



PLANNING PROPOSAL

2-10 Phillip Street, Parramatta

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Mecone	February 2015

Council versions:

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Contents

INTRODUCTION.....	4
PART 1 – OBJECTIVES OR INTENDED OUTCOMES.....	6
PART 2 – EXPLANATION OF PROVISIONS.....	6
2.1 Other relevant matters	7
PART 3 – JUSTIFICATION	8
3.1 Section A - Need for the planning proposal	8
3.2 Section B – Relationship to strategic planning framework	9
3.3 Section C – Environmental, social and economic impact	17
3.4 Section D – State and Commonwealth Interests	28
PART 4 – MAPPING.....	30
4.1 Existing controls	30
4.2 Proposed controls	35
PART 5 – COMMUNITY CONSULTATION	37
PART 6 – PROJECT TIMELINE	37
Appendix 1 – Urban Design Report.....	38
Appendix 2 – Heritage Assessment prepared by City Plan Heritage	39
Appendix 2.1 – Heritage Assessment prepared by Hector Abrahams Architects	40
Appendix 3 – Traffic and Transport Assessment	41
Appendix 4 – Voluntary Planning Agreement Letter of Offer	42

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 2-10 Phillip Street, Parramatta. These amendments are sought with the intent to erect a mixed use development, predominantly containing a hotel and residential units.

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's, 'A Guide to Preparing Local Environment Plans' (April 2013) and 'A Guide to Preparing Planning Proposals' (October 2012).

Background and context

On 1 May 2014, Council received a planning proposal and supporting documents from Mecone Pty Ltd, representing Karima Group Pty Ltd for land at 2-10 Phillip Street, Parramatta. The site is located on the corner of Phillip and Marsden Street. The subject site consists of three allotments, Lot 1 DP 228697 and Lots 1 and 2 DP 986344 with a total site area of 2,307m², see Figure 1.



Figure 1 - Subject site at 2-10 Phillip Street, Parramatta subject to the planning proposal

Under Parramatta Local Environmental Plan 2011 (PLEP 2011), the site:

1. Is zoned B4 Mixed Use
2. Has a maximum building height of 80m
3. Has a maximum floor space ratio (FSR) of 6:1.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to increase the permissible density of development on land at 2-10 Phillip Street, Parramatta.

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta Local Environmental Plan 2011 (PLEP 2011)* in relation to the height and FSR controls. In order to achieve the desired objective the following amendments to the *PLEP 2011* would need to be made:

1. Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB_009) from 80 metres to 192 metres which equates to 58 storeys. Refer to Figure 10 in Part 4 of this planning proposal.
2. Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR_009) from 6:1 to 10:1 (plus design excellence bonus). Refer to Figure 11 in Part 4 of this planning proposal.
3. Insert a new clause in Part 7, to reflect Council's resolution:

7.11 Development on land at 2-10 Phillip Street, Parramatta

- (1) *This clause applies to land marked Area 7 on the Special Provisions Area Map.*
- (2) *Despite Clause 7.2, the consent authority may grant consent to development on land to which this clause applies with a maximum floor space ratio of 10:1 (excluding any design excellence bonus granted pursuant to Clause 7.10). Of that floor space area, a minimum of 1:1 must be provided as non-residential floor space.*
- (3) *Despite Clause 7.2, the consent authority may grant consent to development on land to which this clause applies with an additional floor space ratio of 5.5:1 only where this additional floor space area is to be occupied for the purpose of a hotel.*

The above proposed amendments would need to be legally drafted and included within *PLEP 2011*. As part of the legal drafting process, should the clause continue to reference the Special Provisions Area Map a draft map will be provided.

2.1 Other relevant matters

2.1.1 Voluntary Planning Agreement

A draft Letter of Offer to enter into a voluntary planning agreement (VPA) accompanies the planning proposal. This is currently under assessment and a draft VPA will ideally be exhibited in conjunction with the planning proposal.

2.1.2 Draft development control plan (DCP)

A draft DCP will be required to deliver the finer details of the proposed building form and its relationship to the heritage aspects of the site. This will be assessed separately and ideally exhibited in conjunction with the planning proposal and draft VPA.

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 outcomes 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 of 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 land owner seeking to increase the density of development permitted on the site. Council has assessed the application within the context of local and State government strategic plans including the NSW Government's *A Plan for Growing Sydney*, Parramatta City Centre Vision 2007 and the Parramatta CBD Planning Strategy. Notably, *A Plan for Growing Sydney* states the Government will work with Parramatta Council to review expansion opportunities in the Parramatta CBD including updated building height controls and removal of barriers to growth to promote more efficient land use outcomes.

Consistently, these plans highlight Parramatta's role as Sydney's second CBD and as a key area for future development to cater for projected increases in the residential and working population of the.

Council adopted the Parramatta CBD Planning Strategy at its meeting of 27 April 2015. The Strategy sets the vision for the growth of the Parramatta CBD as Australia's next great city and whilst additional work remains to be undertaken, the Strategy is a tool to inform planning controls for the CBD in the future. Key details of the Strategy, as they apply to this site, include a potential Floor Space Ratio (FSR) of 10:1 and a maximum building height that responds to sun access for key public spaces, with towers characterised as tall and slender.

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 development envisaged in the planning proposal nor respond to the emerging CBD character of Parramatta.

3.2 Section B – Relationship to strategic planning framework

3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

A Plan for Growing Sydney

On 14 December 2014, the NSW Government released '*A Plan for Growing Sydney*' which outlines actions to achieve the Government's vision for Sydney which is a 'strong global city and a great place to live'.

Parramatta local government area is part of the West Central Subregion. The subregional strategies for the Sydney districts, which are expected to set out detailed priorities for each subregion, are yet to be finalised and exhibited. The following details are included in the mother document *A Plan for Growing Sydney* which identifies the following directions, actions and priorities for Parramatta and the West Central Subregion that are relevant to this site and planning proposal:

1.2 Grow Greater Parramatta – Sydney's Second CBD

- Grow Parramatta as Sydney's second CBD by connecting and integrating Parramatta CBD, Westmead, Parramatta North, Rydalmere and Camellia

1.3 Establish A New Priority Growth Area – Greater Parramatta To The Olympic Peninsula

- Deliver priority revitalisation precincts

1.7 Grow Strategic Centres – providing more jobs closer to home

- Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity

2.1 Accelerate housing supply across Sydney

- Accelerate housing supply and local housing choices
- Accelerate new housing in designated infill areas (established urban areas) through the priority precincts and UrbanGrowth NSW programs

2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs

- Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres

2.3 Improve housing choice to suit different needs and lifestyles

- Require local housing strategies to plan for a range of housing types

3.4 Promote Sydney's heritage, arts and culture

- Identify and re-use heritage sites, including private sector re-use through the priority precincts program

West Central Subregion

- A competitive economy – leverage investment and economic development opportunities for the whole subregion generated by the growth of Greater Parramatta and the Global Economic Corridor extension
- Accelerate housing supply, choice and affordability and build great places to live
- Provide capacity for long-term employment growth in Greater Parramatta, particularly in its CBD
- Provide capacity for additional mixed- use development in Parramatta CBD and surrounding precincts including offices and retail in Parramatta CBD, arts and culture in Parramatta and housing in all precincts

The planning proposal will enable the development of residential dwellings and non-residential uses including cafes, restaurants, a hotel and boutique commercial office space that will contribute towards dwelling and employment targets on a site located within the Parramatta City Centre. Approximately 330 units with a range of unit types are proposed to promote housing supply and choice. The non-residential uses on the site support Council's vision of the growing Parramatta CBD with a commercial core surrounded by mixed use developments as stipulated by the zoning maps in PLEP 2011 and Parramatta CBD Planning Strategy.

The site is located in a transport corridor with Parramatta Railway Station/Bus Interchange located within 600m. Although the details of the proposed Light Rail service are not fixed, the stations are likely to be located within close proximity to the site, either along Church Street or in Parramatta Square. The proposal will provide accessible employment and residential uses whilst supporting the growing transport corridor in which Parramatta centres.

