

Parramatta LEP 2011 - 2-10 Phillip Street, Parramatta

Proposal Title : **Parramatta LEP 2011 - 2-10 Phillip Street, Parramatta**

Proposal Summary : **The proposal seeks to increase the maximum FSR to 10:1 (plus design excellence bonus) and increase the maximum building height to 192m for land at 2-10 Phillip Street, Parramatta. In addition, a site specific provision is included that allows an additional 5.5:1 of floorspace where it is provided as a hotel.**

PP Number : **PP_2016_PARRA_010_00** Dop File No : **16/03820**

Proposal Details

Date Planning Proposal Received : **29-Feb-2016** LGA covered : **Parramatta**

Region : **Metro(Parra)** RPA : **Parramatta City Council**

State Electorate : **PARRAMATTA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **2-10 Phillip Street**

Suburb : **Parramata** City : **Sydney** Postcode : **2150**

Land Parcel : **Lot 1 DP228697, Lots 1 and 2 DP986344**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 330

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment : The Lobbyist Contact Register was checked on 2 March 2016 and indicated no contact with lobbyists regarding this planning proposal.

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to amend the Parramatta Local Environmental Plan 2011 (PLEP 2011) to increase the permissible density of mixed use development on land at 2-10 Phillip Street, Parramatta.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : **PROPOSAL**
The planning proposal seeks to apply the following planning controls to land at 2-10 Phillip Street, Parramatta:
- increase the maximum FSR from 6:1 to 10:1 (plus design excellence bonus);
- increase the maximum building height from 80m to 192m; and
- insert a new site specific clause in Part 7 relating to floorspace.

The site specific clause allows, subject to consent, development of the land:
- with a maximum FSR of 10:1 (excluding design excellence bonus) providing that a minimum of 1:1 of that floor space area is for non-residential; and
- with an additional floor space ratio 5.5:1, only where this additional floor space area is to be occupied for the purpose of a hotel.

DEPARTMENTS COMMENT - REASONS FOR SUPPORT

The proposal is supported as it holds merit being consistent with regional, metropolitan and local strategies in terms of facilitating additional housing and employment in an area well served by public transport and infrastructure. This will assist in strengthening

Parramatta's role as Sydney's second CBD.

The increase in FSR controls, as a bonus, is supported subject to Council investigation a means to ensure the hotel use remains post development and the result of this investigation forms part of the exhibiton material.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 65—Design Quality of Residential Flat Development

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

1.1 BUSINESS AND INDUSTRIAL ZONES

This Direction applies to the planning proposal as it will affect land within an existing or proposed business or industrial zone. The proposal is considered to be consistent with this Direction as the proposed FSR and height controls would enable a higher potential employment generating floor space than under current planning controls.

2.3 HERITAGE CONSERVATION

This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. The subject site contains heritage item 736 - Former St Andrew's Uniting Church, hall (and potential archaeological site) listed as an item of local significance under Schedule 5 of PLEP 2011.

The planning proposal in its original form, lodged with Council on 2 September 2014 sought to delist and partially demolish the hall component of heritage item 736. The proposed built form as demonstrated in the Urban Design Report was not supported by both Council officers and an independent heritage consultant commissioned by Council. Insufficient justification had been provided to warrant the de-listing of this component of the heritage item.

Council officers have undertaken further analysis of the site attributes in an effort to provide guidance on a potentially more acceptable building envelope and footprint that may be able to be accommodated on the site whilst retaining the majority of the building and heritage fabric on the site. Council acknowledges a new design concept could protect and re-use the heritage item and realise the proposed increase in density. Council's resolution of 7 December 2015 requires the applicant to prepare a site specific Development Control Plan (DCP) to guide potential re-development of the site that demonstrates an acceptable treatment of the heritage items on the site.

This planning proposal is consistent with the objectives of this direction. A site specific DCP as required by Council's resolution of 7 December 2015 will ensure the conservation and adaptive re-use of the heritage item located on the site. In addition, the proposal does not remove any items from the heritage schedule.

