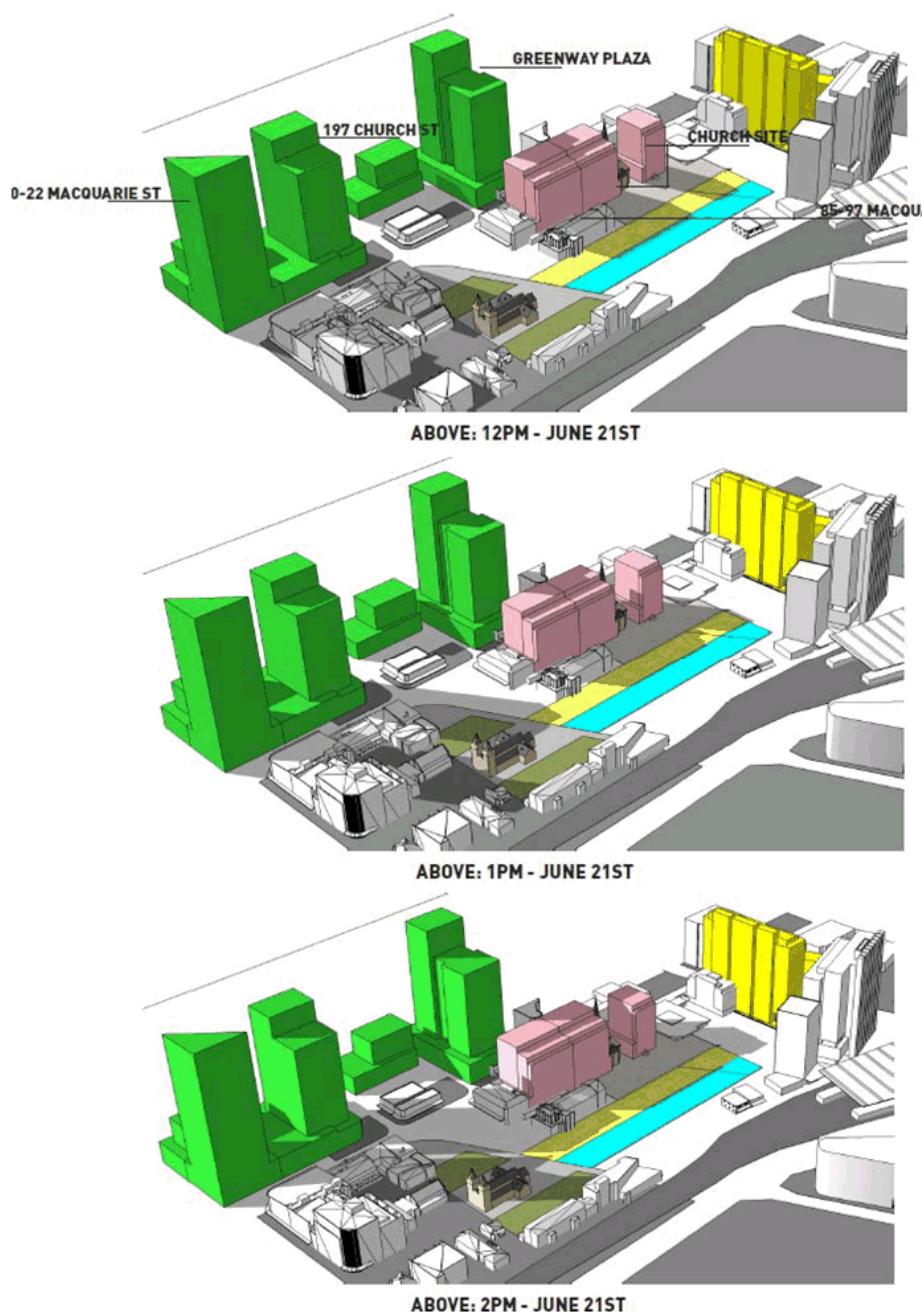


Figure 4 Indicative potential built forms able to be constructed whilst still complying with the solar access provisions (no overshadowing between 12-2pm mid-winter).

30. The forms shown above would allow the sites indicated to be re-developed and not overshadow the solar protection zone in Parramatta Square. These

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indicative massing's would result in approximate floorspace ratios and heights as follows;

Site	Indicative FSR	Approximate Height	Current FSR & Height – PCCLEP 2007
20-22 Macquarie	10:1*	89m (28 storeys)	4:1 (36m)
197 Church	6.6:1*	96m (30 storeys)	4:1 & 3:1 (12m & 36m)
Greenway	9.4:1*	83m (26 storeys)	3:1, 6:1 & 10:1 (12m & cl 29E)
Church sites	5:1*	40m (12 storeys)	8:1 (up to 54m)

* The above massing's are based on potential residential buildings.

+This site is based on a potential commercial building

31. These forms are indicative only and future planning proposals or development applications would have the opportunity to prepare applications that seek to maximise their FSR within the FSR limit set by the LEP. However, the built form would need to be designed in a manner so as to not overshadow the identified key area of public domain. In the case of the sites on the southern side of Macquarie Street immediately abutting the square (i.e. church site) the sites would not be capable of providing tower forms, there may however be opportunity for the sites to be redeveloped for commercial purposes (typically achieved with a larger floor plate). It is noted that a previous (approved) planning proposal on the Greenway Plaza site demonstrated an ability to achieve an FSR of provide approximately 11:1 (for a commercial building) on the eastern portion of the site without overshadowing Parramatta Square.

32. The originally exhibited Architectus Study recommended 10:1 for large areas of the CBD subject to maintenance of solar access to key areas of the public domain. Architectus were also engaged by Council to undertake an analysis of the shadow impact of the three (then) preliminary planning proposals (at 20-22 Macquarie, 197 Church & 220-230 Church Street). The Architectus report recommendation included the following;

It is important to retain solar access to Parramatta Square. The current control is well considered in providing good sun access whilst minimising loss of floor space. Allowing exceptions will set up a precedent and lead to step-by-step eroding of sun access to Parramatta Square.

33. If Council resolves to adopt the recommendations of this report these sites will still potentially be able to be developed in a manner consistent with the adopted Parramatta CBD Planning Strategy.

Summary

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34. It is recommended that Council not proceed with the exhibited amendments that relate to allowing buildings to overshadow the solar protection zone and that Council return to the provisions in place immediately prior to 9 June 2015. These are shown in red text in Attachment 2. It is recommended that Council adopt the amendments relating to preferred design responses of buildings fronting Parramatta Square as shown in blue text in Attachment 2.

NEXT STEPS

35. The procedure for amending the Parramatta DCP 2011 is set out in the *Environmental Planning and Assessment Act and Regulation 2000*. Following public exhibition, Council must consider any submissions. This report has addressed the submissions received during the public exhibition of the draft amendment to the Parramatta Development Control Plan 2011 for Council's consideration. Subject to Council's endorsement, the proposed DCP amendments at Attachment 2 relating to the design outcomes of buildings facing Parramatta Square can proceed to be formally made.
36. Council must give public notice of its decision to amend a DCP in a local newspaper within 28 days after the decision is made. The amended Parramatta DCP 2011 will come into effect on the date that the public notice of its approval is given in a local newspaper, or on a later date specified in the notice.
37. An updated version of the Parramatta DCP 2011 will be made available on Council's website once in effect.

Neal McCarry

Team Leader – Land Use Planning

ATTACHMENTS:

1	Submissions summary	3 Pages
2	Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained	13 Pages
3	Modelling work demonstrating solar access impacts of different development scenarios	14 Pages

Item 7.7 - Attachment 1

Submissions summary

Submission Author	Site	Key Issues Raised	Response
Submission 1: Resident	Outside the CBD	This submission has been written in regards to the exhibited proposed amendments, and also makes reference to a number of other objectives and controls contained within the Parramatta Square DCP. The submission argues that this site specific DCP ignores the basic principles of public space. For e.g. - Vehicular access to support public space conflicts with objectives aimed at achieving a public space. - Pedestrian access cannot be pre-determined in a public space. - Public spaces cannot be 'clustered' by impediments aimed at activating a space. - Allowing encroachments into a public open space will largely compromise the basic principle of a public space. - Colonnades need to be at the same height to provide comfort for people using the space In relation to the amendments exhibited, the following issues were raised: Requested the following additional objectives; • O.6: As an icon from previous generations, St John's Cathedral must not be compromised in any way. The façade of the Cathedral should be unimpeded in sight from Smith Street. • O.7: Buildings around Parramatta Square should all be based on the colonnade model, and should only be a frame to the public space to complement its purpose. Objection to amendment of controls; • C.2: This control will compromise views to icons such as St John's Cathedral, compromise the public place, and has no consideration for solar access. • C.3 & C7: This control is providing an approval base for development. The public can only be accorded 45 minutes of sun in winter between 12pm-2pm even though the winter sun should be the priority for a public space. In order to resolve conflict between public space and building and sufficient sunlight, precision design must be the main criterion.	Issues raised are not directly relevant to this particular exhibition, however have been responded to in previous DCP amendments. Where future development occurs, the detailed design process will allow a degree of flexibility and ensure it does not unduly compromise the public space. The exhibited additional objectives will help to: - Provide greater clarity as to the intent of this provision, and provide guidance to the desired design response in relation to St John's Cathedral and buildings presenting to Parramatta Square. - Ensure the buildings work as a group to delineate and respond to the public domain. The consistent colonnade model suggested will not necessarily deliver an optimal design outcome and will limit design flexibility. It is recommended that the solar access provisions in place prior to Council's decision of 9 June 2015 be retained, which prevent any overshadowing of the solar access protection zone.

Item 7.7 - Attachment 1

Submissions summary

Submission 2: JBA on behalf of Drivas Property Group and Coombes Property Group	220-230 Church Street and 48 Macquarie Street, Parramatta	This submission has been written on behalf of Drivas Property Group and Coombes Property Group, and seeks to demonstrate how the proposed development on the site is capable of complying with the Draft DCP control. The following key issues have been raised in this submission: • The Planning Proposal is capable of producing a built form outcome that complies with the Draft DCP control; • In complying with the Draft DCP control, the tower must adopt a turned envelope to minimise the area of shadow cast by the building. Despite the turned tower form not being in accordance with the linear cadastral boundaries, the envelope will provide a design based solution to minimise overshadowing that can be refined during the detailed design of the building; and Further clarification of the wording of the draft clause, and its intended application is needed. It is considered that the Draft DCP has a level of ambiguity in regards to the amount of shadowing individual buildings may cast on the same square. The application of the clause to the shadow impacts caused by individual buildings or the cumulative impact by all buildings can be further refined in the wording of the clause for clarity purposes.	In formulating the recommendations of this report due consideration has been given to the desired outcomes of surrounding landowners and the indicative urban forms sought to be provided. In considering the cumulative impact of overshadowing on this key area of public domain and the negative impact that will arise, it is not considered to be in the public interest to allow overshadowing of the solar access protection zone within Parramatta Square. It is therefore recommended that the solar access provisions in place prior to Council's decision of 9 June 2015 be retained, which prevent any overshadowing of the solar access protection zone.
Submission 3: Don Fox Planning on behalf of Holdmark Property Group and Submission 4: Robertson + Marks on behalf of Holdmark Property Group	197 Church Street, Parramatta	These submissions object to the proposed control restricting the period of overshadowing of any one point within the solar zone of Parramatta Square to a maximum of 45 minutes. Taller and slender tower forms will cast slimmer and faster moving shadows and therefore cause less overall impact. The new proposed "45 minute" amendment removes the ability to apply a merit based assessment in relation to the extent of overshadowing by reintroducing a prescriptive, numerical control. It is not apparent as to what justification has been used to determine this time period. The submission states that built form testing of the tower element at 197 Church Street has indicated that it will not meet this control. This suggests that the proposed DCP amendment would discourage the development of iconic buildings and eliminate opportunities to achieve world class built form outcomes for the Parramatta CBD.	In formulating the recommendations of this report due consideration has been given to the desired outcomes of surrounding landowners and the indicative urban forms sought to be provided. In considering the cumulative impact of overshadowing on this key area of public domain and the negative impact that will arise, it is not considered to be in the public interest to allow overshadowing of the solar access protection zone within Parramatta Square. It is therefore recommended that the solar access provisions in place prior to Council's decision of 9 June 2015 be retained, which prevent any overshadowing of