The site will continue to contribute to the vibrant character of the area by activating the street front with cafes and restaurants. The heritage listed 'former St Andrew's Uniting Church and hall' located on the site will continue to be adaptively re-used, sustaining the cultural centre that is Parramatta.

3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan 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 it 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 including; to help build the City as a centre of high, value-adding employment and a driving force behind a generation of prosperity for Western Sydney.

The planning proposal is considered to meet the strategy by allowing for an appropriate mix of residential and non-residential uses which will support the city centre and revitalise a large underutilised site. The proposal continues to re-use and integrate the heritage item located on the site. The development will also allow for the concentration of housing around transport nodes and contribute towards dwelling targets for NSW.

Parramatta CBD Planning Strategy

Council adopted the "Parramatta CBD Planning Strategy" at its meeting of 27 April 2015. The Strategy is the outcome of detailed technical studies which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The objectives of the Strategy are as follows:

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

The following extract from the Strategy directly relates to this planning proposal and the site specific clauses proposed:

A3.4 Subject to urban design testing, a minimum non-residential FSR of 1:1 must be achieved for all sites in the mixed use zone of the Parramatta CBD. Non-residential FSR exceeding this minimum requirement should be exempt from the overall maximum FSR for mixed use zones.

The planning proposal is consistent with the above Strategy in that it will allow for redevelopment of the site for mixed residential and commercial development. Integrating elements of the existing heritage item currently occupied by the Bavarian Beer Café will create a vibrant development to live, work and play. The proposal supports the actions outlined in the Strategy with a tall, slender tower form and site specific clauses that ensure non-residential uses support the mixed use zoning of the site.

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

The following State Environmental Planning Policies are of relevance to the site.

State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land)

The intention of the State Environmental Planning Policy No. 32 Urban Consolidation (Redevelopment of Urban Land) is to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

The PP is consistent with the SEPP given its purpose is for the orderly and economic development of the land for high density mixed use in a location which benefits from suitable infrastructure, employment and leisure opportunities.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The objective of SEPP 65 is to ensure high density residential development is created to a high quality taking into consideration the function and impact of the proposal along with aesthetic appeal. SEPP 65 requires that the Apartment Design Guide (published by the Department of Planning and Environment) is a matter for consideration as part of the assessment process for residential flat buildings.

The SEPP 65 is required to be considered during the assessment of any future development on the site that includes three or more storeys and four or more dwellings and it is reasonable to expect that a design concept supporting a planning proposal demonstrates compliance with the Apartment Design Guide.

The reference design lodged alongside this planning proposal is in the process of being refined. The applicant is required to prepare a site specific Development Control Plan (DCP) to guide the re-development of the site that demonstrates, amongst other design principles compliance with the SEPP 65 Apartment Design Guidelines with respect to tower separation to other adjoining developments.

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

In accordance with Clause 117(2) of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making
- Metropolitan planning

The following directions are considered relevant to the subject Planning Proposal.

Employment and Resources - 1.1 Business and Industrial Zones

Business and Industrial Zones. The objectives of this direction are to:

- a) *encourage employment growth in suitable locations,*
- b) *protect employment land in business and industrial zones, and*
- c) *support the viability of identified strategic centres.*

The planning proposal will maintain the existing zone which allows for a mix of residential and non-residential uses, including retail, hotel and commercial. The proposal will support the mixed use character of the area and the nearby commercial core, increasing the commercial/business floor space.

This Planning Proposal supports the Parramatta CBD, a strategic centre identified in *A Plan for Growing Sydney*, with a mixed use development consistent with the Parramatta CBD Planning Strategy.

Environment and Heritage - 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous 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. Former St Andrew's Church is an example of Inter-War Romanesque architecture with a crenellated tower on the western corner and small spire. The facade of the hall alongside is of the same style and materials.

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 at Appendix 1 was unsupported 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 includes no overhanging of any part of the building over the former St Andrew's Church, and facilitation of the adaptive re-use of the former church hall that minimises disruption to the exterior walls and roof of the hall.

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.

Housing, infrastructure and urban development - 3.1 Residential Zones

The objectives of this direction are:

- a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- c) to minimise the impact of residential development on the environment and resource lands.*

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. As detailed in this planning proposal, the increased density will have minimal and acceptable impacts.

Housing, Infrastructure and Urban Development - 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- b) increasing the choice of available transport and reducing dependence on cars, and*
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- d) supporting the efficient and viable operation of public transport services, and*
- e) providing for the efficient movement of freight.*

Increasing the density of development in the walking catchment around transport nodes, namely Parramatta Railway Station and Bus Terminal will support the viability of existing and proposed public transport services and reduce dependence on cars. The proposal integrates varying land use types facilitating an environment in which the community can live, work and play.

Housing, Infrastructure and Urban Development - 3.5 Development near Licensed Aerodromes

The objectives of this direction are:

- a) to ensure the effective and safe operation of aerodromes,*
- b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and*
- c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation*

measures so that the development is not adversely affected by aircraft noise.

Sydney and Bankstown Airports are subject to the federal *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. Airspace above the Parramatta CBD is affected by operational requirements for those airports. A building that penetrates the Obstacle Limitation Surface (OLS) requires approval under that legislation, via the Commonwealth Department of Infrastructure and Regional Development.

This planning proposal with a proposed height of 200.00AHD penetrates the OLS of 156AHD. An Aeronautical Study will be required to address this 117 Direction. Should the NSW Department of Planning and Environment issue a gateway determination to Council to enable the planning proposal to be exhibited, it is intended that an appropriate aeronautical report be sought from the applicant to be exhibited with the planning proposal.

Hazard and risk - 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing 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 Acid Sulfate Soils. An Acid Sulfate Soils Management Plan will be required to support any future DA in accordance with the existing provisions of PLEP 2011.

Hazard and risk - 4.3 Flood Prone Land

This direction applies where a planning proposal creates, removes or alters a zone or a provision that affects flood prone land. The planning proposal does not seek to alter the zoning of the land, however, does seek to increase the density of development on the site.

The objectives of this direction are:

- a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The centre of the site is partially affected by 20 and 100 year Average Recurrence Interval (ARI) events, see Figure 13. The site is also impacted by a Probable Maximum Flood (PMF) event.

To minimise the impact of the proposal with respect to flooding, the entrance crest of the basement vehicular ramp will be provided at least to Council's required flood planning level (at the 1 in 100 year event + 500mm). With respect to flood events greater than the 1 in 100 year event (including and up to the PMF) principles and measures will be incorporated into any future detailed design. This will include an early warning system with sirens, appropriate signage, depth indicators, refuge areas and overall building management.

Further details of these design features and evacuation measures, including a designated on-site evacuation area and protection in the basement car park when flooding occurs will be addressed as part of the Design Excellence and Development Application process.

Regional planning – 5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

As discussed in 3.2.1 the planning proposal is consistent with A Plan for Growing Sydney and the West Central Subregion strategy. Additionally the planning proposal is consistent with NSW's State Environmental Planning Policies as outlined in 3.2.3.

Local Plan Making – 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Council resolved at its meeting of 7 December 2015 to insert a new site specific clause that applies to 2-10 Phillip Street, Parramatta in Part 7:

- **7.11 Development on land at 2-10 Phillip Street, Parramatta**
- (1) *This clause applies to land marked Area 7 on the Special Provisions Area Map.*
- (2) *Despite Clause 7.2, the consent authority may grant consent to development on land to which this clause applies with a maximum floor space ratio of 10:1 (excluding any design excellence bonus granted pursuant to Clause 7.10). Of that floor space area, a minimum of 1:1 must be provided as non-residential floor space.*
- (3) *Despite Clause 7.2, the consent authority may grant consent to development on land to which this clause applies with an additional floor space ratio of 5.5:1 only where this additional floor space area (above 10:1 plus design excellence) is to be occupied for the purpose of a hotel.*

This clause is consistent with the Parramatta CBD Planning Strategy, with the objective to enforce non-residential uses in the B4 Mixed Use zone. The following is an abstract from the Parramatta CBD Planning Strategy, adopted by Council on 27 April 2015:

A3.4 Subject to urban design testing, a minimum non-residential FSR of 1:1 must be achieved for all sites in the mixed use zone of the Parramatta CBD. Non-residential FSR exceeding this minimum requirement should be exempt from the overall maximum FSR for mixed use zones.