3.1 RESIDENTIAL ZONES

The planning proposal is consistent with the objectives of this Direction as it will increase residential densities and housing choice in a location that is close to public transport, shops, employment and recreational opportunities.

3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction does apply to the planning proposal as it will create/alter/remove a zone/provision relating to urban land. This planning proposal is consistent with this Direction as it will improve access to housing, jobs and services by walking, cycling and public transport. This proposal is also expected to reduce travel demand including the number of trips generated by the development and the distances travelled, especially by car.

3.5 DEVELOPMENT NEAR LICENSED AERODROMES

The proposal is for a maximum height of 192m and it would benefit from a 15% design excellence bonus. With a 15% design excellence bonus the maximum potential height would be 220m.

This Direction requires a proposal for development that would intrude into prescribed airspace, in this instance 156m, to obtain Federal government permission prior to community consultation stage.

This Direction is relevant. The Gateway determination will be conditioned to ensure that, prior to exhibition, consultation is undertaken with the Department of Infrastructure and Regional Development.

Furthermore, during the consultation period, consultation should occur with the Civil Aviation Safety Authority (CASA).

4.1 ACID SULFATE SOILS

The proposal is inconsistent with this Direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared.

This inconsistency is considered to be justified on the basis of minor significance, given that:

- (a) the affection is by class 4 acid sulfate soils; and
- (b) the matter will be further considered at development application stage under clause 6.1 of Parramatta Local Environmental Plan 2011.

It is recommended the delegate agree to any inconsistency being of a minor significance.

4.3 FLOOD PRONE LAND

This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that affects flood prone land. Portions of the site are within the 1:20 and 1:100 year flood event and the entire site would be inundated in the event of a probable maximum flood.

The planning proposal is inconsistent with this Direction. This inconsistency is justified on the basis of minor significance. The applicant will be required to submit details of appropriate design features and evacuation measures as part of the design excellence and development application processes. As part of the planning proposal process this level of detail is considered appropriate for the level of flooding that applies to the subject site.

The proposal is also to be referred to NSW State Emergency Service for comment during the exhibition period.

It is recommended the delegate agree to any inconsistency being of a minor significance.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES

The planning proposal is consistent with this Direction as it is consistent with both A Plan for Growing Sydney (see comment later in this report) and the West Central Subregion strategy.

6.3 SITE SPECIFIC PROVISIONS

This Direction seeks to prevent specific development details and controls being included on a site by site basis in a local environmental plan. This Direction does apply as this proposal seeks to include any site specific development controls within the LEP.

This proposal is inconsistent with this Direction. This inconsistency is considered to be justified on the basis that the site specific clause proposed as part of this planning proposal is deemed necessary to ensure consistency with the Parramatta CBD Planning Strategy and to give effect to an increase in permitted density on site.

It is recommended the delegate agree to any inconsistency being of a minor significance.

STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY No 55 - Remediation of Land Contamination and remediation of land has not been addressed within the planning proposal. An appropriate condition is recommended.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps are adequate for public exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intend that the planning proposal be advertised in the local newspaper, displayed on Council's website, and written notification provided to adjoining owners.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The principal LEP was made in October 2011.**