Item 7.7 - Attachment 1

Submissions summary

Submission 5: JBA on behalf of Parramatta Mission	99, 119A & 119B Macquarie Street, Parramatta	The submission objects to the proposed DCP controls relating to the overshadowing of Parramatta Square. The proposed amendments to the DCP would have a significant impact on the development potential of the site and restrict future development achieving the height and FSR controls under the <i>Parramatta City Centre Local Environmental Plan 2007</i>. This submission contends that: • The proposed 45-minute overshadowing control would preclude a high quality or viable tower design to be delivered on the site; • The future development of the site will be forced to utilise the available floor space into a bulky building form with deeper floor plates. This will result in adverse design outcomes such as: - An inability to provide an opened up ground plane and improved activation and pedestrian circulation into Parramatta Square; - An inability to provide an increased setback to the Leigh memorial church and appropriate response to the datums and design of the church; - The development would result in a deeper floor plate with a lower level of amenity and would appear as a bulky form. The submission recommends that to facilitate a high quality built form outcome on the site that the draft control be reconsidered to increase the 45 minute time period, or provide consideration of shadow impacts from other times during the year.	the solar access protection zone. In formulating the recommendations of this report due consideration has been given to the desired outcomes of surrounding landowners and the indicative urban forms sought to be provided. In considering the cumulative impact of overshadowing on this key area of public domain and the negative impact that will arise, it is not considered to be in the public interest to allow overshadowing of the solar access protection zone within Parramatta Square. It is therefore recommended that the solar access provisions in place prior to Council's decision of 9 June 2015 be retained, which prevent any overshadowing of the solar access protection zone.
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Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained

b) Parramatta Square

Desired Future Character

Parramatta Square refers to the land generally bounded by Macquarie Street, Smith Street, Darcy Street and Church Street Mall in the Parramatta City Centre.

Parramatta Square, formerly Civic Place, is at the heart of the Parramatta City Centre located adjacent to the Parramatta Transport Interchange. Its redevelopment will strengthen Parramatta as Sydney's Central City, and as a centre for business, tourism, entertainment, culture and heritage.

The development of Parramatta Square is vital to showcasing design excellence and environmental sustainability excellence for the city and region as well as achieving the targets for future employment growth by providing direct opportunities and generating flow on effects. The eastern part of Parramatta Square will contain employment in premium office space. The remainder of Parramatta Square will accommodate a mix of commercial, residential, retail, cultural and entertainment uses, that are compatible with the city centre location and contribute to enlivening the city centre at all times.

Building on the renewed transport interchange, Parramatta Square will provide an easily accessible civic focus for the city. The built form of Parramatta Square will be defined by a row of the tallest buildings in Parramatta immediately north of the railway station, and a large central public open space. The space will be enclosed by a series of buildings fronting Macquarie and Smith Streets. All of the buildings will demonstrate design excellence, commensurate with their important civic location.

Parramatta Square will be a public gathering place. The public open space at the centre of Parramatta Square will form the pre-eminent ceremonial centre of Parramatta, the site for both significant formal civic events and recurrent cultural and community celebrations and festivals.

Local residents will grow accustomed to attending a variety of gatherings in Parramatta Square. The design of the public open space will reflect the nature of its use and be of high quality.

Given this character, vehicle movements will be restricted and pedestrian and cycle movement will dominate.

Land and Development covered by this Plan

This part of the DCP applies to all the land in Parramatta Square bounded by Macquarie, Smith, Darcy and Church Streets, Parramatta as shown in Figure 4.3.3.7.2.

Relationship to other Planning Documents

This part of the DCP is to be read in conjunction with other parts of this DCP and the Parramatta City Centre Local Environmental Plan (LEP) 2007. If there is any inconsistency between this part of the DCP and other parts of the Parramatta City Centre DCP 2007, this part of the DCP will prevail.

Site Objectives

This part of the DCP documents the objectives that will determine the future form of development of the subject site. The objectives establish the key parameters that will ensure that future development on the site contributes to achieving the overall desired future character.

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained

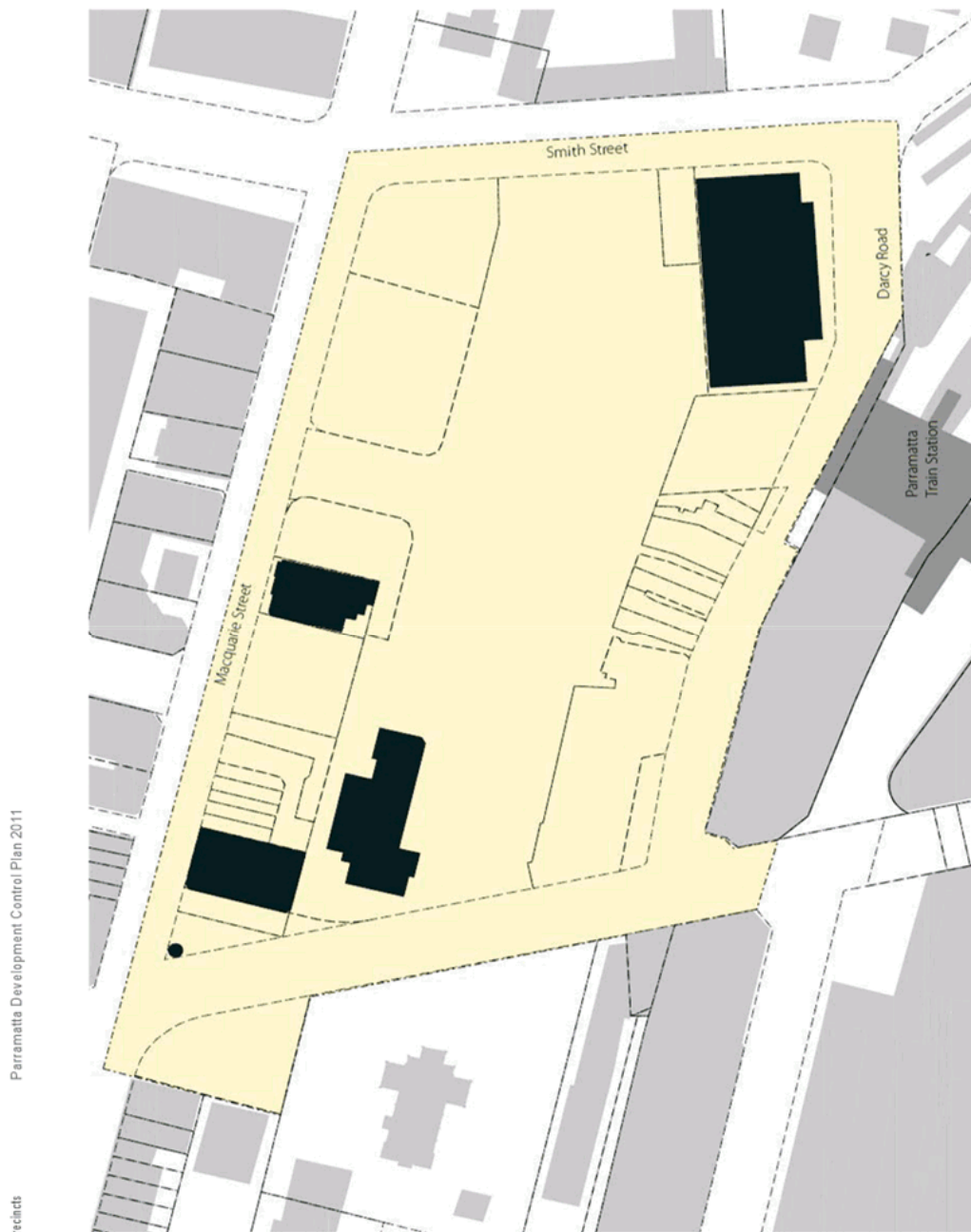
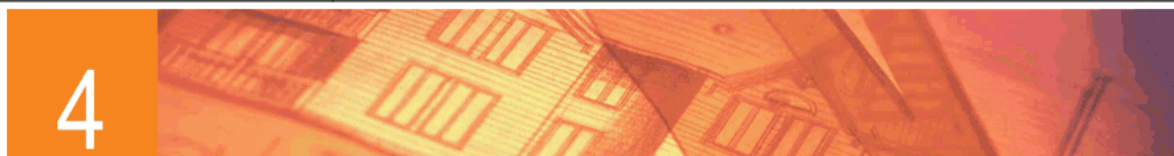


Figure 4.3.3.7.2 Land to which this part of the DCP applies

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatta Square and overshadowing planning controls to be retained



Objectives

- O.1 Reinforce the City's street grid pattern and ensure that Parramatta Square is integrated with Parramatta's urban structure.
- O.2 Retain a civic focus on the site.
- O.3 Establish a legible hierarchy and location of public domain spaces that complement Parramatta's existing and proposed public space network.
- O.4 Define vehicular access to support the public space and provide access to and address points to buildings.
- O.5 Locate major and direct pedestrian routes to the Parramatta Transport Interchange.
- O.6 Reinforce and improve existing and proposed north-south pedestrian links.
- O.7 Ensure new development maximises its potential to integrate precinct and individual building technology and infrastructure to help reduce its demand for resources such as energy and water, and demonstrate excellence in environmental sustainability.
- O.8 Provide a well-balanced mix of uses that promote a sense of community and support the communities Parramatta serves, especially at ground level.
- O.9 Activate the ground floor public domain and civic areas to create a vibrant precinct, which is activated day and night.
- O.10 Establish social uses such as markets, cafes, restaurants, and bars and allow them to spill out into the public squares, streets, arcades and laneways.
- O.11 Ensure residential uses provide a high level of amenity.
- O.12 Allow opportunities for innovative planning and urban design.
- O.13 Ensure that the central and western part of Parramatta Square is not dominated by any one use. A mix of uses including retail, commercial, residential, community, civic, cultural and entertainment is sought as a means of enlivening the precinct.
- O.14 Provide appropriate solutions for:
 - An optimal pattern of buildings and open spaces
 - Public domain interfaces, and
 - An integrated approach to access, parking and servicing.

Site Objectives

The site offers a unique opportunity to create a series of new public open spaces that can form a focus for Parramatta.