These clauses will be supported by a site specific Development Control Plan (DCP) to guide the re-development of the site incorporating the following principles; demonstration of an acceptable treatment of the heritage items on the site, no overhanging of any part of the building over the former St Andrew's Church, facilitation of the adaptive re-use of the former church hall, minimises disruption to the exterior walls and roof of the hall and demonstrates compliance with the SEPP 65 Apartment Design Guidelines with respect to tower separation to other adjoining developments.

The site specific clause proposed as part of this planning proposal is deemed necessary to ensure consistency with the Parramatta CBD Planning Strategy and protection of the heritage items located on the site.

Metropolitan Planning - 7.1 Implementation of a Plan for Growing Sydney

This direction applies to land within the Sydney metropolitan area.

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

As detailed above in section 3.2.1, the planning proposal is consistent with the directions, actions and priorities for Parramatta and the West Central Subregion as set out in A Plan for Growing Sydney.

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:

- European and Aboriginal Archaeology
- Heritage impacts
- Urban Design and Built Form

- Flooding – address in ‘Hazard and Risk - 4.3 Flood Prone Land’, Section B3.2
- Transport and Accessibility Assessment
- Acid Sulfate Soils – address in ‘Hazard and Risk - 4.1 Acid sulphate Soils’, Section B3.2

Heritage - General

A Heritage Assessment was prepared by City Plan Heritage Pty Ltd and submitted as part of the planning proposal lodged by the applicant on 2 September 2014, see Appendix 2. Due to the impacts proposed as part of the original reference design, Council commissioned an independent heritage consultant Hector Abrahams Architects, see Appendix 2.1. These reports inform the European and Aboriginal Archaeology and Heritage Impacts assessments below.

European and Aboriginal Archaeology

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 subject site is categorised as possessing archaeological significance and exceptional archaeological research potential. Pursuant to the Parramatta Historical Archaeological Landscape Management Study (PHALMS), the western lots of the site, 2-8 Phillip Street, are identified as Parramatta Archaeological Management Unit 3084. The sites have high potential to contain built landforms, structural features, ecological samples and individual artefacts, including intact traces of the occupation of this area in 1890 and Aboriginal artefacts. The eastern portion of the site, 10 Phillip Street, is identified as Parramatta Archaeological Management Unit 3022 which contains no archaeological research potential.

The New South Wales Office of Environment and Heritage (NSW OEH) are the consent authority for the disturbance of grounds for State significant archaeological sites. Advice from NSW OEH on 19/1/2016 confirmed that an archaeological report is not required as part of the planning proposal process. Due to the site’s archaeological significance an archaeological assessment will be required prior to lodgement of a development application (DA) and inform the final design of the development.

Heritage – Old Government House and Domain

The site is located to the east of Parramatta Park and Old Government House and Domain (OGHD). OGHD is World heritage listed and is one of eleven sites in a group forming the Australian Convict Sites on the World Heritage List. The OGHD is also on the National Heritage List and the NSW State Heritage Register. Overshadowing of OGHD is a matter for consideration given the height of the proposed building envelope.

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 OGH 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. City Plan Heritage has been advising the architects Woods Bagot and the applicant in minimising the inevitable visual impacts and on potential mitigation measures. The proposed tower as noted earlier will be an architectural excellence and a landmark in Parramatta City's rapidly and dramatically changing urban form. The design aims to soften the built form by responding to the natural river precinct contours.*

The Heritage Impact Report prepared by Hector Abrahams Architects concludes:

This planning proposal would have a disastrous impact on the world heritage values of the OGH. Allow no shadows to fall near OGH.

Below is a diagram depicting the shadow of the proposed tower over the OGH at the March equinox early in the morning (8:30am). Due to the location of the site relative to OGH the shadow cast mid-winter will fall at a more acute angle (i.e. lower) relative to OGH and will have a lesser impact therefore March equinox shadows are shown below. The shadow diagram (Figure 2) indicates the cumulative shadow impact of three sites (330 Church Street – shown in yellow outline, 12-14 Phillip Street – shown in blue outline and the application site – light red shading) at March 8:30am).



Figure 2 - Shadow impact 8:30am 21 March of application site (light red), 330 Church Street (yellow) & 12-14 Phillip Street (blue)

As shown in Figure 3, by 10am (March) the shadows cast by the proposed development 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 and the site's location relative to the park, the shadow impact of the proposed development is considered reasonable.

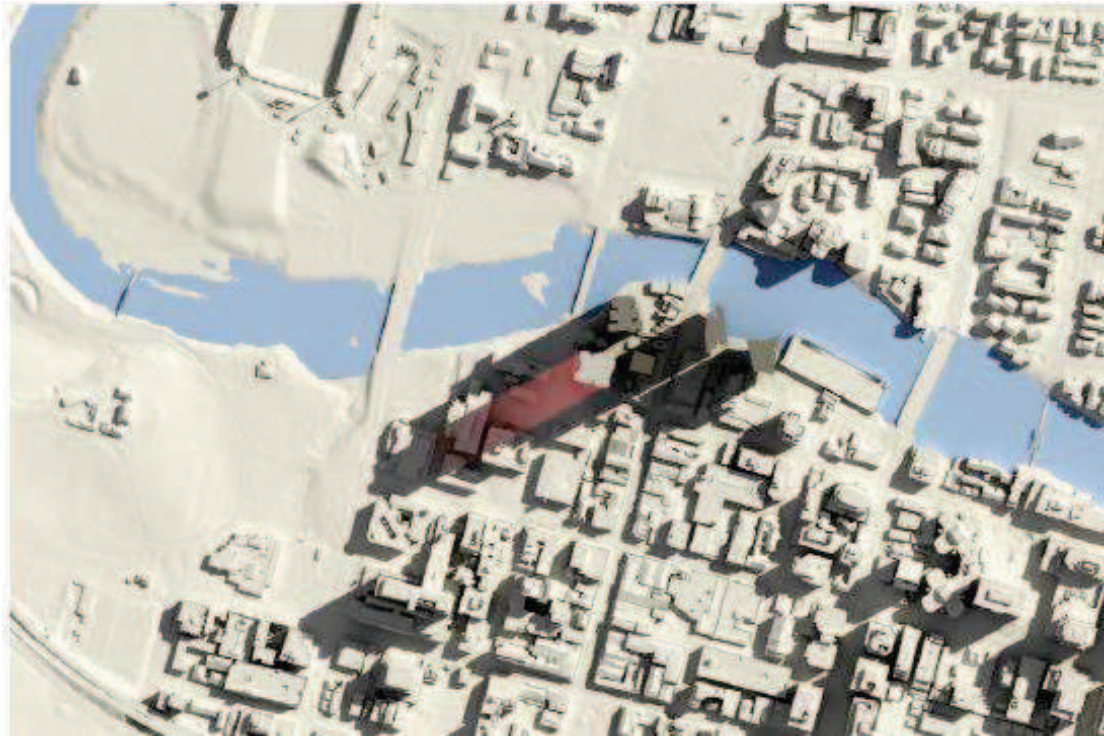


Figure 3 - Shadow impact 10:00am 21 March

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 – Former St Andrew's Uniting Church and Hall

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. Former St Andrew's Church is an example of Inter-War Romanesque architecture with a crenellated tower on the western corner and small spire. The facade of the hall alongside is of the same style and materials.

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 following is an extract from the Heritage Assessment prepared by City Plan Heritage Pty Ltd:

The site contains a heritage item consisting of a Church and Church Hall both of which have been adaptively reused as café/bar since the beginning of 2000s. The proposal incorporates these two heritage buildings within the design and integrate the Hall as part of the hotel lobby and public piazza. The main intervention is to the interiors of the Church hall, which has already been significantly modified with limited original fabric remaining at the perimeter walls namely the cornices and windows. The external walls of the hall will remain and incorporated into the entrance lobby of the development. The site is also surrounded by a large number of heritage items listed on the State and local heritage registers. Impact of the proposed development on these heritage items is an acceptable one due to being visual impact with no physical intervention to any of the heritage items in the vicinity.