Assessment Criteria

Need for planning proposal :	The planning proposal is required to implement the Council's plan to provide dwellings in an area that is well provided with public transport access points, and closer to employment opportunities.
Consistency with strategic planning framework :	A PLAN FOR GROWING SYDNEY This Direction does apply to the planning proposal as the land is within the Parramatta local government area (LGA). This planning proposal is consistent with the plan as it will contribute to the achieving dwelling targets for the subregion and Greater Parramatta. It will also enable more residential floor space on a site that is in close proximity to existing transport infrastructure and employment opportunities. The planning proposal will contribute to mixed-use development by activating employment uses on the site. PARRAMATTA 2038 COMMUNITY STRATEGIC PLAN The planning proposal supports the community strategic plan as it will help achieve the goals outlined in the plan by facilitating an integrated mixed use development in close proximity to public transport. PARRAMATTA CBD PLANNING STRATEGY The planning proposal is not located within the commercial core of the Parramatta CBD but is consistent with the strategy in that it will allow for redevelopment of the site for mixed residential and commercial building with a building more commensurate with Australia's next great city. NSW LONG TERM TRANSPORT PLAN 2012 The planning proposal is consistent with the Transport Plan by locating both residential and employment generating uses close to an existing railway station and the future Western Sydney Light Rail, promoting the use of public transport and reduce reliance on private motor vehicles. The planning proposal is consistent with all relevant regional and local strategies. Both Parramatta CBD Planning Strategy and A Plan for Growing Sydney support the Parramatta CBD as a commercial core. Business agglomerations are considered to be beneficial to maintaining a commercial core, and supports the outer core as a more suitable residential area.
Environmental social economic impacts :	VEGETATION The site is currently developed with commercial buildings and is therefore suitable for development with regard to vegetation as there is no additional clearing or disturbance of vegetation. URBAN DESIGN AND BUILT FORM The reference design as outlined in the Urban Design Report at Appendix 1 was the form originally lodged on 2 September 2014 (refer to Report). Whilst negotiating with Council officers the building form has morphed significantly to reduce the impacts of the proposal on the heritage items located on the site. Council officers have undertaken further analysis of the site attributes to provide guidance on a potentially more acceptable building envelope and footprint that may be able to be accommodated on the site whilst retaining the majority of the building and heritage fabric on the site. Council acknowledges a new design concept could protect and re-use the heritage item and realise the proposed increase in density. Council's resolution of 7 December 2015 requires the applicant to prepare a site specific Development Control Plan (DCP) to guide potential re-development of the site that demonstrates an acceptable treatment of the heritage of the heritage items on the site and is able to comply with the Apartment Design Guidelines (ADG). The Departments considers that the suit of planning provisions available to control development of the site provide, including the proposed DCP and the ADG will provide

sufficient amplitude to promote good design outcomes.

OVERSHADOWING

Due to the location of the site relative to Old Government House Domain (OGHD) the shadow cast mid-winter will fall at a more acute angle (i.e. lower) relative to OGHD and will have a lesser impact therefore March equinox shadows have been investigated.

By 10 am (March) the shadows cast by the application site would be outside the boundaries of Parramatta Park. The shadow cast does not fall over any significant heritage element within the park and is only cast for a short period of time. In consideration of the approved buildings in the vicinity, the site's location relative to the park the shadow impact of the proposed resultant development this impact is considered reasonable.

In light of the constrained nature of this site Council resolved at its meeting of 7 December 2015 that a site specific Development Control Plan (DCP) was to be prepared. Impacts on Parramatta Park and Old Government House and Domain are matters that will be covered by the proposed DCP controls.

HERITAGE

The subject site contains heritage item 736 - Former St Andrew's Uniting Church, hall (and potential archaeological site) listed as an item of local significance under Schedule 5 of PLEP 2011. The site is identified as having high archaeological potential.

The site is located to the east of Parramatta Park and Old Government House and Domain (OGHD). OGHD is World heritage listed and is also on the National Heritage List and the NSW State Heritage Register. The Heritage Assessment prepared by City Plan Heritage Pty Ltd assessed the impact of the reference design on the visual curtilage and overshadowing of the World Heritage listed Old Government House and Domain.

The report acknowledges the impact on a number of views from the OGHD to Parramatta City and aims to achieve the best possible outcome in relation to heritage values associated with the site and its precinct, in the context of the dramatically changing urban environment and skyline of Parramatta City Centre.

As part of Council's heritage assessment, a review of the proposal by an independent heritage consultant recommended that development of the site should be limited to no.10 Phillip Street and that the airspace above the church and hall remain unimpeded.

As the proposal is for a mixed use tower that may include hotel use, a larger building footprint (to allow for a lift core and lobby areas) is required that may require incursion into/over the heritage items.

Council's assessment recommended that a draft site specific development control plan be prepared to guide future redevelopment of the site with regard to heritage considerations. The draft plan would indicate that there is to be no overhanging of any part of the tower over the former St Andrew's Church, although overhanging of the former church hall buildings would be considered.