Objectives

- O.1 Provide a range of robust and flexible public spaces that will cater for a variety of public celebrations, events and functions.
- O.2 Ensure a high level of pedestrian amenity and safety through the inclusion of weather protection (e.g. awnings, colonnades) lighting and safety by design principles.
- O.3 Protect public safety through locating diverse, active uses on main pedestrian routes.
- O.4 Allow for buildings to overlook public spaces to improve surveillance and safety.
- O.5 Ensure ongoing active uses in public open space such as markets, entertainment and events and outdoor dining.
- O.6 To recognise the scale of St John's Cathedral including the ridge and spire elements.
- O.7 To ensure that successively designed buildings present visually integrated elevations to Parramatta Square and work collectively to frame and form a coherent and legible 'urban room'.

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained

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Controls

- C.1 Provide a total of 6,000sqm of public open space across the site (excluding Church Street Mall from calculation). At least 3,000sqm with a minimum width of 40m is to form one contiguous area in the centre of the site, as shown on Figures 4.3.3.7.3 and 4.3.3.7.4. Encroachments up to 6.5 metres into the 40 metre minimum width zone may be considered where justified by an agreed design excellence rationale.
- C.2 Building Elevations facing Main Square, Station Square and Eastern Square (as described in Figure 4.3.3.7.4) should relate to one another to maintain a consistent approach to the public domain. Critical issues that will be taken into account when considering proposals are:-
- That setbacks at ground and higher levels are complimentary to create a view corridor through the square that encloses the view to St John's Cathedral.
 - That horizontal design elements of existing buildings fronting onto the square are brought across and incorporated into the façade treatments of new buildings to unify the buildings on the square. In particular, horizontal design elements at a height at or close to 18 metres above the square should be transitioned from site to help define the 'urban room'.
- C.3 Overshadowing is not to occur within the area outlined in red in Figure 4.3.3.7.3 between mid-winter 12-2pm.
- C.4 The public open space is to be formed by a progression of spaces or squares crossing the site from east to west, each with their own character, as shown in Figure 4.3.3.7.4. The squares are to comply with the Parramatta Public Domain Guidelines and are to have:
- Quality paving and urban elements
 - Public art that is appropriate to the site, and
 - Maximise soft landscaping while providing
 - Sufficiently sized hard paved event spaces
- C.5 In addition to streets and lanes, to enhance public circulation a number of pedestrian through site links as shown on Figures 4.3.3.7.3 and 4.3.3.7.4 are to be created which respond to the existing and proposed system of lanes and mid-block pedestrian connections.
- The through site links are to comply with Section 6.3 City Centre Lanes of the Parramatta Public Domain Guidelines and to have:
- A minimum width of 6m and clear sightlines
 - Minimum double storey height for 80% of the arcade
 - Natural light where possible
- C.6 Colonnades may be appropriate to provide shade and shelter.
- Where colonnades are proposed they must:
- Be continuous for the entire public domain frontage
 - Have a minimum width of 4.5m between columns at ground level
 - A minimum height of 4.5m to underside of soffit
- C.7 Any proposals for public domain on top of a structure are to be visible, clearly marked and accessible from at least two points.

Building Form

The development provisions on building form in this section of the DCP are intended to encourage high quality design for new buildings, balancing the character of Parramatta with innovation and creativity. The resulting built form and character of new development should contribute to an attractive public domain in central Parramatta and produce a desirable setting for its intended uses.

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained



Objectives

- O.1 Establish high quality architectural and urban design for public spaces and buildings.
- O.2 Design buildings with high level of environmental performance to encourage comfort and full occupation.
- O.3 Incorporate noise attenuation features in buildings to minimise the effects of noise generated by activities in adjacent open space and the nearby railway line.
- O.4 Design buildings and open space to minimise wind generation and effects through building form, articulation, screening, galleries and the like.

Controls

- C.1 The pattern of buildings on the site is to create a central public open space generally at existing ground level with a direct connection to the adjacent transport interchange as shown in Figures 4.3.3.7.3 and 4.3.3.7.4.
- C.2 New buildings are to have street frontages predominantly built to the street and public domain alignment.
- C.3 Provide for additional footpath width at the corner of Macquarie and Smith Streets to accommodate pedestrian intensity in this location.
- C.4 Development on land fronting Macquarie Street must recognise the heights of the heritage buildings and reflect the predominant datums (5-6 storey podiums and 2-3 storey heritage buildings) within this part of the street, through a recessed podium, colonnade, strong shadow lines or similar.
- C.5 Commercial towers on land fronting Macquarie Street may be built to the street frontage to limit overshadowing to the public space to the south.
- C.6 Residential towers on land fronting Macquarie Street require a podium and setback to the tower for amenity reasons.
- C.7 **Overshadowing is not to occur within the area outlined in red in Figure 4.3.3.7.3 between mid-winter 12-2 pm.**
- C.8 All development is to implement:
 - Heritage conservation principles
 - Sustainable development principles particularly in regards to energy and water minimisation, waste minimisation and adapting to the impacts of climate change
 - Safety by design principles, and
 - Equal access to all facilities as required by legislation

'Alignment' is measured from the outer most face of the building.

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained

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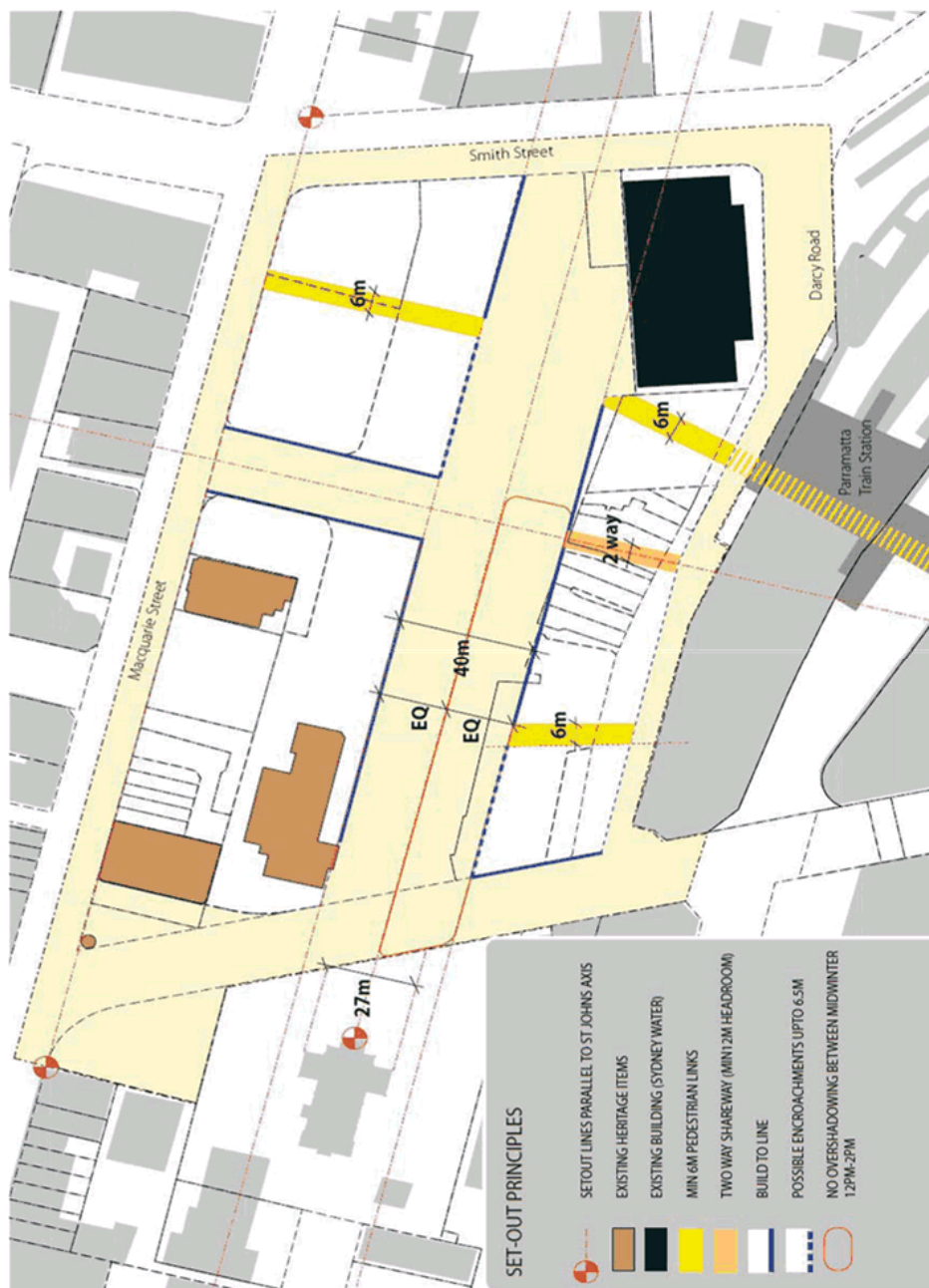


Figure 4.3.3.7.3 Public Space Set Out

Parramatta Development Control Plan 2011

Part 4: Special Precincts

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Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained

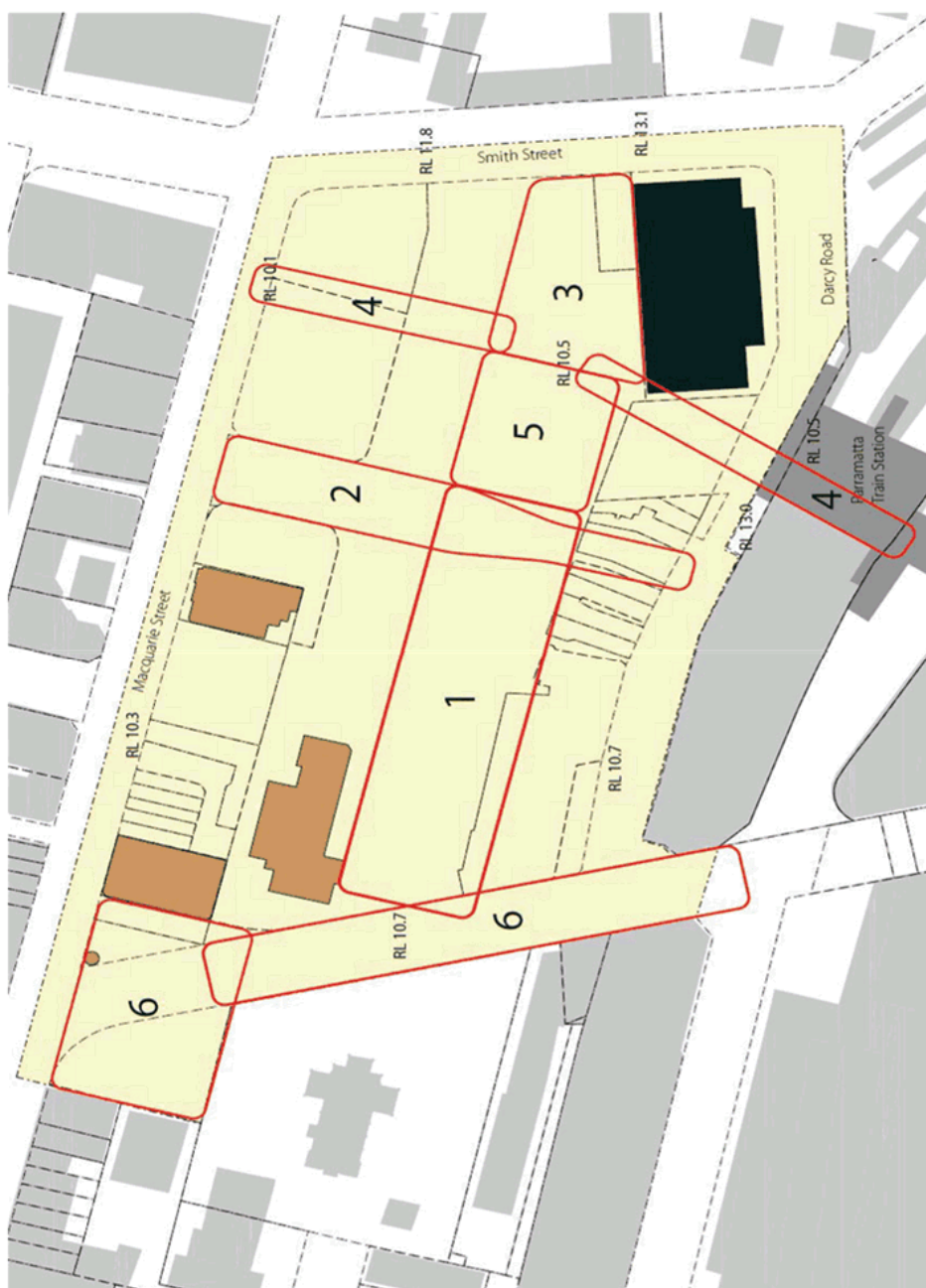


Figure 4.3.3.7.4 Public Space Principles

Parramatta Development Control Plan 2011

Part 4: Special Precincts

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Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained



Legend (Figure 4.3.3.7.4)

1. Main Square:

- Main Civic Space
- Minimum 3,000 sqm with minimum dimension 40m with consistent edge alignment
- Ceremonial public area designed to be the symbolic centre of Parramatta
- Accommodate a rich program of events
- Limited vehicle access

2. Leigh Place:

- Main northern entrance to Parramatta Square from the River Link and Macquarie Street
- Accommodate vehicle and service access
- Align Leigh Place to facilitate visual connection along a new linear axis between Parramatta Square and the riverfront.

3. Eastern Square:

- Provides address to Smith Street, 169 Macquarie Street and the Sydney Water building.
- Must integrate with raised forecourt of Sydney Water

4. Pedestrian Lanes:

- Activated lanes between the railway station, Station Square and Macquarie Street
- Direct connection to station concourse
- No vehicles

5. Station Square

- The hub where the railway station meets the square; a front door to Parramatta City
- An activated space that facilitates easy pedestrian access, orientation and seamless choice of desired routes and destinations
- No vehicles

6. Church Street Mall and Centenary Square

- Retain as Parramatta's most enduring public space, including landscaping and heritage buildings and monuments
- Ensure access for potential future light rail along Church Street

Sustainability

The redevelopment of an area as large as Parramatta Square creates an opportunity to consider the precinct as a whole and prepare precinct-wide sustainability initiatives. These could include the provision of building services and precinct infrastructure that supports energy efficiency, water management and waste minimisation; helping to adapt to climate change.

Objectives

- O.1 Incorporate building services and precinct infrastructure that reduces the demand for energy and water resources.

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained



- O.2 Implement the principles of Water Sensitive Urban Design on an individual building and precinct scale.
- O.3 Minimise the use of natural resources through resource recovery and waste avoidance measures.
- O.4 Ensure that buildings are designed to inhibit wind funnelling and that the major public spaces are screened from winter winds and open to cooling summer breezes
- O.5 Provide structures such as colonnades and awnings to give shelter to pedestrians and opportunities for sitting out in the sun in winter and in the shade in summer
- O.6 Minimise reliance on mechanical ventilation and reliance on artificial lighting by implementing passive design measures.
- O.7 Use landscape design to modify summer and winter climatic conditions and improve amenity for people using the open space.
- O.8 Maximise energy efficiency in building design, orientation and siting.

Controls

- C.1 Building design and construction should achieve a minimum 5 star Green Star Design and as Built rating, respectively.
- C.2 Building operation should achieve a minimum 4.5 star base building and tenancy NABERS Energy rating, where applicable.
- C.3 Residential flat buildings should achieve a minimum 5 star NatHERS energy rating for each apartment.
- C.4 New developments should connect to precinct recycled water infrastructure (where available), e.g. dual water reticulation systems should be installed to enable any future supply of non-potable water to be easily used within the building.
- C.5 Non-potable water uses include toilet and urinal flushing, clothes washing, irrigation, cooling tower make-up water, and wash down facilities. All non-potable water use should be met through connection to the recycled water distributed from the relevant Authority..
- C.6 Where a recycled water supply is not available, new developments shall implement appropriate future proofing measures to support connection should a recycled water supply become available.
- C.7 New developments should connect to precinct energy infrastructure (where available), including:
 - The provision of heating energy to the mechanical air conditioning systems through connection to the heating hot water distributed from a Central Thermal Plant
 - The provision of hot water for the production of domestic hot water through connection to the heating hot water distributed from a Central Thermal Plant.
- C.8 New developments should optimise building services design for connection to precinct energy infrastructure (where feasible) to facilitate efficient and economic operation, and maximise environmental benefits of the precinct energy services.

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained

4

Access, Parking and Servicing

A street network appropriate for purpose is critical for a functioning city centre. Giving frontage to buildings need to be balanced with creating a public domain that prioritises pedestrian movement.

Objectives

- O.1 Ensure that new development in Parramatta Square addresses the street.
- O.2 Provide for limited vehicular access into the centre of the site.
- O.3 To support the reduction of car trips and encourage the use of sustainable transport
- O.4 Ensure that Parramatta Square functions as the northern gateway to the Parramatta Railway Station and Bus Interchange.

Controls

- C.1 New streets, lanes, public spaces and vehicles access points to buildings in Parramatta Square are to be consistent with the pedestrian and vehicle access principles in Figure 4.3.3.7.5 and the public spaces principles shown on Figure 4.3.3.7.3.
- C.2 Allow for a possible shared access and servicing zone along the length of the Parramatta Station entrance frontage along Darcy Street.
- C.3 Consideration should be given for the provision of electric vehicle charging stations on the site.
- C.4 Provide adequate public access and sunlight along Darcy Street.
- C.5 Commuter bicycle parking (short and long term) is to be provided on the site.
- C.6 Individual developments will be required to provide car-share parking spaces that are available for use by the public and car share members.
- C.7 Written evidence must be provided with the development application demonstrating that offers of a car space to car-share providers have been made together with the outcome of the offers or a letter of commitment to the service.
- C.8 Ensure that the following on-street parking uses are accommodated: pick up/set down for rail passengers; taxis; rail replacement buses; the loop bus; buses for special events at Rosehill Racecourse and UWS; coaches for any hotel or tourist facility in the precinct; maintenance of the precinct and rail assets; and short stay parking for loading, library use, and couriers.
- C.9 Detailed public domain designs should include shared pedestrian and cycle access.
- C.10 Development Applications are to be informed by a precinct-wide traffic management study.

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained



Figure 4.3.3.7.5 Pedestrian and Vehicle Access Principles

Parramatta Development Control Plan 2011

Part 4: Special Precincts

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Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained

4

Heritage

The site includes a number of heritage items identified in the LEP. The LEP also sets out the controls for both works to heritage items and development in the vicinity of heritage items.

Objectives

- O.1 Conserve the heritage significance of the site by retaining key heritage buildings and settings.
- O.2 Protect and enhance the views to and from heritage buildings, such as St John's Church, the Town Hall and Leigh Memorial Church in the design of spaces and buildings.
- O.3 Interpret Parramatta's indigenous and cultural heritage in the design of buildings, public spaces and public art in Parramatta Square.
- O.4 Interpret the location of the original marketplace, the convict drain and the site's archaeology.
- O.5 Conserve and where appropriate, adaptively re-use archaeological resources in public interpretation to enrich public spaces.
- O.6 Develop an interpretation program that derives from the special qualities and associations of the site for the people of Parramatta and the region.
- O.7 Ensure future development of the site enhances the heritage qualities of the site.

Public Art

Public art will contribute a strong sense of "place" - the identity and interpretation of Parramatta Square itself - with artwork/s situated in the open spaces, walkways and built into the fabric and form of architecture and landscape.

The 'Parramatta Square Public Art Masterplan' provides a curatorial framework that guides Developers in the direction and implementation of a site specific public art program for Parramatta Square.

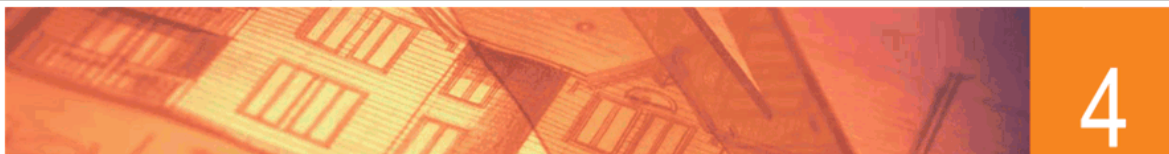
Objectives

- O.1 Present a curated approach to public art programming that benefits the public realm.
- O.2 Enhance public places with distinctive character in which art is an integral part of the built environment.
- O.3 Ensure the culture, aspirations and history of Parramatta is reflected in the art and architecture and landscape.

Controls

- C.1 Public art is to be provided in accordance with the Parramatta Square Public Art Masterplan.
- C.2 Public art in Parramatta Square is to comply with Parramatta Council's Public Art Policy presenting work that has a strong relationship to its historical, social, architectural, environmental, contemporary and geographical context.
- C.3 Planning for public art is required for all projects as part of the Development Approval process to enable the early integration of art with the detailed fabric and form of architectural, urban place and landscape designs.

Item 7.7 - Attachment 2

Amendments relating to building elevations facing Parramatt Square and overshadowing planning controls to be retained**Utilities**

The location of utilities and services can have an adverse effect on the public domain where their placement is ill-considered. Utilities such as substations have a significant presence if poorly placed. Service access points can also dominate important streetscapes. The location and design of such items needs detailed attention particularly where they are about the public domain.

Objectives

- O.1 Ensure that the service access points to buildings are concealed as far as possible on major pedestrian routes.
- O.2 Locate substations within development rather than the public domain.
- O.3 Where utilities are visible from the public domain, ensure their appearance and design is of the highest quality.

Controls

- C.1 New development is to amalgamate and/or share utilities between buildings to minimise visual, environmental and access impacts.
- C.2 Service access points and substations are to be minimised along major pedestrian route and adjacent to public open space. Where necessary, their design is to be incorporated into the overall building.
- C.3 Proposed buildings should be designed so as to maximise opportunities for the application of current and future technologies, in terms of the provision of technological infrastructure, and the application of building integrated management systems.



COUNCILLOR WORKSHOP

**Parramatta Square Shadow Impact Analysis
presented on Monday 2 November 2015**

PARRAMATTA WE'RE BUILDING **AUSTRALIA'S NEXT GREAT CITY**

Item 7.7 - Attachment 3

Modelling work demonstrating solar access impacts of different development scenarios

The following document provides snapshots of the models presented at the Councillors Workshop on 2 November 2015. The images show models of potential development and associated shadows. It should be noted the majority of models are based on the building envelope submitted to Council by the applicants but are not the final design.