The Heritage Impact Report prepared by Hector Abrahams Architects concludes:

This planning proposal has a most serious impact on a site of significance to the Parramatta district as it removes a large integral part of the site, and places a tower too close. Place no tower on the site of the historic allotments on which the heritage items stand. Design Buildings on the amalgamated lands outside the historic allotments to appear as the building next door to the heritage item. The design should not attempt to visually integrate with the church and hall.

The proposed built form as demonstrated in the Urban Design Report at Appendix 1 was unsupported by both Council officers and Hector Abrahams Architects, commissioned by Council to provide an independent assessment. Insufficient justification was provided to warrant the de-listing of the hall 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 items 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 includes no overhanging of any part of the building over the former St Andrew's Church, and facilitation of the adaptive re-use of the former church hall that minimises disruption to the exterior walls and roof of the hall.

This planning proposal as adopted by Council on 7 December 2015 will ensure the conservation and adaptive re-use of the heritage items located on the site. Additionally, the final design determined by the Design Excellence process will minimise impacts on the World heritage listed OGHD.

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, see Figures 4-6. 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.



Figure 4 - Indicative scheme of tower, viewed from the north east



Figure 5 - Indicative scheme of tower

The proposed built form has been considered in the context of the rapidly evolving nature of the Parramatta CBD. The concept is in keeping with the Parramatta CBD Planning Strategy in that the indicative design demonstrates a tall, slender tower with a base FSR of 10:1. The proposed land use is in keeping with the objectives of the B4 Mixed Use zone promoting hotel, residential, commercial and retail land uses and complies with the following concept outlined in the Strategy:

A3.4 Subject to urban design testing, a minimum non-residential FSR of 1:1 must be achieved for all sites in the mixed use zone of the Parramatta CBD. Non-residential FSR exceeding this minimum requirement should be exempt from the overall maximum FSR for mixed use zones.

The location and details of the tower form outlined in the Urban Design Report requires further refinement to ensure the integrity of the heritage items located on the site remain intact. Figure 6 below demonstrates the original proposed form

overhangs the Church and includes partial demolition of the hall component of the heritage item.

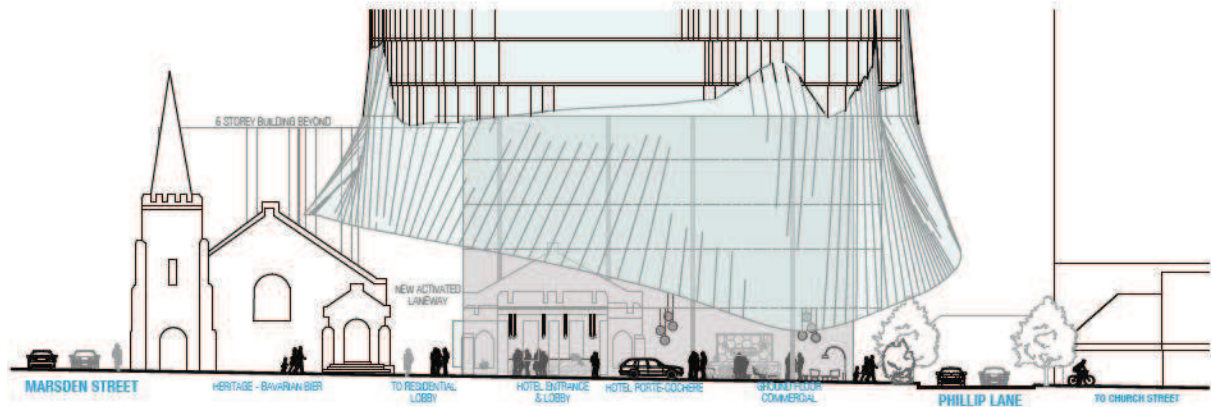


Figure 6 - Indicative scheme of tower, at street level

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 and is able to comply with the ADG.

Transport and Accessibility

A Traffic and Transport Assessment was prepared by Traffix (Appendix 3). The Assessment finds that the proposal is acceptable in terms of traffic, transport and parking. The points below summarise the traffic, walking and access matters:

- The intersections surrounding the site have the capacity for the additional traffic generated from the proposed development.
- The development proposal is in keeping with the maximum parking rate that applies to the site under the PLEP 2011.
- It is proposed to widen key locations of Phillip Lane to ensure safe vehicular and pedestrian access to the future development at Riverside Parramatta. The current width of Phillip Lane is not suitable given the frequency of cars and commercial vehicles entering and leaving Phillip Lane. 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 (refer to the Traffic Assessment attached at Appendix 3).
- 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 (refer to Figure 7). This will enable better pedestrian amenity within the middle of the precinct and reduce the potential for pedestrian and vehicle conflicts.



Figure 7 - Ground Floor plane showing vehicular access from Marsden Street

- 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.

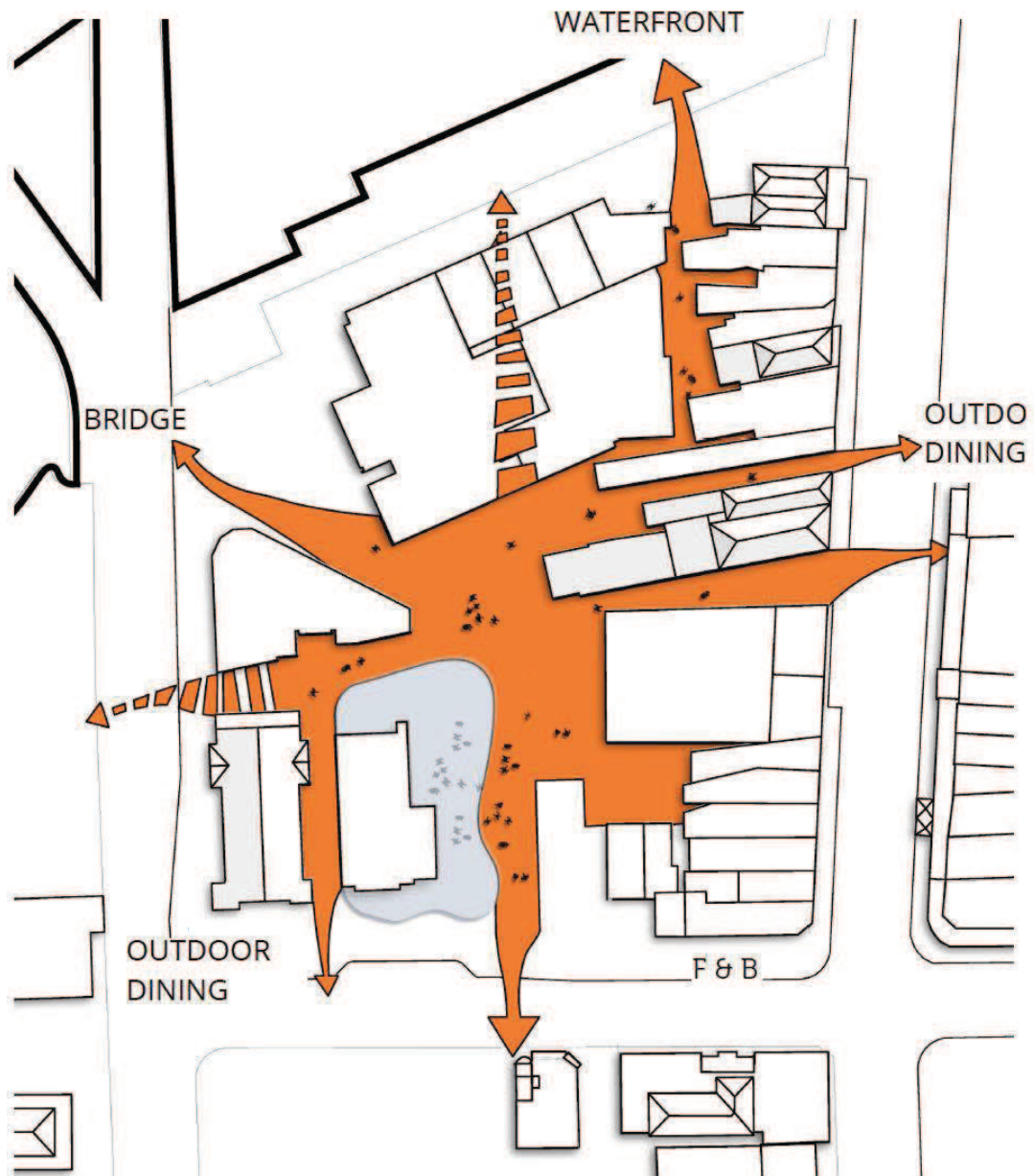


Figure 8 - Pedestrian connectivity

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 facilitate an increase in density of housing and employment.

