

INNOVATIVE

ITEM NUMBER	18.2
SUBJECT	FOR APPROVAL: Post Exhibition Outcomes - Planning Proposal for land at 470 Church Street Parramatta (Deferred Item)
REFERENCE	RZ/13/2016 - D07113078
REPORT OF	Project Officer, Land Use Planning

Council at its meeting on 8 October 2019 (Item 18.9) resolved that the matter be deferred until after Council considers a report on the response to the Gateway Determination for the Parramatta CBD Planning Proposal.

LANDOWNER	The Trustees of the Roman Catholic Church for the Diocese of Parramatta
APPLICANT	Think Planners Pty Ltd

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL - Nil

PURPOSE:

To report to Council the outcome of the public exhibition for the Planning Proposal, draft site-specific Development Control Plan and Planning Agreement for land at 470 Church Street, Parramatta, and to seek Council's endorsement for the following:

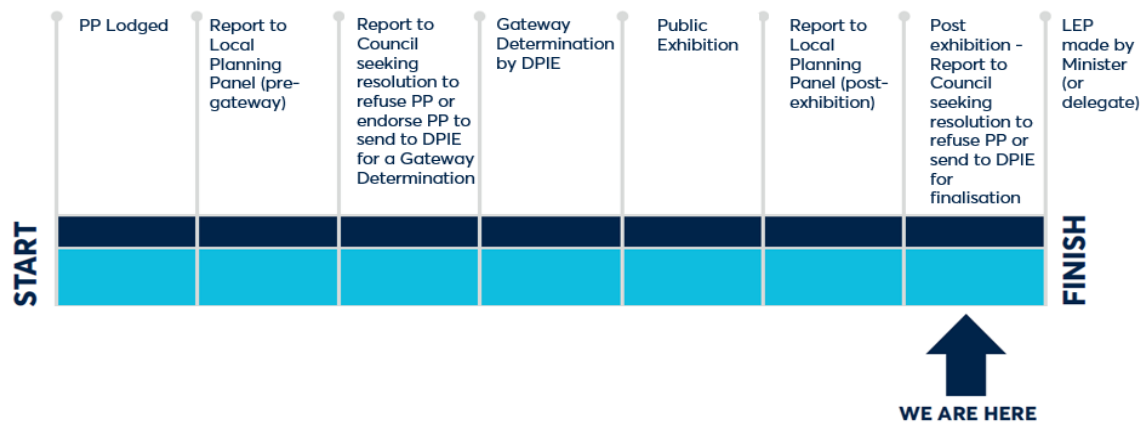
- to forward the Planning Proposal to the Department of Planning, Industry and Environment for finalisation;
- to adopt the draft site-specific Development Control Plan; and
- to enter into the Planning Agreement.

RECOMMENDATION

- That** Council receives and notes the submissions made during the public exhibition of the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement, summarised and addressed at **Attachment 3**.
- That** Council endorse the Planning Proposal (provided at **Attachment 4**), which seeks to increase the maximum floor-space ratio (FSR) from 3:1 to 6:1 and increase the maximum building height from 24m to 80m for land at 470 Church Street, Parramatta, subject to including a site-specific clause to exclude operation of the sliding scale on the site.
- That** Council forward the Planning Proposal to the Department of Planning, Industry and Environment for finalisation, but request that the final notification in the Government Gazette only be undertaken once Council confirms that the Planning Agreement has been executed.
- That** Council endorse for finalisation the site-specific Development Control Plan contained at **Attachment 5** for insertion in Section 4.3.3 – Parramatta City Centre of Parramatta Development Control Plan 2011.

- (e) **That** Council enter into the Planning Agreement as exhibited at **Attachment 6** and authorise the Chief Executive Officer to sign the Planning Agreement.
- (f) **That** Council authorise the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process, relating to the Planning Proposal, Development Control Plan and Planning Agreement.
- (g) **Further, that** Council note the advice of the Local Planning Panel (provided at **Attachment 2**), is inconsistent with Council Officer's recommendations, as follows:
- The Panel has advised Council to apply the floor space ratio sliding-scale which results in an effective floor space ratio of 5.6:1 on the site; and
 - The Panel has advised Council to amend the site-specific Development Control Plan so that the podium is reduced to a maximum of two storeys or seven metres.

PLANNING PROPOSAL TIMELINE



THE SITE

1. The subject site is located on the corner of Church and Harold Streets, Parramatta (refer **Figure 1**). The legal description of the site is Lot 1 DP 785930 and the site area is 1,629 square metres. Currently the site contains a five-storey commercial building.

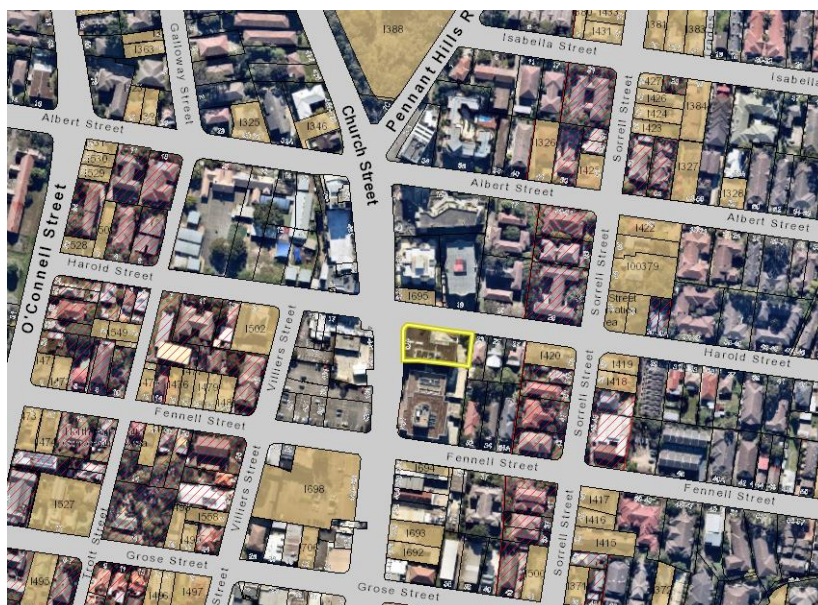


Figure 1: The subject site outlined in yellow

PLANNING PROPOSAL SUMMARY

Table 1: Summary of proposed controls

	Parramatta LEP 2011	CBD Planning Proposal as endorsed by Council on 25 November 2019	Subject Planning Proposal
Site Area	1,629m ²		
Land Use Zoning	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height of Buildings	24m (8 storeys)	80m (25 storeys)	80m (25 storeys)
Floor-space ratio	3:1	6:1 (5.6:1 with the application of the FSR sliding-scale)	6:1
Parking	In accordance with Clause 7.3	Strategic Transport Study rates	Strategic Transport Study rates
Number of dwellings [^]	58 dwellings	115 dwellings	115 dwellings

[^] The number of dwellings has been estimated based on the maximum achievable residential gross-floor area (excluding bonuses) divided by an average apartment size of 85m²

BACKGROUND

2. At its meeting on 8 October 2019, Council considered a report on the post—exhibition outcomes of a Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement for land at 470 Church Street, Parramatta (**Attachment 1**).
3. The report to Council included the Local Planning Panel's advice to Council (**Attachment 2**). The Panel recommended the following amendments to the subject Planning Proposal and draft site-specific Development Control Plan:
 - That the Planning Proposal be amended to apply the floor space ratio sliding-scale, which would reduce the mapped floor space ratio from 6:1 to 5.6:1; and
 - That the draft site-specific Development Control Plan be amended so that a maximum podium height of two storeys, or seven metres, apply to the site.
4. The Local Planning Panel's advice is inconsistent with Council Officer's recommendations and a Council Officer response to the advice was provided in the Council Report of 8 October 2019 (refer to **Attachment 1**).
5. At that meeting, Council resolved to defer the matter until Council considered a report on the response to the Gateway Determination for the Parramatta CBD Planning Proposal.
6. On 25 November 2019 Council resolved to proceed with the Parramatta CBD Planning Proposal subject to the areas of land zoned R4 High Density Residential shown in **Figure 2** being deferred from the Parramatta CBD Planning Proposal for further consideration as part of the 'planning investigation areas' as per the Parramatta CBD Planning Strategy.

Parramatta CBD Planning Proposal — Proposed Land Zoning Map

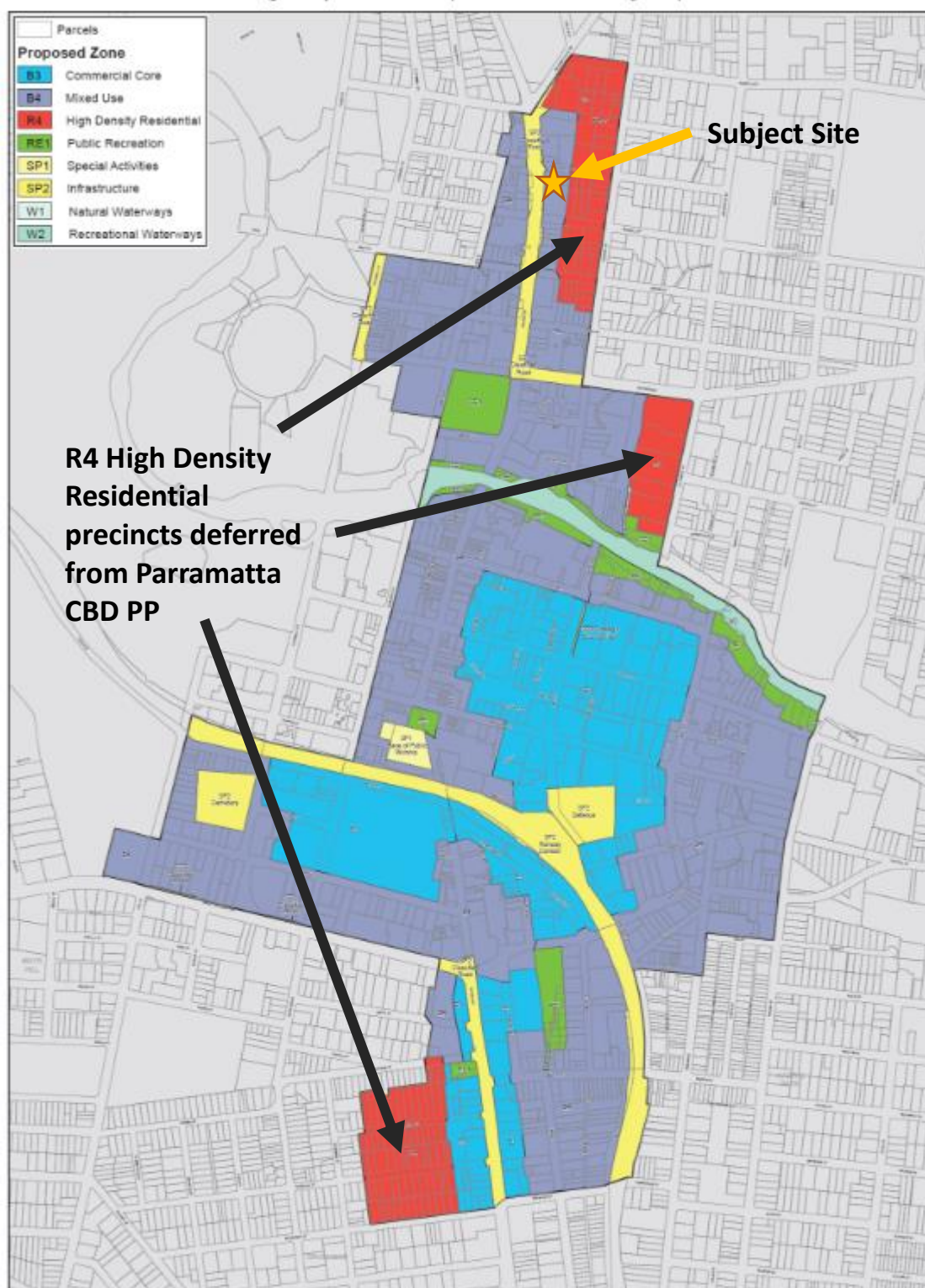


Figure 2: Areas in Parramatta excised from the Parramatta CBD Planning Proposal

7. The controls in this site-specific Planning Proposal are largely consistent with those Council endorsed on 25 November 2019 for the Parramatta CBD Planning Proposal. One of the deferred R4 Residential High Density precincts that has been deferred immediately adjoins the subject site (refer to **Figure 1**). However, the proposed controls for the subject site are largely consistent with the recommendations of the Parramatta CBD Planning Proposal and both the Urbis and Hector Abrahams heritage reports that support the Parramatta CBD Planning Proposal so there is no reason to defer progress of this planning proposal.

RECOMMENDED ACTIONS

8. It is recommended Council endorse the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement for this site as exhibited for finalisation.

FINANCIAL IMPLICATION FOR COUNCIL

9. The Planning Agreement requires a monetary contribution for the amount of \$733,050 be applied towards upgrades and delivery of new public domain and open spaces in the Parramatta CBD. Seventy five percent of this contribution is payable prior to the issue of a Construction Certificate for the development and the remaining twenty five percent is payable prior to the issue of an Occupation Certificate for the development. This is consistent with Council's Planning Agreements Policy.

Marko Rubcic
Project Officer Land Use Planning

Robert Cologna
Team Leader Land Use Planning

Jonathon Carle
Land Use Planning Manager

Jennifer Concato
Executive Director City Strategy and Development

ATTACHMENTS:

1	Report Considered at Council's Meeting of 8 October 2019	6 Pages
2	Report to the Local Planning Panel and Minute	15 Pages
3	Submission Table and Topic Summary	34 Pages
4	Planning Proposal	46 Pages
5	Draft site-specific Development Control Plan	6 Pages
6	Draft Planning Agreement	25 Pages

REFERENCE MATERIAL

Council 8 October 2019

Item 18.9

INNOVATIVE

ITEM NUMBER	18.9
SUBJECT	FOR APPROVAL: Post Exhibition Outcomes - Planning Proposal for land at 470 Church Street Parramatta (Deferred Item)
REFERENCE	RZ/13/2016 - D07023364
REPORT OF	Project Officer, Land Use Planning

Council at its meeting on 9 September 2019 (Item 18.4) resolved that the matter be deferred to the meeting to be held on 8 October 2019.

LANDOWNER The Trustees of the Roman Catholic Church for the Diocese of Parramatta

APPLICANT Think Planners Pty Ltd

PURPOSE:

To report to Council the outcome of the public exhibition for the Planning Proposal, draft site-specific Development Control Plan and Planning Agreement for land at 470 Church Street, Parramatta, and to seek Council's endorsement for the following:

- to forward the Planning Proposal to the Department of Planning, Industry and Environment for finalisation;
- to adopt the draft site-specific Development Control Plan; and
- to enter into the Planning Agreement

RECOMMENDATION

- (a) **That** Council receives and notes the submissions made during the public exhibition of the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement, summarised and addressed at **Attachment 2**.
- (b) **That** Council endorse the amended Planning Proposal (provided at **Attachment 3**), subject to including a site-specific clause to exclude operation of the sliding scale on the site, which seeks to increase the maximum floor-space ratio (FSR) from 3:1 to 6:1 and increase the maximum building height from 24m to 80m for land at 470 Church Street, Parramatta, and forward it to the Department of Planning, Industry and Environment for finalisation, but request that the final notification in the Government Gazette only be undertaken once Council confirms that the Planning Agreement has been executed.
- (c) **That** Council endorse for finalisation the site-specific Development Control Plan contained at **Attachment 4** for insertion in Section 4.3.3 – Parramatta City Centre of Parramatta Development Control Plan 2011.
- (d) **That** an advertisement be placed in the local newspaper advising that the site-specific Development Control Plan has been adopted and will come into force on the day the Planning Proposal is finalised and comes into effect.
- (e) **That** Council enter into the Planning Agreement as exhibited at **Attachment 5**.

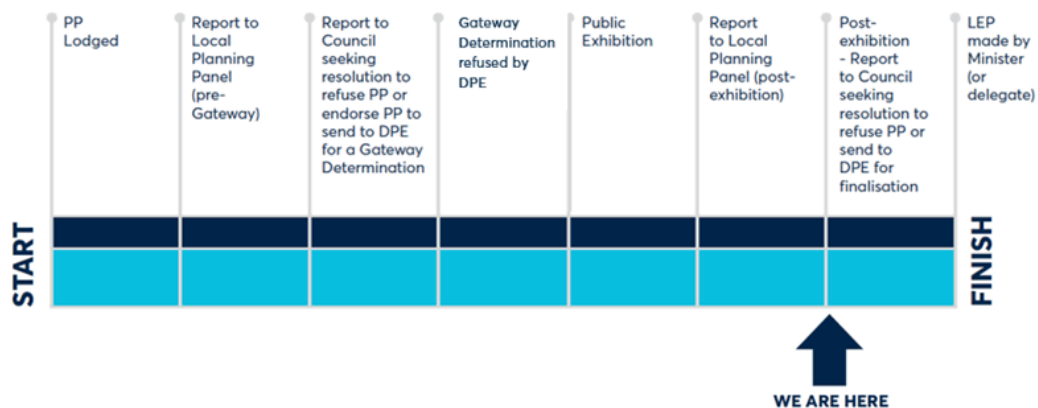
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- (f) **That** the Chief Executive Officer be authorised to sign the Planning Agreement.
- (g) **That** Council authorise the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process, relating to the Planning Proposal, Development Control Plan and Planning Agreement.
- (h) **Further, that** Council note the advice of the Local Planning Panel (provided at **Attachment 1**), is inconsistent with Council Officer's recommendations.

PLANNING PROPOSAL TIMELINE



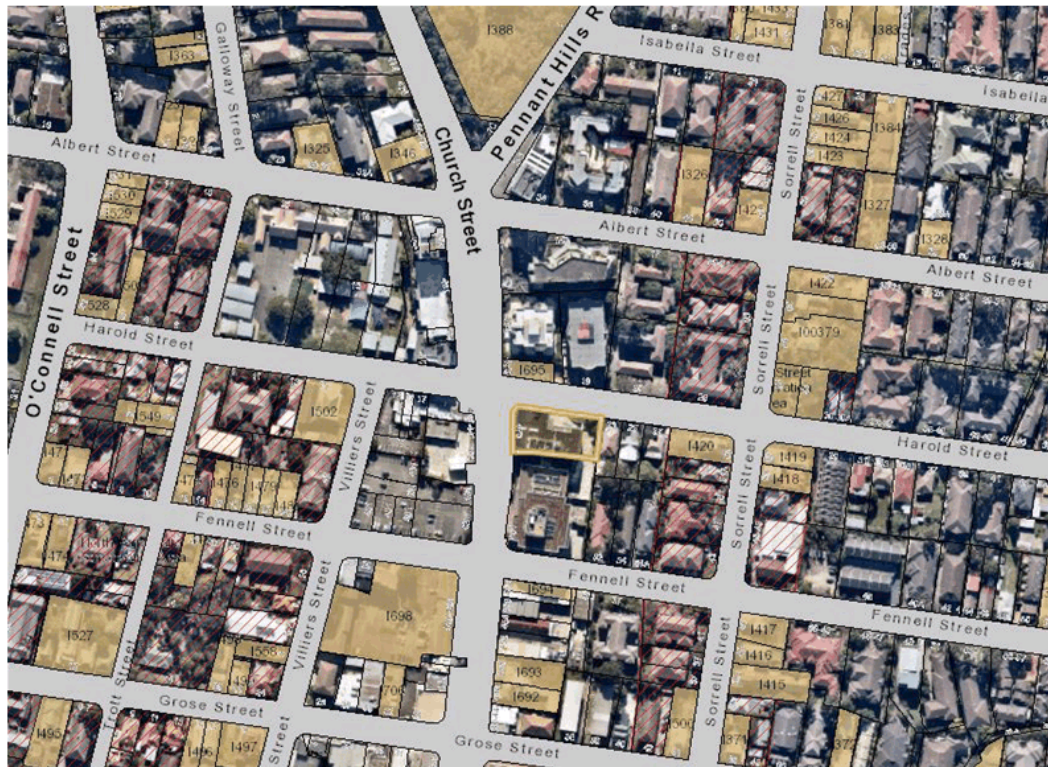
THE SITE

- The subject site is located on the corner of Church and Harold Streets, Parramatta (refer **Figure 1**). The legal description of the site is Lot 1 DP 785930 and the site area is 1,629 square metres. Currently the site contains a five-storey commercial building.

