



PLANNING PROPOSAL

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

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Don Fox Planning	March 2015 – version submitted with original Gateway submission to Department of Planning, Industry and Environment
2.	Don Fox Planning	October 2019 – revised Planning Proposal reported to Council on 11 May 2020

Council versions:

No.	Author	Version
1.	City of Parramatta Council	August 2020 – version reflecting Council's resolution dated 11 May 2020 and Gateway alteration dated 29 July 2020.

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INTRODUCTION

This planning proposal seeks to amend the *Parramatta Local Environmental Plan (PLEP) 2011* to modify the maximum building height and floor space ratio (FSR) controls that apply to land at 197 and 207 Church Street and 89 Marsden Street, Parramatta (legally described as Lot 1 DP 710335 and Lot 1 DP 233150); consistent with the broader Parramatta CBD Planning proposal.

These amendments are sought with the intent to erect a commercial development comprising a podium and two towers above.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's:

- 'A Guide to Preparing Local Environment Plans' (August 2016), and
- 'A Guide to Preparing Planning Proposals' (August 2016).

Description of the site and surrounds

The subject site is located at 197 and 207 Church Street and 89 Marsden Street, Parramatta. The legal description of the site is Lot 1 DP 710335 and Lot 1 DP 233150.

The site area is 4,307.4 square metres and contains a mix of two and three storey retail and commercial buildings including an item of local heritage significance. Heritage Item No.655 (shop and potential archaeological site). is referred to as the Murray Brothers department store. It was built in 1925 with the original façade marking the beginning of Church Street and its fine grain retail component. The surrounding development consists of a mixture of commercial and retail uses.

The subject site is located on the north-western corner of the intersection of Church Street and Macquarie Street, Parramatta. This is a prominent location within the Parramatta City Centre as it is directly north of Centenary Square and Parramatta Square; two key elements of the public domain within the City Centre

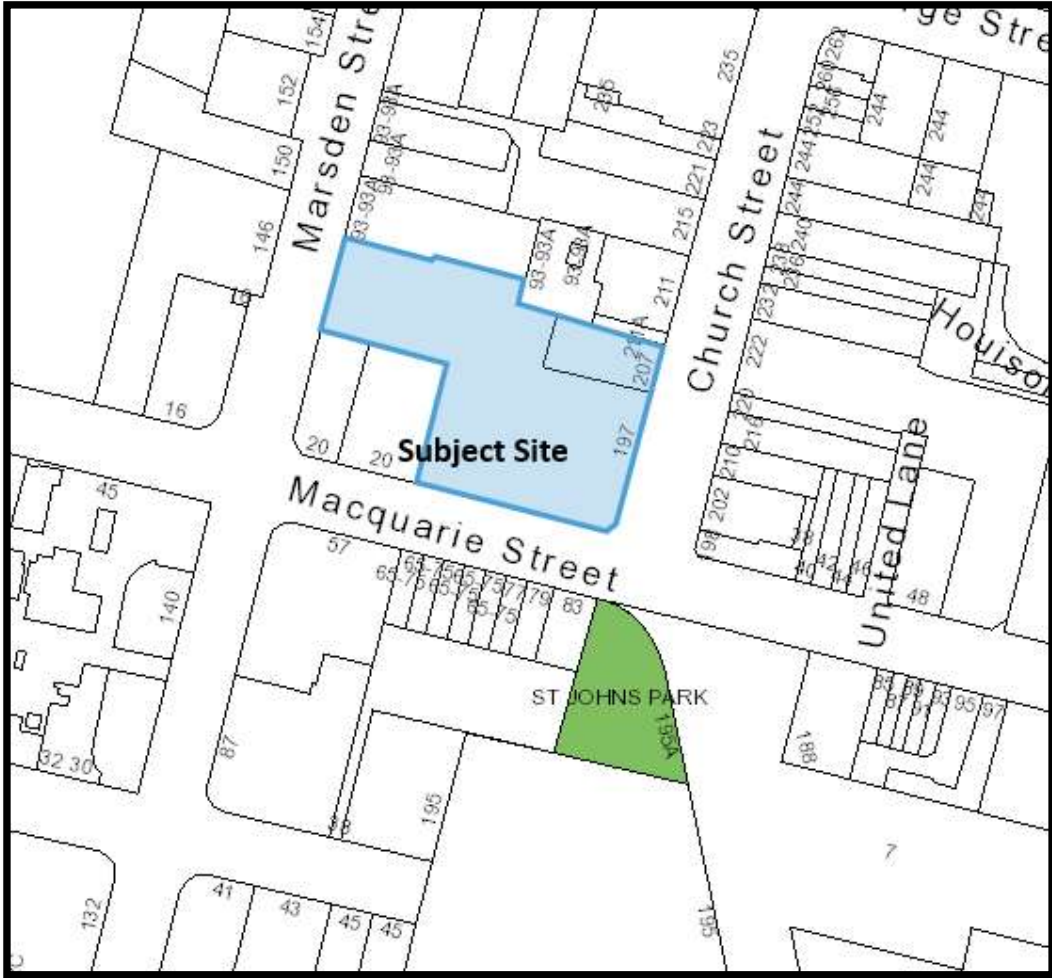


Figure 1: Location map

The figures below illustrate existing development at the site and the surrounds.



Figure 2: The site viewed from the corner of Macquarie and Church Street.



Figure 3: The site frontage of 197 Church Street.



Figure 4: The view of 207 Church Street.



Figure 5: the view of 89 Marsden Street.

Existing planning controls

Pursuant to Parramatta Local Environmental Plan 2011 (PLEP 2011):

- The site is Zoned B4 Mixed Use
- The site has a maximum building height of part 36 metres and part 12 metres;
- The site has a maximum Floor Space Ratio (FSR) of part 4.0:1 and part 3.0:1;
- One of the buildings on the site (the old Murray Brothers Department store building on the corner of Church Street and Macquarie Street) is listed as an item of local heritage significance.
- There are also several heritage items located within the vicinity of the site:
 - Immediately to the north of the site is the former post office at 211 Church Street which is an item of local heritage significance;
 - On the opposite side of Church Street is the horse parapet façade at 198 to 216 Church Street which is listed as an item of local heritage significance;
 - To the south-east of the site on the opposite side of Macquarie Street is the Centennial Memorial Clock which is listed as an item of local heritage significance;
 - Further to the south is the St Johns Anglican Cathedral which is listed as an item of State heritage significance under the Parramatta LEP 2011 and also listed on the State Heritage Register.
- The site is subject of additional local provisions under Part 7 of the LEP, given the sites location within the Parramatta city centre; and
- The site is identified as Class 4 Acid Sulfate Soils.

The street frontages of Church Street, Macquarie Street and Marsden Street are all affected by the 1 in 100 year Average Recurrence Interval flood level. The entire site is affected by the Probable Maximum Flood (PMF) event.

Refer Part 4.1 of this report for maps illustrating the current planning controls that apply to the site.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable the redevelopment of land at 197 and 207 Church Street and 89 Marsden Street, Parramatta to facilitate a high density development in accordance with the site's B4 Mixed Use zoning.

To facilitate the site's redevelopment, it is proposed the *Parramatta Local Environmental Plan 2011* (PLEP) is proposed to be amended to:

- Allow a maximum building height of part 105 metres and part 12 metres (excluding the Design Excellence bonus) and a maximum FSR of 10:1 (excluding Design Excellence bonus);
- Include an additional site specific clause requiring a mandatory 1:1 of commercial floor space;
- Include an additional site specific clause allowing any additional commercial premises floor space in excess of this to be exempt from the maximum FSR; and
- Include maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study and resolution of Council on 10 April 2017.
- Include a satisfactory arrangements clause to enable contributions towards the funding of State public infrastructure.

It is anticipated that the amendment of these controls will facilitate an increase in employment generating floor space in the Parramatta CBD.

PART 2 – EXPLANATION OF PROVISIONS

In order to achieve the desired objective, the following amendments to *PLEP 2011* would need to be made:

- 1) Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB_010) to part 105 metres and part 12 metres. Refer to Figure 21 in Part 4 of this planning proposal.
- 2) Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR_010) to 10:1. Refer to Figure 22 in Part 4 of this planning proposal.
- 3) Amend the **Special Area Provision Map** (Sheet CL1_010) to identify the site. Refer to Figure 23 in Part 4 of this planning proposal.
- 4) Insert a new Clause in Part 7 to include a site specific provision in keeping with draft Clause 7.6C(4) of the Parramatta CBD Planning Proposal that requires a minimum commercial floor space area equivalent to an FSR of 1:1 and allows for any additional commercial premises floor space in excess of this to be exempt from the maximum FSR; and
- 5) Insert a new reference within the existing "Clause 7.14 Car Parking in Certain Land in Parramatta City Centre" to apply the rates in this Clause to the site. These rates reflect the maximum car parking rates previously endorsed by Council as part of the Parramatta CBD Planning Proposal.
- 6) Include provision for a satisfactory arrangements clause to enable levying for contributions towards the funding of State public infrastructure. Note: this is in response to the Gateway determination condition No. 1(c)(vi).

Refer to **Appendix 1** for an example of a potential draft site-specific provision.

2.1 Other relevant matters

2.1.1 Draft Planning Agreement

In accordance with Council's resolution on 11 May 2020, Council will be negotiating a draft Planning Agreement with the applicant on the following negotiating basis:

- consistent with Council's Planning Agreements Policy and draft framework relating to Community Infrastructure in the Parramatta CBD;
- require any contribution payable to be based on the Community Infrastructure policy in place at the time the contribution is paid rather than the current rate;
- secure a 2m right of public access over the 2m ground floor setback along Marsden Street.

The draft Planning Agreement will be exhibited concurrently with the Planning Proposal and draft site-specific Development Control Plan (DCP).

2.1.2 Draft DCP

In accordance with Council's resolution on 11 May 2020, a draft site-specific Development Control Plan (DCP) is to be prepared for the site and endorsed by Council prior to being placed on public exhibition concurrently with the Planning Proposal and draft Planning Agreement.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

3.1 Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

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

The planning proposal is a result of an application from the landowner seeking to increase the density of development permitted on the site. The planning proposal was amended to reflect the Parramatta CBD Planning Strategy (the Strategy) and the Parramatta CBD Planning Proposal (CBD PP).

Council adopted the Parramatta CBD Planning Strategy at its meeting of 27 April 2015. The Strategy is the outcome of a study which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The Strategy sets the vision for the growth of the Parramatta CBD. Council has subsequently prepared a planning proposal which has been informed by workshops and Council resolutions.

The CBD Planning Proposal (PP) seeks to implement the Parramatta CBD Strategy by amending the LEP controls to provide for a potential increase in height and FSR for sites within the Parramatta CBD subject to the provision of community infrastructure. The Department of Planning, Industry and Environment (DPIE or “the Department”) issued a Gateway determination on 13 December 2018 which allows for the exhibition of the CBD Planning Proposal subject to several conditions. Council has carried out the further amendments and investigations required by the Gateway conditions and received the approval from the Department to allow the CBD PP to be exhibited on 27 July 2020.

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

A planning proposal seeking to amend *PLEP 2011* is the most effective way of providing certainty for Council, the local community and the landowner. The existing height and FSR standards do not permit the density envisaged in the CBD PP nor do the existing controls respond to the emerging CBD character of Parramatta.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the priorities, directions and actions outlined in key local and state strategic planning policy documents.

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan

On March 2018, the Greater Sydney Region Plan (the ‘Plan’) was finalised by the Greater Sydney Commission. The adoption of the Greater Sydney Region Plan will supersede A Plan for Growing Sydney as Sydney’s overarching metropolitan strategy.

The vision of this Plan is built on the three cities concept where residents live within 30 minute access to jobs, education and health facilities, services and places. This is consistent with the 10 Directions as set in Directions for a Greater Sydney, which is the core component of the vision and measure of the Plan’s performance.

The Plan identifies that a target of an additional 725,000 dwellings would be needed within the Greater Sydney Region by 2036 to meet housing demands based on current population growth.

The Greater Sydney Region Plan is structured around four key themes—infrastructure and collaboration, liveability, productivity and sustainability—and sets out a number of directions, objectives and actions to guide delivery of these themes.

The tables below provides a summary of the consistency of the proposal with the relevant directions and objectives.

Infrastructure and Collaboration

An assessment of the planning proposal’s consistency with the GSRP’s relevant Infrastructure and Collaboration objectives is provided in Table 3a, below.