The provision of a high quality hotel will attract visitors to the city centre who will generate additional business for local shops, cafes and restaurants and assist in revitalising 'Eat Street'. The proposed hotel and business uses will support the nearby Commercial Core and facilitate the realisation of the B4 Mixed Use zone objectives.

The proposed increased density of residential uses will support the viability of Sydney's Premier Regional City and second CBD and create a night time destination and economy by activating the CBD beyond business hours and allowing housing close to jobs.

The site contains heritage item 736, the former St Andrew's Church and hall. Further refinement of the built form is required to ensure the protection and re-use of the landmarks for the benefit of the community and its culture.

It is proposed to widen key locations of Phillip Lane to ensure safe vehicular and pedestrian access to the future development at Riverside Parramatta. The current width of Phillip Lane is not suitable given the frequency of cars and commercial vehicles entering and leaving Phillip Lane. 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 (refer to the Traffic Assessment attached at Appendix 3).

A Voluntary Planning Agreement/contributions framework addressing contributions towards community, recreation and physical services will be developed between the proponent and Council. A formal letter of offer has been provided and is currently under assessment. It is intended that any VPA be exhibited concurrently with the planning proposal in accordance with Council's VPA policy.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The area is well serviced with public infrastructure that can facilitate the density increase proposed as part of this planning proposal. The subject land is approximately 600m walking distance from Parramatta Railway Station/Bus terminal, 30m from the Parramatta River Foreshore and 250m from Parramatta Park. Recognition of the increased pedestrian and vehicular traffic volumes that

would result from the proposed development has prompted the inclusion of road widening at key locations along Phillip Lane to form part of the planning proposal.

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

It is recommended that State and Commonwealth authorities will be consulted in accordance with Section 57 of the *EP&A Act 1979*, following the outcomes of the gateway determination.

PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DP&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.

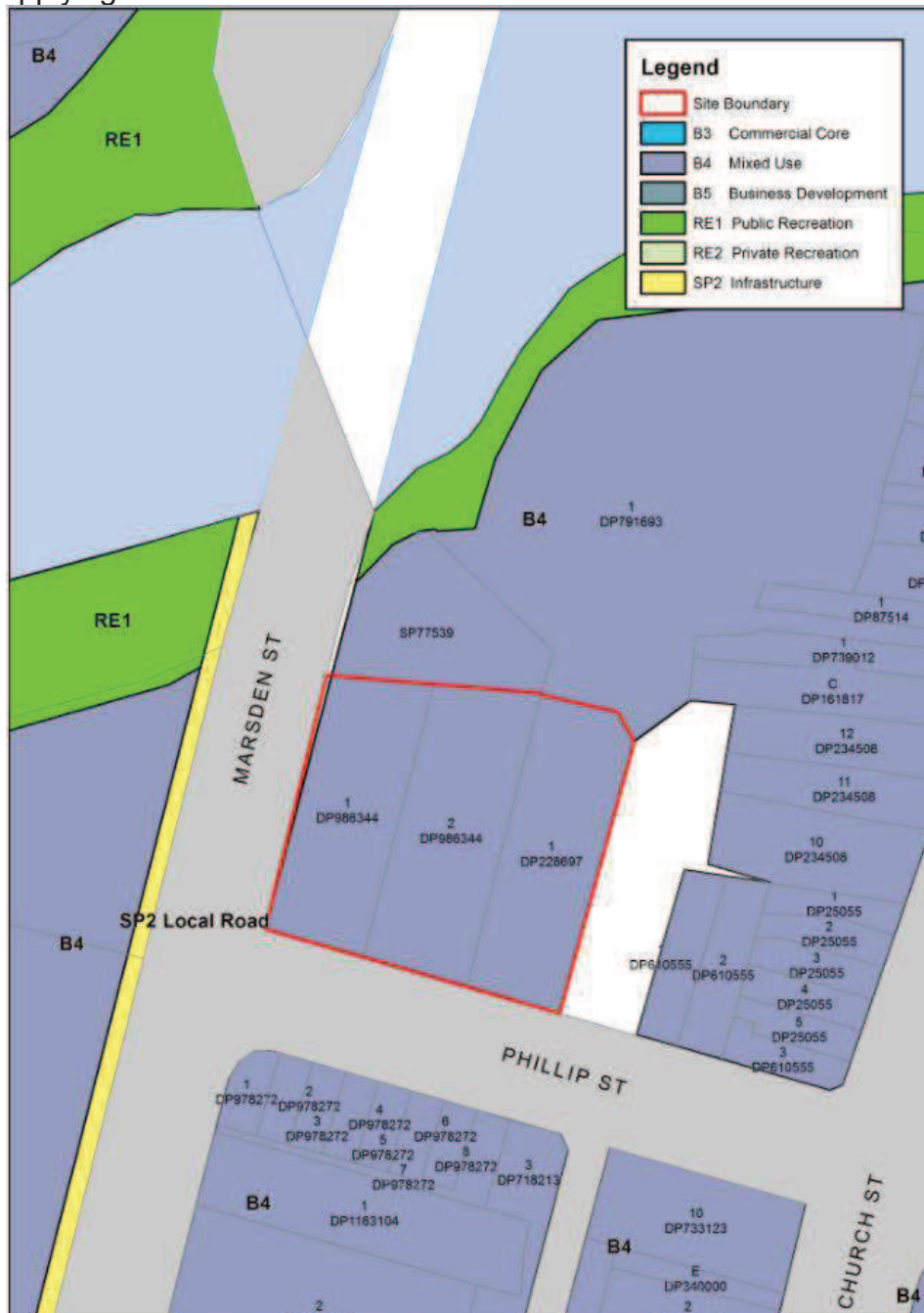


Figure 9 - Existing zoning extracted from the *PLEP 2011* Land Zoning Maps

Figure 9 above illustrates the existing B4 Mixed Use zone over the site.