Figure 1 – The subject site outlined in yellow

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BACKGROUND

2. The Planning Proposal (refer to **Attachment 3**) seeks to amend the Parramatta Local Environmental Plan 2011 by:
 - Increasing the maximum floor space ratio control from 3:1 to 6:1;
 - Increasing the maximum building height control from 24 metres to 80 metres; and
 - Applying reduced car parking rates in line with the Parramatta CBD Strategic Transport Study.
3. These changes are being sought to facilitate the construction of a 25 storey mixed-use development. A site-specific Development Control plan has been prepared to address the recommendations made by Council's Urban Design and Heritage Officers in relation to:
 - Building setbacks and transition to heritage conservation area;
 - Podium heights;
 - Internal amenity of units;
 - Quantity of commercial floor space in the podium and its usability;
 - Parking in the podium; and
 - Vehicular access point.
4. A draft Planning Agreement has been prepared in accordance with the terms set in Council's resolution of 13 November 2017, being 20 percent of the land value uplift of the site. The Planning Agreement requires a monetary contribution of \$733,050.00 which is to be used towards public domain improvements within the Parramatta CBD.

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5. The Planning Proposal, site-specific Development Control Plan and draft Planning Agreement were publicly exhibited from 13 February 2019 to 15 March 2019. During this time, 25 submissions were received. This includes seven submissions from public agencies identified in the Gateway Determination, 15 submissions from community members, one submission from the National Trust, and one consolidated submission from Council's Heritage Advisory Committee. A summary of all the submissions received and Council Officer's responses are provided at **Attachment 2**.
6. Common key issues have arisen during the exhibition period and are as follows:
 - **Parking:** Insufficient spaces have been provided which will put a strain on on-street car parking in the area.
 - **Traffic:** Increased density will exacerbate traffic in the already congested area.
 - **Heritage:** The proposal is unsuitable due to its close proximity to a Heritage Conservation Area and will have negative heritage impacts.
 - **Overshadowing:** The proposed building height will lead to overshadowing of the Heritage Conservation and low-density residential areas.
 - **Amenity:** The development will undermine the quality of life of residents already in the area.
 - **CBD Planning Proposal:** The community has still not had an opportunity to comment on the CBD Planning Proposal.
 - **Fairness:** The increase in density is not in the public's interest.

Council Officers have provided a response to each key issue at the end of **Attachment 2**.

LOCAL PLANNING PANEL ADVICE TO COUNCIL

7. The Local Planning Panel considered a detailed assessment report on 20 August 2019. The Panel's advice to Council is not consistent with the Council Officer recommendation. **Attachment 1** contains a copy of the report considered by the Local Planning Panel and a copy of its advice to Council. Note the attachments described in the Local Planning Panel Report have been renumbers and included as attachments of this report
8. In summary, the Panel recommended that the FSR sliding-scale be applied, thereby reducing the effective FSR for this Planning Proposal to 5.6:1. The Panel also recommended that the site-specific Development Control Plan be amended so that the maximum street wall height to both Church Street and Harold Street be limited to two storeys or seven metres due to the site's location near the heritage conservation area.
9. Council Officer's response to these recommendations is provided below.

Floor-space ratio

10. Under the CBD Planning Proposal at the time this Planning Proposal was being assessed, the FSR sliding scale did not apply and the effective FSR was not reduced from a mapped 6:1.

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11. However, following the issue of a Gateway Determination for the CBD Planning Proposal, Council has now changed its position on the sliding-scale. The current Council endorsed FSR sliding-scale reduces the effective FSR for sites smaller than 1,800 square metres, meaning that the effective FSR for the subject site (1,629 square metres) would be reduced to 5.6:1. This reduction would result in the building being shortened from 25 storeys to 23 storeys.
12. As per the Council Officer assessment to the Local Planning Panel (**Attachment 1**), the purpose of a sliding-scale for FSR is to encourage amalgamation and better built form and urban design outcomes. However, there is limited scope for amalgamation on the subject site due to neighbouring properties being either developed or undergoing their own site-specific Planning Proposal (at 23-27 Harold Street, Parramatta). Moreover, should amalgamation be feasible, the urban design outcome would not be substantially different compared to a scenario where the sites are not amalgamated and developed in isolation as the outcome would still be two high-rise towers.
13. Council Officers maintain the view that the sliding-scale should not apply as a better urban design outcome would not be achieved if amalgamation were to occur and alternatively, its application would only reduce the proposed building by two storeys and thus result in a similar built form outcome.
14. In order to ensure that the FSR sliding-scale is not applied to the subject Planning Proposal, a technical amendment will be required to the Planning Proposal document so that it seeks exemption from the floor-space ratio sliding scale. Council Officers are of the opinion that this would not warrant re-exhibition as the intent of the Planning Proposal was always to permit a floor-space ratio of 6:1 on the site and the exhibition material reflected this.

Street-wall Height

15. The draft site-specific Development Control Plan, as exhibited, proposed a maximum street wall height for the podium of 14 metres (3-4 storeys) fronting Church and Harold Streets. The Panel has recommended the street wall height be amended in the site-specific Development Control Plan to be limited to two storeys (approx. 6-8m). The street wall controls have been reviewed by Council's Urban Design Officers who deemed the 3-4 storey height to be appropriate for the following reasons:-
 - a four storey structure exists on the subject site and the site opposite also has a four storey street wall and higher tower;
 - this part of Church Street is eclectic in terms of the street character;
 - lowering the podium will increase the tower height if the same FSR is retained and will result in the tower becoming more visually prominent from the street;
 - the site has been the subject of a Design Competition consistent with Council's current Development Control Plan and is consistent with the current direction being considered for the new Development Control Plan that will support the Parramatta CBD Planning Proposal.

NEXT STEPS

16. The Planning Proposal relating to 470 Church Street, Parramatta, has been exhibited in accordance with relevant provisions of the Environmental Planning

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and Assessment Act 1979 and the Gateway Determination. Council Officers have reviewed and addressed the submissions relating to this Planning Proposal, site-specific Development Control Plan and draft Planning Agreement and consider that the concerns have been addressed. This Planning Proposal is consistent with Council's endorsed vision for the Parramatta CBD and will allow development in a manner that is consistent with the CBD Planning Proposal.

17. It is recommended Council endorse the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement as exhibited.
18. Following the outcome of this resolution, Council will forward the Planning Proposal to the Department of Planning, Industry and Environment for finalisation but request that the final notification in the Government Gazette only be undertaken once Council confirms that the Planning Agreement has been executed. Council's decision on the site-specific Development Control Plan will be notified in a local newspaper and will come into effect when the Local Environmental Plan amendment comes into effect.

FINANCIAL IMPLICATION FOR COUNCIL

19. The Planning Agreement requires a monetary contribution for the amount of \$733,050.00 be applied towards upgrades and delivery of new public domain and open spaces in the Parramatta CBD.

Marko Rubcic
Project Officer Land Use Planning

Robert Cologna
Team Leader Land Use Planning

Jonathon Carle
Land Use Planning Manager

Jennifer Concato
Executive Director City Strategy and Development

ATTACHMENTS:

1	LPP Report and Minute	15 Pages
2	Submission Table and Topic Summary	34 Pages
3	Planning Proposal	46 Pages
4	Draft site-specific Development Control Plan	6 Pages
5	Draft Planning Agreement	25 Pages

REFERENCE MATERIAL

Local Planning Panel 20 August 2019

Item 6.2

INNOVATIVE

ITEM NUMBER	6.2
SUBJECT	Post-exhibition outcomes: Planning Proposal, draft Development Control Plan and draft Planning Agreement for land at 470 Church Street, Parramatta
REFERENCE	RZ/13/2016 - D06796023
REPORT OF	Project Officer, Land Use Planning
LANDOWNER APPLICANT	Parramatta Investments No.1 Pty Ltd Think Planners Pty Ltd

PURPOSE:

To seek the advice of the Local Planning Panel on the outcome of the public exhibition for the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement for land at 470 Church Street, Parramatta, for Council's consideration.

RECOMMENDATION

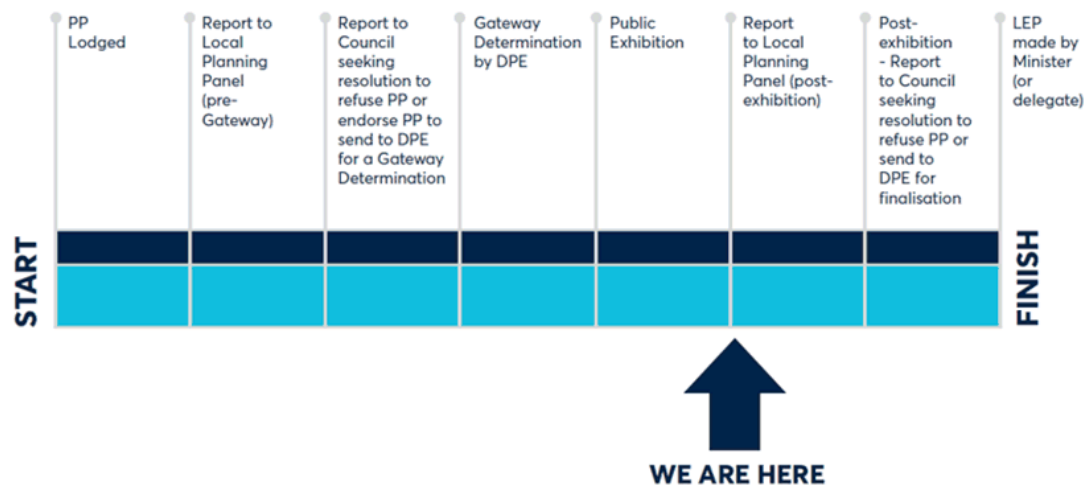
That the Local Planning Panel consider the following Council staff recommendation in its advice to Council:

- (a) **That** Council receives and notes the submissions made during the public exhibition of the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement, summarised and addressed at **Attachment 1**.
- (b) **That** Council endorse the Planning Proposal provided at **Attachment 2**, which seeks to increase the maximum floor-space ratio (FSR) from 3:1 to 6:1 and increase the maximum building height from 24m to 80m for land at 470 Church Street, Parramatta, and forward it to the Department of Planning, Industry and Environment for finalisation, but request that the final notification in the Government Gazette only be undertaken once Council confirms that the Planning Agreement has been executed.
- (c) **That** Council endorse for finalisation the site-specific Development Control Plan contained at **Attachment 3** for insertion in Section 4.3.3 – Parramatta City Centre of Parramatta Development Control Plan 2011.
- (d) **That** an advertisement be placed in the local newspaper advising that the site-specific Development Control Plan has been adopted and will come into force on the day the Planning Proposal is finalised and comes into effect.
- (e) **That** Council enter into the Planning Agreement as exhibited at **Attachment 4**.
- (f) **That** the Chief Executive Officer be authorised to sign the Planning Agreement.
- (g) **Further, that** Council authorise the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process, relating to the Planning Proposal, Development Control Plan and Planning Agreement.

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PLANNING PROPOSAL TIMELINE**THE SITE**

1. The subject site is located on the corner of Church and Harold Streets, Parramatta (refer **Figure 1**). The legal description of the site is Lot 1 DP 785930 and the site area is 1,629 square metres. Currently the site contains a five-storey commercial building.

Figure 1 – The subject site outlined in yellow

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2. Under the Parramatta Local Environmental Plan 2011 (PLEP 2011) the site is subject to the following controls:
- Land Use zoning is B4 Mixed Use;
 - Height of Buildings is 24 metres;
 - Floor-space ratio (FSR) is 3:1; and
 - The site is not listed as an item of heritage significance and is not within a heritage conservation area. However, the site is near the Sorrell Street Heritage Conservation Area.

BACKGROUND

3. The Parramatta CBD Planning Proposal was endorsed by Council on 11 April 2016. The CBD Planning Proposal seeks to increase maximum height and maximum floor-space ratio controls for sites within the Parramatta CBD. The CBD Planning Proposal, as endorsed by Council, applies no height limit and a maximum 6:1 FSR (with sliding-scale provisions) to the subject site.
4. A Planning Proposal at 470 Church Street, Parramatta was lodged on 5 July 2016 seeking to increase the maximum height limit from 24 metres to 80 metres and increase the maximum floor space ratio from 3:1 to 6:1. This is to enable the development of a 25-storey mixed-use building. An assessment of the site-specific Planning Proposal against the CBD Planning Proposal is summarised in **Table 1** below.

Table 1 – Comparison of proposed controls

Control	Current Controls	Site-specific Planning Proposal	Current CBD Planning Proposal
Floor-space ratio (FSR)	3:1	6:1	5.6:1*
Height (m)	24m (8 storeys)	80m (25 storeys)	No height control

*This is discussed in more detail under the 'Floor Space Ratio' heading in this report.

5. On 11 January 2017, Council endorsed the Planning Proposal for land at 470 Church Street, Parramatta, for the purpose of obtaining a Gateway Determination from the then Department of Planning and Environment.
6. On 10 March 2017, a Gateway Determination was issued by the then Department of Planning and Environment allowing the Planning Proposal to proceed subject to technical amendments to the Planning Proposal and an analysis of the traffic impacts associated with the increased density controls.
7. A revised Gateway Determination was issued on 4 August 2017 which supersedes the previous Gateway Determination's requirement for an analysis of traffic impacts and applies the reduced car parking rates in accordance with the Parramatta CBD Strategic Transport Study.
8. At its meeting on 13 November 2017, Council resolved, amongst other things:
- That** Council endorse the site-specific Development Control Plan for 470 Church Street, Parramatta, for the purpose of public exhibition.
 - That** a draft Planning Agreement be prepared to reflect the applicant's letter of offer, and that the CEO be authorised to negotiate and finalise the

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legal drafting of the Planning Agreement on behalf of Council for the purposes of public exhibition.

PUBLIC EXHIBITION

9. The Gateway Determination conditioned that eight public agencies be consulted prior to community consultation. From 28 February 2018 to 28 March 2018, the following public agencies were consulted as per the Gateway Determination:
 - Department of Education and Communities;
 - Transport for NSW – Ferries;
 - Transport for NSW – Sydney Trains;
 - Roads and Maritime Services;
 - Department of Infrastructure and Regional Development;
 - Telstra;
 - Sydney Water; and
 - Endeavour Energy.
10. Submissions were received from the Department of Infrastructure and Regional Development, Sydney Water and Transport for NSW. These submissions did not object to the Planning Proposal and no changes to the Planning Proposal were warranted. All public agencies previously invited to submit comments were re-consulted during the public exhibition and their submissions are summarised in Table 1 of **Attachment 1**.
11. Following compliance with the Gateway conditions and final drafting of a draft Planning Agreement, these two plans, together with a draft site-specific Development Control Plan, were publicly exhibited from 13 February 2019 to 15 March 2019.
12. The exhibition comprised of an advertisement in the local newspaper and letters to neighboring landowners including all landowners within the Sorrell Street Heritage Conservation area. The relevant material was placed on the City's website and hard copies were located at the City's Administration Building and Parramatta Central Library.
13. The exhibition material consisted of a copy of the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement and supporting appendices including:
 - The March 2017 Gateway Determination and August 2017 amended Gateway Determination;
 - Urban Context and Design Response Report;
 - Reference Design;
 - Traffic Report;
 - Pre-exhibition agency responses from Sydney Water, the Department of Infrastructure and Regional Development and Transport for NSW; and
 - Council Officer Assessment reports to the Local Planning Panel and Council.

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14. A total of 25 submissions were received during public exhibition. This includes seven submissions from public agencies identified in the Gateway Determination, 15 submissions from community members, one submission from the National Trust, and one consolidated submission from Council's Heritage Advisory Committee.
15. A summary of all submissions and Council Officer responses is provided at **Attachment 1**.

SUBMISSION SUMMARY AND RESPONSE

Agency Submissions

16. Seven of the eight public agencies consulted as a condition of the Gateway Determination made a submission. However, none of the submissions made by these agencies objected to the Planning Proposal, draft Development Control Plan or Planning Agreement. Most of the issues raised are those able to be addressed at Development Application stage. Issues identified by public agencies which can be addressed at a strategic planning level are summarised in **Table 2** below.

Table 2 – Strategic Planning issues identified in public agency submissions

Submission	Council Officer Response
<u>Transport for NSW (TfNSW)</u> <i>This submission forms a consolidated response from Sydney Trains, Sydney Ferries and Parramatta Light Rail</i> <ul style="list-style-type: none"> • Driveway access from Church Street should be avoided • No objections are made on the basis that maximum car parking rates are applied to the site consistent with Council's resolution on April 2017 	<p>The site-specific Development Control Plan locates driveway access along Harold Street. This mitigates any potential impacts of the development on the construction and operation of Parramatta Light Rail.</p> <p>Maximum car parking rates have been applied in accordance with the Parramatta Strategic Transport Study which was endorsed by Council in April 2017.</p>
<u>Roads and Maritime Services (RMS)</u> <ul style="list-style-type: none"> • Prior to finalisation the proposal should be reviewed having regard to the mesoscopic modelling undertaken for the Parramatta CBD Planning Proposal. The review should include confirmation of the appropriate site-specific gross floor area in the context of the cumulative traffic impacts of increased density controls across the CBD. • The parking rates suggested in the Traffic Report prepared in support of the subject Planning Proposal do not reflect Council's recommended maximum CBD parking rates and should be amended. 	<p>The request to consider the CBD Planning Proposal Mesoscopic modelling is inconsistent with the arrangement put in place following discussions involving Council Officers and State Government Transport Agencies. It was agreed that site-specific Planning Proposals would be permitted to proceed to finalisation ahead of completion of the CBD Planning Proposal Mesoscopic modelling subject to the car parking rates endorsed by Council in April 2017 being applied. These rates provide for a low level of car parking provision taking a precautionary approach to limit vehicular use of the site. This is acknowledged in the Transport for NSW submission.</p> <p>The Planning Proposal document takes precedence over the supporting studies and addresses the issues identified by RMS.</p>

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National Trust submission

17. The National Trust was not included as one of the public agencies requiring consultation as part of the Gateway Determination. However, a late submission was made objecting to the Planning Proposal. A summary and response to the submission is provided in **Table 3** below.

Table 3 – Summary and response to the National Trust's submission

Submission	Council Officer Response
<ul style="list-style-type: none"> • The Minister of Planning and Open Space is seeking to extinguish rights to a 'spot rezoning' • The existing planning controls already establish uniformity along Church Street • There is no analysis of the cumulative impact on neighbouring heritage items • It is poor planning practice to site high-rise development directly adjoining heritage conservation areas • The 15% design excellence bonus is excessive and height and FSR controls are already too high • The National Trust strongly objects to this Planning Proposal on heritage grounds 	<p>The announcement made by the Minister of Planning and Open Space is not a formal policy change and cannot be interpreted as one until legislation is amended or a formal Ministerial direction is issued. Nonetheless, this Planning Proposal is consistent with the controls proposed under the Parramatta CBD Planning Proposal which has received a Gateway Determination from the then Department of Planning and Environment.</p> <p>The existing planning controls along Church Street are subject to change under the CBD Planning Proposal, with a proposed uniform FSR of 6:1 between the Parramatta River and Isabella Street to the north.</p> <p>The subject site does not directly adjoin a heritage item or a heritage conservation area. A Heritage Study completed in preparation of the CBD Planning Proposal identified the proposed controls for this site as appropriate and that a height transition be applied from the subject site to the Sorrell Street Conservation Area. A further Heritage Study of Interface Areas was commissioned which reviewed the impacts of the CBD Planning Proposal on areas of heritage significance. The study recommended changes to the proposed height and FSR controls on several sites and did not stipulate the requirement for a height transition model. The proposed controls at the subject site were deemed appropriate from a heritage perspective and were not amended. Thus both Heritage Studies completed in preparation of the CBD Planning Proposal deemed the proposed controls for the subject site to be appropriate.</p> <p>High-rise development directly adjoining heritage items are common within the City of Sydney and the Heritage Study of Interface Areas lists several cases. The focus of the site-specific Development Control Plan is on ensuring that the development respects the rhythm of the street, the subdivision and setback patterns, and exhibits design excellence.</p> <p>Design Excellence provisions, which are already provided for in Clause 7.10 of the Parramatta LEP 2011, are a mechanism to ensure that the highest standard of architectural and environmental design is achieved, and is necessary for all developments in the Parramatta CBD over 40m in height. The 15% bonus is deemed acceptable as it does not undermine the objectives of the height of building and floor-space ratio controls in the current Parramatta LEP 2011.</p> <p>The objection is noted.</p>

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Community Submissions

18. 15 submissions were made by members of the community, including a detailed report prepared by a planning consultant on behalf of the landowner. Common key issues have arisen during the exhibition period and are summarised in **Table 4** below.