Presentation 1: Models the planning proposals submitted or are in the process of being submitted by applicants to Council.

Presentation 2:

- A planning proposal for the Church Site has not been lodged 2.1 is a preliminary model submitted to Council by the landowner.
- 2.2 A replica of the Church Site on the adjoining site if a precedent is set
- 2.3 The cumulative shadow impact of all potential planning proposals

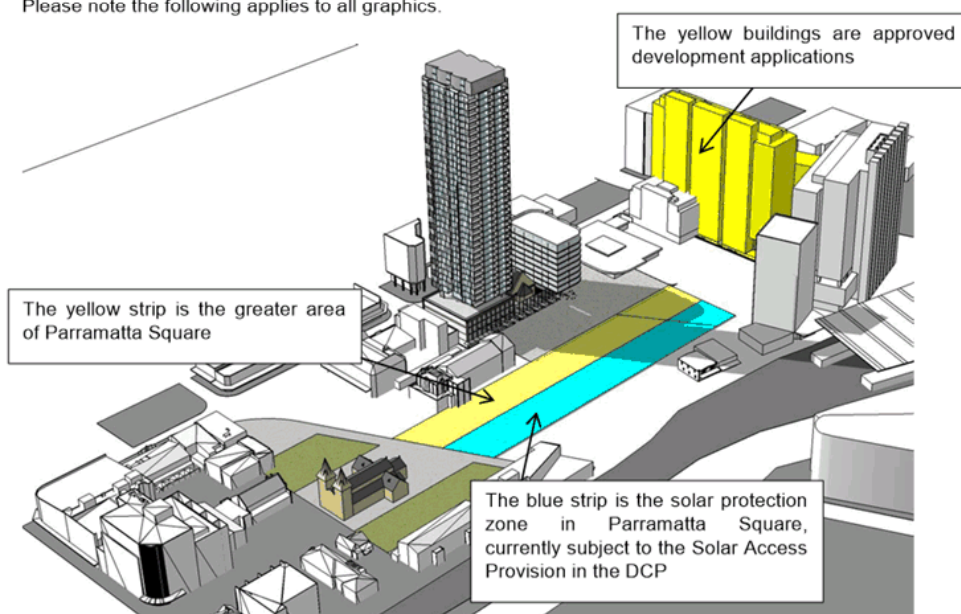
Presentation 3: The cumulative shadow impacts and built forms if no point of the solar protection zone (blue strip) is in shadow for a period greater than 30 minutes between 12pm-2pm mid-winter.

Presentation 4: The cumulative shadow impacts and built forms if no point of the solar protection zone (blue strip) is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter.

Presentation 5: The cumulative shadow impacts and built forms if no overshadowing of the solar protection zone (blue strip) occurs between 12pm-2pm from March until September.

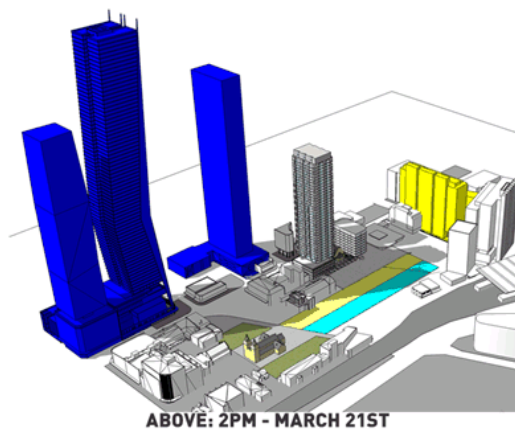
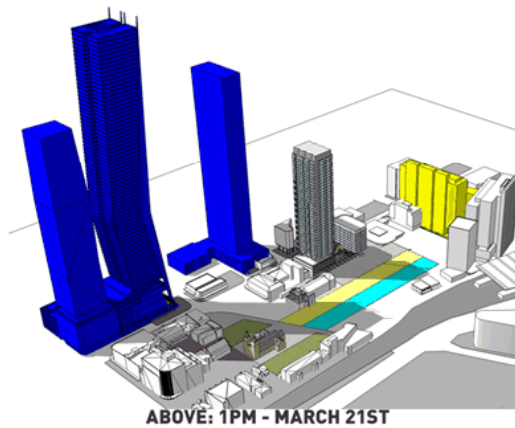
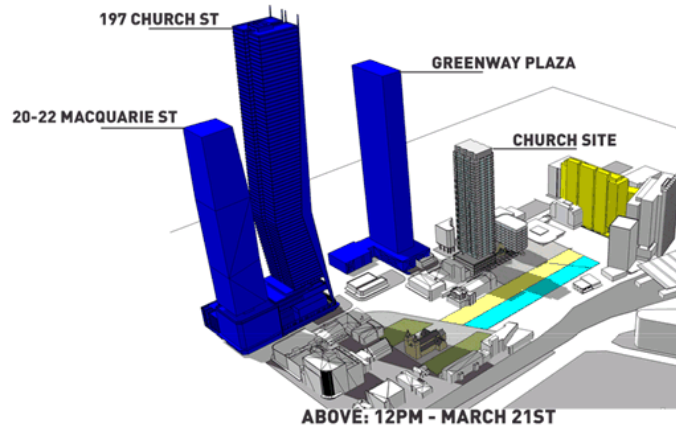
Presentation 6: Councillor request, the shadow impact of 197 Church Street if an FSR of 10:1 was applied.

Please note the following applies to all graphics.



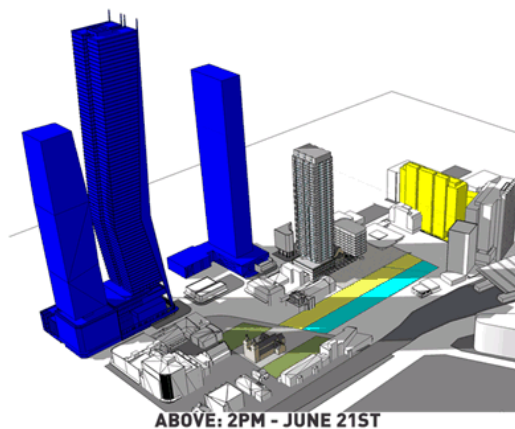
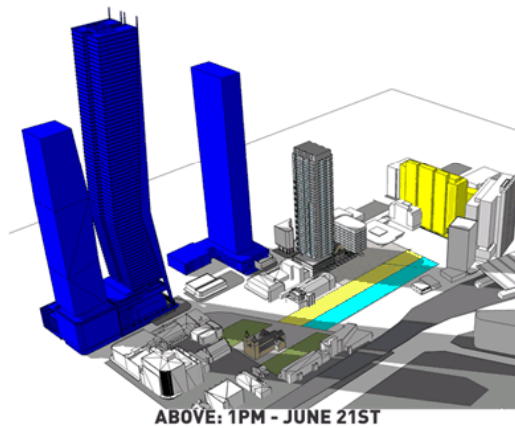
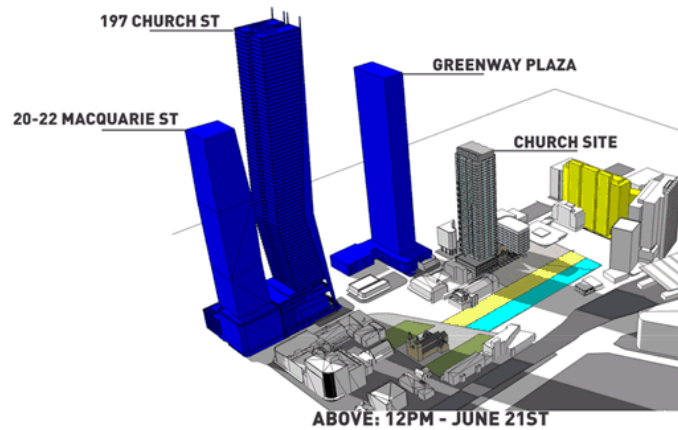
PRESENTATION 1: PROPONENT'S SCHEMES

20-22 MACQUARIE ST, 197 CHURCH ST, GREENWAY PLAZA & CHURCH SITE
MARCH 21



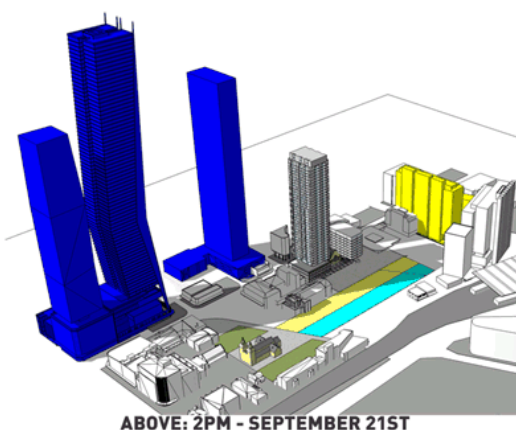
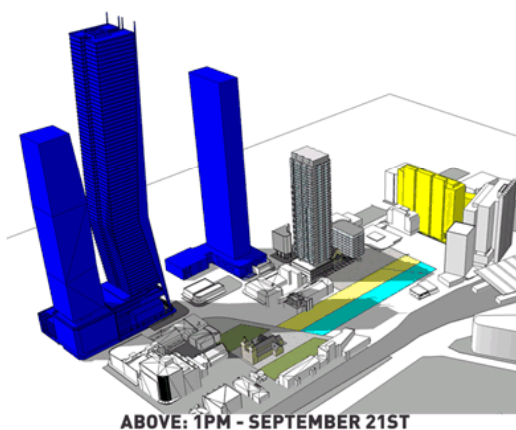
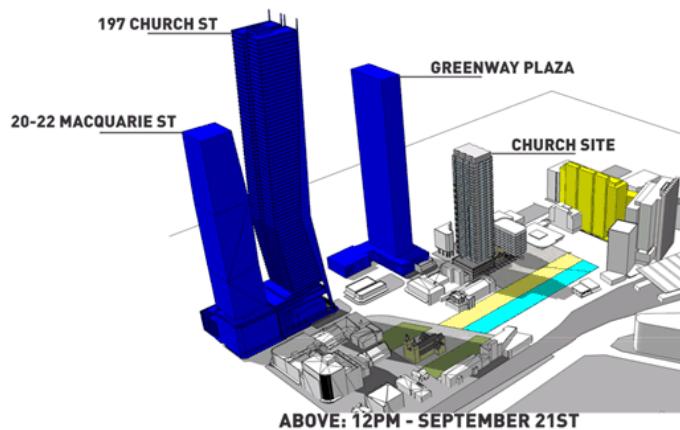
PRESENTATION 1: PROPONENT'S SCHEMES