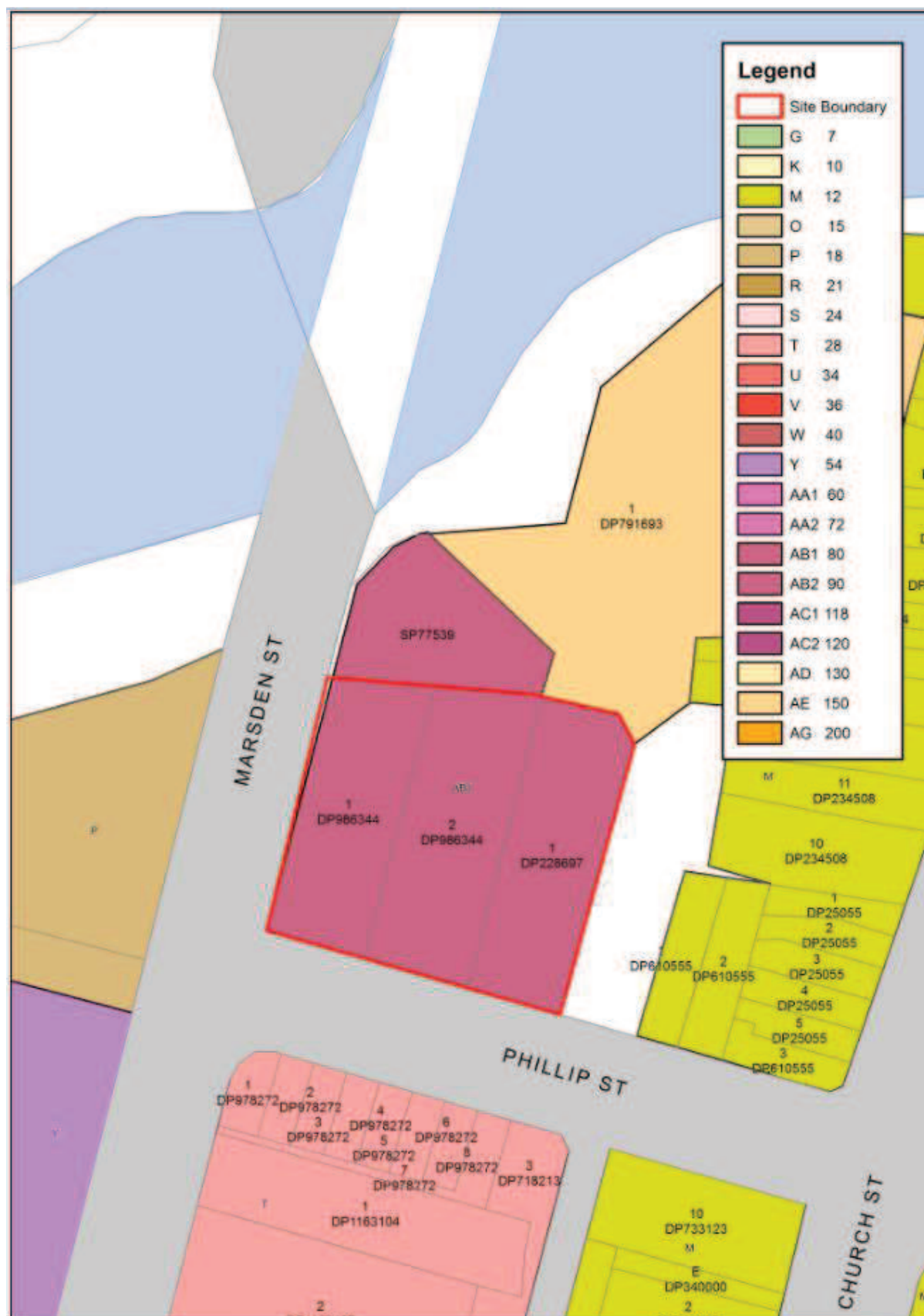


Figure 10 – Existing building heights extracted from the *PLEP 2011* Height of Buildings Maps

Figure 10 above illustrates the existing 80 metre height limit applying to the site.

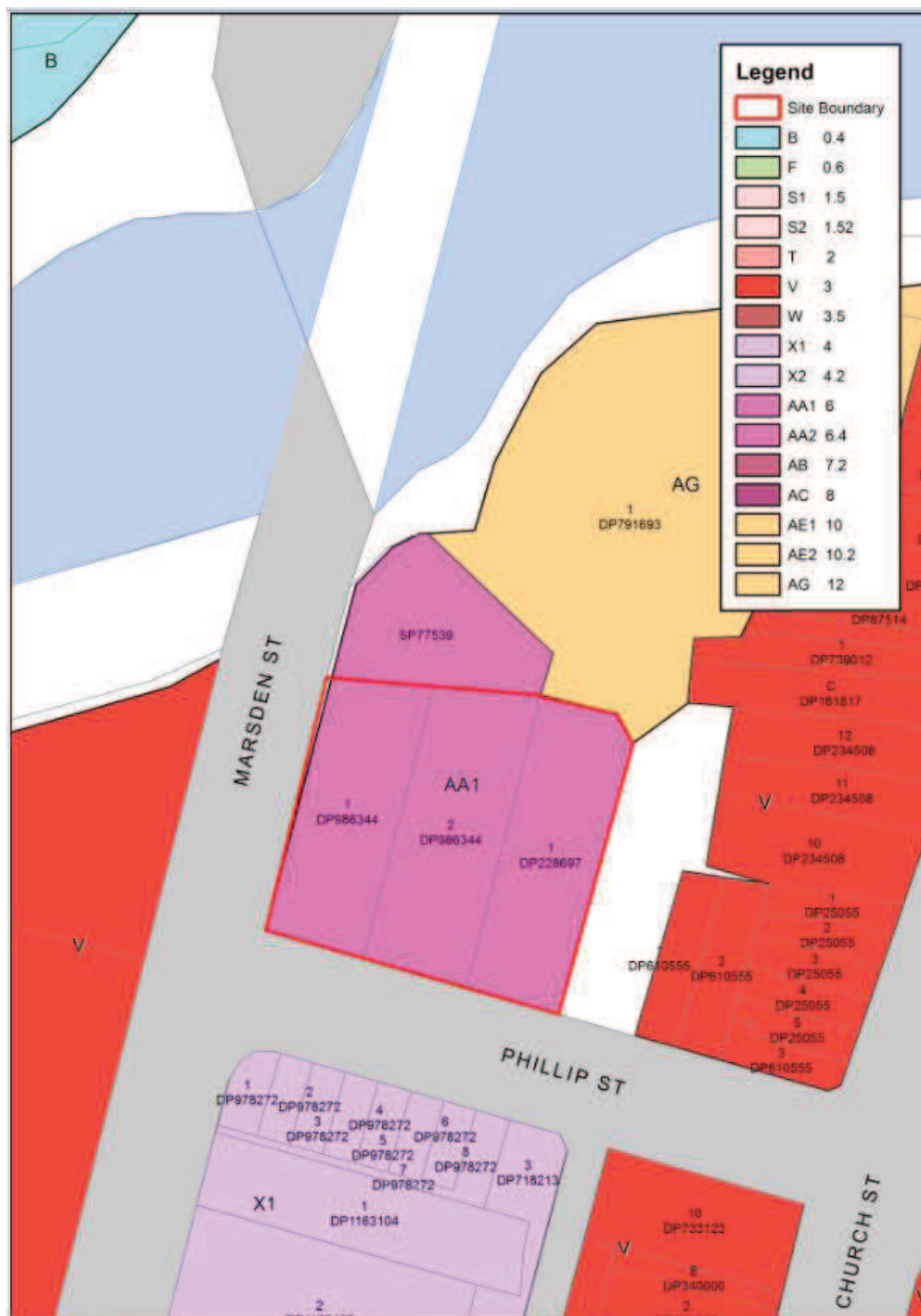


Figure 11 – Existing floor space ratio extracted from the *PLEP 2011* Floor Space Ratio Map

Figure 11 above illustrates the existing 6:1 FSR which applies to the entire site.