Table 4 – Summary and responses to Community Submissions

Key Issue	Council Officer response
Parking <i>Parking matters are raised in 7 of the 15 submissions.</i> <ul style="list-style-type: none"> The amount of car parking proposed is insufficient given the number of units and average car ownership rates The reduced car parking rates will put a strain on on-street car parking No visitor spaces have been provided 	<p>The car parking rates proposed are in accordance with the Parramatta CBD Strategic Transport Study. This study was conducted as a response to the CBD Planning Proposal whereby reduced car parking rates were deemed necessary to support increased density in the CBD and to mitigate congestion on local roads. Moreover, the reduced rates encourage alternative modes of transport to be used to access the Parramatta CBD. The delivery of Parramatta Light Rail and plans for Sydney Metro demonstrate a whole of government approach to addressing transport issues for the Parramatta CBD.</p> <p>Council has the capacity to monitor and enforce the efficient use of on-street car parking. The reduced car parking rates are necessary to mitigate congestion on local roads.</p> <p>The CBD Strategic Transport Study has not included visitor car parking spaces as a requirement.</p>
Traffic <i>Traffic matters are raised in 8 of the 15 submissions.</i> <ul style="list-style-type: none"> The increased density will exacerbate traffic in the already congested area The increase traffic will impact upon amenity Increased traffic will have to contend with the Parramatta Light Rail 	<p>The Parramatta CBD Planning Proposal, as adopted by Council, responds to the State Government's strategy of evolving Parramatta to be Sydney's Central City, with the proposed controls planning for a denser CBD. The Parramatta Strategic Transport Study was completed in collaboration between Council, Transport for NSW and Roads and Maritime Services, and provides a high-level assessment of strategic issues and needs for transport infrastructure as a result of anticipated development. The study seeks to encourage other modes of transport while managing local road networks and traffic congestion within the CBD and surrounds. Lower car parking rates, the provision of Parramatta Light Rail, Sydney Metro West and more busses are all solutions that are being pursued by Council and the NSW Government to align with the findings of the study.</p> <p>It is acknowledged that increased density will increase pedestrian and vehicular activity in the area. However, this is consistent with the strategy to develop Parramatta as Sydney's Central City.</p> <p>Parramatta Light Rail will provide links from the subject site to the Parramatta CBD, Westmead health precinct and Carlingford. It is expected that the Light Rail will reduce car dependency by encouraging public transport use.</p>

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Key Issue	Council Officer response
<p>Heritage <i>Heritage matters are raised in 13 of the 15 submissions.</i></p> <ul style="list-style-type: none"> The proposal is unsuitable given its proximity to a Heritage Conservation Area A suitable Heritage Height transition model should be implemented CBD Planning Proposal controls will create a western wall on the Sorrell Street conservation area Heritage values and view corridors would be undermined under the proposed controls 	<p>Two separate heritage studies have accompanied the CBD Planning Proposal, with both studies reviewing the proposed controls for this site. The first Heritage Study completed by Urbis is consistent with <i>The Australia ICOMOS Burra Charter for Places of Cultural Significance 2013</i>. The study assessed and made recommendations on potential planning controls proposed under the CBD Planning Proposal and identified the proposed controls for this site as appropriate. The study also recommended that a height transition be applied from the subject site to the Sorrell Street Conservation Area. However, as the site does not directly adjoin the conservation area, the height transition model does not apply to this site.</p> <p>Council commissioned a further Heritage Study Interface Areas in preparation of the CBD Planning Proposal that examined the proposed planning controls for areas in close proximity to heritage conservation areas – including the Sorrell Street Conservation Area. The study did not deem the proposed controls for 470 Church Street as inappropriate and thus no amendments were made. In addition, this study did not stipulate the requirement for a height transition model.</p> <p>Both heritage studies raise no objection to the proposed controls for this site.</p> <p>As identified in Section 4.3.3.4 of the Parramatta DCP, the subject site is affected by Heritage View Corridor 8 – ‘Views from Mays Hill across Parramatta’s City Centre to distant hills’. In assessing the proposed controls of the CBD Planning Proposal, the Heritage Study stated that potential impacts to the long distance views from Mays Hill are considered reasonable and it is noted that some multistorey development is already apparent in this view, particularly within the CBD south of the river.</p>
<p>Overshadowing <i>Overshadowing matters are raised in 8 of the 15 submissions.</i></p> <ul style="list-style-type: none"> Proposed building heights will overshadow adjoining heritage conservation and low-density areas A cumulative study of overshadowing impacts on the Sorrell Street conservation area needs to be considered by Council Heritage values are undermined by overshadowing 	<p>The proposed height will likely result in additional shadowing of heritage items located east of the subject site, particularly the Sorrell Street Conservation Area. However, these impacts are considered acceptable given the location of the subject site and heritage items in a CBD context.</p> <p>Council has prepared an overshadowing analysis for the Parramatta CBD which examined the cumulative overshadowing impacts of the CBD Planning Proposal. Land parcels in the Sorrell Street Heritage Conservation Area could meet the minimum two-hour threshold for sunlight access between 9am and 3pm on 21 June.</p> <p>The Heritage Study of Interface Areas did not identify the proposed controls for 470 Church Street as needing to be amended or that the proposed height would cast an unacceptable level of overshadowing.</p>

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Key Issue	Council Officer response
<p>Amenity <i>Amenity matters are raised in 10 of the 15 submissions.</i></p> <ul style="list-style-type: none"> The proposal is not in character with the existing neighbourhood There is already insufficient parks and open space in the area to meet demand Utility agencies have not confirmed that current infrastructure can meet demand Sharp height increase will create privacy problems 	<p>The Parramatta CBD Planning Strategy envisions Parramatta as Australia's next great city and thus proposes new controls throughout an expanded CBD boundary. It is anticipated that areas within and in close proximity to the boundary will experience change as the city develops and densifies.</p> <p>Council acknowledges that the provision of open space is in demand, particularly as the city densifies. For that reason, the monetary contribution to be received by the Planning Agreement will be spent on the upgrade and/or delivery of new public open space in the Parramatta CBD. Planning for open space and supportive local infrastructure is being undertaken as part of an Infrastructure Needs Analysis Study to assess infrastructure needs as a result of increased development.</p> <p>Sydney Water, Telstra and Endeavour Energy have been consulted as part of this Planning Proposal and as part of the CBD Planning Proposal. No concerns have been identified in regards to the capacity to meet water, sewerage, electricity and drainage requirements for this site and this will be further refined at Development Application stage. Moreover, Sydney Water's and Endeavour Energy's respective Growth Servicing Plans take into account the future capacity demand by the growing Parramatta CBD.</p> <p>The Parramatta CBD is establishing itself at the centre of Sydney's "Central City", consistent with both the NSW Government strategy and with the direction of the Central City District Plan. It is anticipated that the greater density and population increase will result in a more active and vibrant urban character. Increased height controls do increase the potential for overlooking, however, a design response such as privacy screens, highlight windows, etc. can be enforced via a Development Application to ensure adequate privacy in a more dense environment.</p>
<p>CBD Planning Proposal <i>CBD Planning Proposal matters are raised in 4 of the 15 submissions.</i></p> <ul style="list-style-type: none"> The controls proposed by the CBD Planning Proposal have not undergone community consultation and have not been finalised The proposed controls are an overdevelopment of the area 	<p>The Parramatta CBD Planning Proposal, as adopted by Council, responds to the State Government's and the Greater Sydney Commission's strategy for Parramatta to become Sydney's Central City, and seeks to apply planning controls that foster the commercial and residential growth in Parramatta's CBD.</p> <p>The CBD Planning Proposal has received a Gateway Determination from the then Department of Planning and Environment and following the resolution of several conditions – will be publicly exhibited. This site-specific Planning Proposal, while consistent with the CBD Planning Proposal, is being assessed on its own and has undergone its own public exhibition.</p> <p>Council has commissioned several high-level studies in drafting the CBD Planning Proposal which seek to ensure an optimal planning outcome is achieved as the Parramatta CBD evolves. The controls sought under this site-specific Planning Proposal are consistent with those proposed under the CBD Planning Proposal. Sufficient analysis has been conducted to ensure that the proposed controls are suitable and are not an overdevelopment of the area.</p>

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Key Issue	Council Officer response
<p>Fairness <i>Fairness matters are raised in 11 of the 15 submissions.</i></p> <ul style="list-style-type: none"> Other development in the area have not been awarded such an uplift Increase in height and FSR controls is excessive The proposal is not in the public interest 	<p>Planning controls cannot deliver the same controls to all sites. The CBD Planning Proposal seeks to implement a strategy where density and height are located appropriately. The extension of the CBD with increases in FSR and height north along Church Street recognises that the street is already a mixed-use zone and seeks to leverage off Light Rail to maximise the number of people with access to improved public transport and other facilities. The CBD Planning Proposal will apply similar controls to other sites in the immediate vicinity (along Church Street between the Parramatta River and Isabella Street). Development Applications which have previously been lodged have been assessed under the Parramatta LEP 2011 controls.</p> <p>The proposed height and FSR controls are consistent with the studies conducted in the preparation of the CBD Planning Proposal. Moreover, the Heritage Study of Interface Areas conducted following the release of the proposed controls did not identify any changes to be made on the subject site.</p> <p>The Central City District Plan, has identified Parramatta as Sydney's Central City and has targets in relation to the City's productivity, livability and sustainability. The NSW Government has since committed to significant investments in transport, education and health infrastructure to meet projected demand. Council's CBD Planning Proposal seeks to realise the vision of Parramatta's Sydney's Central City. The then Department of Planning and Environment has since granted a Gateway Determination to the CBD Planning Proposal. This Planning Proposal aligns with the strategic direction established in State Government and Council policies.</p>

19. Council's heritage advisory committee also issued a submission expressing concern over the heritage impacts of this proposal and the adjacent Planning Proposal at 23-27 Harold Street, Parramatta. These concerns have been addressed in 'Heritage' in **Table 4** above, and in Point 2 of **Attachment 5**.

FLOOR SPACE RATIO

20. The current Parramatta LEP 2011 and the CBD Planning Proposal contain provisions that adjust the maximum floor-space ratio control, dependent on the size of the development parcel. The sliding-scale scheme proposed as part of the CBD Planning Proposal results in a smaller 'reduction' of the mapped FSR when compared to the current Parramatta LEP 2011 sliding-scale. For example, the application of the current Parramatta LEP 2011 sliding-scale for the subject site would reduce the effective FSR to 5.5:1, whereas the CBD Planning Proposal sliding-scale would reduce the effective FSR to 5.6:1.
21. The purpose of a sliding-scale for FSR is to control density on small sites and to encourage amalgamation. If effect, the FSR sliding-scale promotes the orderly development of sites and results in better urban design outcomes as the need for blank walls to achieve compliant building separation is not required.

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22. The then Department of Planning and Environment issued a Gateway Determination for the CBD Planning Proposal on 13 December 2018. The Gateway Determination conditioned that the CBD Planning Proposal be amended so that an alternate FSR sliding-scale be applied instead of the sliding-scale regime previously endorsed by Council when it proceeded with the CBD Planning Proposal.
23. Council at its meeting on 22 July 2019 resolved to accept the FSR sliding-scale proposed in the Gateway Determination and to not proceed with the alternative sliding-scale as previously adopted in support of the CBD Planning Proposal.
24. An FSR sliding-scale reduces the effective FSR from the mapped FSR on sites which are below a certain lot size threshold. **Table 5** below compares the effect of different FSR sliding-scales for the subject site, assuming that the site will have a mapped FSR of 6:1 and that the site area is 1,629 square metres.

Table 5 – Comparison of FSR sliding-scales for the subject site

	Parramatta LEP 2011 sliding-scale	Previous CBD Planning Proposal sliding-scale	Current CBD Planning Proposal sliding-scale
Effective Floor-space ratio (FSR)	5.5:1	6:1	5.6:1

25. For sites mapped with an incentive FSR of 6:1, the current Council endorsed FSR sliding-scale reduces the effective FSR on sites smaller than 1,800 square metres. However, when this site-specific Planning Proposal was endorsed for Gateway by Council and when the Gateway Determination was issued for this site-specific Planning Proposal the sliding-scale endorsed by Council only applied to sites smaller than 1,300 square meters (or 1,600 square metres for sites mapped with 10:1 FSR). The subject site-specific Planning Proposal was assessed when this sliding-scale was in operation which allowed this site an FSR of 6:1.
26. Under the current Council-endorsed FSR sliding-scale, the effective FSR that applies to the subject site is 5.6:1. As inferred from the applicant's reference design, the implementation of this sliding-scale would reduce the number of storeys from 20 to 17.
27. Given the difference in effective FSR, Council has two options:
 - a. First, it can maintain its previous resolution to support an FSR of 6:1 on the site without the application of the FSR sliding-scale. This will require the Planning Proposal to contain a site-specific clause to exclude the application of the FSR sliding-scale.
 - b. Alternatively, Council can apply the sliding-scale. This will require an amendment to the Planning Proposal so that the proposed Parramatta CBD Planning Proposal sliding-scale applies, resulting in an FSR of 5.6:1.

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28. The purpose of a sliding-scale for FSR is to control density on small sites and to encourage amalgamation. However, there is limited scope for amalgamation due to neighbouring properties being either developed or undergoing their own site-specific Planning Proposal (at 23-27 Harold Street, Parramatta). Moreover, should amalgamation be feasible, the urban design outcome would not be substantially different compared to a scenario where the sites are developed in isolation as the outcome would still be two towers.
29. The first option is recommended as the application of the FSR sliding-scale would not result in a substantially better built form outcome in this instance.

PLANNING AGREEMENT

30. The Chief Executive Officer has negotiated the Planning Agreement in accordance with their delegated authority and the terms set in Council's resolution of 13 November 2017, being 20 per cent of the land value uplift of the site.
31. The Planning Agreement requires a monetary contribution of \$733,050.00, which is to be used towards public domain improvements within the Parramatta CBD. The Planning Agreement is consistent with Council's adopted Planning Agreements Policy.

SITE-SPECIFIC DEVELOPMENT CONTROL PLAN

32. The site-specific Development Control Plan, as endorsed by Council on 17 November 2017, contains site-specific provisions and has been drafted in order to address the recommendations made by Council's Urban Design and Heritage Officers in relation to:
- Building setbacks and transition to heritage conservation area;
 - Podium heights;
 - Internal amenity of units;
 - Quantity of commercial floor space in the podium and its usability;
 - Parking in the podium; and
 - Vehicular access point.

RECOMMENDED ACTIONS

33. The Planning Proposal is consistent with the objectives of the Parramatta CBD Planning Proposal and has undergone the required public consultation as conditioned in the Gateway Determination. Submissions raised during the public exhibition have been addressed and it is recommended the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for finalisation.
34. It is also recommended that Council adopt the associated site-specific Development Control Plan and Planning Agreement and advise the Department the final notification in the Government Gazette only be undertaken once Council confirms that the Planning Agreement has been executed.
35. Council's decision on the site-specific Development Control Plan will be notified in local newspapers and will commence when the LEP commences.

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36. Should the Local Planning Panel endorse the recommendations of this report, the outcomes of the exhibition period for this Planning Proposal will be reported to Council at an upcoming Council meeting.

FINANCIAL IMPLICATION FOR COUNCIL

37. The Planning Agreement requires a monetary contribution in the amount of \$733,050.00 to be applied towards upgrades and delivery of new public domain and open spaces in the Parramatta CBD.

Marko Rubcic
Project Officer Land Use Planning

Robert Cologna
Team Leader Land Use Planning

Jonathon Carle
Land Use Planning Manager

Jennifer Concato
Executive Director City Strategy and Development

ATTACHMENTS:

- 1 Summary of all submissions
- 2 Planning Proposal for 470 Church Street Parramatta
- 3 Draft Development Control Plan
- 4 Draft Planning Agreement
- 5 Response to key submission themes

REFERENCE MATERIAL

FOR ACTION

LOCAL PLANNING PANEL

20/08/2019

TO: Project Officer, Land Use Planning (Rubcic, Marko)

Subject: Post-exhibition outcomes: Planning Proposal, draft Development Control Plan and draft Planning Agreement for land at 470 Church Street, Parramatta
Target Date: 19/09/2019
Notes:
File Reference: <FOLDERNUMBER> D06796023

DETERMINATION

That the Local Planning Panel provides the following advice and recommendation to the Council:

- (a) **That** Council receives and notes the submissions made during the public exhibition of the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement, summarised and addressed at **Attachment 1**.
- (b) **That** Council endorse the Planning Proposal provided at **Attachment 2**, which seeks to increase the maximum floor-space ratio (FSR) from 3:1 to 5.6:1 which is applying the FSR sliding scale and increase the maximum building height from 24m to 80m for land at 470 Church Street, Parramatta, and forward it to the Department of Planning, Industry and Environment for finalisation, but request that the final notification in the Government Gazette only be undertaken once Council confirms that the Planning Agreement has been executed.
- (c) **That** Council endorse for finalisation the site-specific Development Control Plan contained at **Attachment 3** for insertion in Section 4.3.3 – Parramatta City Centre of Parramatta Development Control Plan 2011. Subject to a review of the built form controls particularly those relating to podium levels and set backs on Harold Street. Specifically the Panel suggest that the maximum street wall height to both Church Street and Harold Street be limited to two storeys or 7 metres, this is based on the Panel's consideration of the site's location in close proximity to the valued heritage conservation area.
- (d) **That** Council enter into the Planning Agreement as exhibited at **Attachment 4**, following any consequential amendments.
- (e) **That** the Chief Executive Officer be authorised to sign the Planning Agreement.
- (f) **Further, that** Council authorise the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process, relating to the Planning Proposal, Development Control Plan and Planning Agreement.

The decision of the Panel Members was unanimous.

Note: David Lloyd QC declared a perceived conflict of interest and did not take part in the discussion nor vote on this Planning Matter.