20-22 MACQUARIE ST, 197 CHURCH ST, GREENWAY PLAZA & CHURCH SITE
JUNE 21



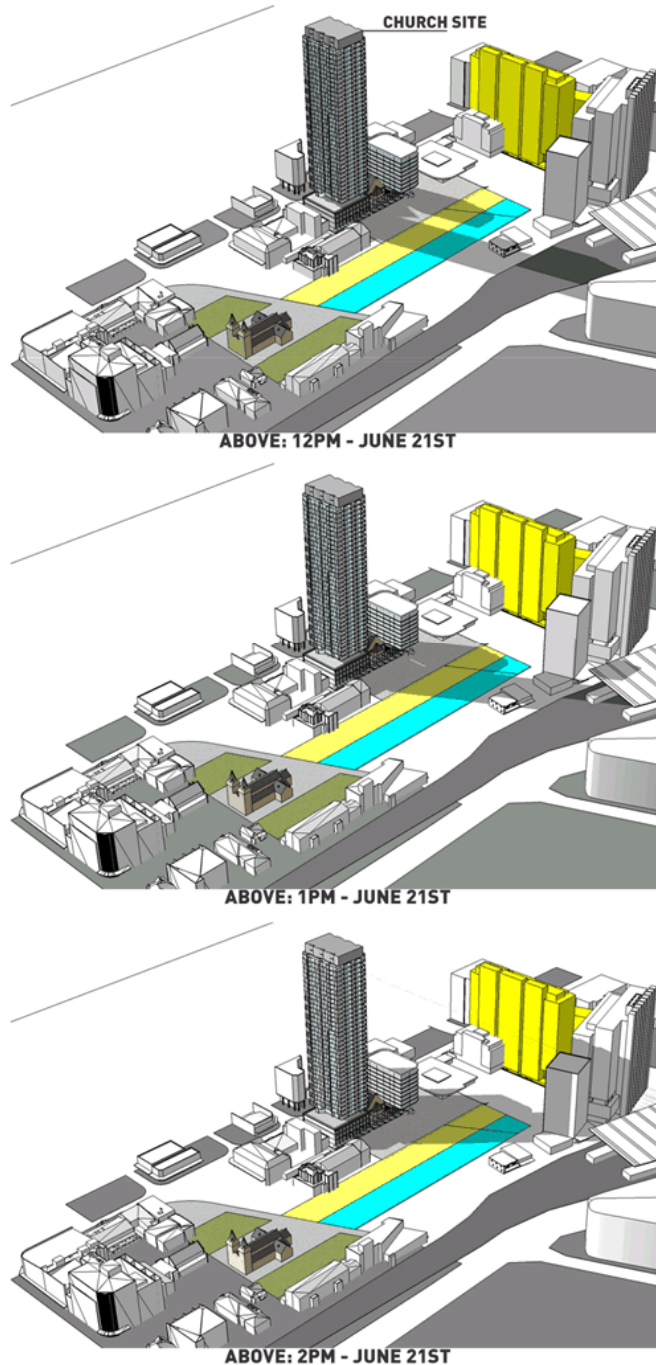
PRESENTATION 1: PROPONENT'S SCHEMES

20-22 MACQUARIE ST, 197 CHURCH ST, GREENWAY PLAZA & CHURCH SITE
SEPTEMBER 21



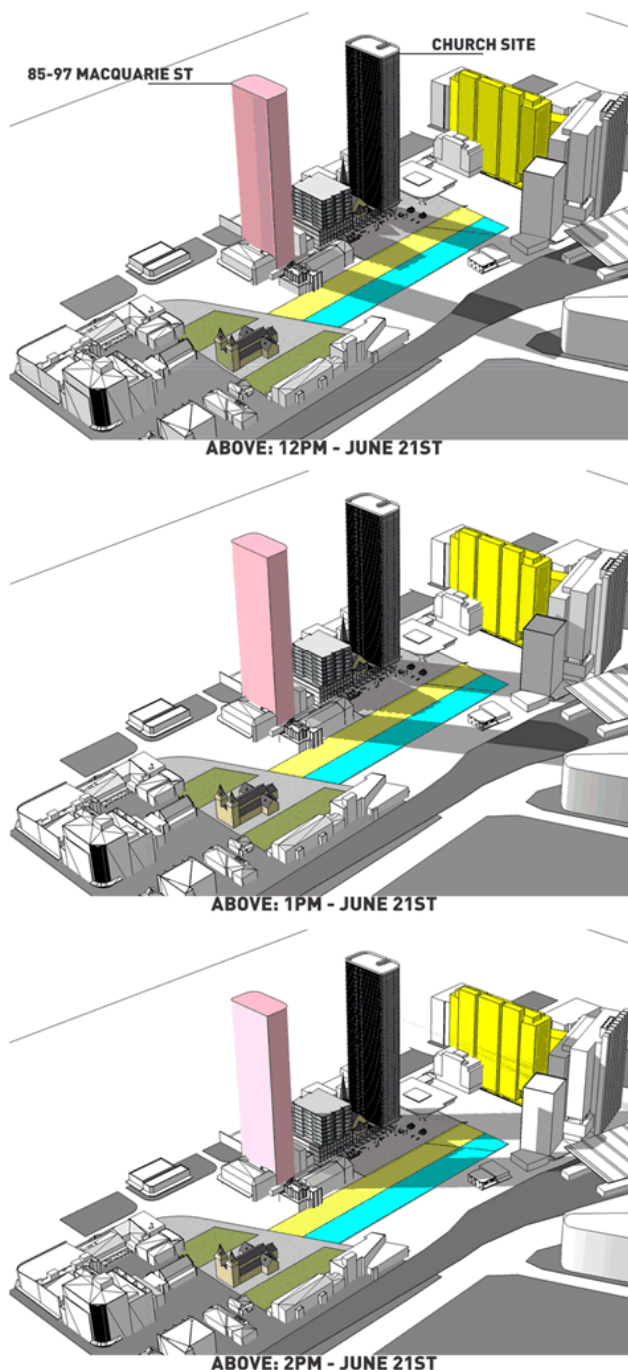
PRESENTATION 2.1: CHURCH SITE

MODEL A PROVIDED BY CHURCH'S CONSULTANTS



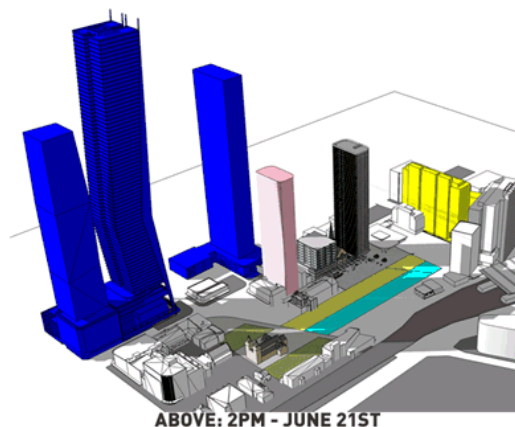
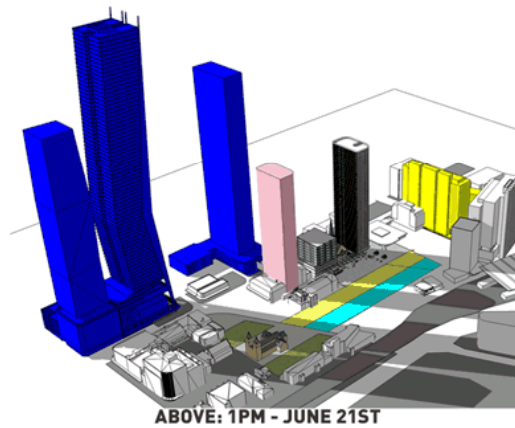
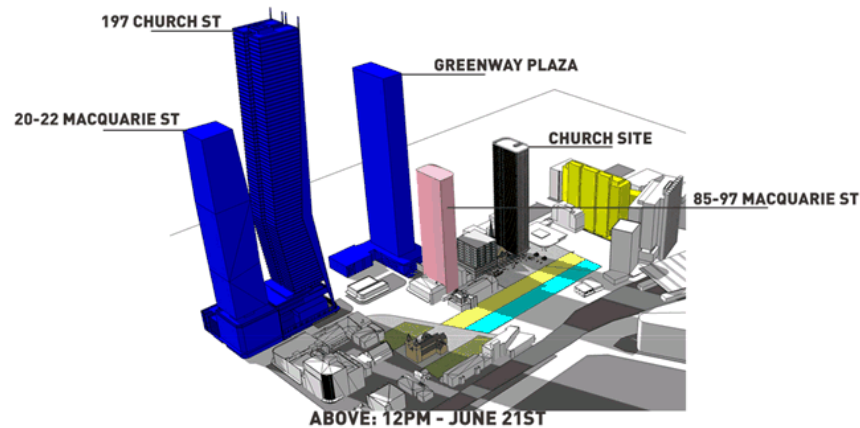
PRESENTATION 2.2: CHURCH SITE

MODEL B PROVIDED BY CHURCH'S CONSULTANT & BUILDING ENVELOPE DEVELOPED BY COUNCIL SITE FOR 85-97 MACQUARIE ST



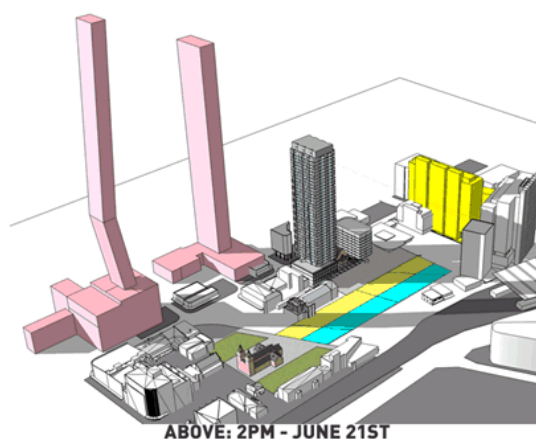
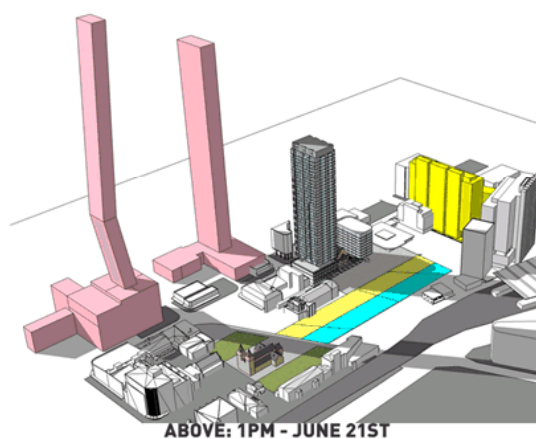
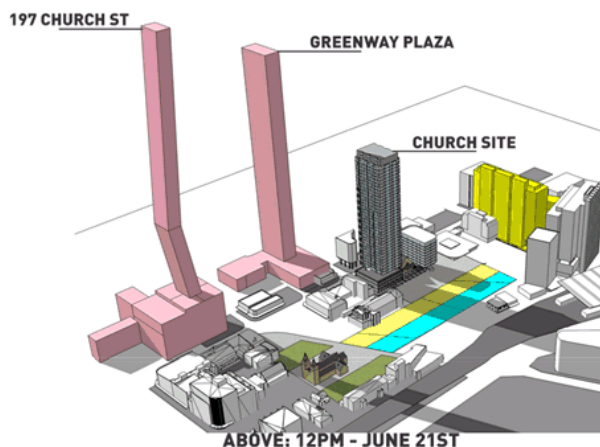
PRESENTATION 2.3: CHURCH SITE CUMULATIVE IMPACT