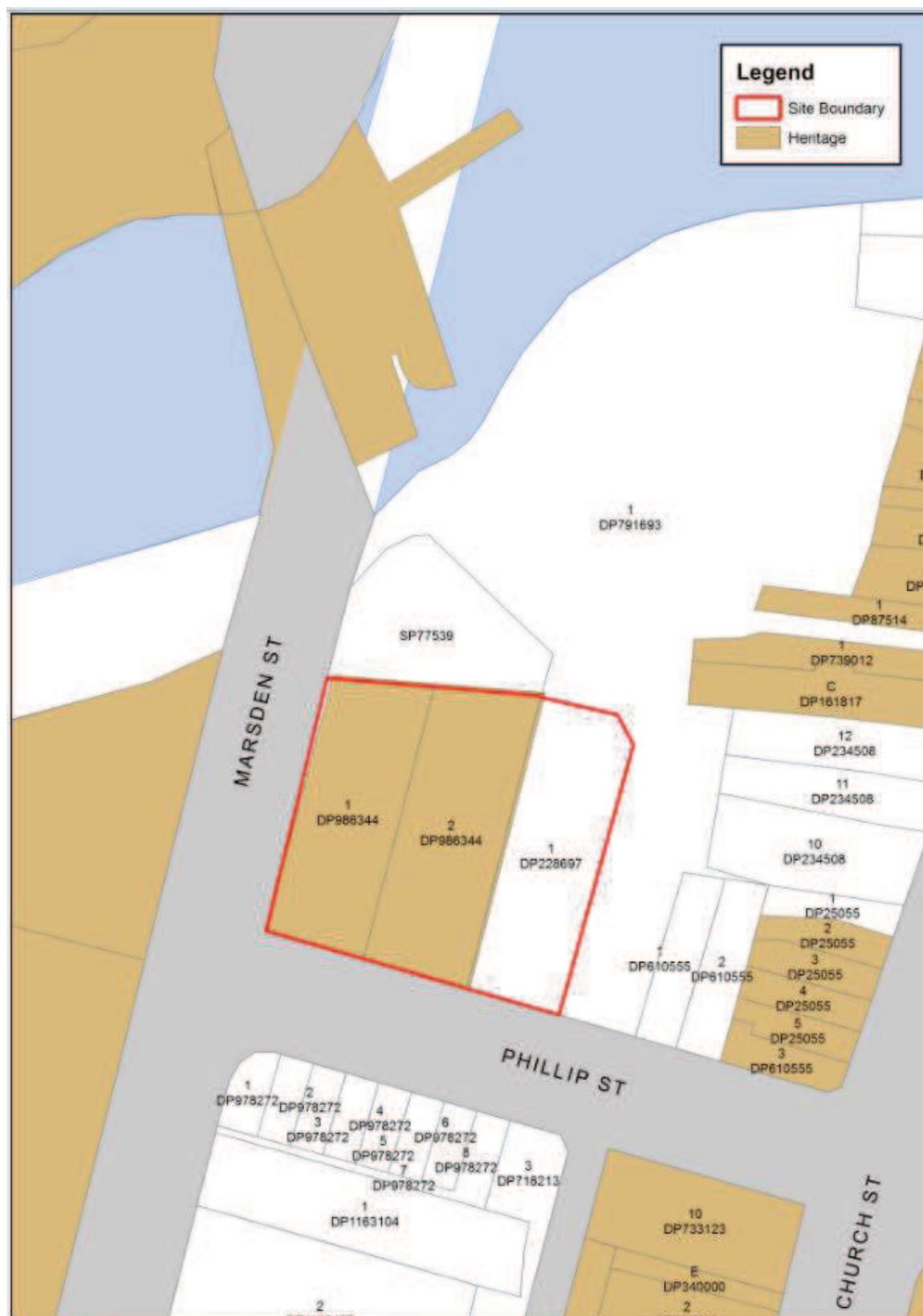


Figure 12 – Existing heritage items extracted from the PLEP 2011 Heritage Maps

Figure 12 above illustrates the heritage sites which are located adjacent to and within the site.

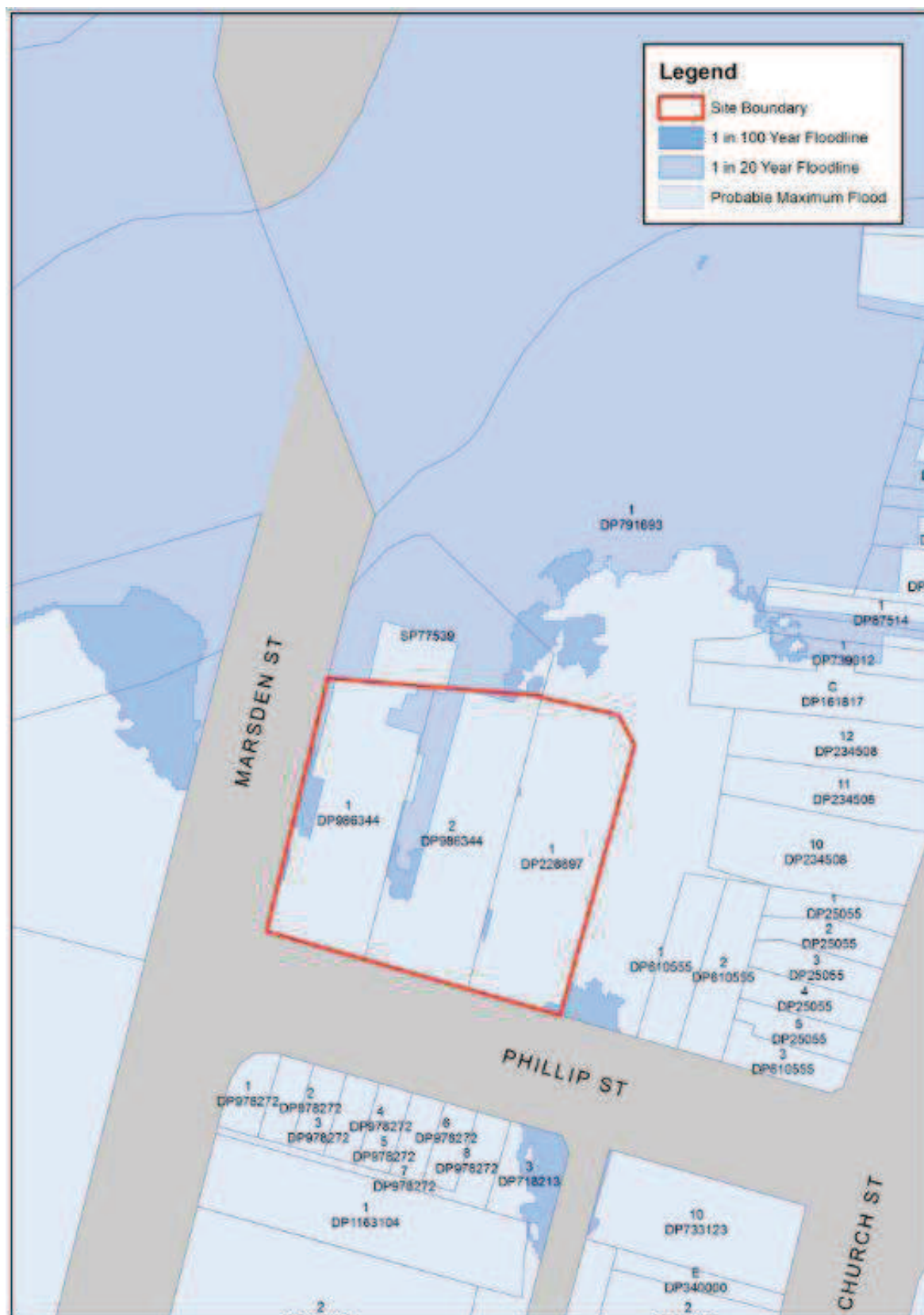


Figure 13 – Existing flooding extant extracted from Council's GIS.

Figure 13 above illustrates the flooding extant in the vicinity of the site.

4.2 Proposed controls

The figures in this section (Figures 14 and 15) illustrate the proposed building height, floor space ratio and key sites controls sought by this planning proposal.