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Submissions Table

Table 1 - Agency Submissions

Submission	Council Officer Response
Sydney Water <ul style="list-style-type: none"> Existing water main located along Church Street has adequate capacity to service the proposed development Existing sewer main on the site will service this development Detailed requirements will be provided when the proponent applies for a Section 73 Certificate prior to Development Application stage 	<p>Council notes this submission. Sydney Water's concurrence will be required at Development Application stage.</p> <p>As per Sydney Water's advice, the applicant is advised to make an early application for a Section 73 Certificate.</p>
Transport for New South Wales <p><i>This submission forms a consolidated response from Sydney Trains, TfNSW Ferries and Parramatta Light Rail</i></p> <ul style="list-style-type: none"> No objections are made on the proposal on the basis that maximum car parking rates are applied to the site consistent with the resolution of Council on April 2017. Future Development Applications should consider the Department of Planning's Guidelines for development near busy roads and railways. The site is in proximity to the future Fennell Street Light Rail stop which will feature side platforms along Church Street and new signalised pedestrian crossings 	<p>Maximum car parking rates have been applied in accordance with the Parramatta Strategic Transport Study which was endorsed by Council in April 2017.</p> <p>Council notes this submission. These matters will be discussed at Development Application stage.</p> <p>Council notes this information and it will be considered at Development Application stage.</p>

<ul style="list-style-type: none"> • Intersection controls at Church Street and Harold Street are to remain the same under PLR operations • Removal of the left-turn into Church Street from Fennell Street (west) to accommodate stop arrangements would require alternative access routes – likely to be a combination of Villiers and Harold Streets to connect with Church Street to the north • Land opposite the subject site on Church Street is proposed use as a compound site during PLR construction • Driveway access from Church Street should be avoided 	<p>The site-specific Development Control Plan locates driveway access along Harold Street. This mitigates any potential impacts of the development on the construction and operation of Parramatta Light Rail.</p>
<p>Department of Infrastructure and Regional Development</p> <ul style="list-style-type: none"> • This development will not protrude into the prescribed airspace for Bankstown Airport • The proponent of this development should continue to advise Bankstown Airport of the planned final height of the building as well as any associated crane activities at Development Application stage 	<p>Council notes this submission. Bankstown Airport's concurrence will be sought at Development Application and construction stages.</p>
<p>Telstra</p> <ul style="list-style-type: none"> • Whilst Telstra's existing network is currently not sufficient to meet the likely demand of this development, no objection is raised to the change of zoning for this land as Telstra are planning to upgrade their infrastructure in response to the Parramatta CBD growth. • Telstra will require the protection of its telecommunications infrastructure that may be impacted by activities to the site. 	<p>Council notes this submission and recognises that telecommunication infrastructure may need to be upgraded as the CBD develops. Matters regarding the protection/relocation of Telstra infrastructure will be discussed at Development Application stage.</p>

<p>Endeavour Energy</p> <ul style="list-style-type: none"> • The new development will result in a substantial increase in electrical load and require the developers to extend and augment the 11kv high voltage to facilitate connection as per Endeavour Energy's normal customer connection process. • Provisions will need to be made for a replacement/upgraded indoor substation. Possible upgrading of the 11kv high voltage feeders and measures should also be put in place to enable ongoing supply while the upgrades are undertaken. 	<p>Council notes this submission. Endeavour Energy's comments have been provided to the applicant and these matters will be discussed at Development Application stage.</p>
<p>Roads and Maritime Services</p> <ul style="list-style-type: none"> • Prior to finalisation the proposal should be reviewed having regard to the mesoscopic modelling undertaken for the Parramatta CBD Planning Proposal. The review should include confirmation of the appropriate site-specific gross floor area in the context of the cumulative traffic impacts of increased density controls across the CBD. • The parking rates suggested in the Traffic Report prepared in support of the subject planning Proposal do not reflect Council's recommended maximum CBD parking rates and should be amended. • The Traffic Report and Urban Design Study make no reference to the Parramatta Light Rail. 	<p>The request to consider the CBD Planning Proposal Mesoscopic modelling is inconsistent with the arrangement put in place following discussions involving Council Officers and State Government Transport Agencies. It was agreed that site-specific Planning Proposals would be permitted to proceed to finalisation ahead of completion of the CBD Planning Proposal Mesoscopic modelling subject to the car parking rates endorsed by Council in April 2017 being applied. These rates provide for a low level of car parking provision taking a precautionary approach to limit vehicular trip generation and promote other forms of transport. This is acknowledged in the Transport for NSW submission.</p> <p>The Planning Proposal document takes precedence over the supporting studies and addresses the issues identified by RMS.</p>

<ul style="list-style-type: none"> The Traffic Report makes reference to the Western Sydney Light Rail Network Feasibility Study (Castle Hill to Parramatta) which is contrary to the Light Rail being delivered. 	
<p>National Trust</p> <ul style="list-style-type: none"> The Minister of Planning and Open Space is seeking to extinguish rights to a 'spot rezoning' The existing planning controls already establish uniformity along Church Street The FSR increase undermines Church Street's capacity to become a Parisian-style grand northern entry boulevard There is no analysis of the cumulative impact on neighbouring heritage items 	<p>The announcement made by the Minister of Planning and Open Space is not a formal policy change and cannot be interpreted as one until legislation is amended or a formal Ministerial direction is issued. This 'spot rezoning' is consistent with the controls proposed under the Parramatta CBD Planning Proposal which has received a Gateway Determination from the Department of Planning and Environment.</p> <p>Planning controls are not devised to apply a uniform control across all sites, as contextual differences such as proximity to transport, heritage impacts, amenity and desired future character all influencing the planning controls which are applied. The existing planning controls along Church Street are subject to change under the CBD Planning Proposal, with a FSR of 6:1 to apply between the Parramatta River and Isabella Street to the north.</p> <p>The Parramatta CBD Planning Strategy envisions a CBD that expands to the north along Church Street and features tall, slender towers, rather than a Parisian-style boulevard.</p> <p>The subject site does not directly adjoin a heritage item or a heritage conservation area. A Heritage Study completed in preparation of the CBD Planning Proposal identified the proposed controls for this site as appropriate and that a height transition be applied to sites between the subject site and the Sorrell Street Conservation Area. A further Heritage Study of Interface Areas was commissioned which reviewed the impacts of the CBD Planning Proposal on areas of heritage significance. The study recommended changes to the proposed height and FSR controls on several sites and did not stipulate the requirement for a height transition model for land adjoining the Sorrell Street conservation area. The proposed controls</p>

<ul style="list-style-type: none"> • It is poor planning practice to site high-rise development directly adjoining heritage conservation areas • Impacts on heritage are against the objectives of the Greater Sydney Region Plans • The 15% design excellence bonus is excessive and height and FSR controls are already too high • The National Trust strongly objects to this Planning Proposal on heritage grounds 	<p>at the subject site were deemed appropriate from a heritage perspective and were not amended. Thus both Heritage Studies completed in preparation of the CBD Planning Proposal deemed the proposed controls for the subject site to be appropriate.</p> <p>Refer to Point 2 – Heritage in Attachment 5 for a more detailed discussion.</p> <p>High-rise development directly adjoining heritage items are common within the City of Sydney and the Heritage Study of Interface Areas lists several cases. The proposed height control for the subject site was not identified as needing to be amended and focus in the site-specific Development Control Plan is on ensuring that the development respects the rhythm of the street, the subdivision and setback patterns, and exhibits design excellence.</p> <p>This site-specific Planning Proposal has been assessed against all relevant objectives in both the wider Greater Sydney Regional Plan and the Central City District Plan. Council's assessment of the Planning Proposal against both strategic plans was reviewed by the Department of Planning and Environment. A Gateway Determination was issued to allow that CBD Planning Proposal to proceed to public exhibition.</p> <p>Design Excellence provisions, which are already provided for in Clause 7.10 of the Parramatta LEP 2011, are a mechanism to ensure that the highest standard of architectural and environmental design is achieved, and is necessary for all developments in the Parramatta CBD over 55m in height. The 15% bonus is deemed acceptable as it does not undermine the objectives of the height of building and floor-space ratio controls in the current Parramatta LEP 2011.</p> <p>The objection is noted. However, the heritage studies undertaken by Council suggest that development proposal is acceptable from a heritage viewpoint.</p>
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Table 2 - Community Submissions

<p>Submission 1</p> <p>Neighbouring unit blocks have not received the same uplift which the applicant is seeking</p> <p>The doubling of permitted FSR is excessive and unfair</p> <p>The increase in height will excessively overshadow neighbouring buildings</p> <p>The proposed development, together with Light Rail, will increase traffic in the area and make it harder to find parking</p> <p>No visitor parking spaces are proposed which increases the need for on-street parking</p>	<p>Planning controls cannot be applied uniformly across all sites as contextual differences such as proximity to transport, heritage impacts, amenity and desired future character all influencing the planning controls which are applied. The uplift sought by this applicant is generally consistent with the controls proposed under the Parramatta CBD Planning Proposal. Thus following the gazettal of the CBD Planning Proposal, most blocks along the Church Street corridor north of the Parramatta River will have an FSR of 6:1 subject to sliding scale provisions.</p> <p>Council exhibited the CBD Planning Strategy which outlined Council's vision for the Parramatta CBD, consistent with the visions of both the NSW Government and the Greater Sydney Commission. Following consideration of all submission received, the Parramatta CBD Planning Proposal was drafted with the content guided by several supporting studies. The CBD Planning Proposal was subsequently adopted by Council in April 2016 and received a Gateway Determination from the Department of Planning and Environment in December 2018. Given the alignment with broader State Government strategies and the infrastructure proposed, in particular light rail, the density is not considered excessive.</p> <p>Refer to Point 3 – Overshadowing in Attachment 5.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p> <p>The Strategic Transport Study does not mandate that visitor car parking spaces be provided. The applicant may elect to provide visitor car parking spaces at Development Application stage, but the total number of spaces cannot be in excess of the rates stipulated in this Planning Proposal.</p>
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<p>Submission 2</p> <ul style="list-style-type: none"> Proposed building height leads to overshadowing of historic buildings View corridors in the conservation area will be obstructed Reduced car parking will impact already crowded streets 	<p>Refer to Point 2 – Heritage and Point 3 – Overshadowing, in Attachment 5.</p> <p>As identified in Section 4.3.3.4 of the Parramatta DCP, the subject site is affected by Heritage View Corridor 8 – 'Views from Mays Hill across Parramatta's City Centre to distant hills'. In assessing the proposed controls of the CBD Planning Proposal, the Heritage Study stated that potential impacts to the long distance views from Mays Hill are considered reasonable and it is noted that some multi-storey development is already apparent in this view, particularly within the CBD core south of the river. The draft site-specific DCP ensures that the built form outcome includes slender tower forms with adequate separation, allowing for views between the towers and limiting visual bulk. In addition, the Heritage Interface Study did not identify any issues with the proposed height of buildings control for this site.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p>
<p>Submission 3</p> <ul style="list-style-type: none"> 25 Stories is excessively high for a site near a Heritage Conservation Area (Sorrel Street) The development is not in character of the surrounding area The amount of car parking is inadequate and there is already inadequate street-side parking There is not enough parks and open space in the surrounding area to meet the increased population 	<p>Refer to Point 2 – Heritage in Attachment 5.</p> <p>As the Parramatta CBD develops, it is inevitable that the character of Parramatta and surrounds will be subject to change. An increased population and greater street activity will result in a more urban character typical of a CBD and higher density precincts. This future character change is inevitable if the strategies adopted by the NSW Government, the Greater Sydney Commission and Council are going to be pursued.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p> <p>Refer to Point 4 – Amenity in Attachment 5.</p>

<p>Submission 4</p> <ul style="list-style-type: none"> • The proposed size and height are excessive for the existing area • The proposal will worsen traffic in the area • Proposed building will overshadow adjoining low-density houses and impact quality of life • The proposal will increase noise, exacerbate drainage problems and impact on privacy • The proposal is unsuitable given its proximity to the heritage conservation area • The proposal is not in the public's interest 	<p>The proposed controls are consistent with the Council-endorsed Parramatta CBD Planning Proposal which followed from a comprehensive study of urban design outcomes, flood risk management, economic feasibility, heritage interfaces, traffic modelling, sustainability and more. Through these, it was determined that the proposed height and FSR controls are appropriate.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p> <p>Refer to Point 3 – Overshadowing in Attachment 5.</p> <p>Issues pertaining to noise and privacy will be considered at Development Application stage where compliance with State Environmental Planning Policy 65 (Apartment Design Guide) and other provisions in both the Parramatta and the site-specific DCP will be necessary to ensure that acoustic impacts and privacy standards are achieved.</p> <p>The subject site is not identified as flood prone and matters regarding drainage and stormwater flow will be considered at Development Application stage. Similarly, Sydney Water has been consulted as part of this exhibition and no objection was raised. The applicant will be required to lodge a Section 73 certificate prior to Development Application stage to ensure that their development satisfies water, wastewater and stormwater service requirements.</p> <p>Refer to Point 2 – Heritage in Attachment 5.</p> <p>The CBD Planning Proposal aligns with the objectives of the Central City District Plan of creating liveable, productive and sustainable cities and as such, the Department of Planning and Environment was satisfied in its decision to issue a Gateway Determination for the CBD Planning Proposal. The CBD Planning Proposal will be publicly exhibited following the completion of Gateway conditions. All submissions will be considered before a final decision is made by Council. Similarly, this site-specific Planning Proposal is being publicly exhibited to gauge the community's response to the proposed amended controls and is being reported to both the Local planning Panel and Council. Given the Planning Proposal is implementing State Government</p>
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	and Council's planning policy, it is considered the proposal will make a positive contribution to address the desired planning outcomes.
Submission 5 <ul style="list-style-type: none"> The Heritage height transition model adopted by Council is not in the public's interest Proposal undermines the Heritage Conservation Area Western side of Sorrel Street will be flanked by tall buildings which excessively overshadow the Conservation area State and Local Government do not have the capacity to improve amenities such as schools, parking and open space The proposed increase to North Parramatta's population is not supported 	<p>Refer to Point 2 – Heritage in Attachment 5.</p> <p>Refer to Point 3 – Overshadowing in Attachment 5.</p> <p>Significant investments have been announced to improve transport, education and health infrastructure in Parramatta. Refer to Point 4 – Amenity in Attachment 5 for a more detailed discussion.</p> <p>The Central City District Plan underpins strategic planning across the Sydney Metropolitan Area and has identified Parramatta as Sydney's 'Central City'. The NSW Government and Council have adopted this vision and Council's CBD Planning Proposal seeks to apply transformative planning controls across the CBD which seek to support a denser and more urban Parramatta CBD, consistent with the vision. The Parramatta CBD Planning Proposal responds to the Central City District Plan and its 5-year housing target of 21,650 dwellings in order to house the growing population and ensure housing affordability.</p>
Submission 6 <ul style="list-style-type: none"> Exhibited material is insufficient: hardcopy files which can only be accessed at Council Offices, no full scale drawings or 3D models 	<p>The exhibited material is consistent with the statutory obligations under Division 3.4 of the Environmental Planning and Assessment Act 1979. Hardcopy documents were made available at both Council Officers and Parramatta Central Library and the information was made available via Council's website. An advertisement was placed in the Parramatta Advertiser and notification letters were sent to more than 2000 owners and occupiers of properties in the vicinity of the site. Full scale drawings and 3D models are not a statutory obligation and are not required at Planning Proposal stage. These are required at Development Assessment stage where detailed plans are needed for assessment.</p>

<ul style="list-style-type: none"> Community consultation with affected residents is only being undertaken following extensive negotiations between Council and the applicant and only after a Gateway Determination has been issued 	<p>Under Division 3.4 and Schedule 1 of the Environmental Planning and Assessment Act 1979, community consultation for Planning Proposals takes place following a Gateway Determination. As a site-specific Development Control Plan and Planning Agreement are to be applicable to this site, Council Officers did not exhibit the Planning Proposal until the above was completed and ready for exhibition. Moreover, the consultation and exhibition process for this Planning Proposal are consistent with both the 'Guide to preparing Local Environmental Plans' and 'A Guide to preparing Planning Proposals' documents issued by the NSW Department of Planning and Environment.</p>
<ul style="list-style-type: none"> State Government and its agencies have objectives contrary to the safeguarding of local communities interests and heritage Council is set to gain \$750,000 under the Planning Agreement which influences Council's assessment of the proposal 	<p>Council Officers cannot comment on these claims regarding the interests of State Government Agencies. This application can only be assessed against relevant State Government and Council policies.</p> <p>Council's Infrastructure Needs Analysis Study has identified the need for additional funding to support the delivery community infrastructure projects which are required to support Parramatta CBD's growth. In order to ensure transparency, Council has adopted a Planning Agreements Policy which sets value capture rates at \$150 per square metre of residential uplift. This rate has been informed by the Infrastructure Funding Models Study which seeks to ensure that additional development provides resources for Council to deliver additional community infrastructure. The Planning Proposal has also been assessed by the Department of Planning when they issued a Gateway Determination.</p>
<ul style="list-style-type: none"> Council has a conflicting planning strategy between very dense areas and long established heritage buildings 	<p>The interface between high-density areas and surrounding heritage items was examined as part of the Hector Abrahams Study of Heritage Interface Areas. This independent report revised the proposed planning controls where necessary, but identified the proposed controls for this site as suitable. Council has subsequently adopted the recommendations of this independent report.</p>
<ul style="list-style-type: none"> The change in the CBD boundary as per the CBD Planning Proposal needs to be evaluated given the lack of planning consideration and modelling. 	<p>The subject site has always had "Parramatta City Centre" provisions apply to it and would thus have been affected by the CBD Planning Proposal even if the boundaries remained the same. Expanded city-centre boundaries were exhibited at part of the Parramatta CBD Planning Strategy and following the consideration of all submissions, a slightly increased CBD boundary was incorporated into the CBD Planning Proposal. The CBD Planning Proposal has been subject to numerous studies completed both internally and by independent consultants, and received a</p>

<ul style="list-style-type: none"> • Organisational changes to Council and Council Administration impact on the manner in which strategies and developments are considered and progressed and need to be further reviewed • An FSR of 6:1 and a 15% design excellence bonus is inappropriate • Church Street should be developed with significant setbacks and low podiums • The State Government, Council and Utility Companies have not conducted an appropriate audit of their current capacity and do not have the resources to upgrade amenities as the population increases • This Planning Proposal and the adjoining Planning Proposal at 23-27 Harold Street should both be deferred until a cumulative study of both proposals analyses their visual impact, traffic, parking, shadowing, wind tunnelling and community resources demanded and heritage impacts • This Planning Proposal and the adjoining Planning Proposal at 23-27 Harold Street should be reported together 	<p>Gateway Determination from the Department of Planning and Environment based on its expanded boundary.</p> <p>The core principles of the CBD Planning Proposal have received consistent support from different elected Councils. Moreover, the Consultants that were engaged by Council in preparation of the CBD Planning Proposal were not affected by organisational changes to Council and operated independently.</p> <p>The Heritage Interface Study supported the previous Council Resolution which sought to apply an incentive FSR of 6:1 for this site. 15% Design Excellence provisions already apply to this site under Clause 7.10 of the Parramatta LEP 2011. The objective of the bonus is to ensure the highest standard of architectural, urban and landscape design on all sites to which the clause applies.</p> <p>Setbacks more significant than what is proposed are not feasible with the Council endorsed FSR and height controls without compromising on Urban Design outcomes. Proposed tower setbacks are generous and allow for a slender built form. The 4-storey podium is consistent with adjacent new developments and is supported by Council's Urban Design team.</p> <p>Council and State Agencies share the same vision for the Parramatta CBD and are aware of the additional capacity impacts created by the CBD Planning Proposal. Refer to Point 4 – Amenity in Attachment 5 for a more detailed discussion.</p> <p>A Planning Proposal for the adjacent site; 23-27 Harold Street, was lodged prior to this Planning Proposal and by a different landowner. Both Planning Proposals have been assessed against the same criteria, that is, the CBD Planning Proposal and its supporting studies. The CBD Planning Proposal has considered the cumulative impacts of new planning controls across the entire Parramatta CBD, not just the two sites.</p> <p>The Planning Proposals for 470 Church Street and 23-27 Harold Street were lodged at different times by different applicants. There is no statutory obligation to report both Planning Proposals together. Given that a Gateway Determination has been issued,</p>
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	Council is required to consider the responses received from exhibition for each Planning Proposal.
<p>Submission 7</p> <p><u>Exhibition material:</u></p> <ul style="list-style-type: none"> • Provision of exhibition material was insufficient and unprofessional with overt reliance on online files • Exhibition material was insufficient, complex to understand and inaccurate, with no help provided by Council to fully understand the material • No survey plan has been provided • No 3D model has been provided • The Urban Design Report and Reference design are lacking detail, are difficult to interpret, do not show the Planning Proposal at 23-27 Harold Street and contain several errors 	<p>The exhibited material is consistent with the statutory obligations under Division 3.4 of the Environmental Planning and Assessment Act 1979. Hardcopy files were made available at both Council Officers and Parramatta Central Library and soft copies were made available through Council's website. An advertisement was placed in the Parramatta Advertiser and notification letters were sent to more than 2000 owners and occupiers of properties in the vicinity of the site. Moreover, contact details for a Council Officer was provided should persons viewing the exhibited material needed assistance.</p> <p>Full scale drawings, survey plans and 3D models are not a statutory obligation and are not required at Planning Proposal stage. These are required at Development Assessment stage where detailed plans are needed for assessment.</p> <p>Council's Urban Design Officers reviewed the Urban Design report and Reference Designs during the assessment process. An Urban Design report is a conceptual document which seeks to underpin the design rationale prior to the drafting of a site-specific DCP. Ultimately, the site-specific Development Control Plan is the guiding design policy which is to be adopted by Council and which can be enforced once the site is ready to be developed. The DCP seeks to ensure that the podium and tower elements be separate features and that adequate separation and articulation minimises visual bulk. These controls will be enforced during both a Design Excellence competition and the subsequent Development Application.</p> <p>Refined design details are put on public exhibition once a Development Application, as informed by a Design Excellence Competition, is lodged. Insofar as the Urban Design report's detail and inaccuracies are concerned, Council Officers are of the opinion that any inconsistencies will not significantly impact on an individuals understanding of what is being proposed, which at this stage is a conceptual building not a detailed design, and is a reasonable representation of the subject Planning Proposal.</p>