Table 3a – Consistency of planning proposal with relevant GSRP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Relevant Objective	Comment
A city supported by infrastructure	O1: Infrastructure supports the three cities	The Planning Proposal will facilitate an increase in commercial office space within the Parramatta CBD on a site that is within the vicinity of the Parramatta Transport Interchange and the proposed future Light rail network giving workers and residents access to train and bus services.
	O2: Infrastructure aligns with forecast growth – growth infrastructure compact	The Planning Proposal will facilitate growth in commercial floor space and hence growth in jobs within the GOP area which is being trialed as the pilot growth infrastructure compact.
	O4: Infrastructure use is optimised	In accordance with the Objective 4, the planning proposal will allow for efficient land use by locating new commercial floor space in the vicinity of Parramatta railway station and future Parramatta Light Rail network. Future occupants and users of the site will have access to the existing and proposed transport infrastructure and will benefit from the commuting advantages.

Liveability

An assessment of the planning proposal's consistency with the GSRP's relevant Liveability objectives is provided in Table 3b, below.

Table 3b – Consistency of planning proposal with relevant GSRP Actions – Liveability

Liveability Direction	Relevant Objective	Comment
A city of great places	O12: Great places that bring people together	The development concept includes active frontages incorporating retail uses at the ground floor with commercial above.

Productivity

An assessment of the planning proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 3c, below.

Table 3c – Consistency of planning proposal with relevant GSRP Actions – Productivity

Productivity Direction	Relevant Objective	Comment
A well connected city	O14: The plan integrates land use and transport creates walkable and 30 minute cities	The planning proposal satisfies this direction as it will facilitate the development of additional commercial floor space on a site that is within the Parramatta CBD and is within walking distance to Parramatta Transport Interchange and the proposed Parramatta Light Rail. The Planning Proposal will uphold the concept of a 30-minute city.
	O15: The Eastern, GOP and Western Economic Corridors are	The Planning Proposal increases the permissible density on the site which will allow for an increase in commercial floor space and (potentially) residential apartments, further strengthening the

	better connected and more competitive	Parramatta CBD and reinforcing its role in the GOP area.
Jobs and skills for the city	O19: Greater Parramatta is stronger and better connected	The development facilitated by the Planning Proposal will contribute to the economic growth of Parramatta CBD and facilitate the development of a mix of uses in a location proximate to key public transport infrastructure. The proposal will provide improvements to the site that will enhance the vibrancy and appeal of the Parramatta CBD as a desirable location for businesses and will promote walkability within Parramatta CBD.
	O22: Investment and business activity in centres	The Planning Proposal will facilitate an increase in commercial office space on a B4 Mixed use zoned site within proximity of the Parramatta Transport Interchange and the proposed Parramatta Light Rail network, integrating land use and transport. The development likely to be facilitated by the Planning Proposal will contribute to achieving the 30 minute city goal.

Sustainability

An assessment of the planning proposal's consistency with the GSRP's relevant Sustainability objectives is provided in Table 3d, below.

Table 3d – Consistency of planning proposal with relevant GSRP Actions – Sustainability

Productivity Direction	Relevant Objective	Comment
	O30: Urban tree canopy cover is increased	The entire site is currently built-up with existing commercial buildings. The development concept will result in a new commercial building with a similar footprint to the existing structure. As such, there is no opportunity for tree planting onsite. The Planning Proposal and subsequent development provides the opportunity to improve the amenity of the public domain and incorporate street tree planting where appropriate.
An efficient city	O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The site is located within proximity of the Parramatta Transport Interchange and the proposed Parramatta Light Rail. As such, the site meets the objective e of a reduced dependency on cars. Further, the Planning Proposal will apply the maximum car parking rates within the existing provisions of Clause 7.14 to the site which will contribute to low rates of motor vehicle trip generation. The development of the site will be subject to a design competition which will be required to address Ecologically Sustainable Development and Environmental Performance as part of the standard Design Competition Brief.
	O34: Energy and water flows are captured, used and re-used	
	O35: More waste is re-used and recycled to support the development of a circular economy	
A resilient city	O36: People and places adapt to climate change and future shocks and stresses	The subject site is within the area inundated in flood events up to and including the Probable Maximum Flood (PMF). As such, any future development will be subject to the relevant flooding controls within Parramatta DCP 2011. (Refer Section 4.1 of this report for excerpt of flood map)
	O37: Exposure to natural and urban hazards is reduced	
	O38: Heatwaves and extreme heat are managed	

Greater Parramatta to the Olympic Peninsula (GPOP) Vision

In October 2016, prior to the release of the draft district plans, the Greater Sydney Commission released a Visioning document for the Greater Parramatta to the Olympic Peninsula (GPOP) area. GPOP is a centrepiece of the Greater Sydney Commission's Central City District Plan, within which the bulk of GPOP is located.

The vision for GPOP is: *“Our 2036 vision: GPOP will be Greater Sydney's true centre – the connected, unifying heart”*.

It is focused on driving 12 directions to deliver the GPOP Vision. The document also notes that the GPOP area is the subject of several land use planning activities which are to progress alongside, and consistent with, the developing GPOP Vision, such as the GPOP Land Use and Infrastructure Strategy, Department of Planning and Environment.

The site is located within the Parramatta CBD Westmead Health and Education Super Precinct. The planning proposal is consistent with the vision and directions of GPOP Vision as it will:

- Deliver additional housing and employment within Parramatta CBD that will revitalise the city centre and support the commercial core,
- Provide a mix of housing (1, 2 and 3 bedroom units) to suit individual household needs, preferences and budgets,
- Respect the heritage values of items within the vicinity of the site (Refer Section 3.3.2 of this report),
- Facilitate the development of a high quality and well-designed mixed use development through a design competition process,
- Redevelop a site that has good access to public transport, jobs, services, recreational, educational and other opportunities, and
- Negotiate 5% to 10% of new floor space for affordable housing in line with Council's affordable housing policy.

Central City District Plan

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20 year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

The Central City District Plan District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

Taking its lead from the GSRP, the *Central City District Plan* (“CCDP”) is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities which are each supported by Actions. Those Planning Priorities and Actions relevant to this planning proposal are discussed below.

Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the CCDP's relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 4a, below.

Table 4a – Consistency of planning proposal with relevant CCDP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
<p>A city supported by infrastructure</p> <p>O1: Infrastructure supports the three cities</p> <p>O2: Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p>O3: Infrastructure adapts to meet future need</p> <p>O4: Infrastructure use is optimised</p>	<p>PP C1: Planning for a city supported by infrastructure</p> <ul style="list-style-type: none"> • A1: Prioritise infrastructure investments to support the vision of <i>A metropolis</i> • A2: Sequence growth across the three cities to promote north-south and east-west connections • A3: Align forecast growth with infrastructure • A4: Sequence infrastructure provision using a place based approach • A5: Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans • A6: Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and flexible regulations to allow decentralised utilities 	<p>The planning proposal will allow for efficient land use by locating new commercial floor space within proximity of Parramatta railway station and the proposed future light rail. Future occupants and users of the site will have access to the existing and proposed transport infrastructure and will benefit from the commuting advantages.</p>

Liveability

An assessment of the planning proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in Table 4b, below.

Table 4b – Consistency of planning proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
<p>O7: Communities are healthy, resilient and socially connected</p> <p>O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>O9: Greater Sydney celebrates the arts and supports creative industries and innovation</p>	<p>PP C4: Working through collaboration</p> <ul style="list-style-type: none"> • A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d). • A14: Facilitate opportunities for creative and artistic expression and participation, wherever 	<p>The development concept includes active frontages incorporating retail uses at the ground floor with commercial uses above.</p>

feasible with a minimum regulatory burden including (a-c).

- **A15:** Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places

Productivity

An assessment of the planning proposal’s consistency with the CCDP’s relevant Productivity Priorities and Actions is provided in Table 4c, below.

Table 4c – Consistency of planning proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
<p>A well-connected city O19: Greater Parramatta is stronger and better connected</p>	<p>PP C7: Growing a stronger and more competitive Greater Parramatta</p> <ul style="list-style-type: none"> • A23: Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged] • A26: Prioritise infrastructure investment [abridged] • A27: Manage car parking and identify smart traffic management strategies 	<p>The outcome of the planning proposal will contribute to the economic growth of Parramatta CBD and enables a mixture of commercial uses within proximity of key public transport infrastructure.</p> <p>This proposal will provide improvements to the site that will enhance the vibrancy, competitiveness and walkability within Parramatta CBD.</p> <p>The Planning Proposal includes a site-specific clause that prescribes a maximum car parking rate as identified by the Parramatta CBD Strategic Transport Study.</p>
<p>Jobs and skills for the city O15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive</p>	<p>PP C8: Delivering a more connected and competitive GPOP Economic Corridor</p> <ul style="list-style-type: none"> • A29: Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GPOP Economic Corridor • A30: Prioritise transport investments that enhance access to the GPOP between centres within GPOP 	<p>See above</p> <p>Further, the Planning Proposal will facilitate the redevelopment of the site for commercial floor space and hotel floor space. The applicant’s reference design indicates 26,226 sqm of commercial floor space. Using Council’s assumed employment generating rate of 1 employee per 24 sqm of floor space, the Planning Proposal has the potential to generate approximately 1,092 FTE employees. The hotel will employ additional staff over and above this amount, however, the employment generating rate per floor area is expected to be lower than that of commercial floor space.</p>
<p>O14: The plan integrates land use and transport creates walkable and 30 minute cities</p>	<p>PP C9: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The planning proposal satisfies this direction by co-locating commercial spaces on a site that is within walking distance to Parramatta</p>

O16: [relevant?]	<ul style="list-style-type: none"> • A32: Integrate land use and transport plans to deliver a 30-minute city • A33: Investigate, plan and protect future transport and infrastructure corridors • A34: Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network • A36: Protect transport corridors as appropriate, including the Western Sydney Freight Line, North South train link from Schofields to WS Airport as well as Outer Sydney Orbital and Bells Line of Road-Castlereagh connections 	Railway Station and the proposed Parramatta Light Rail Station; and will uphold the concept of a 30-minute city.
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Sustainability

An assessment of the planning proposal’s consistency with the CCDP’s relevant Productivity Priorities and Actions is provided in Table 4d, below.

Table 4d – Consistency of planning proposal with relevant CCDP Actions – Sustainability

Sustainability Direction	Planning Priority/Action	Comment
<p>O30: Urban tree canopy cover is increased</p> <p>O32: The Green grid links Parks, open spaces, bushland and walking and cycling paths</p>	<p>PP C16: PP C16: Increasing urban tree canopy cover and delivering Green grid connections</p> <ul style="list-style-type: none"> • A68: Expand urban tree canopy in the public realm 	<p>The entire site is currently built-up with an existing two-storey commercial building. The development concept will result in a new commercial building with a similar footprint to the existing structure. As such, there is no opportunity for tree planting onsite. The Planning Proposal and subsequent development application provides the opportunity to improve the amenity of the public domain and incorporate street tree planting where appropriate.</p>
<p>O31: Public open space is accessible, protected and enhanced</p>	<p>PP C17: Delivering high quality open space</p> <ul style="list-style-type: none"> • A71: Maximise the use of existing open space and protect, enhance and expand public open space by (a-g) [abridged] 	<p>The site is located within the solar access plane that relates to the protected area within Parramatta Square. The site is already subject to provisions under Clause 7.4 of Parramatta LEP 2011. Clause 7.4 provides that Council cannot consent to development unless it is satisfied that it will not cause additional overshadowing of the</p>

		protected area of Parramatta Square between 12 noon and 2pm.
<p>O36: People and places adapt to climate change and future shocks and stresses</p> <p>O37: Exposure to natural and urban hazards is reduced</p> <p>O38: Heatwaves and extreme heat are managed</p>	<p>PP C20: Adapting to the impacts of urban and natural hazards and climate change</p> <ul style="list-style-type: none"> • A81: Support initiatives that respond to the impacts of climate change • A82: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing areas most exposed to hazards • A85: Consider strategies and measures to manage flash flooding and safe evacuation when planning for growth in Parramatta CBD 	<p>The site is not within the 1 in 100-year Average Recurrence Interval (ARI) events, however, is located within the Probable Maximum Flood (PMF) event.</p> <p>(Refer Section 4.1 of this report for excerpt of flood map)</p>

3.2.2 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

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

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region. Of relevance is the growth of Parramatta CBD.

The planning proposal is considered to meet the strategy and key objectives identified in the plan by allowing for commercial uses located in a centre with public transport, shops and community facilities in close proximity. The proposal will activate the street and improve the walkability of the city centre with retail on the ground floor.

Parramatta Local Strategic Planning Statement

Council’s Local Strategic Planning Statement (LSPS) was published on 31 March 2020. Council’s LSPS sets out a 20-year land use planning vision for the City of Parramatta, balancing the need for housing and economic growth, whilst protecting and enhancing housing diversity, heritage and local character. Further, the Local Strategic Planning Statement aims to protect the City’s environmental assets and improve the health and liveability of the City.