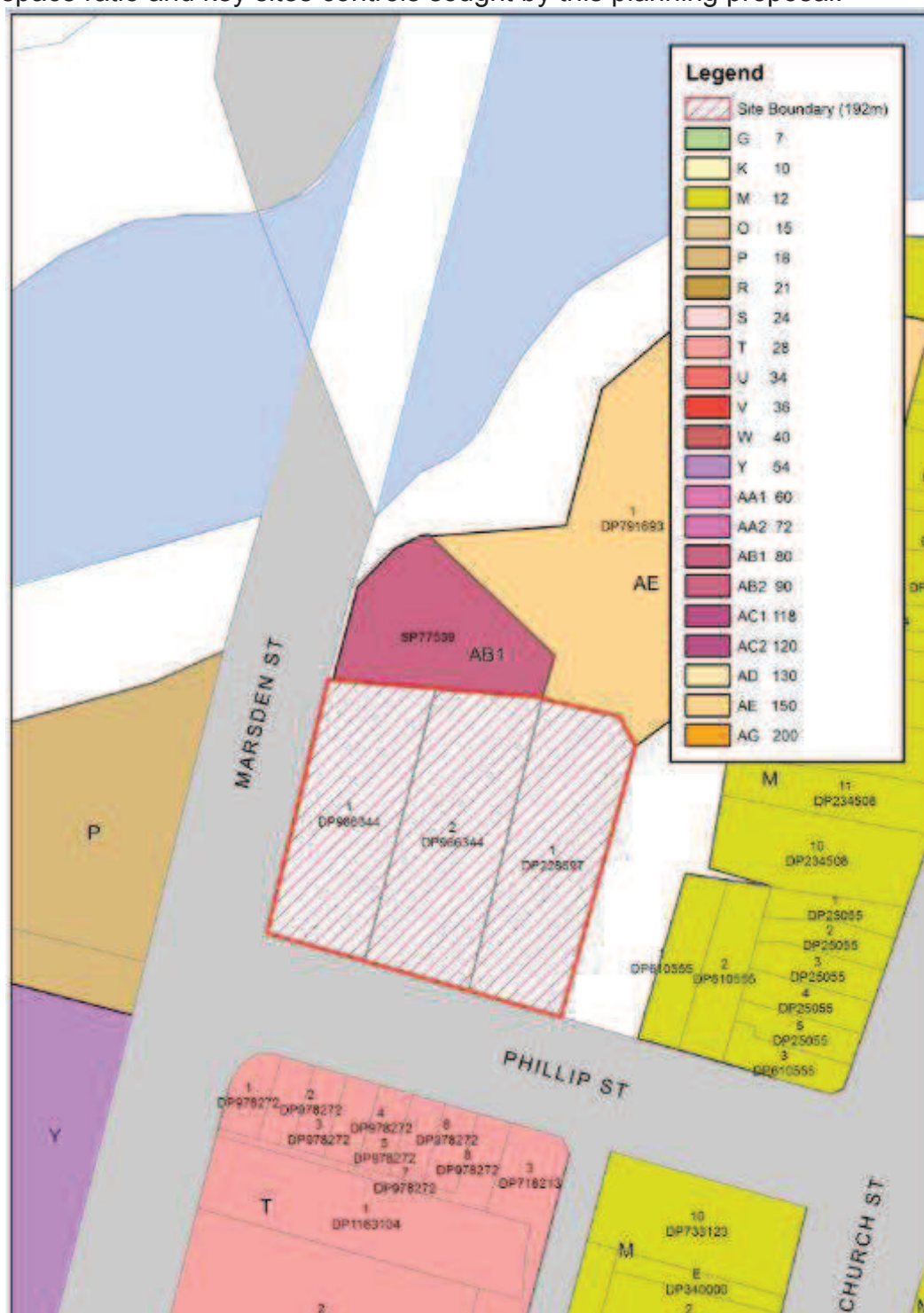


Figure 14 – Proposed amendment to the PLEP 2011 Height of Building Map

Figure 14 above illustrates proposed maximum building height of 192 metres over the site. The proposed height excludes the additional 15% of GFA (which equates to a total height of 220 metres) as this will be achieved through the forthcoming design excellence clause at development application stage.

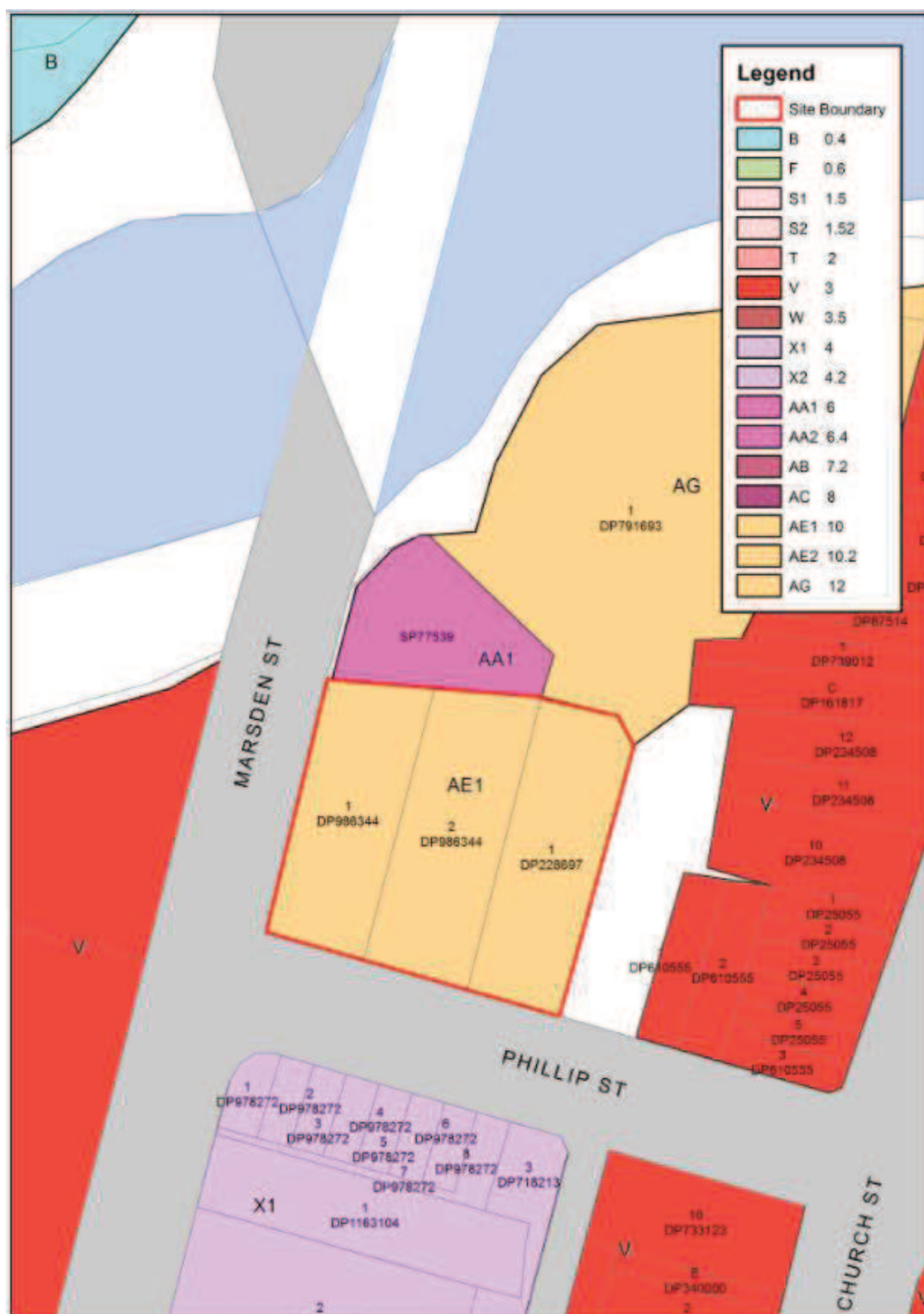


Figure 15 – Proposed amendment to the PLEP 2011 Floor Space Ratio Map

Figure 15 illustrates the proposed 10:1 FSR over the site. This excludes both the additional 5.5:1 hotel floor space and the additional 15% of GFA achieved through the forthcoming design excellence clause at development application stage.

PART 5 – COMMUNITY CONSULTATION

In accordance with Section 57(2) of the *EP&A Act 1979*, the Director-General of Planning must approve the form of the planning proposal, as revised to comply with the gateway determination, before community consultation is undertaken.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

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

PART 6 – PROJECT TIMELINE

The detail around the project timeline is expected to be prepared following the referral to the Minister for a Gateway Determination.

The following steps are anticipated:

- Referral to Minister for a Gateway determination (February 2016)
- Commencement and completion dates for public exhibition period and government agency notification (April 2016)
- Consideration of submissions (May 2016)
- Consideration of proposal post exhibition and reporting to Council (June 2016)
- Submission to the Department to finalise the LEP (July 2016)
- Notification of instrument (November 2016)