20-22 MACQUARIE ST, 197 CHURCH ST, GREENWAY PLAZA, CHURCH SITE MODEL B & BUILDING ENVELOPE DEVELOPED BY COUNCIL SITE FOR 85-97 MACQUARIE ST



PRESENTATION 3: 30MIN SHADOW STUDY

197 CHURCH ST, GREENWAY PLAZA & CHURCH SITE MODEL B
JUNE 21

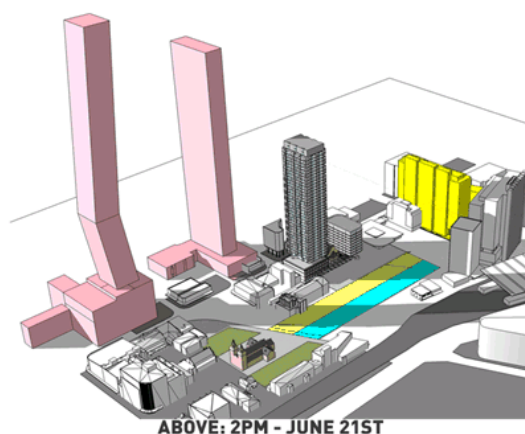
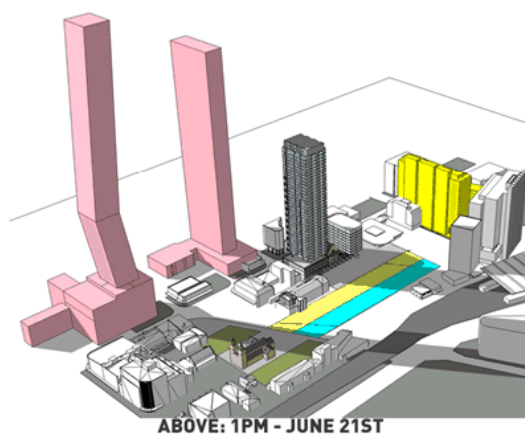
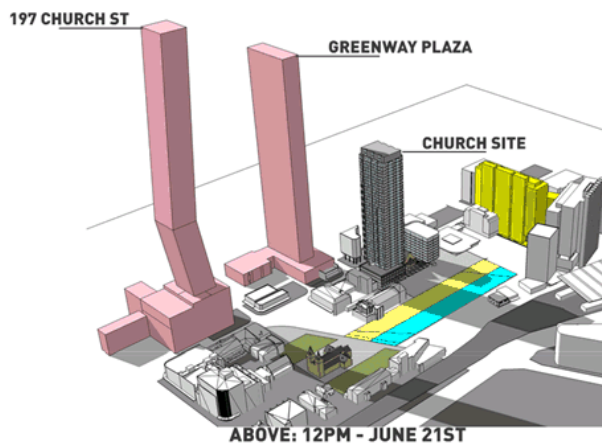


NOTE 1: THE BUILDINGS SHOWN ARE MODELS DEVELOPED THAT WOULD COMPLY WITH A CONTROL THAT REQUIRES THE BUILDING TO HAVE A FAST MOVING SHADOW THAT DOES NOT OVERSHADOW ANY SINGLE POINT IN THE SOLAR PROTECTION ZONE FOR MORE THAN 30 MINUTES

NOTE 2: THERE IS NO TOWER BUILDING FORM THAT COULD BE DEVELOPED FOR THE CHURCH SITE OR THE ADJOINING SITE THAT COULD COMPLY WITH THE 30 MINUTE CONTROL

PRESENTATION 4: 45MIN SHADOW STUDY

197 CHURCH ST, GREENWAY PLAZA & CHURCH SITE OPTION 2
JUNE 21

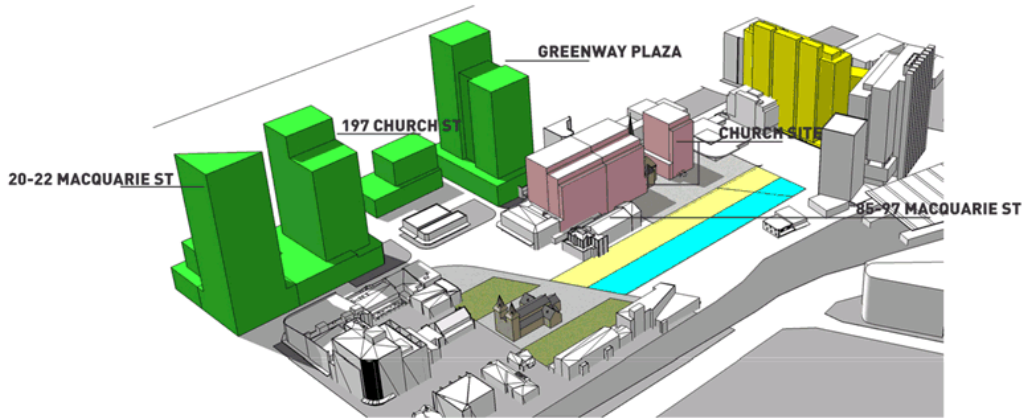


NOTE 1: THE BUILDINGS SHOWN ARE MODELS DEVELOPED THAT WOULD COMPLY WITH A CONTROL THAT REQUIRES THE BUILDING TO HAVE A FAST MOVING SHADOW THAT DOES NOT OVERSHADOW ANY SINGLE POINT IN THE SOLAR PROTECTION ZONE FOR MORE THAN 45 MINUTES

NOTE 2: THERE IS NO TOWER BUILDING FORM THAT COULD BE DEVELOPED FOR THE CHURCH SITE OR THE ADJOINING SITE THAT COULD COMPLY WITH THE 45 MINUTE CONTROL

PRESENTATION 5: NO OVERSHADOW OF PROTECTION ZONE

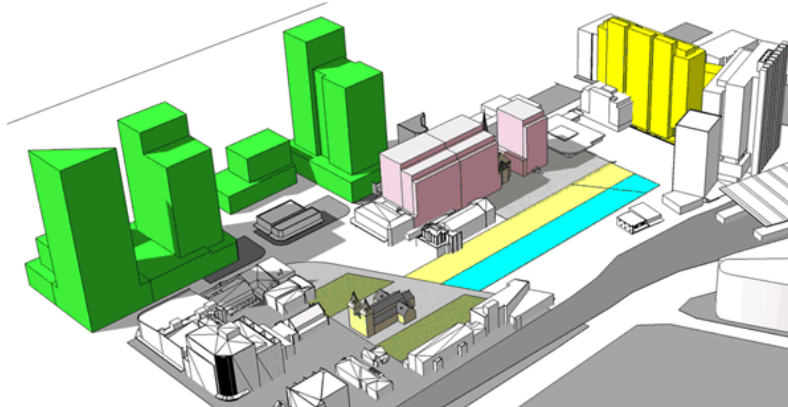
20-22 MACQUARIE ST, 197 CHURCH ST, GREENWAY PLAZA & CHURCH SITE
MARCH 21



ABOVE: 12PM - MARCH 21ST



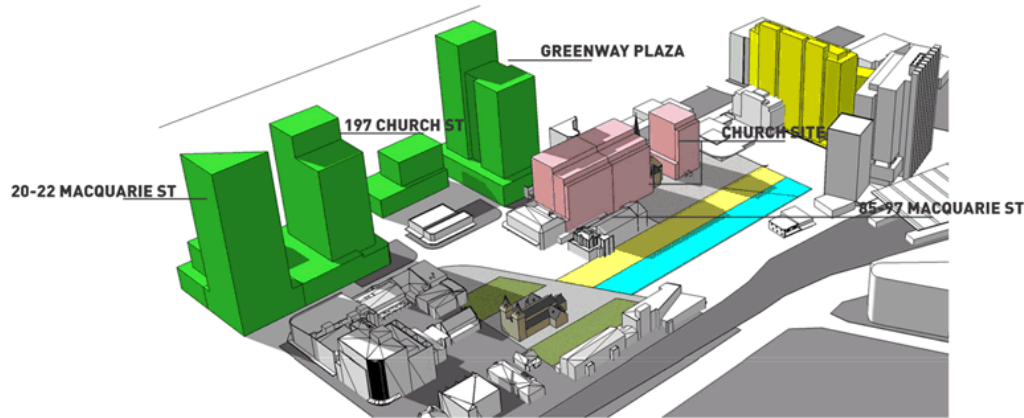
ABOVE: 1PM - MARCH 21ST



ABOVE: 2PM - MARCH 21ST

PRESENTATION 5: NO OVERSHADOW OF PROTECTION ZONE

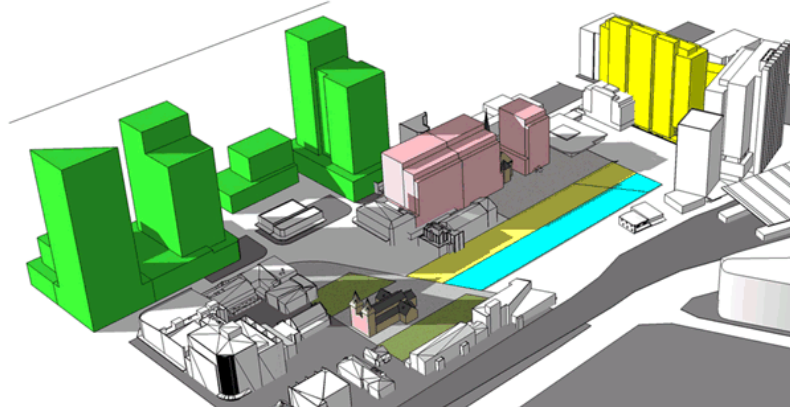
20-22 MACQUARIE ST, 197 CHURCH ST, GREENWAY PLAZA & CHURCH SITE
JUNE 21