The subject site is situated with Parramatta CBD, an area identified for significant growth in the LSPS. The Planning Proposal is considered to meet the priorities, policy directions

and actions of the LSPS, specifically, the actions to progress the Parramatta CBD Planning Proposal to increase commercial and housing opportunities in Parramatta CBD. Through this, it is noted that the site-specific Planning Proposal is consistent with the Parramatta CBD Planning Proposal.

Parramatta CBD Planning Proposal

The CBD PP was first endorsed by Council on 11 April 2016. The CBD PP is the outcome of detailed technical studies which reviewed the current planning framework. The CBD PP seeks controls responding to the vision for the growth of the Parramatta CBD as Australia's next great city. The CBD PP identifies a need for significant growth in the Parramatta City Centre to which this planning proposal responds.

In line with the Strategy, Council subsequently prepared the Parramatta CBD Planning Proposal (CBD PP), which was informed by Councillor workshops held throughout 2015 as well as various Council resolutions. Council adopted the CBD PP on 11 April 2016. In general terms, the CBD PP seeks to increase heights and FSR's in the Parramatta CBD, subject to the provision of community infrastructure and other requirements. The CBD PP remains Council's most recently endorsed policy position on density increases in the Parramatta CBD. Council received a Gateway Determination for the CBD PP from the Department of Planning Industry and Environment on 13 December 2018 subject to conditions. Council has carried out further studies and has resolved to amend the CBD PP in order to meet the Gateway conditions at its Meeting on 25 November 2019.

On 27 July 2020, Council received advice from the Department of Planning, Industry and Environment that Council has satisfied the conditions of the Gateway determination and can publicly exhibit the PP.

Under the CBD PP, the following key planning controls are identified for the site at 197 and 207 Church Street and 89 Marsden Street:

- **Zoning:** The current B4 Mixed Use zoning is retained
- **Height of Buildings:** The base height for the site is 36 metres for the majority of the site and 12m for the frontage facing Church Street. The incentive height is subject to the provisions of Clause 7.4 regarding sun access protection for the majority of the site and is 12m for the frontage facing Church Street.
- **FSR:** The base FSR for the site is 4:1 for the majority of the site and is 3:1 for the frontage of the site facing Church Street. . The incentive FSR for the site is 10:1. The FSR can be increased by 15% under the existing Design Excellence provisions of the Parramatta LEP 2011. It can also be increased by 5% under the proposed High Performing Buildings provisions within the CBD PP. This would take the potential FSR to 12:1.
- **Minimum Commercial Provisions:** the site is required to provide a minimum of 1:1 of its floor area as commercial floor space under draft Clause 7.6C. This clause also permits additional commercial floor space over and above this minimum to be exempt from the FSR calculation in order to incentivise the provision of employment generating floor space within the CBD.
- The site is identified in the draft Sun Access Protection Map which relates to Clause 7.4 of the draft LEP and prohibits any building from causing additional overshadowing of the protected area of Parramatta Square between 12 noon and 2pm on 21 June.
- A 2 metre wide strip of land facing Marsden Street is identified on the draft Land Reservation Acquisition Map for the purpose of a regional cycleway.

A summary of the proposed controls for the site under this site-specific Planning Proposal in context with the CBD PP are detailed below.

Height

At its Meeting on 11 May 2020, Council resolved to amend the Parramatta LEP 2011 to increase the mapped height control from 36 metres to part 105 metres and part 12 metres for the subject site. It is noted that the achievable height for this site is also determined by the existing provisions within Clause 7.4 of the Parramatta LEP 2011 which prohibit new buildings from overshadowing the protected area of Parramatta Square between 12 noon and 2.00pm. The nominated height of part 105 metres and part 12 metres was identified by the preparation of a reference design and shadow diagrams for the site. This height is considered to permit the redevelopment of the site while still complying with the solar access provisions of Clause 7.4.

As such, the site-specific PP is consistent with Council's endorsed position for the site under the CBD PP. This is consistent with the general policy direction of the CBD PP which is to identify numeric height controls overlaid with solar access planes for some sites.

The site-specific PP is also consistent with the approach in the CBD PP to preserve the heritage character of the Church Street streetscape by maintaining the existing 12 metre height at the Church Street frontage.

Floor Space Ratio (FSR)

At its Meeting on 11 May 2020, Council resolved to amend the Parramatta LEP 2011 to increase the mapped FSR control from part 4:1 and part 3:1 to 10:1 for the site.

The mapped FSR of 10:1 accords with the Incentive FSR under the CBD PP. The FSR can be increased by 15% under the existing Design Excellence provisions of the Parramatta LEP 2011.

A site-specific clause is proposed that mirrors draft Clause 7.6C of the CBD PP that requires the site to provide a minimum of 1:1 of its floor area as commercial floor space. This clause also permits additional commercial floor space over and above this minimum to be exempt from the FSR calculation in order to incentivise the provision of employment generating floor space within the CBD. The amount of additional floor space that potentially may be approved under this clause is expected to be minimal, however, will depend on the final setbacks established through the draft site-specific DCP and their interplay with the building height and floor-to-floor heights.

The reference design submitted by the applicant suggests that the site could achieve a building at an FSR of 11.9:1 that complies with the height control. The FSR that can be ultimately achieved will be subject to detailed design at the design competition and development application stage.

Site specific clauses

Site specific clauses have been included in this planning proposal to:

- Provide for a minimum 1:1 commercial floor space;
- Allow additional commercial floor space above the 1:1 to be exempt from the FSR calculation provided it does not exceed the height control;
- ensure parking is provided in accordance with Council's parking rates consistent with the CBD Planning Proposal.

Non-residential floor space

As described above, a site-specific clause is proposed that mirrors draft Clause 7.6C of the CBD PP that requires the site to provide a minimum of 1:1 of its floor area as commercial floor space. This clause also permits additional commercial floor space over and above this minimum to be exempt from the FSR calculation in order to incentivise the provision of employment generating floor space within the CBD.

The policy objective of this control is to contribute employment generating floor space consistent with Parramatta's role as a key employment centre in western Sydney.

Car Parking

At its Meeting on 11 May 2020, Council resolved to amend the Parramatta LEP 2011 to apply the full range of car parking rates specified in the current draft Parramatta CBD Planning Proposal to the site. These rates are included within the suggested draft LEP clauses in Appendix 1.

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

An assessment of the planning proposal against the applicable State Environmental Planning Policies (SEPPs) relevant to the site is detailed in the table below (Table 1).

Table 1 – Assessment of consistency of the planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Assessment of consistency
SEPP No 55 Remediation of Land	
Provides state-wide planning controls for the remediation of contaminated land. Clause 6 of the policy states that land must not be rezoned unless contamination has been considered and, where relevant, land has been appropriately remediated.	Not relevant to proposed amendment. The proposal does not involve the rezoning or change of use of the land. Accordingly, the contamination issues will be addressed at the DA stage.
SEPP 64 Advertising and signage	
Provides a consistent approach to the management of outdoor advertising so that adverse impacts on the amenity of the built and natural environment are avoided.	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	
Raises the design quality of residential apartment development across the state through the application of a series of design principles and guidelines.	The applicant has indicated that their intention for the site is a fully commercial development with a hotel component. However, the existing B4 Mixed Use zoning of the site is not changing and as such, residential apartments are still permissible. Should there be a residential component to the development, the Design Excellence process and development application process will assess compliance with the ADG requirements.
SEPP (BASIX) 2004	
Operates in conjunction with provision of the EP&A regulation to encourage sustainable residential	Consistent. Detailed compliance with SEPP (BASIX) for any residential component will be

State Environmental Planning Policies (SEPPs)	Assessment of consistency
development (BASIX scheme). The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, which would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	demonstrated at the time of making a development application for the site facilitated by this planning proposal.
SEPP (Exempt and Complying Development Codes) 2008	
Seeks to provide for exempt and complying development in certain local government areas that have not provided for those types of development through a local environmental plan.	Consistent. May apply to future development of the site.
SEPP (Infrastructure) 2007	
<p>Aims to facilitate the effective delivery of infrastructure across the State along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.</p> <p>In particular, Traffic generating development (clause 104) requires that a proposal for an apartment or residential flat building with 300 or more dwellings is required to be referred to the Roads and Maritime Services.</p>	Consistent. To be addressed as part of future DA for the site.
State Environmental Planning Policy (State and Regional Development) 2011	
<p>Applies to development with a Capital Investment Value (CIV) of over \$20 Million, the proposal is defined for the purposes of this SEPP as “Regional Development”.</p> <p>The consent authority for regional development will be the Sydney West Planning Panel.</p>	Consistent. Should the planning proposal proceed, it is likely that any future DA would have a CIV value of >\$20 million and be determined by the Sydney West Planning Panel.
Regional Environmental Plan (REP) Sydney Harbour Catchment 2005 (deemed SEPP)	
<p>The Plan covers the area of Sydney Harbour, including the Parramatta River and its tributaries and the Lane Cove River. The plan aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.</p> <p>The REP includes a range of matters for consideration by consent authorities assessing development within the Foreshores and Waterways Area of the Plan. These are aimed at ensuring better and consistent development decisions and include such issues as ecological and scenic quality, built form and design, maintenance of views, public access and recreation and working harbour uses. The REP includes provisions relating to heritage conservation and wetlands protection and provides planning controls for strategic foreshore sites.</p>	Consistent. The whole of the Parramatta is covered by the REP. Any matters for consideration will be addressed as part of any future DA.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* (previously section 117(2)) the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs.

An assessment against the Ministerial Directions applicable to the subject planning proposal is detailed in the table below.

Table 2 – Assessment of consistency of the planning proposal with applicable Ministerial Directions

Section	Comment	Consistent
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	<p>The planning proposal will maintain the existing B4 Mixed Use zone which allows for a mix of residential and non-residential uses.</p> <p>The proposal will support the mixed use character of the area and the nearby commercial core, by providing commercial uses and increasing the employment generating floor space.</p>	Yes
2. Environment and Heritage		
2.3 – Heritage Conservation	<ul style="list-style-type: none"> • One of the buildings on the site (the old Murray Brothers Department store building on the corner of Church Street and Macquarie Street) is listed as an item of local heritage significance. • There are also several heritage items located within the vicinity of the site: <ul style="list-style-type: none"> ○ Immediately to the north of the site is the former post office at 211 Church Street which is an item of local heritage significance; ○ On the opposite side of Church Street is the horse parapet façade at 198 to 216 Church Street which is listed as an item of local heritage significance; ○ To the south-east of the site on the opposite side of Macquarie Street is the Centennial Memorial Clock which is listed as an item of local heritage significance; ○ Further to the south is the St Johns Anglican Cathedral which is listed as an item of State heritage significance under the Parramatta LEP 2011 and also listed on the State Heritage Register. <p>Refer Section 3.3.23.3.2 of this report for further detail.</p>	Yes
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	<p>While the applicant has indicated their intention is to develop a fully commercial building with a hotel component, the B4 Mixed Use zoning is not proposed to be changed. As such, the permissible residential density will increase as a result of the Planning Proposal. In theory, the planning proposal is consistent with the objectives of this direction in that it will:</p> <ul style="list-style-type: none"> • Increase residential densities and housing choice in a location that is close to public transport, shops, employment and recreational opportunities • Provide the potential for a high density development through the application of appropriate height and FSR controls • Be of high quality design facilitated through a design competition process • Make more efficient use of existing infrastructure and services through urban consolidation. 	Yes

Section	Comment	Consistent
Direction 3.4 - Integrating Land Use and Transport	Increasing the density of development within the walking catchment of transport nodes, namely the Parramatta Railway Station and Bus Interchange and the proposed Parramatta Light Rail as well as implementing maximum car parking rates will support the viability of existing and proposed public transport services and reduce dependence on cars.	Yes
Direction 3.5 – Development near Licensed Aerodromes	Bankstown Airport is subject to the <i>Federal Airports Act 1996</i> and the Airports (Protection of Airspace) Regulations 1996. Airspace above the Parramatta CBD is affected by operational requirements for this airport. A building that penetrates the Obstacle Limitation Surface (OLS) requires approval under that legislation, via the Commonwealth Department of Infrastructure and Regional Development. The maximum height limit of 105 metres proposed within the planning proposal is below the height threshold that would trigger the requirement to consult with the Department of Infrastructure and Regional Development (156m AHD).	Yes
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	With the exception of several small blocks, the majority of Parramatta City Centre (including the site) is affected by Class 4 or Class 5 Acid Sulfate soils. Despite this constraint, Parramatta has accommodated medium to high density development throughout the CBD. This application for a planning proposal acknowledges that the site is affected by Class 4 Acid Sulfate Soils. An Acid Sulfate Soils Management Plan may be required to support any future DA in accordance with the existing provisions of PLEP 2011. (Refer Section 4.1 of this report for excerpt of acid sulfate soils map)	Yes
Direction 4.3 - Flood Prone Land	The site is not within the 1 in 100 year Average Recurrence Interval, however, it is within the Probable Maximum Flood (PMF) area. Clause 7.19 within the draft LEP provisions of the Parramatta CBD Planning Proposal requires occupants within buildings within the PMF area to be able to shelter in place above the PMF level or to safely evacuate. This matter can be addressed at the Design Competition and development application stage. (Refer Section 4.1 of this report for excerpt of flood map)	Yes
6. Local Plan Making		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral requirements.	Yes