<ul style="list-style-type: none"> • Applicants shadow diagrams are used in the Urban Design report which undermines the reports independence • No simple-English explanation has been provided 	<p>It is usual practise for applicant to complete their own shadow diagrams and for this to form part of their urban design report. Council Officers have reviewed the applicant's shadow diagrams and are satisfied that this is an accurate reflection of the proposed building envelope. Moreover, Council is also completing additional overshadowing analysis as part of the CBD Planning Proposal. Refer to Point 3 – Overshadowing in Attachment 5 for a more detailed discussion.</p> <p>Contact details for a Council Officer was provided should persons viewing the exhibited material needed assistance. Legal documents such as the Planning Agreement were accompanied with an explanatory note and the 'Explanation of Provisions' section within the Planning Proposal document provided a simple explanation of the proposed amendments. Moreover, a reference design was exhibited to allow for a visual representation of the proposed changes.</p>
<p><u>Design:</u></p> <ul style="list-style-type: none"> • Design excellence should translate into a lower yield in the public's interest • The tower elements will present as a bulky rectangular slab rather than a slender tower • Architectural concepts are driven entirely by statutory concepts and numerical standards • The height transition model in the urban design report does not reflect the proposed statutory controls and should be disregarded 	<p>The design excellence process is separate to the Planning Proposal and an opportunity to comment on the selected design will be granted at Development Application stage. Similarly, the additional yield offered by Design Excellence bonus does not necessarily need to be taken up by the applicant. However, the bonus is an incentive mechanism to ensure the highest level of architectural and environmental standards are achieved during development.</p> <p>The site-specific Development Control Plan has been reviewed by Council's Urban Design officers and has been drafted to ensure that the tower-form is slender and responds to the site's constraints. The reference design is used to inform the maximum building envelope achievable on site.</p> <p>At Planning Proposal stage, concept reference designs are intended to show the maximum envelope of the proposed planning controls and are thereby inherently driven by statutory concepts and numerical standards.</p> <p>The height transition model in the applicant's Urban Design report does not align with the height transition model adopted by Council. This is due to the fact that this Planning Proposal and its subsequent Gateway Determination were issued before Council adopted height transition model for the CBD Planning Proposal, as informed by the Heritage Study of Interface Areas. Moreover, Council's adopted height transition model in July 2017 does not affect the height for this site. An opportunity</p>

<ul style="list-style-type: none"> • The heritage values associated with Church Street will be lost with the proposed FSR • The proposed FSR diminishes the possibility of developing Church Street using the Parisian model with low podiums, significant setbacks and 4-6 storey buildings • The proposed scale and massing does not respond to the context of the area – building is not commensurate with recent developments, is not scaled down towards the Sorrell Street Heritage area and does not provide generous footpaths • The street address is inadequate 	<p>will be provided for the community to comment on the adopted height transition model for the entire CBD once the CBD Planning Proposal is placed on public exhibition.</p> <p>Refer to Point 2 – Heritage in Attachment 5.</p> <p>It is acknowledged that a Parisian model of medium-rise high density cannot be achieved with a FSR of 6:1. Moreover, additional contextual differences do not make the Parisian model feasible. The referenced <i>Boulevard de Sebastopol</i> features a fine-grain street structure and the dwellings feature little to no on-site car parking. The subject site and its immediate locale differ in terms of street pattern and some car parking is necessary. The Parramatta CBD Planning Framework Study completed by Architectus recommended an FSR of 10:1 for the core of the city centre and an FSR of 6:1 in transitional areas of the centre, subject to minimum site sizes. The CBD Planning Proposal leveraged off this study and was further informed by additional economic feasibility, heritage, environmental sustainability, flood risk management and traffic studies.</p> <p>The NSW Government, the Greater Sydney Commission and Council have all identified Parramatta as Sydney's second CBD and the CBD Planning Proposal responds to this vision. It is inevitable that the character of Parramatta as a whole will be subject to change as an increased population and greater street-side activity will result in a more urban character typical of a CBD. The existing footpath width is to be maintained at the minimum.</p> <p>Submitted designs are for reference purposes only. Refined architectural plans will be considered at Development Application stage.</p>
<p><u>Traffic & Transport:</u></p> <ul style="list-style-type: none"> • The applicants traffic report fails to address the cumulative traffic impacts of increased density 	<p>As the subject Planning Proposal is site-specific, the applicant is not required to provide a cumulative traffic report which analyses the cumulative traffic impacts of developments across the Parramatta CBD. Council is currently undertaking Mesoscopic Traffic Modelling work with the Roads and Maritime Services to analyse household-level travel behaviour as a result of the CBD Planning Proposal. This model follows from the completed Parramatta CBD Strategic Transport Study which is a higher-level transport study which considered the transport implications of the CBD Planning Proposal and recommended traffic mitigation strategies.</p>

<ul style="list-style-type: none"> Integrated basement design with 23-27 Harold Street is included in the draft DCP but not in the traffic report 	<p>The possible integrated basement design has not been mandated and if it were to proceed, it would not have a significant impact on traffic related issues. The car parking rates, as informed by the CBD Strategic Transport Study, would still remain the same irrespective of whether the basements are integrated or not. Moreover, as TfNSW requires that basement entry/exit to the subject site not be on Church Street, driveway/s will be located on Harold Street and thus the integration of basements would not affect traffic flow on Church Street. An integrated basement would reduce the number of driveways and thereby enhance the streetscape experience for pedestrians.</p>
<ul style="list-style-type: none"> The parking rates proposed in the traffic study are not justified and it is likely that owners will have at least 2 cars 	<p>The applicants Traffic Study was submitted prior to the completion of Council's CBD Strategic Transport Study. While Council's Traffic and Transport Engineers and Transport Planners reviewed the applicant's study, the traffic requirements have been informed by the endorsed CBD Strategic Transport Study, which supersedes the applicant's traffic study. This includes reduced car parking rates which have been endorsed by Transport for NSW and RMS. The Department of Planning and Environment issued an amending Gateway Determination stipulating that these rates apply. Refer to Point 1 – Traffic and Parking in Attachment 5 for a detailed discussion.</p>
<ul style="list-style-type: none"> Traffic report does not address pedestrian and cyclist safety as a result of increased vehicle movements 	<p>The safety of pedestrians and cyclists is taken seriously and can be improved via appropriate environmental design which is refined at Development Application stage.</p>
<ul style="list-style-type: none"> The traffic report does not discuss broader vehicle access to the site 	<p>It is not a requirement that the applicant's Traffic Report discuss broader access to the site. Broad-scale matters such as these have been analysed as part of the CBD Strategic Transport Study while household-level travel behaviour and its affects on traffic are being analysed as part of Council's Mesoscopic study.</p>
<ul style="list-style-type: none"> The traffic report relies on transport options on Victoria Road and Parramatta Train Station which are not in the immediate vicinity 	<p>The applicant's traffic study was completed prior to the announcement of Stage 1 Parramatta Light Rail. A future light rail station will be in the immediate vicinity of the site on Church Street resulting in enhanced transport conditions which were not envisioned at the time of application lodgement.</p>
<ul style="list-style-type: none"> The traffic report references a light rail from Parramatta to Castle Hill which is not planned 	

<ul style="list-style-type: none"> Increased footpath traffic as a result of an increased population is not addressed in the traffic study Traffic Generation figures are outdated as they rely on 2012 RMS figures Traffic Generation of 1 car per minute at AM peaks is not negligible 	<p>None of the analysis undertaken as part of the CBD Planning Proposal has identified the width of road reservation and pedestrian amenity as a significant issue that would warrant the increase in density not proceeding.</p> <p>The traffic modelling completed by the applicant as part of their site-specific Planning proposal has been superseded by Council's cumulative traffic study completed as part of the CBD Strategic Transport Study. As the car parking rates mandated by the CBD Strategic Transport Study are lower than the rates proposed in the applicant's traffic study, it is likely that traffic generation will be below 1 car per minute at AM peak.</p>
<p><u>Local Amenity, Character & Heritage:</u></p> <ul style="list-style-type: none"> The Department of Planning and Environment endorsed the Government Architect's 'Better Placed' policy which asserts that local character needs to be considered as part of strategic planning and when detailed plans for places are prepared. The subject proposal fails to respect and enhance local character. The adopted DCP claims that the proposed scale of the development will have acceptable impacts on surrounding properties without clarifying what acceptable means Design competition should not mandate that designers adopt the maximum height/FSR standards 	<p>It is acknowledged that the Department of Planning and Environment endorsed the Government Architect's 'Better Placed' policy and thereby considers the policy's objectives when conducting a strategic assessment of planning proposal. It is inferred that the Department of Planning and Environment made consideration of the Better Placed policy when issuing Gateway Determinations for the Planning Proposal for the subject site and for the CBD.</p> <p>The drafting of the site-specific DCP commenced following a Gateway Determination being issued for the Planning Proposal. Council resolved to proceed with the proposed controls for the site and thus the DCP has been drafted in accordance with the endorsed planning controls. Council's Urban Design Officers have reviewed the DCP prior to exhibition and at its reporting to Council, is deemed an appropriate design response to the proposed planning controls.</p> <p>A Design Competition does not necessarily mandate that designers adopt a higher FSR or height. It is acknowledged that a 15% design excellence bonus is offered, however, the uptake of this is not mandatory. Design Excellence provisions for this site, including the 15% bonus, are already applicable to this site as per Clause 7.10 of the Parramatta Local Environmental Plan 2011. The enforcement and uptake of design excellence provisions, including the release of a winning design, are exhibited at Development Application stage.</p>

<ul style="list-style-type: none"> • The DCP is vague and does not specify what the desired urban character of the area is • A detailed conceptual urban design plan should be prepared covering the public domain from Church Street along Harold Street to Sorrell Street to ensure consistency • Increasing setbacks along Harold Street to create generous footpaths should be explored • The objectives of the current B4 zone are being achieved by the recent developments made under the current planning controls • The 4-fold increase in height and doubling of FSR is excessive <p><u>Infrastructure:</u></p>	<p>As per Section 3.42 of the Environmental Planning and Assessment Act 1979, the purpose of a site-specific Development Control Plan is to give effect to the aims of any environmental planning instrument that applies to the site, facilitate development that is permissible under such instrument and achieve the objectives of the relevant land zone. The site-specific DCP has been drafted to meet these requirements and is not required to provide a detailed assessment of the desired future character of the area or to conduct a broader study of heritage items in the vicinity.</p> <p>It is unreasonable for the applicant to prepare a DCP which covers an entire block and extends past the site in their ownership. As Council's Urban Design Officers had oversight over the drafting of the site-specific DCP, it is regarded that the subject DCP is consistent with the design vision of Council for the area. Moreover, Council will oversee future DCPs for both the adjacent Planning Proposal at 23-27 Harold Street and for the entire CBD Planning Proposal and thereby ensuring consistency is achieved throughout the entire block.</p> <p>Council's Urban Design officers have reviewed the site-specific DCP and the current building setback was deemed to provide sufficient footpath width and with the future provision of ground-floor retail/commercial, provide for an active street frontage. As the setback control is a minimum, the applicant may increase setbacks at ground floor to accommodate a wider footpath or to provide for external ground floor uses (outdoor dining, etc.). A consideration of this would occur at Development Application stage.</p> <p>The Planning Proposal seeks to maintain the current B4 mixed use zoning. The amendment of height and FSR controls does not have a negative impact on the objectives of the zone and the permitted uses within the zone will not change.</p> <p>The proposed height and FSR controls are consistent with the Parramatta CBD Planning Proposal which has been informed by the Parramatta CBD Planning Strategy which established a vision for growth, principles and actions to guide a new planning framework and implementation plan for delivery. Council has endorsed the Planning Strategy and Planning Proposal, and the CBD Planning Proposal received a Gateway Determination in December 2018. Through numerous studies it was deemed that the proposed planning controls for the site are appropriate.</p>
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<ul style="list-style-type: none"> The CBD Planning Proposal will result in a considerable increase in demand for water, sewerage, energy and communications services. The exhibition does not state whether utilities have the capacity to meet the extra demand. 	<p>Refer to Point 4 – Amenity in Attachment 5.</p>
<p><u>Heritage:</u></p> <ul style="list-style-type: none"> The Urban Design studies have been completed prior to the Heritage Study of Interface Areas The proposal is against the Heritage Study's principle of retaining the authenticity and setting of heritage amidst very large development An immediate high-rise background will impact adversely on the Sorrell Street heritage streetscape The Sorrell Street conservation area will be affected by afternoon overshadowing The proposal is out of scale with nearby heritage items 	<p>It is recognised that the first iteration of the applicant's Urban Design report was completed prior to the Council-commissioned Heritage Study of Interface Areas and that the Urban Design report makes no reference to the Study. However, the subject Heritage Study did not recommend that the proposed controls for this site be amended and thus would not have an effect on either the Reference Design or Urban Design study. Moreover, the Department of Planning and Environment did not recommend that the Urban Design report be amended to address the Heritage Study of Interface Areas.</p> <p>Two independent Heritage Studies have identified the proposed controls for the site as appropriate and that the proposed height and scale will not have an adverse impact on the Sorrell Street Conservation Area. Both studies have pointed to successful precedents in the City of Sydney where heritage items are preserved and enhanced within an urban setting. Refer to Point 2 – Heritage in Attachment 5 for a more detailed discussion.</p> <p>The CBD Planning Proposal Heritage Study supported the proposed controls for this site. Moreover, the Heritage Study of Interface Areas, which recommended amendments to planning controls near areas of heritage significance, did not identify an immediate high-rise background as having a negative impact on heritage streetscapes and thus the planning controls were not amended. Refer to Point 2 – Heritage in Attachment 5 for a more detailed discussion.</p> <p>The proposal on the subject site will not cast shadows on the Sorrell Street Heritage Conservation Area until 1pm. Refer to Point 3 – Overshadowing in Attachment 5 for a more detailed discussion.</p> <p>The subject site does not directly adjoin any heritage items. It is acknowledged that an increase in scale will occur from the Sorrell Street Heritage Conservation Area to</p>

<ul style="list-style-type: none"> • Open views to the sky when viewing heritage items would be lost if high-rises are permitted to the west of the Sorrell Street Conservation Area • The Urban Design report does not adequately address Heritage as no elevations are provided, heritage items are not identified and Sorrell Street is not identified • The precedent set by this proposal will undermine the long-term integrity of the Sorrell Street Conservation Area • The Urban Design report's claim that the proposal 'is local character and identity' is unsupported 	<p>Church Street. This change in scale is consistent with the vision set in the Parramatta CBD Planning Framework which seeks to reinforce Church Street as Parramatta's high-street and clusters density along this spine. Revised planning controls are not proposed in the Sorrell Street Conservation Area.</p> <p>The two independent heritage studies did not identify this as an issue. Refer to Point 2 – Heritage in Attachment 5 for a more detailed discussion.</p> <p>The urban design report is a conceptual document. Sorrell Street is identified in the Urban Design report, however, it should be noted that the subject site does not front Sorrell Street and does not adjoin any heritage items. Conceptual elevations are provided throughout the Urban Design report and the Reference Design.</p> <p>The proposed controls are consistent with the controls proposed under the CBD Planning Proposal that is supported by two independent heritage studies. As such, this site-specific Planning Proposal is not serving as a negative precedent.</p> <p>The Planning Proposal is consistent with the future character of the Parramatta CBD. The NSW Government, the Greater Sydney Commission and Council all envision Parramatta as Sydney's Second CBD and the controls proposed as part of the CBD Planning Proposal seek to achieve this vision. It is acknowledged that this will result in a more urban character typical of a CBD.</p>
<p><u>Gateway Determinations:</u></p> <ul style="list-style-type: none"> • The deadline for completion of the subject Planning Proposal has expired • Planning process is flawed – the subject planning proposal should be deferred pending the formal exhibition and adoption of the CBD Planning Proposal 	<p>The deadline for the completion of the subject Planning Proposal has not expired. An alteration to the original Gateway Determination was issued on 17 January 2019 at which the deadline for completion was extended to 10 September 2019. This Gateway extension was part of the exhibition package. It is common for Council to request a Gateway extension as the negotiation of a site-specific DCP and Planning Agreement are often complex processes which require time.</p> <p>It is acknowledged that the CBD Planning Proposal is yet to be publically exhibited and that the assessment of this site-specific Planning Proposal is largely based on its consistency with the proposed CBD Planning Proposal controls. However, the CBD Planning Proposal has been informed by the CBD Planning Strategy. Following the public exhibition of the CBD Planning Strategy, Council considered the submissions</p>

	<p>received and amended the proposed controls accordingly. Moreover, despite this site-specific Planning Proposal proceeding ahead of the CBD Planning Proposal, the Department of Planning and Environment was comfortable in issuing the site a Gateway Determination and has allowed the site-specific Planning Proposal to proceed without being tied to the outcomes of the CBD Planning Proposal. These circumstances have also been applied to several site-specific Planning Proposals in the CBD and there is thus not grounds to defer the Planning Proposal for 470 Church Street Parramatta.</p>
<p><u>Planning Agreement:</u></p> <ul style="list-style-type: none"> The Planning Proposal is not in the public interest and does not better the environment. Thus by extension neither does the Planning Agreement. The public domain improvement works are unspecified and there is no proof that it will not be placed in 'consolidated revenue' 	<p>In accordance with Section 409 (3c) of the Local Government Act 1993, money that is subject to the provisions of this or any other Act (being provisions that state that the money may be used for a specific purpose) may be used only for that purpose. In this instance, the Planning Agreement has been drafted in accordance with Section 7.4 of the Environmental planning and Assessment Act 1979 and Council must use that money for public domain improvement works in the Parramatta CBD. In order to meet its statutory obligations and to ensure full transparency, Council has a publically-accessible Planning Agreements register and Planning Agreements funds are reported annually in the Annual Report.</p>
<p><u>Public Interest:</u></p> <ul style="list-style-type: none"> Public interest must be gauged for the CBD Planning Proposal before this site-specific Planning Proposal is progressed The subject Planning Proposal and associated DCP are not in the public interest as due to the matters identified above. 	<p>The exhibited material is in relation to a site-specific Planning Proposal. While the site-specific Planning Proposal was assessed against the proposed controls under the CBD Planning Proposal, it received a Gateway Determination which allowed for the progression and exhibition of the site-specific Planning Proposal to proceed.</p> <p>The NSW Government's vision for Parramatta as Sydney's second CBD has been adopted as part of the Government's 'A Plan for Growing Sydney' strategy. The strategy seeks to cluster employment and residential uses within the Parramatta CBD with the objective of decentralising the Sydney metropolitan area and creating a high-amenity urban centre west of the current Sydney CBD.</p> <p>The establishment of the Greater Sydney Commission in 2015 saw the establishment of an independent agency which leads metropolitan planning for the Greater Sydney Region and promotes the alignment of Government infrastructure decision-making with land use planning. In line with its statutory obligations, the Greater Sydney</p>