This approach was considered to be a reasonable compromise between heritage conservation, Council's vision outlined in the Parramatta CBD Planning Framework and the applicant's desire to build a hotel on the site. The Department considers that the DCP will provide additional controls to assist in the protection of the heritage values of the site.

As buildings over 55m within the CBD must undergo a design competition process, this would further ensure that heritage considerations are adequately incorporated into the final design concept.

Consultation with the Office of Environment and Heritage should occur during public exhibition.

TRANSPORT AND ACCESSIBILITY ASSESSMENT

A Traffic and Transport Assessment has been prepared by Traffix (August 2014). It is noted that the intersections surrounding the site have the capacity for the additional traffic generated from the proposed development. The proposed development is also in keeping with the maximum parking rate that applies to the site under the PLEP 2011.

The current width of Phillip Lane is not suitable given the frequency of cars and commercial vehicles entering and leaving Phillip Lane. It is proposed to widen key locations of Phillip Lane to ensure safe vehicular and pedestrian access to the future development at Riverside Parramatta. Further, the lack of pedestrian separation is considered to result in an undesirable safety outcome for pedestrians. The section of Phillip Lane which does not provide separate pedestrian access is considered to be a blind spot as no splay is included to provide visibility of oncoming traffic for pedestrians.

It is proposed to provide vehicular access for cars and service vehicles to the site via a new entry from Marsden Street to remove vehicles from Phillip Lane. This will enable better pedestrian amenity within the middle of the precinct and reduce the potential for pedestrian and vehicle conflicts. The proposal will significantly increase the size of the public domain and increase connectivity to the site. The proposal will potentially create two new pedestrian links and improve the pedestrian link to Phillip Lane. The two new pedestrian links will celebrate the existing heritage item by bringing the eastern and northern elevation of the building to public view and provide better connectivity through to the riverfront, which is separated from vehicles. Refer to Figure 8 below showing the extensive pedestrian permeability that can be achieved in the precinct.

The Council has advised that the broader traffic modelling is currently being undertaken to support the Parramatta CBD planning proposal that has recently been lodged with the Department. It is recommended that this site specific planning proposal should progress to exhibition however, the proposal should be reviewed prior to finalisation, having regard to the results of the broader traffic modelling when it is completed. This review should include confirmation of the appropriate FSR and the cumulative impacts of the increased FSR across the CBD.

BONUS FSR

The proposal seeks a base FSR of 10:1 (plus design excellence bonus) and an additional FSR of 5.5:1 for the purpose of a hotel.

The Department considers this incentive provision will assist in providing employment opportunities within the CBD. The Council assessment of the design consideration including overshadowing indicate that the site can accommodate the higher FSR. On balance it is considered that the opportunity to provide additional employment within the CBD should be supported.

To ensure that the bonus floor space is not converted to residential use in the future, it is recommended that as a determination condition - Council investigate options to ensure the intent of the proposal is achieved in this regard and exhibit this approach.

Furthermore, the Council resolved that the bonus FSR is subject to the outcomes of the CBD traffic study. As this is not reflected in the planning proposal, a suitable Gateway condition is recommended.

ECONOMIC IMPACTS

The proposal will facilitate the redevelopment of an inner-city retail and commercial block, and is expected to stimulate and attract high quality retail and residential floor space. This will provide further growth within an under developed portion of the City Centre.

SOCIAL IMPACTS

This planning proposal will facilitate a supply of housing in an appropriate location which is considered to help ameliorate this undersupply and as such will result in an improved social outcome. This proposal will offer a dwelling supply in close proximity to

employment opportunities. Further investigations will be undertaken as part of the preparation of the DA material to determine whether any upgrade of existing public facilities is required.

CUMULATIVE IMPACTS

There are seven (7) planning proposals for CBD sites currently awaiting Gateway determination that will precede Council's CBD planning proposal, which has yet to be lodged with the Department for Gateway determination.