Section	Comment	Consistent
<p>Direction 6.3 - Site Specific Provisions</p>	<p>This planning proposal proposes the addition of a site specific provision to be applied to the site that would:</p> <ul style="list-style-type: none"> • Provide for a minimum 1:1 commercial floor space; • Allow additional commercial floor space above the 1:1 to be exempt from the FSR calculation provided it does not exceed the height control; and • ensure parking is provided in accordance with Council’s parking rates consistent with the CBD Planning Proposal. <p>The clause requiring a minimum of 1:1 of commercial floor space aims to ensure there is sufficient facilities and businesses to support the incoming resident population. The additional floor space not to be included as FSR seeks to further encourage non-residential development in the B4 zone.</p> <p>In relation to the maximum parking rates provision, a site specific provision would ensure that should the redevelopment of the site under the proposed controls commence prior to the gazettal of the CBD PP the maximum parking rates as endorsed by Council on 10 April 2017 will be consistent with the future CBD controls.</p> <p>This planning proposal is consistent with this Direction.</p> <p>Refer to Appendix 1 for an example of a potential draft site specific provision.</p>	<p>Yes</p>

Section	Comment	Consistent
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	On March 2018, the Greater Sydney Region Plan (the 'Plan') was finalised by the Greater Sydney Commission. The adoption of the Greater Sydney Region Plan supersedes A Plan for Growing Sydney as Sydney's overarching metropolitan strategy. The Planning Proposal meets the objectives of the Plan as discussed in Section 3.2.1.	Yes
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The proposal with is consistent with the actions in the Interim Land Use and infrastructure Plan in that the proposal: <ul style="list-style-type: none"> • Is in line with the Parramatta CBD proposal • Will contribute towards employment targets within the Parramatta City Centre • Assist in the funding of infrastructure. 	Yes

3.3 Section C – Environmental, social and economic impact

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

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Heritage;
- Urban Design and Built Form;
- Transport and Accessibility; and
- Overshadowing.

Heritage

One of the buildings on the site (the old Murray Brothers Department store building on the corner of Church Street and Macquarie Street) is listed as an item of local heritage significance.

There are also several heritage items located within the vicinity of the site:

- Immediately to the north of the site is the former post office at 211 Church Street which is an item of local heritage significance;
- On the opposite side of Church Street is the horse parapet façade at 198 to 216 Church Street which is listed as an item of local heritage significance;

- To the south-east of the site on the opposite side of Macquarie Street is the Centennial Memorial Clock which is listed as an item of local heritage significance;
- Further to the south is the St Johns Anglican Cathedral which is listed as an item of State heritage significance under the Parramatta LEP 2011 and also listed on the State Heritage Register.

The Applicant's reference design provides for the retention of the facade of the Murray brothers building along Church Street and Macquarie Street. The Statement of Heritage Impact in support of the original planning proposal favoured retention of the façades as the best means of preserving a significant measure of the building's fabric and its contribution to the city.

In the Council report of 7 December 2015 on the original proposal, Council officers commented that the facade and internal structure of the building contributed to the fine grain retail streetscape of Church Street and contribute strongly to the town centre history of the city centre. Council Officers sought that the fabric of the original Murray Bros Store be kept (including elements of internal structure and the caretakers flat) not just the facade.

Council's resolution of 7 December 2015 included that "The design competition brief must require entrants to retain the heritage façade of the existing building on the site." The brief was prepared accordingly, and the design competition submissions for the competition previously held generally contemplate retention of the heritage façade only.

Taking into account Council's previous resolution on this matter, Officers recommend minor changes to the Applicant's draft DCP relating to heritage. The new section of the draft DCP reflects retention of the heritage façade as per Council's resolution, and also recommends some minor changes including:

- strengthening of language to incorporate (rather than "consider") the recommendations of the original heritage report supporting the Planning Proposal, as well as any archaeological items found on site;
- ensuring creation of new access arrangements minimises impacts on heritage façade;
- to consider opportunities to incorporate the existing heritage fabric; and
- to acknowledge nearby heritage items.

The Statement of Heritage Impact prepared on behalf of the applicant in support of the original Planning Proposal is included as **Appendix 6**.

Urban Design and Built Form

The planning proposal is accompanied by a Supplementary Urban Design Report and Indicative Reference Design drawings which are included at **Appendix 4**.

The applicant's most recently submitted reference design is for a non-residential building made up of a mix of retail and commercial uses with no residential development. Figures 6 and 7 show the nature of the building now proposed by the applicant.

The applicant proposal comprises:

- A commercial tower above a primarily retail podium on the part of the site fronting Church and Macquarie Streets
- A longer narrow building to be used for a hotel on the portion of the site that extends to Marsden Street.



Figure 6: View from Macquarie Street looking west



Figure 7: Proposed massing concept of two towers

While the latest proposal submitted is primarily for commercial uses, the zoning will remain B4 Mixed Use which will still permit residential development. However, it will not be possible for the applicant to achieve an FSR close to 11.8:1 (as indicated in the reference design) and still satisfy SEPP 65 Design Guidelines. If the proposal was to revisit an earlier mixed use residential tower design the FSR would be likely to be in the range of 8.06:1 and 8.21:1.

Planning Proposal on adjoining site – 20 Macquarie Street

Relevant to the subject Planning Proposal is a Planning Proposal on the site adjoining to the west at 20 Macquarie Street. The site is subject to a Planning Proposal which seeks to amend the Parramatta LEP 2011 as follows:

- An increase in the Height of Buildings control from 36m to 90m
- An increase in the Floor Space Ratio control on the FSR map from 4:1 to 10:1.
- Inclusion of a site-specific clause which permits development to override the FSR sliding scale within Clause 7.2 of the Parramatta LEP 2011 but only where the additional floor space area is for the purpose of hotel or motel accommodation. Additionally, this clause prohibits any additional floor area developed under the clause from being converted to residential uses once built.
- Inclusion of maximum parking rates in line with the resolution of Council on 10 April 2017 with regards to parking rates in the CBD Planning Proposal.

The 20 Macquarie Street Planning Proposal has been publicly exhibited and was endorsed by Council on 9 September 2019. Council also resolved to amend and re-exhibit the associated site-specific DCP and a draft Planning Agreement. Once the DCP and draft Planning Agreement have been resolved, the Planning Proposal will be sent to the Department of Planning, Industry and Environment for finalisation. As with the subject site, the applicant for 20 Macquarie Street has indicated that their intention is to develop a fully commercial building. Development on the subject site will be required to consider the likely future development of 20 Macquarie Street and the site-specific DCP has been prepared having regard to this site.

Transport and Accessibility

The Planning Proposal as it was originally submitted in March 2015 was accompanied by a Traffic Impact assessment dated March 2015 (refer to **Appendix 5**). On 10 April 2017, City of Parramatta Council endorsed the action recommended by the Parramatta CBD Strategic Transport Study to reduce maximum car parking rates to levels currently used by City of Sydney CBD. Council resolved to apply the recommended parking rates to existing site-specific Planning Proposals within the Parramatta CBD to ensure future development would be consistent with the strategic direction to reduce maximum car parking rates.

The above maximum parking rates are detailed in Clause 7.3 of the potential draft LEP provisions of the Parramatta CBD Planning Proposal and are included within this Planning Proposal in the suggested draft LEP amendment at Appendix 1.

Consequently, as the revised Planning Proposal provides for reduced parking rates in accord with the Parramatta CBD Strategic Transport Study it is not necessary to provide an updated traffic report.

Overshadowing

The site is subject to an existing clause in the Parramatta LEP 2011 regarding solar access. Clause 7.4 Sun Access provides that Council must not consent to development that will result in additional overshadowing of the protected area of Parramatta Square between 12 noon and 2.00pm.

The applicant has submitted an indicative reference design (refer to **Appendix 4**) which includes shadow diagrams for a development that complies with the proposed height control of 105 metres. The shadow diagrams indicate that a development at a height of approximately 104 metres would comply with the provisions of clause 7.4 of the Parramatta LEP 2011. Refer to Figures 8, 9 and 10 below for the shadows cast at 12 noon, 1.00pm and 2.00pm respectively.

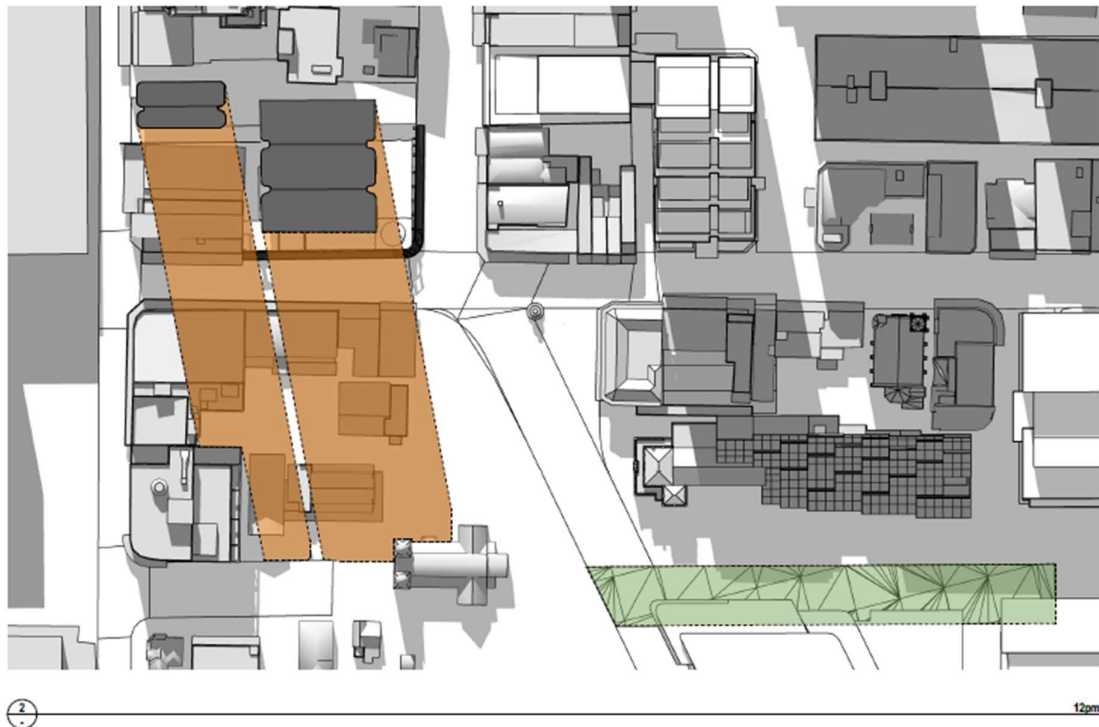


Figure 8: overshadowing caused by the proposal at 12pm on 21 June. (Grey shading indicates overshadowing from existing buildings. Orange shading indicates overshadowing from subject proposal at approximately 104 metres height. Source: Applicant's Indicative Reference Design).

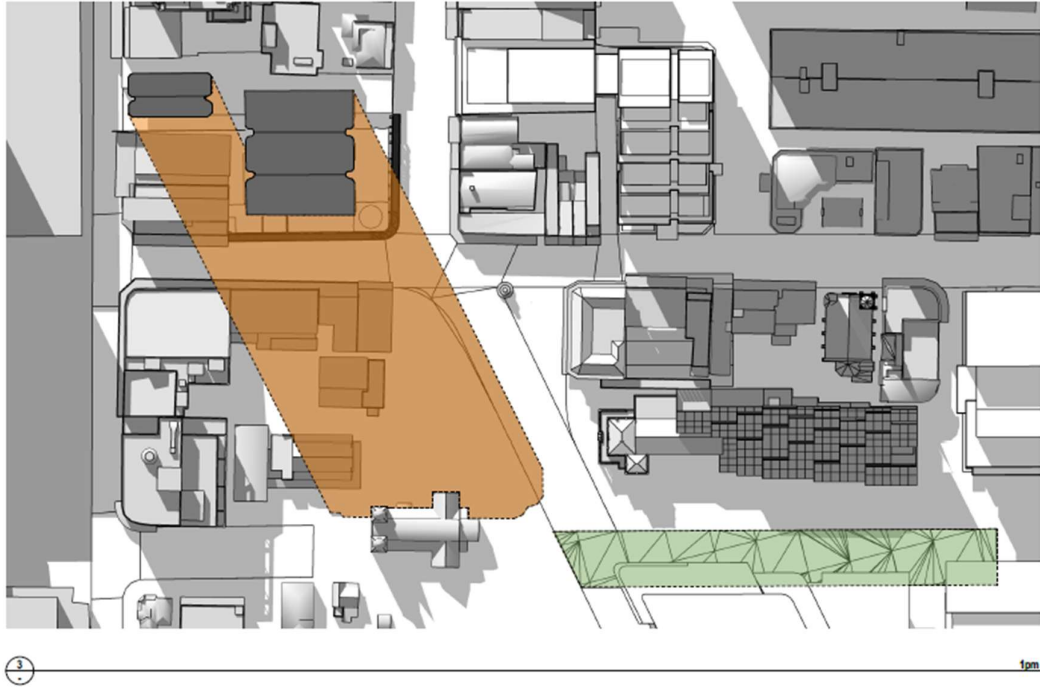


Figure 9: overshadowing caused by the proposal at 1.00pm on 21 June. (Grey shading indicates overshadowing from existing buildings. Orange shading indicates overshadowing from subject proposal at approximately 104 metres height. Source: Applicant's Indicative Reference Design).