	<p>Commission has released the Central City District Plan which support Parramatta CBD's emergence as a metropolitan powerhouse. The Plan sees the CBD undergo transformational change, driven by an unprecedented level of government and institutional investment, and a larger resident community with adequate services and connections to other parts of the City.</p> <p>Council exhibited the CBD Planning Strategy which outlined Council's vision for the Parramatta CBD. Following consideration of all submission received, the Parramatta CBD Planning Proposal was drafted in consultation with several supporting studies, and was subsequently adopted by Council in April 2016. The Proposal seeks to align with the vision of both the NSW Government and the Greater Sydney Commission.</p>
<p>Submission 8</p> <ul style="list-style-type: none"> • The Planning Proposals on Church and Harold Streets are an overdevelopment in terms of height and scale which will overshadow the adjacent conservation area • Amenities such as parks and car parking are already inadequate with this proposal only putting further strain on these • There is no provision for additional public open space in this proposal • A high density spine along Church Street is visually unappealing • Commercial tenancies on ground floor are typically vacant 	<p>Refer to Point 3 – Overshadowing in Attachment 5.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p> <p>Refer to Point 4 – Amenity in Attachment 5.</p> <p>As a major transport corridor and street which spans the Parramatta CBD from north to south, it is desirable to cluster density along Church Street and leverage existing and proposed transport and commercial amenities. Independent studies in preparation of the CBD Planning Proposal and the subsequent Gateway Determination have endorsed this position.</p> <p>The provision of commercial premises will become critical as the Parramatta CBD densifies and develops as it allows for greater amenity for nearby residents and activates street frontages. Council Officers cannot speculate on the take-up of commercial floor space. However, vacancy rates indicate that the demand for commercial floor space is strong throughout the CBD and it provides an important amenity benefit to the surrounding community.</p>

<ul style="list-style-type: none"> Heritage Conservation Area should be extinguished if its values are undermined by tall buildings adjacent to it Heritage Item owners face the burden of additional planning controls. This proposal is an additional impost on the amenity of heritage dwellings 	<p>There are no plans to extinguish surrounding Heritage Conservation areas. The Heritage Study completed in support of the CBD Planning Proposal indicates that the heritage values of the surrounding conservation area will not be undermined by the proposed controls should the architectural designs respect the nearby items. Precedents are drawn from the Sydney CBD and surrounding areas. The Design Competition for this site will seek to ensure that design outcomes are in accordance with the recommendations of this report. Any subsequent Development Application has to consider both the outcomes of the Design Excellence competition and the potential impacts on adjoining heritage items.</p> <p>This Planning Proposal will not impose additional heritage controls on nearby heritage items. A further discussion on amenity is provided at Point 4 – Amenity in Attachment 5.</p>
<p>Submission 9</p> <ul style="list-style-type: none"> Surrounding streets do not have the capacity for additional traffic Harold Street is too narrow for ingress and egress There is not sufficient car parking provided on site which will affect street parking The proposal will exacerbate urban heat The proposal is out of character with the surrounding heritage area 	<p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p> <p>The applicants Traffic Study and Council's Traffic Engineers did not identify Harold Street as being too narrow for vehicular ingress and egress. Further traffic analysis, including access to the site will be investigated at Development Application stage.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p> <p>The draft Development Control Plan proposed more on-site green open space than what is currently available on the site. Moreover, Council's Design Excellence competition mandates strict environmental target to be achieved through building design. Both of these mechanisms are useful in ensuring that green space is provided on-site and that urban heat island effects are mitigated.</p> <p>The Parramatta CBD Planning Proposal seeks to align with the NSW Government's, Greater Sydney Commission and Council's vision of establishing Parramatta as Sydney's Central City. This vision anticipates changes to the character of the Parramatta CBD and immediately adjacent areas as they become distinctly more urban. Refer to Point 2 – Heritage in Attachment 5 for a more detailed discussion.</p>

<ul style="list-style-type: none"> Submitted plans do not represent design excellence Council does not have the capacity to improve amenities such as open space, schools, services, swimming pool, etc. There is already insufficient green space in the area. 	<p>The plans provided by the applicant for exhibition are for reference and massing purposes only. A Design Excellence competition will run separately to the Planning Proposal, with the winning scheme to be exhibited at Development Assessment stage.</p> <p>Refer to Point 4 – Amenity in Attachment 5.</p>
<p>Submission 10</p> <ul style="list-style-type: none"> Proposal will negatively impact on the quality of life The character of the surrounding area is quiet and predominantly residential There is already insufficient on-street parking 	<p>The NSW Government, the Greater Sydney Commission and Council all envision a more urban and dense Parramatta core which is supported by social and physical infrastructure. It is acknowledged that this vision will lead to an inevitable change in character. Refer to Point 4 – Amenity in Attachment 5 for a more detailed discussion.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p>
<p>Submission 11</p> <ul style="list-style-type: none"> Additional traffic Harold Street will also have to contend with the Light Rail Amenities on Church Street are closing due to Light Rail The development will impact on already established resident's quality of life There amount of car parking is inadequate for this proposal 	<p>Parramatta Light Rail is a critical piece of transport infrastructure that will reduce car dependence in the area and a stop will be near this site. Refer to Point 1 – Traffic and Parking in Attachment 5 for a more detailed discussion.</p> <p>The delivery of Parramatta Light Rail is being managed by Transport for New South Wales and the closure of amenities is not within the scope of the assessment of this Planning Proposal. However, it is deemed reasonable that the temporary closure of some amenities occurs during the construction and delivery phases of critical transport infrastructure.</p> <p>Refer to Point 4 – Amenity in Attachment 5.</p> <p>Refer to Point 1 – Traffic and Parking in Attachment 5.</p>

<ul style="list-style-type: none"> • Travel through North Parramatta to Parramatta/Westmead will be impacted by additional traffic • Separation distances between the subject site and heritage items is inadequate • Tall slender towers are unappealing • Projected population increase in North Parramatta cannot be supported • The number of residents directly notified and the submission timeframe is inadequate 	<p>The Planning Proposal mandates reduced car parking rates to reduce traffic impacts and to encourage other modes of transport. The provision of Parramatta Light Rail will provide connections from the subject site to Westmead, Parramatta and Carlingford. Refer to Point 1 – Traffic and Parking in Attachment 5 for a more detailed discussion.</p> <p>The subject site does not directly adjoin a heritage item. This comment relates to the Planning Proposal at 23-27 Harold Street, Parramatta, and will be considered once this Planning Proposal is exhibited.</p> <p>The Council-endorsed Parramatta CBD Planning Strategy adopted a vision to 'Create an attractive and distinctive city skyline, defined by tall, slender towers'. Tall, slender towers cast faster-moving shadows and are desirable from an Urban Design perspective due to their reduced bulk and better presence in the street.</p> <p>A denser and more populated Parramatta CBD is consistent with the visions adopted by the NSW Government, the Greater Sydney Commission and Council. Refer to Point 4 in Attachment 5 for a more detailed discussion.</p> <p>The exhibited material is consistent with the statutory obligations under Division 3.4 of the Environmental Planning and Assessment Act 1979. Hardcopy files were made available at both Council Officers and Parramatta Central Library and soft copies were made available through Council's website. An advertisement was placed in the Parramatta Advertiser and notification letters were sent to more than 2000 owners and occupiers of properties in the vicinity of the site. The notification area is in accordance with Section A5.5.6 of the Parramatta Development Control Plan 2011.</p>
<p>Submission 12</p> <ul style="list-style-type: none"> • The scale of development is not appropriate given the vicinity of heritage items • There will be significant overlooking/dwarfing of heritage items in the conservation area affecting their amenity 	<p>Refer to Point 2 – Heritage in Attachment 5.</p> <p>Matters regarding privacy and overlooking can be resolved via a design response and will be considered at Development Application stage.</p>

<ul style="list-style-type: none"> • The height transition and separation distances to the conservation area are inappropriate • Transition model does not account for the site's slope • Architectural plans seem rushed and inaccurate • Shadowing diagrams are inaccurate and misleading • The proposal is out of character as this part of Parramatta is not the 'CBD' and is surrounded by conservation areas • There is no justification for not having a height limit • The proposal sets a negative precedent for poor amenity and environmental design 	<p>Two heritage studies commissioned by Council have endorsed the proposed controls for this site. Moreover, the subject site does not directly adjoin a heritage item. Refer to Point 2 – Heritage in Attachment 5 for a more detailed discussion.</p> <p>During assessment, the proposed building height is measured from the natural ground level, rather than a reduced level (RL) height. As such, the height responds to the slope of a site.</p> <p>The submitted reference designs are a guide only and serve to indicate the maximum building envelope of a site. A winning design scheme will be chosen following a Design Excellence competition and will be assessed at Development Application stage.</p> <p>Council's Urban Design officers have completed their own shadowing analysis in order to verify those completed by the applicant. The shadowing diagrams are reflective of the proposed building envelope. Refer to Point 3 – Overshadowing in Attachment 5 for a more detailed discussion.</p> <p>The subject site is already designated as part of the 'Parramatta City Centre' as per the Parramatta Local Environmental Plan 2011. The subject site is thus not affected by the CBD Planning Proposal's increase the CBD boundary. The NSW Government, the Greater Sydney Commission and Council all envision a more urban and dense Parramatta core which is supported by social and physical infrastructure. It is acknowledged that this vision will lead to an inevitable change in character.</p> <p>The Parramatta CBD Planning Strategy proposed for the removal of building height controls for several sites across the CBD. In these instances the final building height is informed by the FSR permissible on the site and the winning design excellence scheme. It is not theoretically possible to build to 'unlimited' height as FSR would be exhausted and this would not be in accordance with a winning design excellence scheme. The subject site's maximum building height control has been informed by the urban design report and reference design and is 80 metres.</p> <p>The subject proposal is consistent with the CBD Planning Proposal and thus cannot serve as a precedent as similar controls will apply to adjoining sites. The controls sought by the CBD Planning Proposal have been informed by several technical studies, have been endorsed and adopted by Council and have received a Gateway</p>
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<ul style="list-style-type: none"> • The amenity and ambiance of conservation areas cannot be restored following amended controls and their resulting developments • Vistas will be affected by the scale of development • Recent developments are poor in quality • High density does not always result in significant increases in housing supply as developers can elect to leave apartment vacant • The proposal does not provide social housing • Exhibited plans are not reflective of design excellence 	<p>Determination from the Department of Planning. A further discussion on amenity is provided in Point 4 – Amenity of Attachment 5.</p> <p>Both heritage studies completed for the CBD Planning Proposal have deemed that the proposed planning controls for the subject site are suitable and would not undermine heritage conservation areas in the vicinity.</p> <p>As identified in Section 4.3.3.4 of the Parramatta DCP, the subject site is affected by Heritage View Corridor 8 – ‘Views from Mays Hill across Parramatta’s City Centre to distant hills’. In assessing the proposed controls of the CBD Planning Proposal, the Heritage Study stated that potential impacts to the long distance views from Mays Hill are considered reasonable and it is noted that some multistorey development is already apparent in this view, particularly within the CBD core south of the river. The draft site-specific DCP ensures that the built form outcome includes slender tower forms with adequate separation, allowing for views between the towers and limiting visual bulk. In addition, the Heritage Interface Study did not identify any issues with the proposed height of buildings control for this site.</p> <p>Design excellence bonuses incentivise development of a high design and environmental quality. Detailed designs will be provided at Development Assessment stage.</p> <p>Council cannot comment or speculate on the commercial decisions of developers.</p> <p>In accordance with Council’s Affordable Housing Policy, the 10% affordable housing contribution on uplift value will only apply to sites within the Parramatta LGA that are outside the Parramatta CBD. The Parramatta CBD requires significant investment into community infrastructure and the provision of affordable housing can be more readily supplied in areas outside of the CBD. The Planning Agreement for this site has been negotiated to allow for Council to receive a monetary contribution to be used towards community infrastructure enhancements in the CBD.</p> <p>The submitted reference designs are a guide only and serve to indicate the maximum building envelope of a site. A winning scheme will be chosen following a Design Excellence competition and will be assessed at Development Application stage.</p>
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<ul style="list-style-type: none"> Slender towers do not offer any better amenity Developments along Church Street should be between 5-8 storeys and include 20% social and affordable housing 	<p>Slender towers produce smaller and faster-moving shadows and thereby offer better environmental amenity.</p> <p>This recommendation is noted, but it is not consistent with the Draft CBD Planning Proposal framework currently being pursued by Council and described in the body of this report.</p>
<p>Submission 13</p> <ul style="list-style-type: none"> Proposal is not in the interests of the local community Local amenities cannot support a growing population 	<p>The Greater Sydney Commission through the Central City District Plan, has identified Parramatta as Sydney's second CBD and has targets in relation to the City's productivity, livability and sustainability. The NSW Government has since committed to significant investments in transport, education and health infrastructure to meet projected demand. Council's CBD Planning Proposal seeks to realise the vision of Parramatta's Sydney's second CBD. The Department of Planning and Environment has since grated a Gateway Determination to the CBD Planning Proposal which will be publically exhibited following the resolution of the Gateway conditions.</p> <p>Refer to Point 4 – Amenity in Attachment 5.</p>
<p>Submission 14</p> <ul style="list-style-type: none"> Heritage precinct will be undermined by high rise buildings Separation distances between proposed buildings and heritage items is insufficient Proposal is not in the interest of local residents 	<p>Refer to Point 2 – Heritage in Attachment 5.</p> <p>The subject site does not directly adjoin a heritage item. This comment relates to the Planning Proposal at 23-27 Harold Street, Parramatta, and will be considered once this Planning Proposal is exhibited.</p> <p>The Greater Sydney Commission through the Central City District Plan, has identified Parramatta as Sydney's second CBD and has targets in relation to the City's productivity, livability and sustainability. The NSW Government has since committed to significant investments in transport, education and health infrastructure to meet projected demand. Council's CBD Planning Proposal seeks to realise the vision of Parramatta's Sydney's second CBD. The Department of Planning and Environment has since grated a Gateway Determination to the CBD Planning Proposal which will be publically exhibited following the resolution of the Gateway conditions.</p>

<p>Submission 15</p> <ul style="list-style-type: none"> Issues related to parking, traffic and shadowing do not support the objectives in 'A Plan for Growing Sydney' Maximum car parking rates have no control over the decisions made by prospective residents ABS data shows that 90% of households own a car and this should inform traffic modelling Reference design does not show the correct amount of car parking in the basements Limited car parking spaces will impact on availability of street-side parking which does not align with planning objectives Shadow diagrams are based on a height of 80m whereas design excellence allows for height of 92m 	<p>This Planning Proposal has been assessed against 'A Plan for Growing Sydney' and the Greater Sydney Commission's 'Central City District Plan'. The Department of Planning and Environment reviewed Council's assessment of the Planning Proposal and was comfortable in granting a Gateway Determination for the proposal to proceed. Refer to Point 1 – Traffic and Parking and Point 3 – Overshadowing in Attachment 5 for a more detailed discussion.</p> <p>The reduced car parking rates, as informed by the Parramatta Strategic Transport Study, seek to encourage alternative modes of transport. The Department of Planning and Environment, Transport for NSW and Roads and Maritime Services have endorsed the reduced car parking rates.. Reduced car parking rates will inform purchase decisions of prospective buyers and further discourage private-vehicle usage.</p> <p>ABS car ownership statistics for the whole of Australia cannot inform local transport modelling. The Sydney CBD is used as a benchmark in the Parramatta CBD Strategic Transport Study. In this instance, only 44.2% of households are in ownership of a motor vehicle.</p> <p>The correct number of car parking spaces are shown - an additional 11 car parking spaces are located on the ground floor (8 commercial and 3 residential). The reference design is for informative purposes only. A detailed Development Application will need to be lodged at a later date and will incorporate the reduced car parking rates endorsed by Council.</p> <p>Council has the capacity to effectively and efficiently manage the provision of on-street car parking without requiring amendments to planning controls.</p> <p>Both base and design excellence bonus shadow diagrams were part of the exhibition material to allow for comparison. Should the applicant pursue with Design Excellence bonuses, revised shadow diagrams will be exhibited as part of the Development Application process. At Planning Proposal stage, the applicant is seeking a height of 80 meters.</p>
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<ul style="list-style-type: none"> Small scale houses nearby will be overshadowed <p>Submission 16</p> <p><i>This submission was issued by Council's Heritage Advisory Committee during its meeting on 19 June 2019</i></p> <ul style="list-style-type: none"> The committee expresses its concern regarding the heritage impacts of this proposal 	<p>Refer to Point 3 – Overshadowing in Attachment 5.</p> <p>Refer to Point 2 – Heritage in Attachment 5.</p>
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Topic Summary

1. Traffic and Parking

The NSW Government's strategy document – 'A Plan for Growing Sydney', identifies Parramatta as Sydney's Second CBD. The strategy recognises Parramatta as a transformational place which as an alternative major activity hub, rebalances the growth of the greater metropolitan area.

A key action contained within the strategy is the identification and delivery of enabling infrastructure to support growth and urban renewal. The NSW Government has since announced the provision of critical transport infrastructure such as the Parramatta Light Rail and potentially Sydney Metro West to support the growth of Parramatta.

The Parramatta CBD is establishing itself at the centre of Sydney's "Central City", consistent with both the NSW Government strategy and with the direction of the Central City District Plan published by the Greater Sydney Commission. The Parramatta CBD Planning Proposal, as adopted by Council, responds to the State Government's strategy for Parramatta and seeks to apply planning controls that foster the densification of Parramatta's CBD.

As a consequence of the increased floor space under the draft planning controls, which translates to additional jobs and dwellings, a strategic assessment of the implications for traffic and transport infrastructure was considered necessary as part of the CBD Planning Proposal. The Parramatta Strategic Transport Study was completed in a collaboration between Council, Transport for NSW and Roads and Maritime Services, and provides a high-level assessment of strategic issues and needs for transport infrastructure as a result of the development anticipated under the Parramatta CBD Planning Proposal.

The Parramatta Strategic Transport Study is the first stage of a three stage assessment process considering transport implications of the proposed planning controls, with the Mesoscopic Study and the Integrated Transport Plan currently being prepared and to be finalised prior to the gazettal of the CBD Planning Proposal.

The Study clearly indicates that private vehicle use needs to be appropriately discouraged in conjunction with improvements to public and active transport as alternative modes in order to avoid complete saturation of the road network. As such, Council has adopted reduced car parking rates for the Parramatta CBD in order to mitigate traffic impacts of a denser CBD core, encourage a mode shift to public and active transport and to support the viability of continued investment in transport infrastructure.

This site-specific Planning Proposal has been assessed against the CBD Planning Proposal and supporting studies. As such, minimum car parking rates have been applied in accordance with the Parramatta Strategic Transport Study. It is noted that an amending Gateway Determination issued by the Department of Planning and Environment also conditioned that this site-specific Planning Proposal apply reduced car parking rates in accordance with the study and submissions made by both Transport for NSW and Roads and Maritime Services requested that reduced car parking rates apply.

On-street car parking is already managed in this street to deal with parking from commuters. Street parking may in the longer term also have to be managed differently to achieve the intended effect of the reduced car parking rates which is to discourage car ownership and promote alternative modes of transport such as public transport or car-share options. Council has the capacity to effectively monitor and regulate the provision of street car parking and ensure that it is not a replacement for on-site car parking if/when this proves to be in the public interest.

2. Heritage

As a requirement of the NSW Heritage Council and in order to address the Section 9.1 (formerly Section 117) Direction No. 2.3 – Heritage Conservation, Council commissioned a Heritage Study to inform the draft planning controls under the CBD Planning Proposal in order to ensure new growth and development occurs in the context of protecting and managing the city's heritage assets.