As these proposals are likely to collectively generate a significant cumulative impact in terms of infrastructure requirements (including transport, health, social services, education and recreation) and aviation safety, it is recommended that they be simultaneously exhibited and forwarded to public agencies for comment.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **12 months** Delegation : **DDG**
LEP :

Public Authority **Department of Education and Communities**
Consultation - 56(2)(d) **Office of Environment and Heritage**
: **Transport for NSW - Sydney Trains**
Transport for NSW - Roads and Maritime Services
State Emergency Service
Sydney Water
Telstra
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal (Part 1).pdf	Proposal	Yes
Planning Proposal (Part 2).pdf	Proposal	Yes
Planning Proposal (Part 3).pdf	Proposal	Yes

Planning Proposal (Part 4).pdf	Proposal	Yes
Planning Proposal (Part 5).pdf	Proposal	Yes
Planning Proposal (Part 6).pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions

Additional Information : **SECTION 117 DIRECTIONS**

It is considered that any inconsistency with s.117 Directions: 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land and 6.3 Site Specific Provisions, are of minor significance.

Should the planning proposal proceed, it is recommended the delegate agree that these inconsistencies are of minor significance.

DELEGATION OF PLAN MAKING FUNCTIONS

Council has requested that it exercise the Greater Sydney Commission's plan making function for this planning proposal. This request is not supported given the large number of planning proposals recently submitted for Gateway determination within the Parramatta CBD ahead of Council's Parramatta CBD Planning Strategy and associated CBD planning proposal, which have not as yet been lodged with, or endorsed by, the Department.

Accordingly, it is recommended that the delegate NOT agree to delegation to Council.

RECOMMENDATION

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to exhibition, Council is to:

- 1.1 amend the Explanation of Provisions of the planning proposal to include consideration of options to ensure that the bonus commercial floor space (for the purpose of a 'hotel') is not converted to residential use in the future;
- 1.2. consult with the Department of Infrastructure and Regional Development, as required by Section 117 Direction 3.5 Development Near Licensed Aerodromes (the proposal is to be amended, if required, prior to exhibition, in accordance with the outcome of that consultation); and
- 1.3 include an assessment of State Environmental Planning Policy No.55 - Remediation of land, within the planning proposal in relation to the site.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) Council must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made

publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act, as follows:

- Office of Environment and Heritage - Heritage Division
- Office of Environment and Heritage
- Department of Education and Communities
- Transport for NSW - Ferries
- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- State Emergency Service
- Telstra
- Sydney Water
- Endeavour Energy

4. The planning proposal is to be concurrently exhibited and forwarded to public authorities for consultation under a single covering letter, together with the following six other planning proposals that were issued with a Gateway determination on the same day and are identified in the Department's covering letter to Council:

- 295 Church Street, Parramatta (PP_2016 PARRA 002 00)
- 48 Macquarie Street and 220-230 Church Street, Parramatta (PP_2016 PARRA 004 00)
- 122 Wigram Street, Harris Park (PP_2016 PARRA 006 00)
- 14-20 Parkes Street, Harris Park (PP_2016 PARRA 007 00)
- 66 Phillip Street, Parramatta (PP_2016 PARRA 012 00)
- 180 George Street, Parramatta (PP_2016 PARRA 016 000)

Each public authority is to be provided with a copy of each of the planning proposals listed above, a copy of the Parramatta CBD Planning Strategy and any relevant supporting material prepared for each proposal and the Strategy, and given at least 28 days to comment on the proposals.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. Prior to submitting the proposal to the Department for finalisation the proposal should be reviewed, and amended where necessary, having regard to the mesoscopic modelling (and consultation with Transport for NSW and Roads and Maritime Services) undertaken for the Parramatta CBD planning proposal. This review should include confirmation of the appropriate site specific FSR (in terms of both the maximum FSR of 10:1 and the additional FSR of 5.5:1 for hotel purposes) in the context of the cumulative traffic impacts of increased FSR controls across the CBD.

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal holds merit as it is consistent with regional, metropolitan and local strategies in terms of facilitating additional housing and employment in an area well served by public transport and infrastructure. This will assist in strengthening Parramatta's role as Sydney's second CBD.

Signature:



Printed Name:

T Doran

Date:

3/6/16