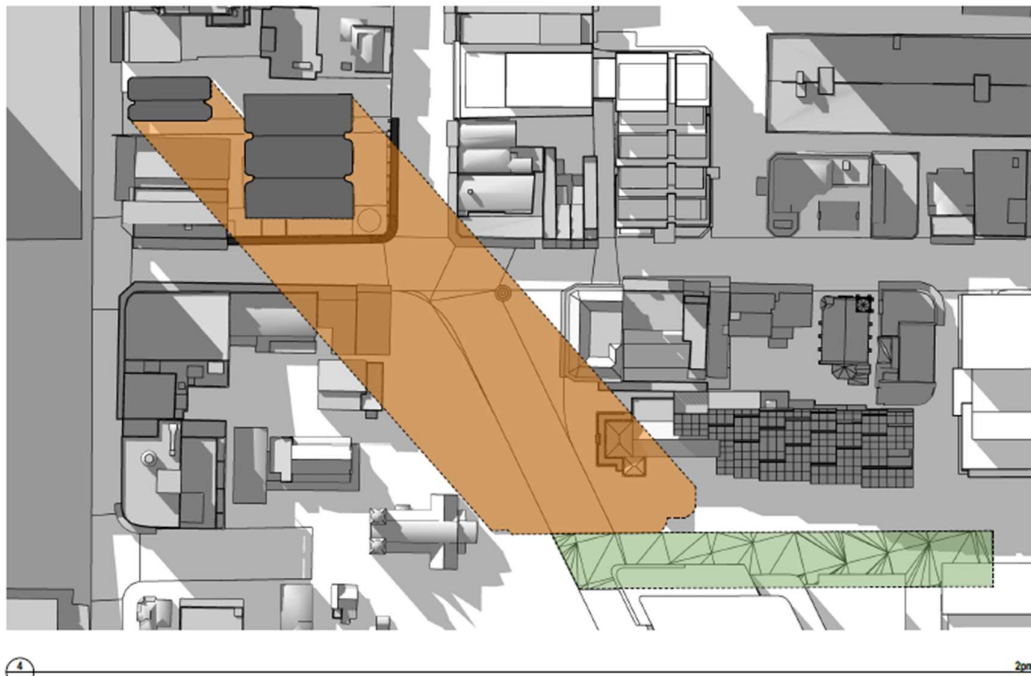


Figure 10: overshadowing caused by the proposal at 2.00pm on 21 June. (Grey shading indicates overshadowing from existing buildings. Orange shading indicates overshadowing from subject proposal at approximately 104 metres height. Source: Applicant's Indicative Reference Design).

Regardless of whether a building complies with the proposed height control of 105 metres, it would still be required to demonstrate compliance with the provisions of Clause 7.4 (Sun Access) of the Parramatta LEP 2011. However, the proposed height control has been demonstrated to result in a level of overshadowing that is consistent with this existing control.

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

There is adequate justification for this planning proposal, which will contribute to the creation of employment and job opportunities in the Parramatta CBD.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The site has good access to public transport being including the Parramatta Railway Station/Bus Interchange and the proposed Parramatta Light Rail.

Contributions towards additional public infrastructure to cater for the incoming population will be facilitated through the Planning Agreement process, s94 contributions and State Infrastructure Contribution (SIC) currently being developed for the GOP area.

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

The Gateway determination issued for the site requires Council to consult with the following public authorities pursuant to Section 3.34 of the Environmental Planning and Assessment Act.

- Office of Environment and Heritage – Heritage Division
- NSW Aboriginal Land Council
- Department of Education
- Transport for NSW – Sydney Trains
- Transport for NSW – (former Roads and Maritime Services)

The above public authorities will be consulted concurrently during the public exhibition period.

PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DPI&E’s guidelines on LEPs and Planning Proposals.

4.1 Existing controls

This section contains map extracts from *PLEP 2011* which illustrate the current controls applying to the site.

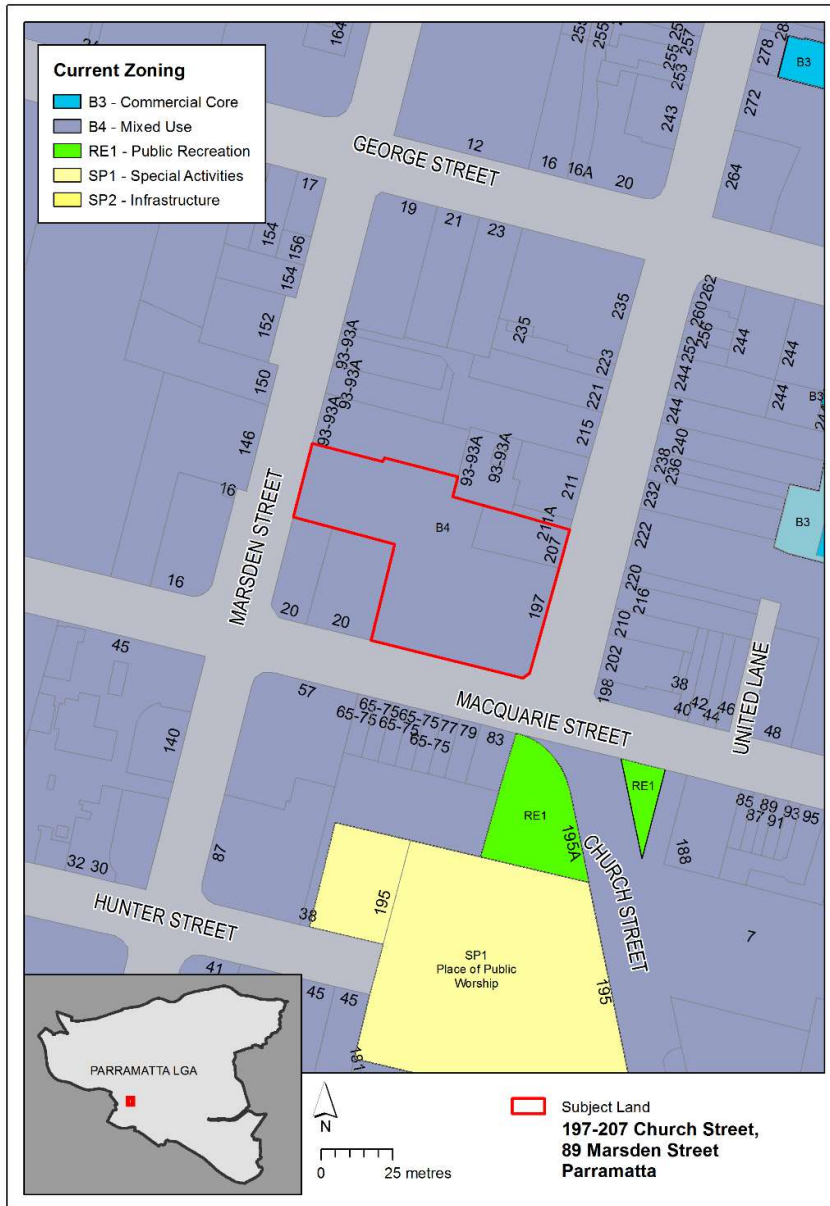


Figure 11 – Existing zoning extracted from the *PLEP 2011* Land Zoning Maps

Figure 11 above illustrates the existing B4 Mixed Use zone over the site. There is no proposed change to the zone.

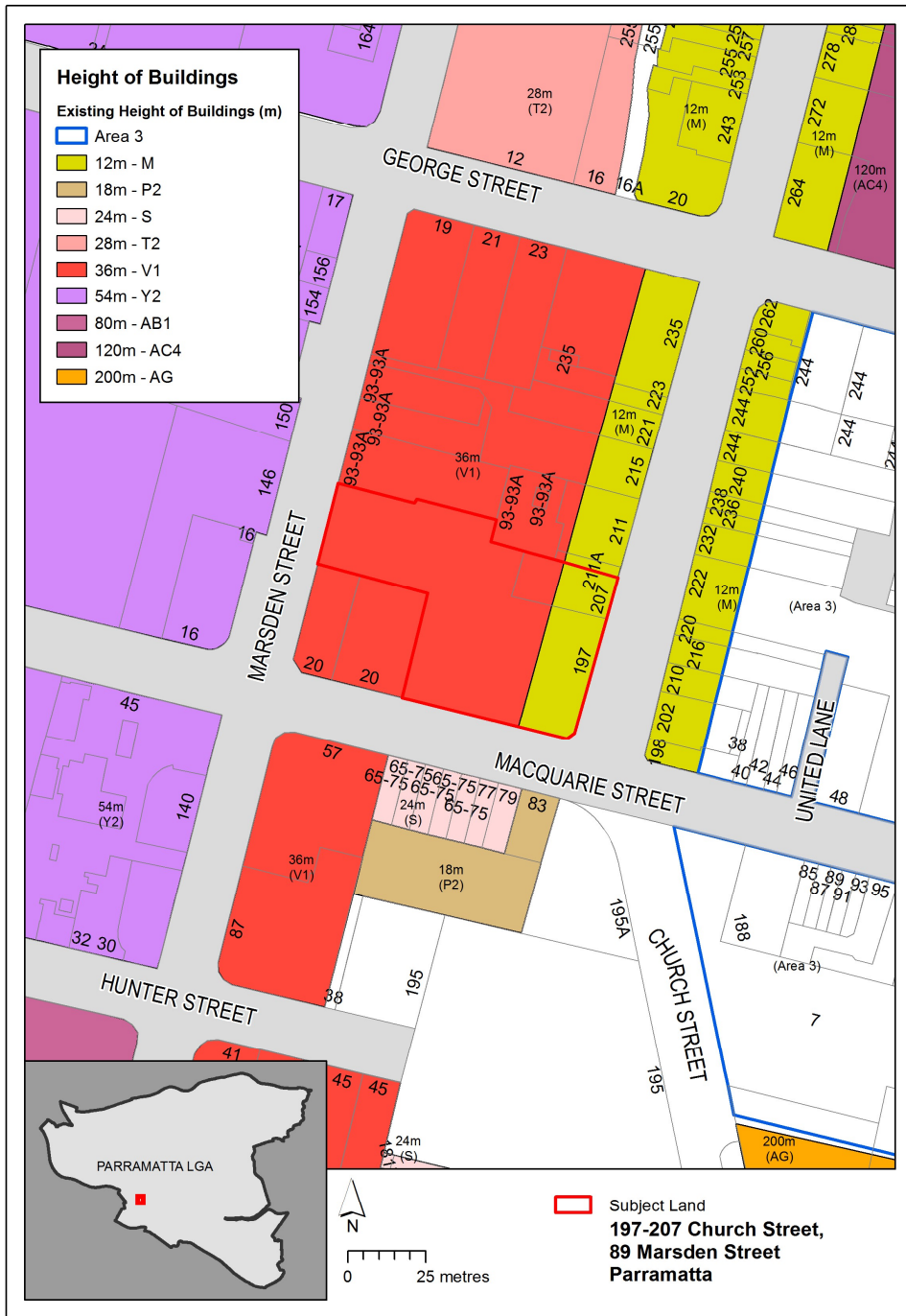


Figure 12 – Existing building heights extracted from the PLEP 2011 Height of Buildings Maps

Figure 12, above illustrates the existing part 36m metre and part 12m height restriction which applies to the site.