The Heritage Study completed by Urbis analysed how the proposed planning controls respond to heritage in and around the Parramatta CBD and recommended modifications or additions to controls to address heritage related. The study was completed in accordance with the accords of *The Australia ICOMOS Burra Charter for Places of Cultural Significance*.

The Heritage Study also sought to inform appropriate built form controls to apply to areas that are in close proximity to heritage items or heritage conservation areas (HCAs) in order to create transition zones between the heritage items and HCAs, and areas identified for significant redevelopment and increased densities.

The Study recommended a height transition between the Sorrell Street heritage conservation area and the higher density development located along Church Street. As part of this, the Study issued recommended floor-space ratio controls across the Parramatta CBD, with the recommended floor-space ratio of 6:1 for subject site at 470 Church Street. This Heritage Study accompanied the CBD Planning Proposal and was forwarded to the Department of Planning and Environment for a Gateway Determination.

In response to feedback from the Department of Planning and Environment (DP&E) and heritage agencies, a Heritage Interface study was commissioned in 2017 to further review heritage issues around the interface between the CBD and surrounding areas. The Heritage Study of

Interface Areas was completed by Hector Abraham Architects and made recommendations to ameliorate adverse impacts on heritage through modifications to the draft planning controls for the interface areas. The Study concluded that the height transition recommended in the Urbis study was not necessary and affirmed that the proposed FSR of 6:1 on the subject site is appropriate. The recommendations of this study ensure that new growth and development occur in a manner that protects and manages the city's heritage assets and demonstrates consistency with Section 9.1 Direction No. 2.3.

The Interface Study was also forwarded to the Department of Planning and Environment in support of the CBD Planning Proposal. Both the subject Planning Proposal and the CBD Planning Proposal have received Gateway Determinations from the then Department of Planning and Environment.

In summary, the subject site does not directly adjoin a heritage conservation area and two independent heritage studies have deemed that the proposed planning controls are appropriate from a heritage point of view.

3. Overshadowing

As the Parramatta CBD establishes itself as the 'Central City' consistent with the visions of the Greater Sydney Commission and the Department of Planning, it is inevitable that increased shadowing is to occur as taller buildings are developed across the CBD. The Parramatta CBD Planning Strategy envisions the creation of an attractive and distinctive city skyline, defined by tall, slender towers. Slender towers produce fast-moving shadows and offer better sun access for dwellings.

The CBD Planning Proposal received a Gateway Determination in December 2018 which conditioned that additional overshadowing analysis be completed to assess the potential impacts on selected heritage conservation and open space areas. While not identified in the Gateway Determination conditions, the potential overshadowing impacts on the two heritage conservation areas to the north of the CBD, being the Sorrell Street and North Parramatta heritage conservation areas, were also assessed. All land parcels within these heritage conservation areas achieve at least 2 hours of sunlight access between 9am and 3pm on 21 June.

The tower setback controls set in the site-specific Development Control Plan for the site result in a floorplate of approximately 650 metres squared. This meets the key actions set within the Parramatta CBD Planning Strategy where for sites greater than 1,000 square metres, the floorplate of residential towers should be limited to a maximum of 800 metres squared for buildings up to 75m in height. This control ensures that the tower is sufficiently slender and casts fast-moving shadows.

Moreover, further overshadowing testing will be required at Development Application stage to ensure compliance with the controls in the Parramatta Development Control Plan 2011.

4. Amenity

The NSW Government's vision for Parramatta as Sydney's second CBD has been adopted as part of the Government's 'A Plan for Growing Sydney' strategy. The strategy seeks to cluster employment and residential uses within the Parramatta CBD with the objective of decentralising the Sydney metropolitan area and creating a high-amenity urban centre west of the current Sydney CBD.

The establishment of the Greater Sydney Commission in 2015 saw the establishment of an independent agency which leads metropolitan planning for the Greater Sydney Region and promotes the alignment of Government infrastructure decision-making with land use planning. In line with its statutory obligations, the Greater Sydney Commission has released the Central City District Plan which supports Parramatta CBD's emergence as the second CBD. The Plan sees the CBD undergo transformational change, driven by an unprecedented level of government and institutional investment, and a larger resident community with adequate services and connections to other parts of the City.

Council exhibited the CBD Planning Strategy which outlined Council's vision for the Parramatta CBD. Following consideration of all submission received, the Parramatta CBD Planning Proposal was drafted in consultation with several supporting studies, and was subsequently adopted by Council in April 2016. The Proposal seeks to align with the vision of both the NSW Government and the Greater Sydney Commission.

To meet the forecast demand for infrastructure and amenities, the NSW Government has committed to significant infrastructure investment in the Parramatta CBD and surrounds. The delivery of Parramatta Light Rail, investigation of Sydney Metro West and additional bus services ensures that transport infrastructure meets the demands of an increased residential and worker population and provides connections both to and within the Parramatta CBD. Moreover, the provision of critical transport infrastructure will also drive decreases in private-vehicle usage while still meeting the objective of achieving a '30-minute city' of high amenity.

Council acknowledges that an increased resident and worker population will place additional demand on open spaces and social infrastructure. As part of the CBD Planning Proposal, planning for open space and supportive local infrastructure is being prepared to support planned development. The draft Infrastructure Needs Analysis Study assessed infrastructure needs as a result of increased development, including community infrastructure. The findings of the study formed part of a Discussion Paper titled Infrastructure Planning and Funding in the Parramatta CBD was publically exhibited in March 2017. The Discussion paper has informed the Parramatta CBD Infrastructure Strategy which is used when negotiating Planning Agreements related to site-specific Planning Proposals. The Planning Agreement for site proposes a monetary contribution to be made to Council which is to be used public domain upgrades and delivery in the Parramatta CBD.

With all of the above considered, it is inevitable that the character of Parramatta as a whole will be subject to change. An increased population and greater street-side activity will result in a more urban character typical of a CBD. This changing character has been acknowledged not only in the strategies adopted by the NSW Government, the Greater Sydney Commission and Council, but also in the supporting studies completed for the CBD Planning Proposal. Despite this change in character, local amenity will not be diminished as the NSW Government has committed to significant investment in infrastructure in and around the Parramatta CBD, and Council has identified required community infrastructure and has set up funding mechanisms to support the future delivery of this infrastructure.



PLANNING PROPOSAL

470 Church Street, Parramatta

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

Planning Proposal – 470 Church Street, Parramatta

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Think Planners Pty Ltd	12 July 2016

Council versions:

No.	Author	Version
1.	City of Parramatta Council	15 November IHAP meeting recommending referral to City of Parramatta Council.
2.	City of Parramatta Council	February 2018 prepared for consultation with public authorities pursuant Condition 2 of the Gateway Determination.

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Planning Proposal – 470 Church Street, Parramatta

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Planning Proposal – 470 Church Street, Parramatta

INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011 (PLEP 2011)* in respect of land at 470 Church Street, Parramatta (legally described Lot 1 DP 785930) (the site).

It has been prepared in accordance with the following:

- Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, and
- Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (August 2016) and 'A Guide to Preparing Planning Proposals' (August 2016).

Background and context

A Planning Proposal for the land at 470 Church Street, Parramatta (the site) was lodged by Think Planners Propriety Limited (Pty. Ltd.) on the 5 July 2016.

The site has an area of 1,629sqm and currently contains a five storey commercial building with a medical centre on the ground floor. The site is illustrated in Figure 1, below.

Under *PLEP 2011*, the site:

- Is zoned B4 Mixed Use (refer to Figure 6 in Part 4 – Mapping);
- Has a maximum building height of 24 metres (refer to Figure 7 in Part 4 – Mapping);
- Has a maximum floor space ratio (FSR) of 3:1 (refer to Figure 8 in Part 4 – Mapping);
- Is not a heritage item or located in a heritage conservation area. However, is in proximity to a heritage listed former bakery at 476 Church Street (Item No. 695) located across the road to the north and, the Sorrell Street Heritage Conservation Area that also includes heritage residence at 53 Sorrell Street known as Currawong located further east of the site (refer to Figure 9 in Part 4 – Mapping); and
- Is located outside of the 20 and 100-year Average Recurrence Interval events and the Probable Maximum Flood (PMF) event (refer to Figure 10 in Part 4 – Mapping).

This Planning Proposal seeks to:

- Increase the maximum height limit from 24m to 80m, and floor space ratio from 3:1 to 6:1 (refer to Figure 11 and Figure 12 respectively in Part 4 – Mapping); and
- Apply maximum car parking rates in line with the Parramatta CBD Strategic Transport Study (refer to Figure 13 in Part 4 – Mapping).

On the 12 December 2016, Council resolved to forward the Planning Proposal to the DP&E for a Gateway Determination.

On the 10 March 2017, the DP&E issued a Gateway Determination that the Planning Proposal could proceed subject to a number of conditions. On the 4 August 2017 a gateway alteration was issued.

The Planning Proposal has since been updated to respond to the following:

- Council resolution of 12 December 2016 in respect of the amendments required to the urban design report and reference design;
- Condition 1 of the Gateway Determination which requires that the Planning Proposal is amended to address consistency with the draft District Plan, and that the shadow diagrams in the planning proposal and urban design report are amended to illustrate the overshadowing caused by the proposal by deleting buildings that have not yet been approved; and

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Planning Proposal – 470 Church Street, Parramatta

- Gateway alteration of 7 August 2017, which requires that the Planning Proposal be amended to apply the maximum parking rates to in accordance with Parramatta CBD Strategic Transport Study.

In line with Condition 2 of the Gateway Determination, the Planning Proposal is now submitted to nominated public agencies, prior to community consultation for review and feedback, under section 52(2)(d) of the *EP&A Act* and/or to comply with the requirements of relevant s117 directions.

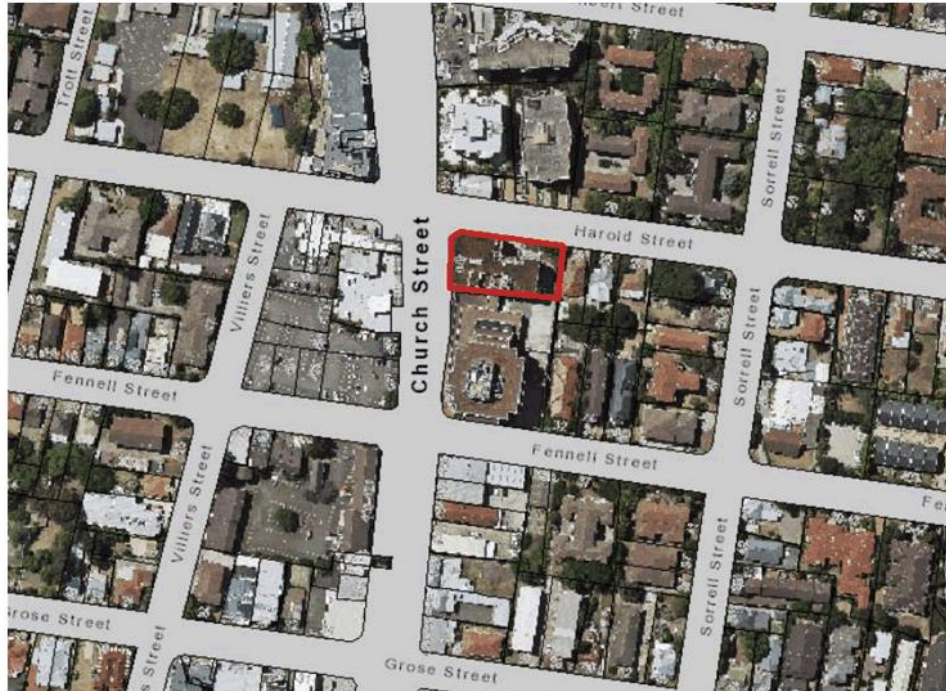


Figure 1 – Site at 470 Church Street, Parramatta subject to the planning proposal (Source: Council's GIS)

Planning Proposal – 470 Church Street, Parramatta

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to enable the redevelopment of land at 470 Church Street, Parramatta in accordance with the site's B4 Mixed Use zone to facilitate a high density mixed use development.

To facilitate the site's redevelopment, it is proposed the *PLEP 2011* is proposed to be amended to:

- Allow a maximum building height of 80m and a maximum FSR of 6:1, and
- Include maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study and Council resolution of 10 April 2017.

It is anticipated that the amendment will facilitate an increase in housing supply and employment generating floor space in the Parramatta CBD.

PART 2 – EXPLANATION OF PROVISIONS

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_9) from 24 metres to 80 metres which equates to 26 storeys. Refer to Figure 11 in Part 4 of this Planning Proposal.
2. Amend the maximum FSR in the FSR Map (Sheet FSR_9) from 3:1 to 6:1. Refer to Figure 12 in Part 4 of this Planning Proposal.
3. Amend the Special Area Provision Map (Sheet CL1_9) to identify the site. Refer to Figure 13 in Part 4 of this Planning Proposal.
4. Insert a new Clause in Part 7 to identify that maximum parking rates as follows apply to the site by way of reference to the Special Area Provision Map:

Residential development

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	0.7 spaces/unit
1-bedroom	0.3 spaces/unit
Studio	0.1 spaces/unit

Commercial development (If the FSR > 3.5:1)

$$M = (G * A) / (50 * T)$$

where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (m²);

A = Site Area (m²);

T = Total GFA of all buildings on the site (m²)

Note: It is possible that part of the legal drafting process that the intent of the controls discussed may be achieved by utilising different amendments to the *PLEP 2011*, but ultimately whatever the amendment proposed will have the same intent as described above.

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Planning Proposal – 470 Church Street, Parramatta

2.1 Other relevant matters

2.1.1 Voluntary Planning Agreement

As part of Council's Strategy for the Parramatta CBD Council is proposing a framework where increases in density also trigger a requirement to contribute to local infrastructure via a Value Sharing Framework.

On 10 April 2017, Council endorsed rates of \$150/sqm for Phase 1 value sharing and \$375/sqm for Phase 2 value sharing. This is the basis, upon which, Council officers are currently negotiating a VPA.

A letter of offer has been submitted by the proponent in line with the Phase 1 Value Sharing, amounting to \$733,050.00. This offer was endorsed by Council at its meeting of the 13 November 2017 and is the basis, upon which the draft VPA will be drafted. The draft VPA will be publicly exhibited alongside the Planning Proposal

2.1.2 Draft DCP

A site specific Development Control Plan (DCP) has been prepared addressing design elements such as street wall setbacks and inter-building separation. The draft DCP was endorsed by Council at its meeting of the 13 November 2017 will be exhibited alongside the Planning Proposal and VPA. The DCP will also inform any future design competition brief for the site based on this Planning Proposal.

Planning Proposal – 470 Church Street, Parramatta

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 objective. 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 strategic study or report?

This Planning Proposal has been prepared to bring forward for this site controls adopted in the Parramatta CBD Planning Strategy (the Strategy) and associated 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 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 the CBD PP which has been informed by Councillor workshops held throughout 2015 and various Council resolutions. The CBD PP was adopted by Council on 11 April 2016 and submitted to the DP&E. The CBD PP seeks a potential increase in height and FSR for sites within the Parramatta CBD subject to the provision of community infrastructure. While the Department is yet to issue a Gateway determination, the CBD PP is Council's most recently adopted position on density increases in the Parramatta CBD.

Refer Section **Error! Reference source not found.** of this report for further assessment of the Planning Proposal against the CBD PP.

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 respond to the emerging CBD character of Parramatta as adopted in Council's CBD PP. This Planning Proposal is in keeping with the scale of development in the CBD PP and will assist in delivering the new City of Parramatta as envisioned by Council.

Planning Proposal – 470 Church Street, 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)?

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.

A Plan for Growing Sydney 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

- Use the Greater Sydney Commission to support Council-led urban infill projects
- 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

West Central Subregion

- Accelerate housing supply, choice and affordability and build great places to live
- 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.

Planning Proposal – 470 Church Street, Parramatta

The proposal is consistent with the actions and objectives of 'A Plan for Growing Sydney' as the proposal will:

- Enable the development of residential dwellings and non-residential uses, including ground floor retail and a level of commercial that will contribute towards dwelling and employment targets on a site located within the Parramatta City Centre;
- Activate the ground floor with retail uses, that will help create active and vibrant streetscape;
- Deliver approximately 154 residential apartments with a range of unit types, increasing housing supply and choice;
- Support Council's vision for growth in the Parramatta CBD with a commercial core supported by mixed use developments on the periphery as stipulated by the zoning maps in *PLEP 2011* and the Parramatta CBD Planning Proposal. The reference design at **Appendix 2** demonstrates a design option that includes approximately 1,336sqm of non-residential floor space on the site comprising ground floor retail and a level of commercial in the podium; and
- Have good access to public transport (adjacent to the future light rail stop on Church Street, 400m of Victoria Road with a number of buses running along the transport corridor, and 1,400 metres of the Parramatta Railway Station/Bus Interchange), employment and educational opportunities, and public open space such as Parramatta Park (within 500m).

Towards Our Greater Sydney 2056

In November 2016 the Greater Sydney Commission released *Towards Our Greater Sydney 2056 (TOGS)*, a draft amendment to A Plan for Growing Sydney, for public exhibition. TOGS aligns with the district plans, released on the same date. Both TOGS and the district plans were on exhibition until March 2017.

The vision for the future of Sydney as identified in TOGS is for decentralisation with centres supported by public transport. TOGS introduces the concept of three cities; the Eastern City; the Central City; and the Western City. Parramatta is located in the Central City and anticipated to accommodate the greatest growth over the next decade. This Planning Proposal is in keeping with the vision of TOGS by providing employment and housing opportunities in close proximity to public transport in the Central City zone.

TOGS identifies the integration of the economy, social needs and the environment to move Sydney forward. The district plans provide further detail as to how a productive, liveable and sustainable Sydney will be achieved. A response to the relevant district plan is outlined below.

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 draft District Plan for the West Central District, 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

Planning Proposal – 470 Church Street, Parramatta

progress alongside, and consistent with, the developing GPOP Vision, such as the GPOP Land Use and Infrastructure Strategy, prepared by the DP&E.

The site is located within the Parramatta CBD and 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 – 3+ bedroom units) to suit individual household needs, preferences and budgets;
- Not significantly impact on the heritage values of Sorrell Street Conservation Area and heritage items within the vicinity of the site (Refer Section 3.3.2 of this report of this report);
- Facilitate the development of a high quality and well-designed mixed use development through a design competition process and preparation of site specific development controls to support this Planning Proposal; and
- Redevelop a site that has good access to public transport, jobs, services, recreational, educational and other opportunities.

Draft West Central District Plan

The Draft West Central District Plan was released for exhibition by the Greater Sydney Commission from November 2016 to March 2017. This district is now known as the Central City District as determined by the Minister on the 22 September 2017.

An assessment of the proposal against the relevant priorities and actions outlined in the draft District Plan is addressed below.

A Productive City

Priorities	Actions
Overarching priorities <ul style="list-style-type: none"> • Driving the growth of the Central City • Planning for job target ranges for strategic and district centres • Improving access to a greater number of jobs and centres within 30 minutes Specific priorities <ul style="list-style-type: none"> • P1: Integrate transport and land use planning • P3: Manage growth and change in strategic and district centres and, as relevant, local centres • P4: Plan for a growing and vibrant Parramatta City • P8: Prioritise the provision of retail floor space in centres 	Action P1: Collaborate to create, own and deliver GPOP

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Action P1 identifies the CBD PP as one of the key land use activities that is consistent with developing the GPOP vision. The objective of CBD PP is to:

- Drive population and employment growth in the Parramatta CBD,
- Provide for an expanded and more intense commercial core to strengthen and facilitate the role of Parramatta as a dual CBD, and
- Support the CBD as a vibrant centre by surrounding the core with higher density mixed use.