ABOVE: 12PM - JUNE 21ST



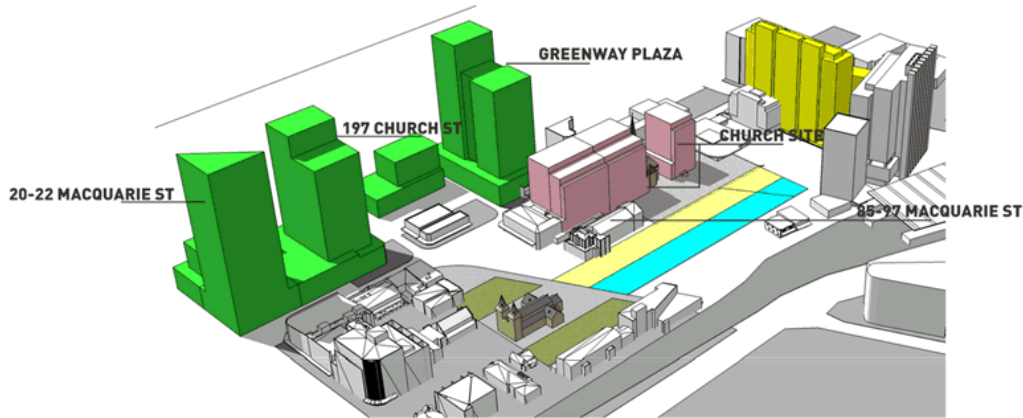
ABOVE: 1PM - JUNE 21ST



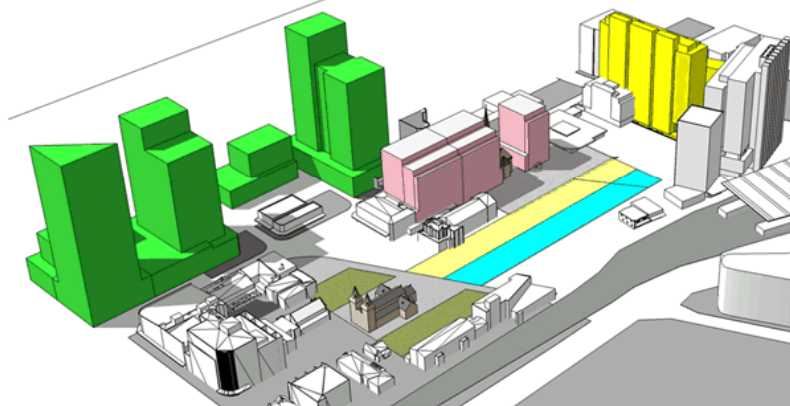
ABOVE: 2PM - JUNE 21ST

PRESENTATION 5: NO OVERSHADOW OF PROTECTION ZONE

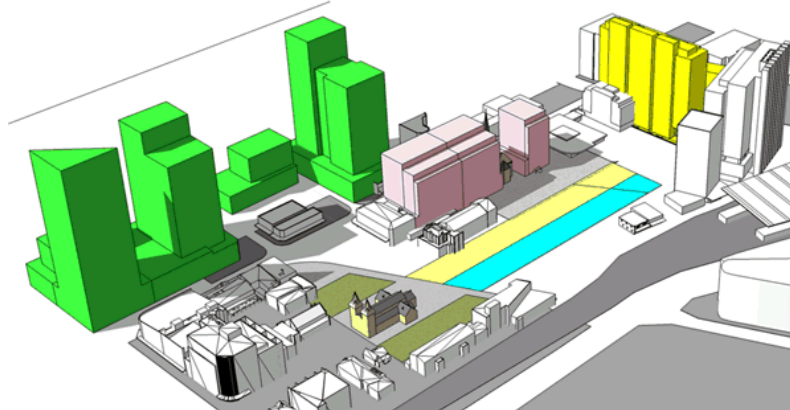
20-22 MACQUARIE ST, 197 CHURCH ST, GREENWAY PLAZA & CHURCH SITE
SEPTEMBER 21



ABOVE: 12PM - SEPTEMBER 21ST



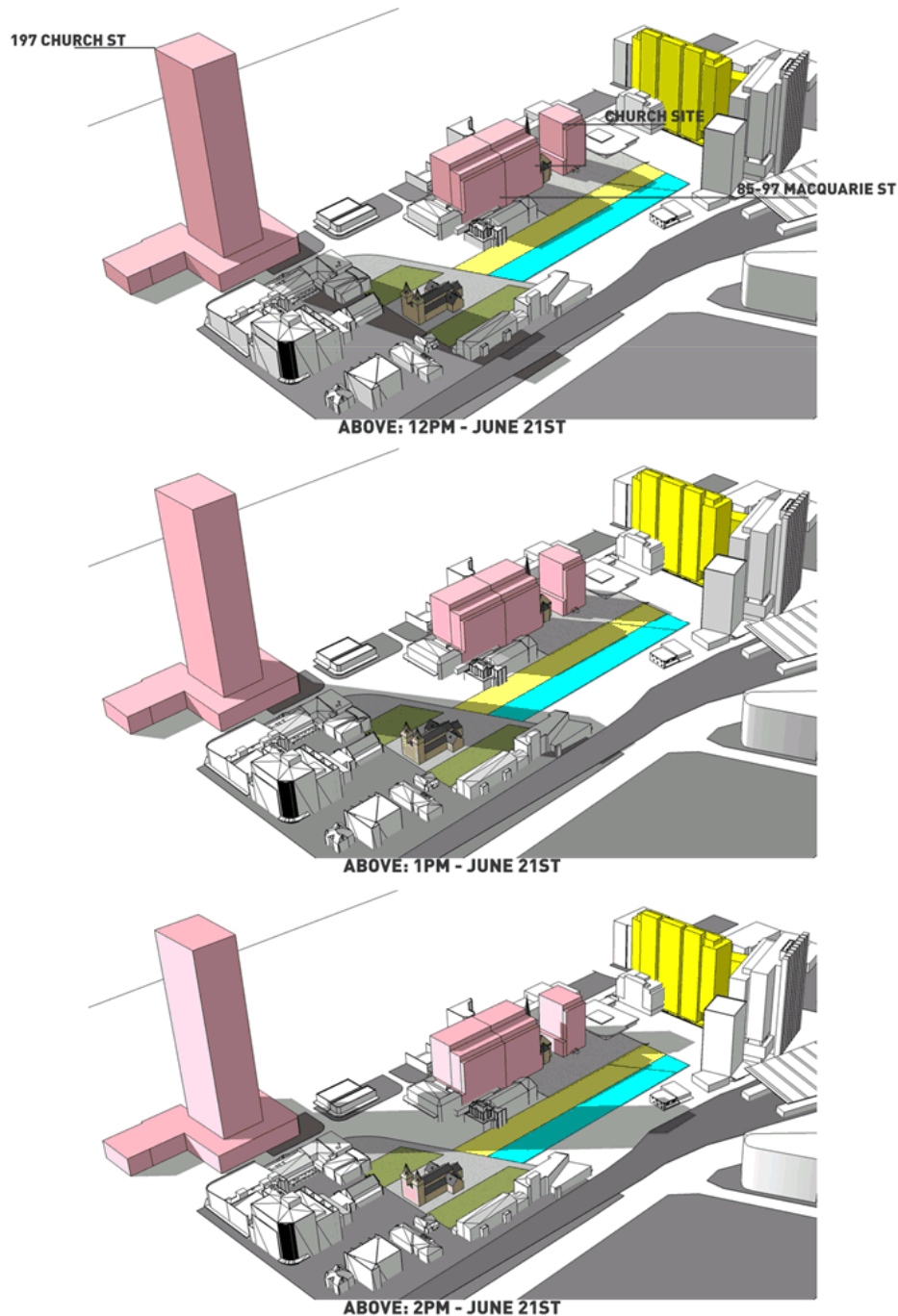
ABOVE: 1PM - SEPTEMBER 21ST



ABOVE: 2PM - SEPTEMBER 21ST

PRESENTATION 6: COUNCILLOR REQUEST

197 CHURCH ST - FSR 10:1
JUNE 21



MINUTES OF THE MEETING OF PARRAMATTA CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC PLACE, PARRAMATTA ON MONDAY, 23 NOVEMBER 2015 AT 6.53PM

PRESENT

The Lord Mayor, Councillor P J Garrard in the Chair and Councillors J P Abood, J Chedid, S H Chowdhury (retired 11.24pm), R Dwyer, G J Elmore, P Esber, J D Finn (arrived 6.58pm and retired 10.38pm), J A Hugh, S T Issa (retired 11.24pm), S D Lloyd, B Makari (Deputy Lord Mayor), J L Shaw, L E Wearne and A A Wilson.

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor P J Garrard acknowledged the Burramattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

7.7 SUBJECT Amendment to Parramatta Development Control Plan
2011 - Parramatta Square - Outcome of Public
Exhibition

REFERENCE F2012/01980 - D03972276

REPORT OF Team Leader - Land Use Planning. Also
correspondence from Matthew Norman/Keith Hamilton
received on 20 November 2015. Also correspondence
from Michael Coombes received on 20 November 2015.

MOTION (Esber/Issa)

- (a) **That** Council receive and note the submissions made during the exhibition of the amendment to Parramatta Development Control Plan 2011 - Parramatta Square contained at Attachment 1.
- (b) **That** building form C7 overshadowing is to be minimised within the area outline in red in figure 4.3.3.7.3 so that no single point of the area is in shadow for a period greater than 60 minutes between 12pm – 2pm mid-winter, subject to the merits of each application.
- (c) **That** Council endorse the exhibited amendments relating to desired design and facade responses to building elevations facing Parramatta Square within the Parramatta Development Control Plan 2011 contained at Attachment 2 (shown blue).
- (d) **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 DCP finalisation process.
- (e) **That** Council take the necessary steps to implement the endorsed amendments and that a notice be published in the local newspaper to put into effect the endorsed draft amendment to Parramatta Development Control Plan 2011.
- (f) **Further, that** applicants for any relevant planning proposals and development applications be advised of the retention of Council's DCP provisions and be invited to revise current applications to demonstrate compliance with the solar access provisions.

AMENDMENT (Wearne/Wilson)

- 20 -

- (a) **That** Council receive and note the submissions made during the exhibition of the amendment to Parramatta Development Control Plan 2011 - Parramatta Square contained at Attachment 1.
- (b) **That** Council return to the provisions in place within Section 4.3.3.7 of Parramatta Development Control Plan 2011 immediately prior to 9 June 2015 that do not allow any overshadowing to occur within the identified solar protection zone (being 31.5%) of the public domain within Parramatta Square included in Attachment 2 (shown red).
- (c) **That** Council endorse the exhibited amendments relating to desired design and facade responses to building elevations facing Parramatta Square within the Parramatta Development Control Plan 2011 contained at Attachment 2 (shown blue).
- (d) **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 DCP finalisation process.
- (e) **That** Council take the necessary steps to implement the endorsed amendments and that a notice be published in the local newspaper to put into effect the endorsed draft amendment to Parramatta Development Control Plan 2011.
- (f) **Further, that** applicants for any relevant planning proposals and development applications be advised of the retention of Council's DCP provisions and be invited to revise current applications to demonstrate compliance with the solar access provisions.

FORESHADOWED AMENDMENT (Chedid/Dwyer)

- (a) **That** Council receive and note the submissions made during the exhibition of the amendment to Parramatta Development Control Plan 2011 - Parramatta Square contained at Attachment 1.
- (b) **That** Council endorse the exhibited amendments to the Parramatta DCP 2011 relating to solar access to Parramatta Square subject to the following amendment:-

Building form c7 overshadowing is to be minimised within the area outline in red in figure 4.3.3.7.3 . Individual buildings shall be designed so that no single point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm – 2pm mid-winter.
- (c) **That** Council endorse the exhibited amendments relating to desired design and facade responses to building elevations facing Parramatta Square within the Parramatta Development Control

	Plan 2011 contained at Attachment 2 (shown blue).
	(d) 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 DCP finalisation process.
	(e) That Council take the necessary steps to implement the endorsed amendments and that a notice be published in the local newspaper to put into effect the endorsed draft amendment to Parramatta Development Control Plan 2011.
	(f) Further, that applicants for any relevant planning proposals and development applications be advised of the retention of Council's DCP provisions and be invited to revise current applications to demonstrate compliance with the solar access provisions.
16183	The amendment was put and lost. The foreshadowed amendment became the amendment, was put and carried and on being put as the motion was again carried. DIVISION The result being:- AYES: Councillors J P Abood, J Chedid, R Dwyer, G J Elmore, J D Finn, P J Garrard, J A Hugh, S T Issa, S D Lloyd, B Makari, J L Shaw, L E Wearne and A A Wilson NOES: Councillors S H Chowdhury and P Esber Note Councillor L E Wearne returned to the meeting at 8.46pm during consideration of this matter.