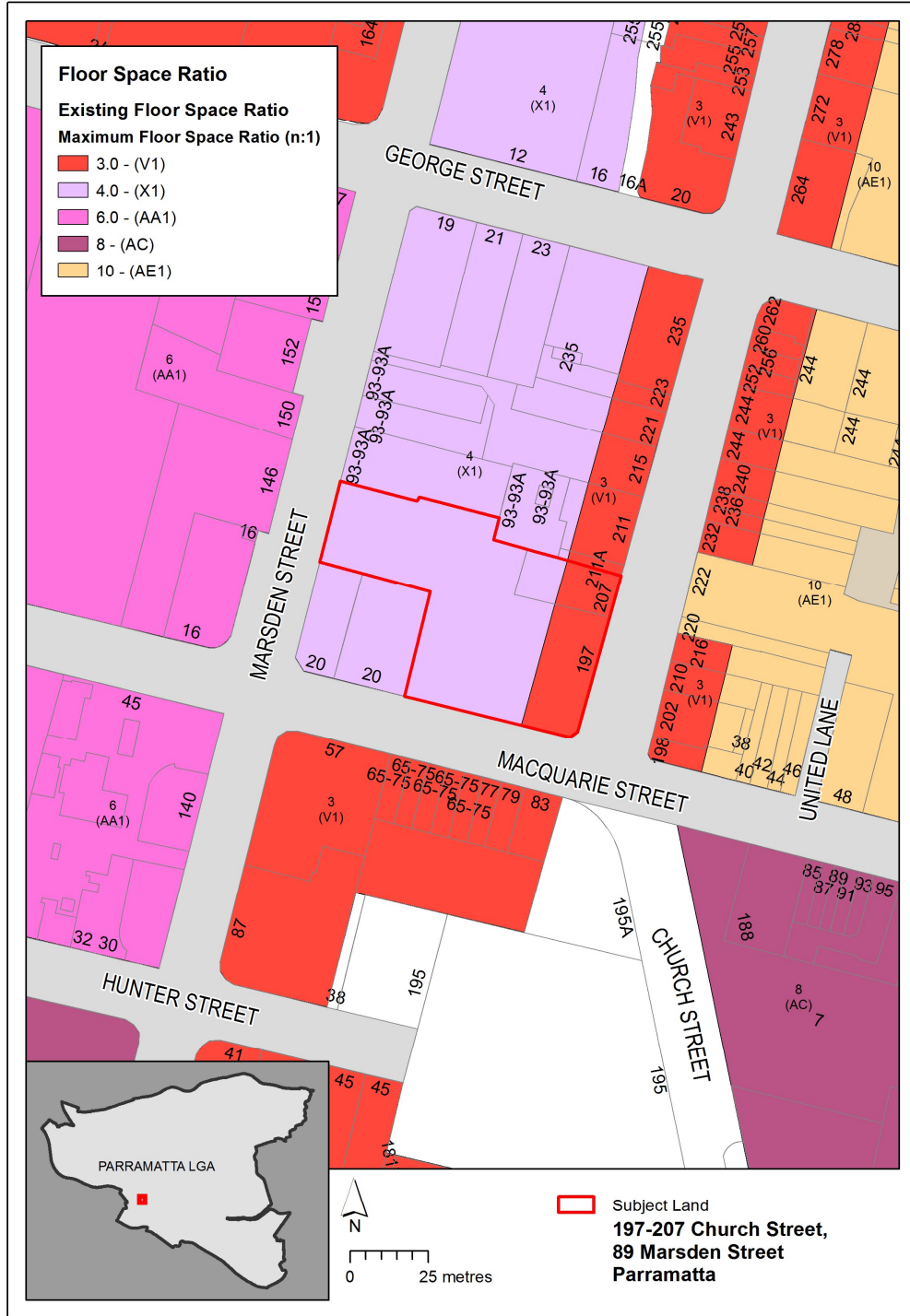


Figure 13 – Existing floor space ratio extracted from the PLEP 2011 Floor Space Ratio Map
 Figure 13, above illustrates the existing FSR’s of part 4:1 and part 3:1 which apply to the site.

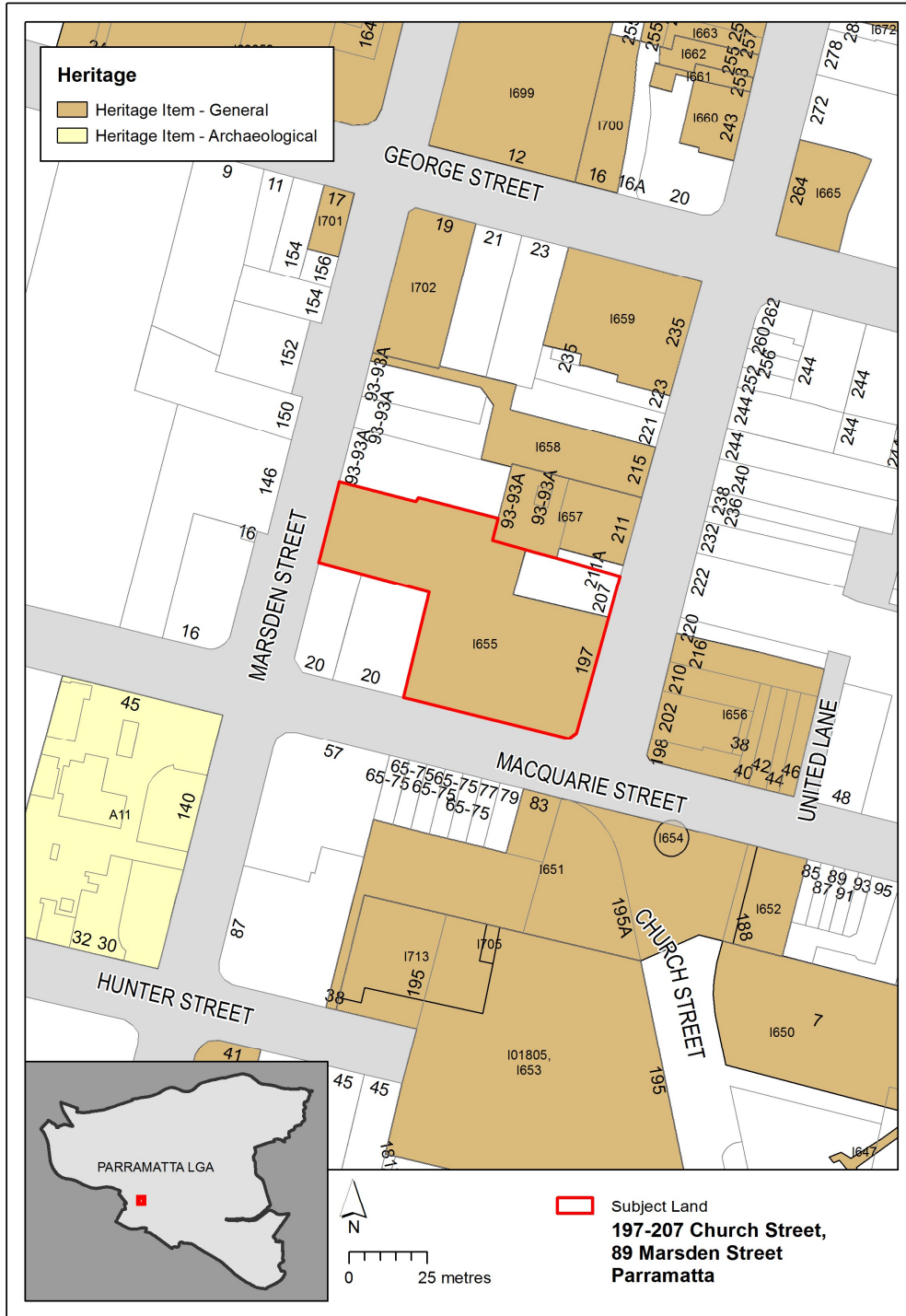


Figure 14 – Existing heritage items extracted from the *PLEP 2011* Heritage Maps
 Figure 14 above illustrates the heritage items in the locality.

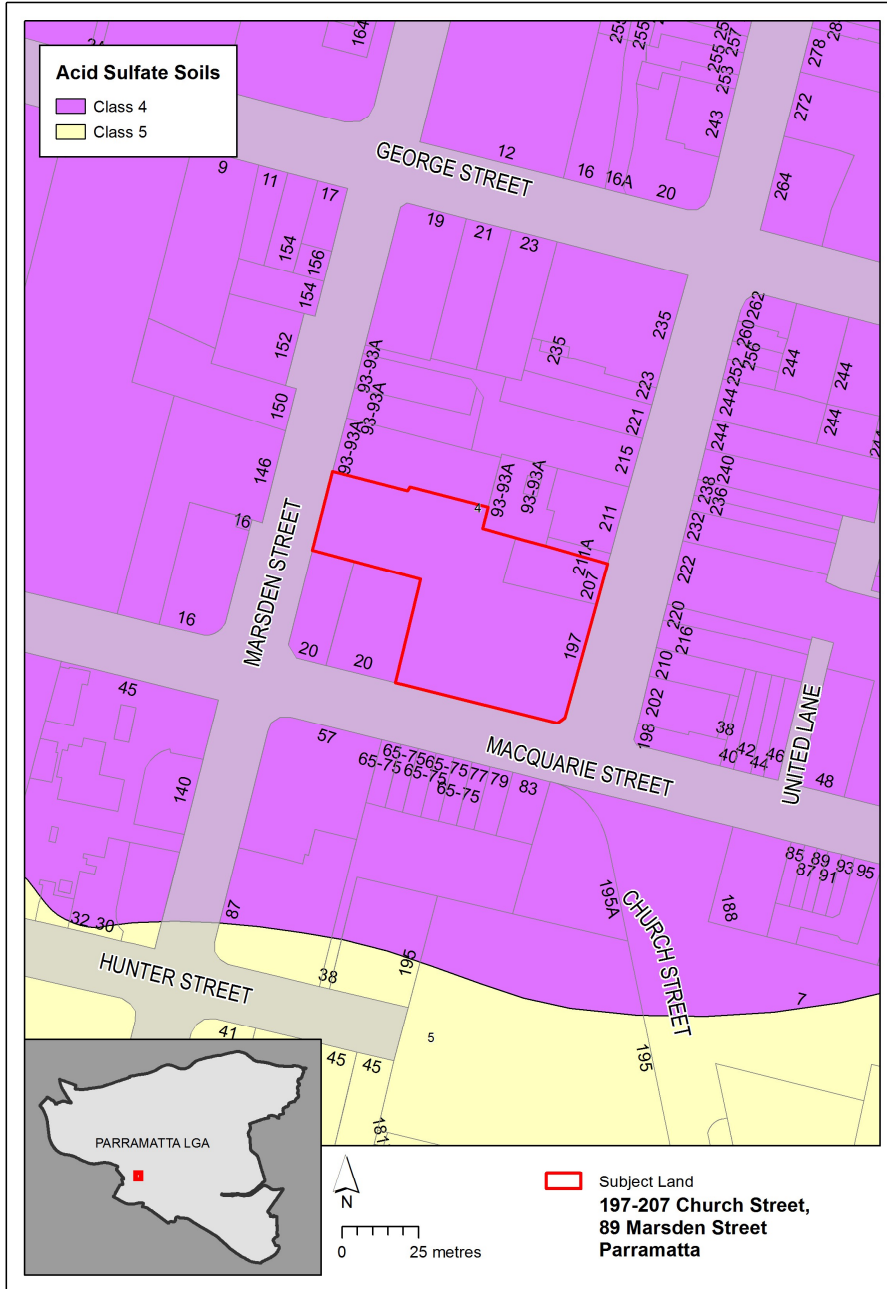


Figure 15 – Existing acid sulfate soils extant extracted from the PLEP 2011 Acid Sulfate Soils Map

Figure 15 above illustrates the site is identified as Class 4 Acid Sulfate Soils.

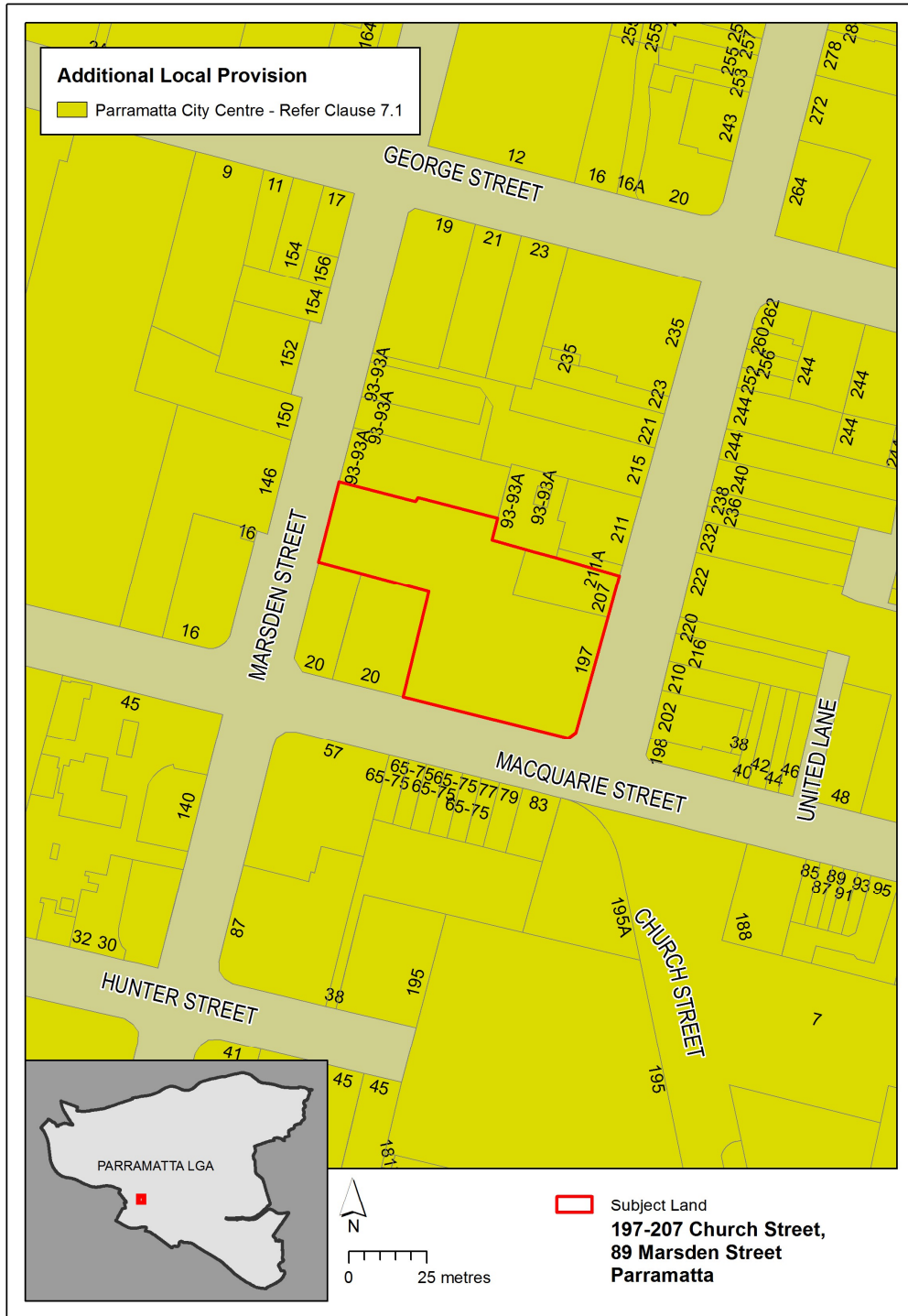


Figure 16 – Additional local provisions map from the *PLEP 2011* Additional Local Provisions Map

Figure 16 above illustrates the site is subject of additional local provisions.

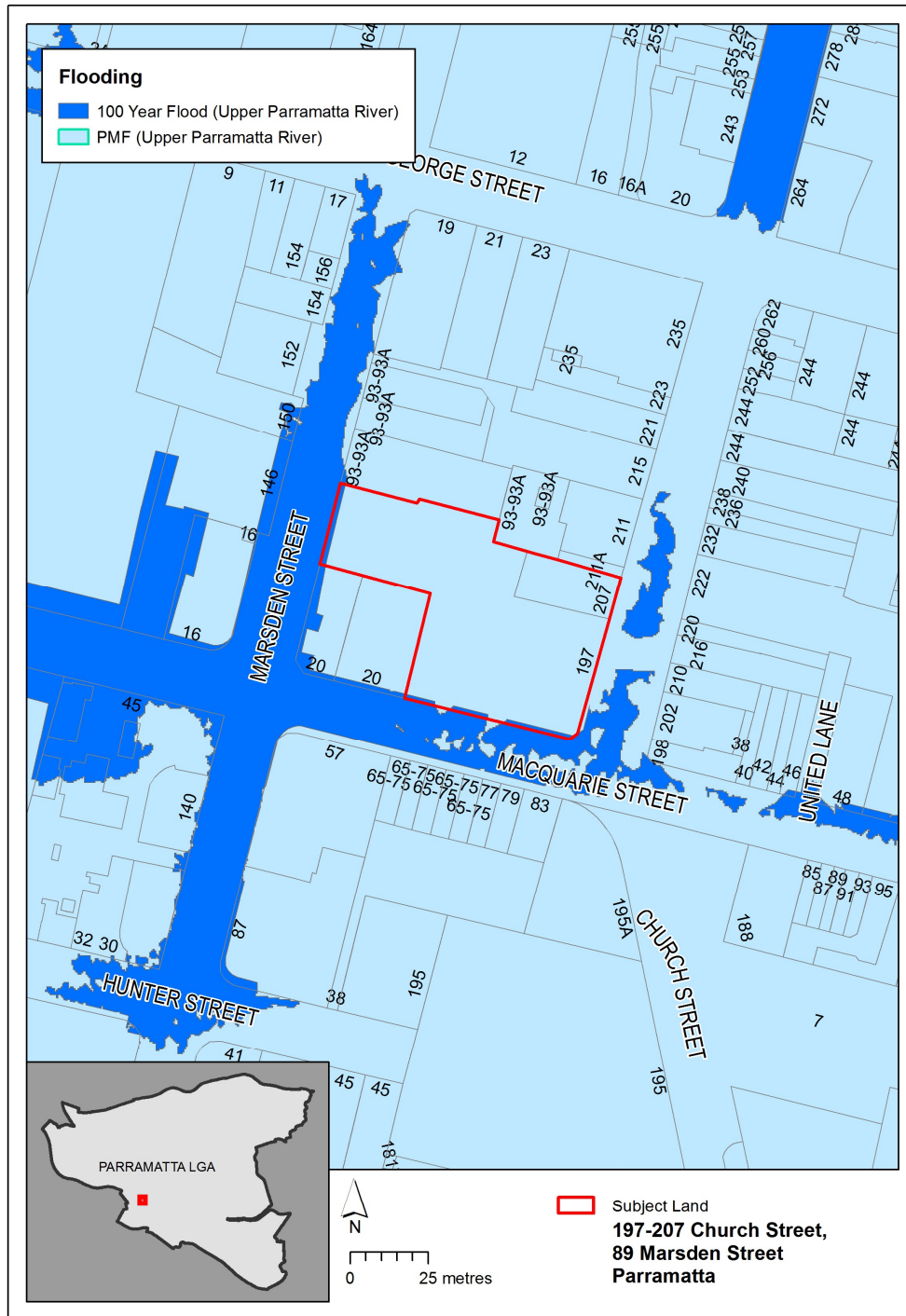


Figure 17 – Existing flooding extent extracted from Council’s GIS

Figure 17 above illustrates the site is not affected by the 1 in 100 year Average Recurrence Interval flood level but is within the Probable Maximum Flood level (PMF).

4.2 Proposed controls

The figures in this section (Figures 18 and 19) illustrate the proposed building height and floor space ratio controls sought by this planning proposal.

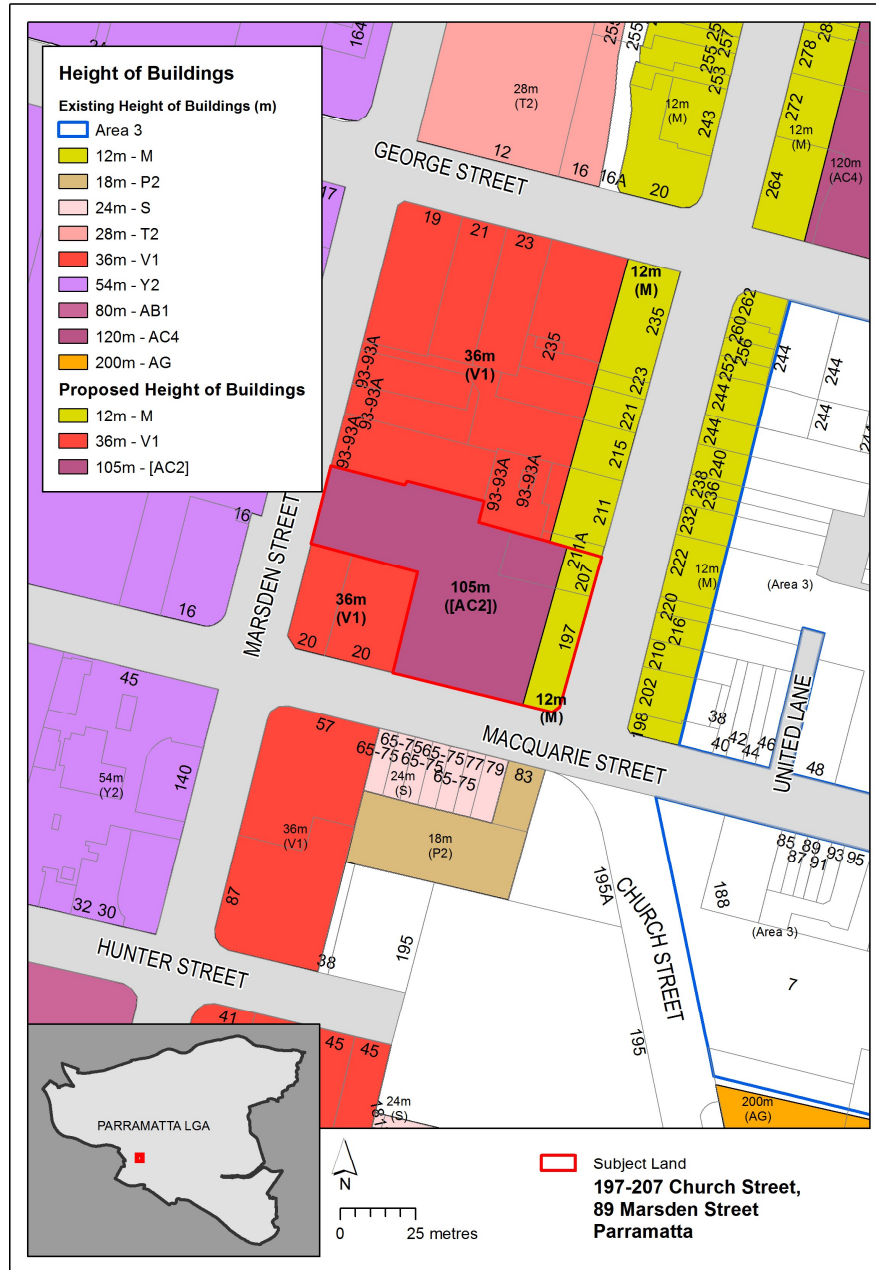


Figure 18 – Proposed amendment to the PLEP 2011 Height of Building Map

Figure 18 above illustrates the proposed maximum building heights of part 105m and part 12m.

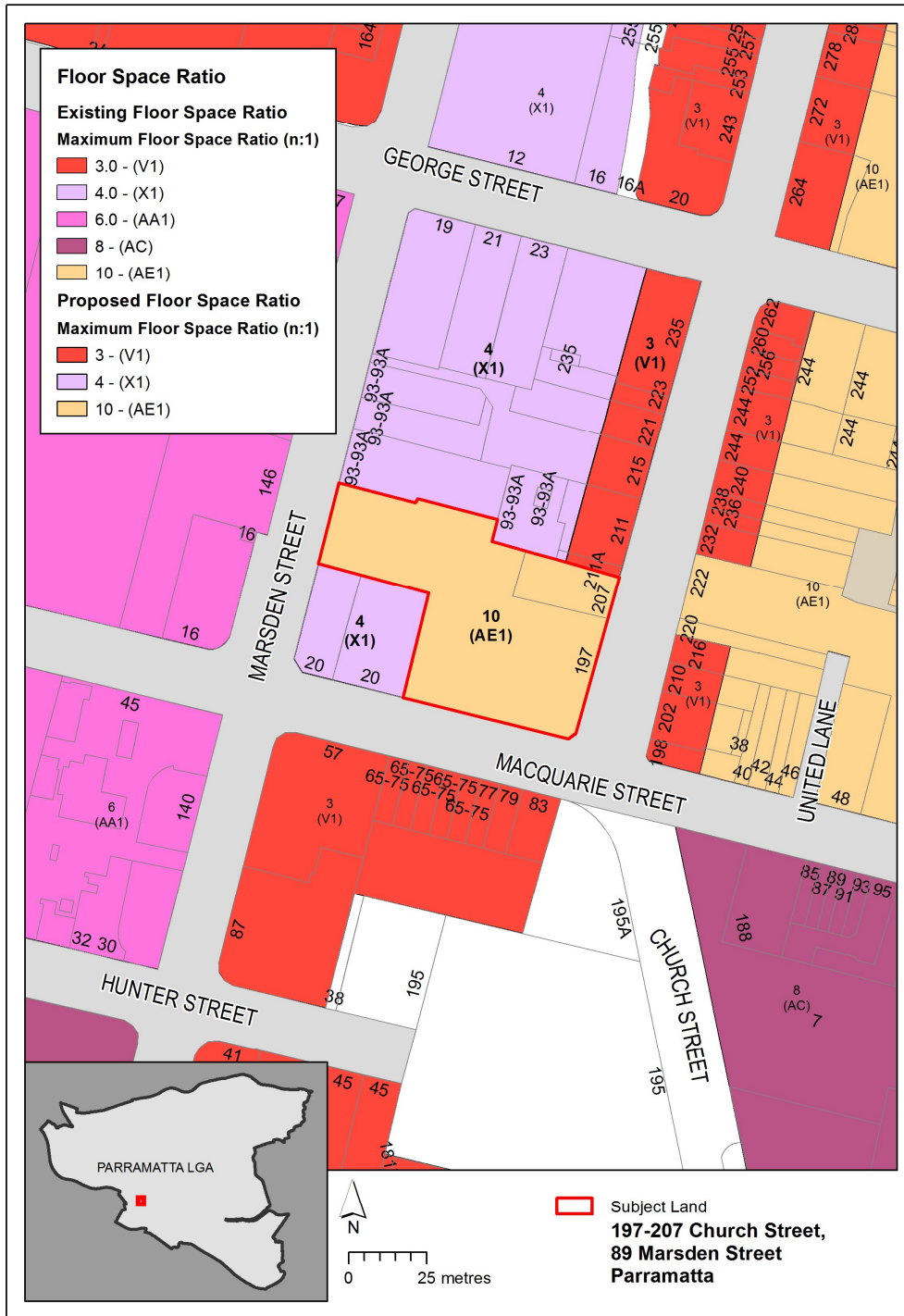


Figure 19 – Proposed amendment to the PLEP 2011 Floor Space Ratio Map

Figure 19 above illustrates the proposed 10:1 FSR over the site.

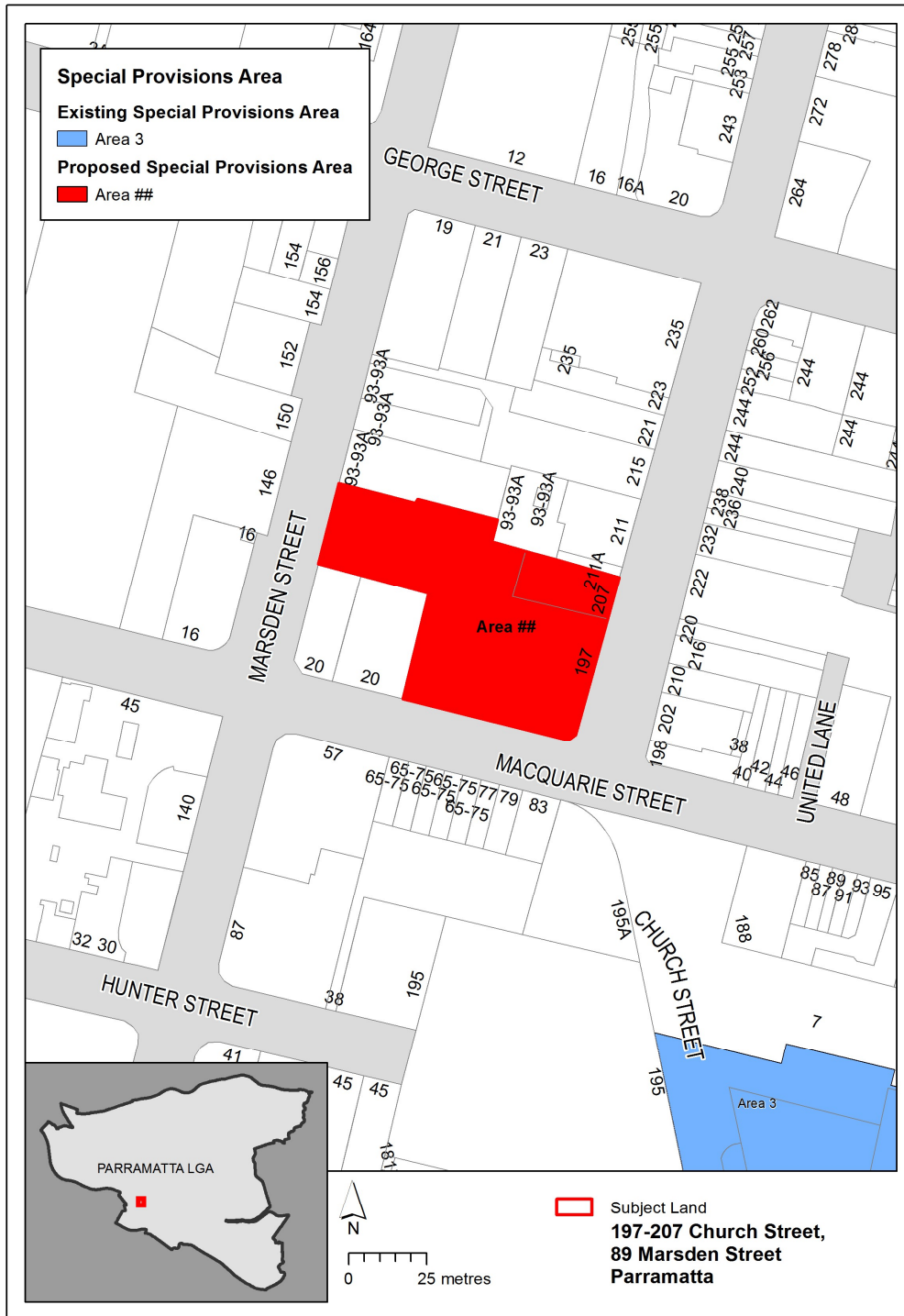


Figure 20 – Proposed amendment to the PLEP 2011 Special Provisions Map

Figure 23 above illustrates the proposed addition of “Area #” to the Special Provisions Map, to which a new site specific “Clause 7.#”¹ will apply.

¹ The Clause number will be determined prior to the gazettal of the amendment to PLEP 2011.

PART 5 – COMMUNITY CONSULTATION

In accordance with Section 3.34 of the *EP&A Act 1979*, the planning proposal (as revised to comply with the determination under section 3.34(1) and in a form approved by the Secretary) is to be made publicly available during the period of community consultation.

Public exhibition is likely to include:

- newspaper advertisement (Note: this may not occur as many local newspapers have ceased production at the time of preparation of this document and will be subject to advice from Department of Planning, Industry and Environment);
- display on the Council’s web-site; and
- written notification to adjoining landowners.

The gateway determination issued on 13 July 2017 specifies that public consultation must be undertaken for a minimum of 28 days.

PART 6 – PROJECT TIMELINE

The following steps have already occurred:

- Referral to Minister for a Gateway determination (May 2016)
- Gateway Determination Issued (13 July 2017)
- Gateway alteration sought (29 May 2020)
- Gateway alteration issued (29 July 2020)

The following further steps are anticipated:

- Submission of revised Planning Proposal document to comply with recent Gateway alteration (August 2020)
- Exhibition and referral (October 2020)
- Consideration of submissions (November 2020)
- Consideration of proposal post exhibition and reporting to Council (December 2020)
- Submission to the Department to finalise the LEP (February 2021)
- Notification of instrument change (April 2021)

Appendix 1 – Draft Site-specific clause

Potential Draft Clauses to be included in the Parramatta LEP.

Note: The clauses are draft only to demonstrate the intent of the clauses and may be amended post-exhibition as part of the legal drafting process and prior to this amendment coming into force.

Clause 7.# Development on land at 197 and 207 Church Street and 89 Marsden Street, Parramatta

- (1) This clause applies to land at 197 and 207 Church Street and 89 Marsden Street, Parramatta, Parramatta, legally known as Lot 1 DP 710335 and Lot 1 DP 233150 and identified as “Area #” on the Special Provisions Area map.
- (2) The minimum floor space ratio for any commercial premises floor space of any development on land to which this clause applies is 1:1.
- (3) Any additional commercial premises floor space provided in excess of the minimum specified in Clause (3) above will be exempt from the overall maximum floor space ratio specified in Clause 4.4 or 7.2 .
- (4) Conversion of any commercial premises floor space approved under subclause (3) to residential accommodation floor space is prohibited under this Plan.
- (5) Despite clause 7.3, the maximum number of car parking spaces for a building on which this clause applies is the number permitted under subclause 6.
- (6) Maximum parking rates:

If development for a purpose set out in Column 1 of the table to this subclause includes a car parking space in connection with that use, the development must provide no more than the number of car parking spaces specified opposite that use in Column 2 of that table.

Column 1	Column 2
Proposed use	Maximum number of parking spaces
Business premises and office premises	<p>(a) A maximum of 1 car parking space to be provided for every 175 square metres of gross floor area where the building is on land which has a floor space ratio of no more than 3.5:1, or</p> <p>(b) For buildings on land where the floor space ratio is greater than 3.5:1, the following formula is to be used:</p> $M = (G \times A) \div (50 \times T)$ <p>where:</p> <p><i>M</i> is the maximum number of car parking spaces, and</p>

	<p>G is the gross floor area of all business premises and office premises in the building in square metres, and</p> <p>A is the site area in square metres, and</p> <p>T is the total gross floor area of all buildings on the site in square metres.</p>
Centre-based child care facilities	A maximum of 1 car parking space plus 1 space per 100 square metres of gross floor area.
Dwelling houses, attached dwellings and semi-detached dwellings	A maximum of 1 car parking space for each dwelling.
Health consulting rooms and medical centres	A maximum of 2 car parking spaces to be provided per consulting room.
Hotel or motel accommodation and serviced apartments	A maximum of: <ul style="list-style-type: none"> (a) 1 car parking space for every 4 bedrooms up to 100 bedrooms, and (b) 1 car parking space for every 5 bedrooms above 100 bedrooms.
Information and education facilities	A maximum of 1 car parking space for every 200 square metres of gross floor area.
Light industries	A maximum of 1 parking space to be provided for every 150 square metres of gross floor area.
Places of public worship and entertainment facilities	A maximum of: <ul style="list-style-type: none"> (a) 1 space for every 10 seats, or (b) 1 space for every 30 square metres of the gross floor area, <p>whichever is the greater.</p>
Residential flat buildings, dual occupancies and multi dwelling housing	A maximum of: <ul style="list-style-type: none"> (a) 0.1 car parking spaces for each studio dwelling, and (b) 0.3 car parking spaces for each 1 bedroom dwelling, and (c) 0.7 car parking spaces for each 2 bedroom dwelling, and (d) 1 car parking space for 3 or more bedroom dwelling.
Retail premises	In the case of a building that has less than 2000 square of retail premises: <ul style="list-style-type: none"> (a) A maximum of 1 car parking space to be provided for every 90 square metres of gross floor area where the building is on land which has a floor space ratio of no more than 3.5:1, or

	<p>(b) For buildings on land where the floor space ratio is greater than 3.5:1, the following formula is to be used:</p> $M = (G \times A) \div (50 \times T)$ <p>where:</p> <p>M is the maximum number of car parking spaces, and</p> <p>G is the gross floor area of all retail premises in the building in square metres, and</p> <p>A is the site area in square metres, and</p> <p>T is the total gross floor area of all buildings on the site in square metres.</p>
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Note. For any land uses that are not specified in the table above, a Parking and Access Report is to be supplied in accordance with the requirements in the Parramatta Development Control Plan.

(6) **Use of excess car parking spaces in an existing building**

If the consent authority is satisfied that there are car parking spaces in excess of the requirements of the occupiers of an existing building, the consent authority may grant development consent to the use of those car parking spaces by persons other than the occupiers of the building.

Note: As required by condition no. 1(c)(vi), of the Gateway determination, it is also intended to include a clause that requires the application of a satisfactory arrangements clause to enable the levying of contributions towards the funding of State public infrastructure. A similar clause for other sites exists within the Parramatta LEP 2011 under Clause 8.1 and 8.1A.

Appendix 2 – Draft site-specific Development Control Plan

Council resolved to prepare a draft site-specific Development Control Plan (DCP) and exhibit concurrently with the Planning Proposal and draft Planning Agreement. Council endorsed the contents of the DCP on 11 May 2020.

Appendix 3 – Draft Planning Agreement

Council resolved to commence negotiations with the applicant to enter into a draft Planning Agreement pursuant to Section 7.4 of the Environmental Planning and Assessment Act, 1979. Council delegated authority to the CEO to negotiate a draft Planning Agreement for the purposes of exhibition on 11 May 2020.

Appendix 4 – Urban Design Report – original and addendum

Appendix 5 – Statement of Heritage Impact – original and addendum

Appendix 6 – Traffic Assessment – original and addendum explanatory note from Council officers

Appendix 7 – Site Survey

Appendix 8 – Flood Impact Statement



Prepared by City of Parramatta

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