The proposal aligns with the Parramatta CBD PP, and is consistent with the productivity priorities and actions of the draft district plan in that it will:

- Support the continuing development of the Parramatta CBD by contributing to housing and employment targets with approximately 1,336sqm of non-residential floor space and 154 residential units;
- Provide employment and housing opportunities in proximity to Parramatta Railway Station/Bus Interchange, retail and commercial opportunities and open space;
- Manage car parking through the implementation of maximum car parking rates;
- Provide a range of dwelling types to meet the different needs, preferences and budgets of the community;
- Provide retail opportunities at the ground floor to meet the future retail and service needs of the community;
- Not significantly impact on the heritage values of Sorrell Street Conservation Area and heritage items within the vicinity of the site (Refer Section 3.3.2 of this report of this report), and
- Enhance the urban amenity of the centre, through:
 - The requirement to demonstrate design excellence through a competitive Design Excellence Process
 - Contributions to local infrastructure upgrades to support the growth of the city centre.

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A Liveable City

Priorities	Actions
Overarching priorities <ul style="list-style-type: none"> • Improve housing choice • Improve housing diversity and affordability • Create great places • Foster cohesive communities • Respond to people's need for services Specific priorities <ul style="list-style-type: none"> • LP1: Deliver West Central's five-year housing targets • LP2: Deliver housing diversity • LP3: Implement the Affordable Rental Housing Target • LP5: Facilitate the development of safe and healthy places • LP6: Facilitate enhanced walking and cycling connections • LP7: Conserve heritage and unique local characteristics 	<ul style="list-style-type: none"> • LA3: Councils to increase housing capacity across the District • L9: Coordinate infrastructure planning and delivery for growing communities • AL11: Provide design led planning to support high quality urban design

The Planning Proposal is generally consistent with the liveability priorities and actions of the draft district plan.

The residential component of the site will contribute an estimated approximately 154 units to meet the district's five and 20-year housing targets. The site is located in area ideal for higher density living, with the site within walking distance to public transport, retail and commercial areas, park and recreation facilities, schools and other community facilities.

The proposal will also aim to enhance the urban amenity of the centre, through:

- A design competition process and preparation of site specific development controls to support this Planning Proposal, and
- Contributions to local upgrades such as public domain improvements.

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A Sustainable City

Priorities	Actions
Overarching priorities <ul style="list-style-type: none"> Enhancing the West Central District in its landscape Protect and conserve the values of the Parramatta River and Sydney Harbour Enhance access to the Parramatta River and Sydney Harbour foreshore and waterways Delivering Sydney's Green Grid Align strategic planning to the vision for the Green Grid Creating an efficient West Central District planning for a resilient West Central District Mitigate the urban heat island effect urban heat Specific priorities <ul style="list-style-type: none"> SP2: Protect and conserve the values of the Parramatta River and Sydney Harbour SP3: Enhance access to the Parramatta River and Sydney Harbour foreshore and waterways SP5: Align strategic planning to the vision for the Green Grid 	<ul style="list-style-type: none"> AS11: Support the development of initiatives for a sustainable low carbon future AS13: Incorporate the mitigation of the urban heat island effect into planning for urban renewal projects and Priority Growth Areas

The Planning Proposal is consistent with the sustainability priorities and actions of the draft district plan.

Infrastructure contributions will contribute to the protection and enhancement of the Parramatta River Foreshore, which forms part of Sydney's metropolitan Green Grid and which has been identified as a priority project in the draft district plan.

Draft Greater Sydney Region Plan and Revised draft Central City District Plan

On the 22 October 2017, the Greater Sydney Commission released the Draft Greater Sydney Region Plan and revised draft Central City District Plan. The plans are on exhibition until the 15 December 2017.

At the time this Planning Proposal was originally prepared these strategic plans had not been released. An assessment of the Planning Proposal against these draft plans has been provided for completeness.

The Draft Greater Sydney Region Plan is built on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places.

The vision seeks to meet the needs of a growing and changing population by transforming greater Sydney into a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City.

The purpose of the draft Plan is to:

- Set a 40-year vision (up to 2056) and establish a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters,
- Inform district and local plans and the assessment of planning proposals,

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- Assist infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes, and
- Inform the private sector of the vision for Greater Sydney and infrastructure investments required to manage growth.

The plan is guided by 10 overarching directions relating to infrastructure and collaboration, productivity, liveability and sustainability with metrics and objectives associated with each.

The City of Parramatta is located within the Central River City in the Central City District.

The draft 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 Draft Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The plan sets out planning priorities and actions for the development of the central city district.

An assessment of the Planning Proposal against the relevant directions, objectives, priorities and actions of the Draft Greater Sydney Region Plan and draft Central City District Plan is set out below.

Liveability

Draft Greater Sydney Region Plan		Revised draft Central City District Plan	
Directions	Objectives	Priorities	Actions
1. A city for people Celebrating diversity and putting people at the heart of planning	5. Services and infrastructure meet communities' changing needs 6. Communities are healthy, resilient and socially connected 7. Greater Sydney's communities are culturally rich with diverse neighbourhoods	C3 - Providing services and social infrastructure to meet people's changing needs	8. Deliver social infrastructure to reflect the needs of the community now and in the future.
2. Housing the city Giving people housing choices	10. Greater housing supply 11. Housing is more diverse and affordable	C5 - Providing housing supply, choice and affordability, with access to jobs and services	No specific actions.
3. A city of great places	12. Great places that bring people together 13. Environmental heritage is conserved and enhanced	C6 - Creating and renewing great places and local centres, and respecting	17. Deliver great places by: <ol style="list-style-type: none"> prioritising a people-friendly public realm and open spaces as a central organising design principle recognising and balancing the dual function of streets as places for people and movement

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Draft Greater Sydney Region Plan		Revised draft Central City District Plan	
Directions	Objectives	Priorities	Actions
Designing places for people		the District's heritage	<ul style="list-style-type: none"> c. providing fine grain urban form, high amenity and walkability d. integrating social infrastructure to support social connections and provide a community hub e. encouraging contemporary interpretation of heritage where possible f. using a place-based and collaborative approach throughout planning, design, development and management. <p>18. Conserve and enhance environmental heritage by:</p> <ul style="list-style-type: none"> a. engaging with the community early in the planning process to understand Aboriginal, European and natural heritage values b. conserving and interpreting Aboriginal, European and natural heritage to foster distinctive local places. <p>19. Use place-based planning to support the role of centres as a focus for connected neighbourhoods.</p> <p>20. In Collaboration Areas, Priority Precincts and planning for centres:</p> <ul style="list-style-type: none"> a. investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking b. ensure parking availability takes into account the level of access by public transport consider the capacity for places to change and evolve, and accommodate diverse activities over time.

This Planning Proposal is consistent with the liveability directions, objectives of the draft Sydney Region Outline Plan and the priorities and actions of the draft central city district plan.

The proposal will provide:

- An estimated 154 units (1 – 3+ bedroom units) contributing to housing targets and diversity for the district;
- Retail and commercial businesses opportunities to service the needs of the community as well as visitors;
- Contributions towards community infrastructure such as community facilities, cycle ways and environmental and recreational facilities; and

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- Maximum car parking rates in an effort to reduce car usage and encourage public transport patronage, walking and cycling.

The proposal will facilitate the development of a well-designed mixed use building that will contribute to renewal of periphery of the CBD, through:

- The preparation of site specific development controls to support this Planning Proposal and design competition process,
- Contributions to local upgrades, including public domain improvements; and
- Consideration of the heritage values of Sorrell Street Conservation Area and heritage items within the vicinity of the site (Refer Section 3.3 of this report).

Productivity

Draft Greater Sydney Region Plan		Revised draft Central City District Plan	
Directions	Objectives	Priorities	Actions
6. A well connected city Developing a more accessible and walkable city	14. A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities	C9 Delivering integrated land use and transport planning and a 30-minute city	32. Integrate land use and transport plans to deliver the 30-minute city. 33. Investigate, plan and protect future transport and infrastructure corridors
	15. The Eastern, GOP and Western Economic Corridors are better connected and more competitive	C8 Delivering a more connected and competitive GOP Economic Corridor	No relevant action.
7. Jobs and skills for the city Creating the conditions for a stronger economy	19. Greater Parramatta is stronger and better connected	C7 -Growing a stronger and more competitive Greater Parramatta	24. Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy 28. Manage car parking and identify smart traffic management strategies
	20. Investment and business activity in centres	C10 - Growing investment, business opportunities and jobs in strategic centres	37. Provide access to jobs, goods and services in centres by: a. attracting significant investment and business activity in strategic centres to provide jobs growth b. diversifying the range of activities in all centres c. creating vibrant, safe places and quality public realm

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Draft Greater Sydney Region Plan		Revised draft Central City District Plan	
Directions	Objectives	Priorities	Actions
			<ul style="list-style-type: none"> d. balancing the efficient movement of people and goods with supporting e. the liveability of places on the road network improving the walkability within and to the centres f. completing and improving a safe and connected cycling network to and within the centres g. improving public transport services to all strategic centres h. creating the conditions for residential development within strategic centres and within walking distance, but not at the expense of attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.

This Planning Proposal is consistent with the productivity directions, objectives of the draft Sydney Region Outline Plan and the priorities and actions of the draft Central City District Plan, in that it will:

- Deliver additional housing and employment within Parramatta CBD that will revitalise the city centre and support the commercial core;
- Redevelop a site that has good access to public transport (light rail, rail and ferry services), jobs, services, recreational, educational and other opportunities;
- Reduce car usage and encourage public transport patronage, walking and cycling through the provision of maximum car parking rates;
- Ensure that a high quality mixed use building and public domain is delivered through the preparation of site specific development controls and design competition process; and
- Contribute to the provision of community infrastructure such as cycleways and public roads to support the growth of the city centre and improve access to jobs, goods and services.

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Sustainability

Draft Greater Sydney Region Plan		Revised draft Central City District Plan	
Directions	Objectives	Priorities	Actions
8. A city in its landscape Valuing green spaces and landscape	30. Urban tree canopy cover is increased	C16 Increasing urban tree canopy cover and delivering Green Grid connections	67. Expand urban tree canopy in the public realm.
9. An efficient City Using resources wisely	31. Energy and water flows are captured, used and re-used 32. More waste is re-used and recycled to support the development of a circular economy	C19 Reducing carbon emissions and managing energy, water and waste efficiently	No relevant action.

This Planning Proposal is consistent with the sustainability directions, objectives of the draft Sydney Region Outline Plan and the priorities and actions of the draft central city district plan.

Street trees are required to be accommodated within the public domain in line with Council's existing controls in the Parramatta DCP as well as Council's Public Domain Guidelines and Street Tree Master Plan. This will be addressed as part of the design competition and development application process.

Council will encourage sustainable construction and building practices. This will be addressed as part of development application process.

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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 links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region.

The Planning Proposal is consistent with key objectives identified in the plan by allowing for an appropriate mix of residential and non-residential uses located in a centre with public transport, shops and community facilities in close proximity. The proposal will provide retail on the ground floor that will activate the street and encourage walkability. 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.

Parramatta CBD Planning Proposal

As outlined in Section 3.1.1, the CBD PP was adopted by Council on 11 April 2016 and informed by the Parramatta CBD Planning Strategy. The CBD PP sets 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. It proposes potential increases in height and FSR can be sought for sites within the Parramatta CBD subject to the provision of community infrastructure. While the Department is yet to issue a Gateway determination, the CBD PP is Council's most recently adopted position on density increases in the Parramatta CBD.

Further, on 10 April 2017 Council adopted the Value Sharing Policy Framework and the Parramatta CBD Strategic Transport Study which further supported the CBD PP.

An assessment of how this Planning Proposal responds to CBD planning proposal and the recently adopted policy positions is detailed below.

Height and FSR

The CBD PP proposes that no height limit and a maximum 6:1 incentive FSR to apply to the majority of sites in the northern extremity of the Parramatta CBD, of which this site is located.

While the CBD PP does not apply a height limit for most sites in the CBD (including this site), previous Gateway Determinations received for site-specific CBD planning proposals required insertion of a numeric height of building control.

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Council's endorsed position is that a maximum building height of 80m and FSR of 6:1 apply to the site.

Value Sharing Policy Framework

The CBD PP requires the provision of community infrastructure to be provided should the incentive FSRs be applied to a development. This community infrastructure will assist in providing the infrastructure upgrades required that will result in response to the increased densities proposed by the CBD PP.

On 10 April 2017, Council endorsed the following rates:

- 20% value sharing for Phase 1 uplift (being \$150/m²) – being the difference between current controls and Incentive controls
- 50% value sharing for Phase 2 uplift (being \$375/m²) – being the 3:1 Opportunity Site FSR controls.

A letter of offer has been submitted by the proponent in line with the Phase 1 Value Sharing, amounting to \$733,050.00. This offer was endorsed by Council at its meeting of the 13 November 2017 and is the basis, upon which the draft VPA will be prepared. The draft VPA will be exhibited alongside this Planning Proposal.

CBD Strategic Transport Study and maximum parking rates

The CBD Strategic Transport Study was prepared in conjunction with Transport for NSW and Roads and Maritime Services. The Study assesses the impacts of the density increases proposed in the CBD PP and how the resulting traffic impacts can be mitigated.

On 10 April 2017 Council resolved to endorse maximum car parking rates as proposed in Parramatta CBD Strategic Transport Study and recommended that these rates be applied to existing site-specific planning proposals and Design Competitions within the Parramatta CBD, pending results of the forthcoming mesoscopic study and Integrated Transport Plan.

In keeping with the resolution aforementioned, Council requested an amended gateway determination to replace condition 5 which required the Planning Proposal be reviewed and amended where necessary, having regard to the mesoscopic modelling undertaken for the Parramatta CBD Planning Proposal prior to being submitted to the Department for finalisation.

On the 7 August 2017 a gateway alteration was issued by the Department, that required the Explanation of Provisions in the Planning Proposal be amended prior to community consultation to indicate a provision will require a maximum car parking rate in accordance with the CBD Strategic Transport Study.

The Planning Proposal has been updated to include the site specific planning control to apply the maximum car parking rates.

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

An assessment of the planning against the relevant State Environmental Planning Policies (SEPPs) is addressed in the table below.

Table 1 – Assessment of consistency against applicable SEPPs

State Environmental Planning Policies (SEPPs)	Consistent: Yes - ✓ No - ✗ or N/A	Comment
SEPP No 1 Development Standards	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the <i>PLEP 2011</i> .
SEPP No 55 Remediation of Land	✓	The subject site has existing Class 5 Acid Sulfate Soils constraints. Council is satisfied the site is suitable for mixed use purposes. The matter can be further resolved through the development application which considers finer grain details such as building materials. No further contamination issues have been identified. It is noted that the proposal does not involve the rezoning or change of use of the land. Amendments relate to changes to FSR, height and parking controls.
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	✓	The built form presented in the reference design (Appendix 2) has satisfactorily demonstrated that the site is able to accommodate the FSR and height being sought and indicates that a resulting development would be capable of complying with the Apartment Design Guideline (ADG). Detailed assessment of compliance with SEPP 65 and ADG requirements will be required as part of the future DA approval.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed amendment.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓	May apply to future development of the site.
SEPP (Infrastructure) 2007	✓	May apply to future development of the site.
SEPP (Urban Renewal) 2010	N/A	The Parramatta CBD is not identified as an Urban Renewal Precinct under the SEPP.
Sydney Regional Environmental Plan (REP) (Sydney Harbour Catchment) 2005	✓	The whole of the Parramatta is covered by the REP. While the site is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.

Planning Proposal – 470 Church Street, Parramatta

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.

An assessment against the Ministerial Directions applicable to the subject Planning Proposal is detailed in the table below.

Table 2 – Assessment of consistency against applicable Section 117 Directions

Section	Comment	Consistent: Yes - ✓ No - ✗
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	This planning proposal retains the B4 Mixed Use zone and will provide approximately 1,336sqm of floor space for employment generating land uses.	✓
2. Environment and Heritage		
Direction 2.3 - Heritage Conservation	<p>The subject site does not contain a heritage item listed under Schedule 5 of <i>PLEP 2011</i>.</p> <p>However, the site is located in proximity to the Sorrell Street Conservation Area to the east of the site and heritage residence at 53 Sorrell Street located within; and the local heritage item 695 Former Bakery, located at 476 Church Street across the road to the north of the site (Refer 4.1 of this report for an excerpt of the heritage map).</p> <p>The proposed height and bulk sought as part of this Planning Proposal would inevitably impact the view lines of nearby heritage items, particularly as the subject site is located on a prominent street corner. The proposed height will likely result in overshadowing of heritage items located south of the subject site, particularly the Sorrell Street Conservation Area. However, these impacts are expected and considered acceptable given the location of the subject site and heritage items in a CBD context. The density proposed is consistent with the CBD PP and is therefore consistent with the future context of the site.</p> <p>Refer Section 3.3.2 of this report for an assessment of the heritage impacts of the proposal on the heritage values of the area.</p>	✓
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> Facilitates additional housing in the Parramatta City Centre that is currently not provided on the site; and Provides residential development in an existing urban area that will be fully serviced by existing infrastructure. 	✓

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Section	Comment	Consistent: Yes - ✓ No - ✗
Direction 3.4 - Integrating Land Use and Transport	The Planning Proposal is consistent with this direction, in that it will: <ul style="list-style-type: none"> • Provide new dwellings and commercial opportunities in close proximity to existing public transport links; • Enable residents to walk or cycle to work, if employed in the Parramatta City Centre, utilise the heavy rail service or bus services along Victoria Road; and • Make more efficient use of space and infrastructure by increasing densities on an underutilised site. 	✓
Direction 3.5 – Development Near Licensed Aerodromes	The site is located within a licensed aerodrome, however at a height of 92m/108AHD (with design excellence) the site does not breach the Obstacle Limitation Surface (156AHD). As per Condition 2 of the Gateway Determination the Planning Proposal has been referred to the Commonwealth Department of Infrastructure and Regional Development.	✓
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	The site is identified as Class 5 on the Acid Sulfate Soils Map in <i>PLEP 2011</i> . Acid sulfate soils are not generally found in Class 5 areas however this will be addressed further at the development application stage by way of clause 6.1 in the <i>PLEP 2011</i> .	✓
Direction 4.3 - Flood Prone Land	The site is located outside of the 20 and 100-year Average Recurrence Interval events and the Probable Maximum Flood (PMF) event. Refer Section 4.1 of this report for except of flood map.	✓
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.	✓
Direction 6.3 - Site Specific Provisions	The Planning Proposal seeks to include a site specific provision that applies maximum parking rates in accordance with the Parramatta CBD Strategic Transport Study as per the gateway alteration of 4 August 2017 and Council resolution of 10 April 2017. This 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 will be consistent with the future CBD controls.	✓
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	As detailed in Section 3.2.1 of this report, the Planning Proposal is consistent with the directions, actions and priorities of "A Plan For Growing Sydney".	✓
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The proposal 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 PP, • Will contribute towards dwelling and employment targets within the Parramatta City Centre, and • Assists in the funding of infrastructure. 	✓

Planning Proposal – 470 Church Street, Parramatta

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:

- Urban Design and Built Form,
- Heritage impacts,
- Flooding – addressed in 'Hazard and Risk - 4.3 Flood Prone Land', Section B3.2
- Transport and Accessibility Assessment, and
- Acid Sulfate Soils – addressed in 'Hazard and Risk - 4.1 Acid sulphate Soils', Section B3.2.

Urban Design

The Planning Proposal is supported by an Urban Design Report prepared by David Lock Associates and a reference design drawing prepared by Level Architectural Division (Refer **Appendix 1 and 2**, respectively).

The Urban Design Report includes descriptions and plans of the site, an overview of the existing planning controls and an analysis of the site's context. It has been updated to align with the gateway condition 1(b).

The reference design provides a concept for a mixed use building on the site comprising:

- Three levels of basement parking,
- Four storey podium containing ground floor retail, commercial on level 1 and residential apartments on level 2 and 3, and
- 26 storey tower.

The reference design is considered an acceptable response to the site conditions. The scale of the indicative built form responds to the conservation area and item within at 53 Sorrell Street located to the east of the site using appropriate setbacks as well as the item to the north at 476 Church Street.

Broadly, the reference designs have satisfactorily demonstrated that the site is able to accommodate the FSR and height being sought and indicates that a resulting development would be capable of complying with SEPP 65 and the ADG.

Planning Proposal – 470 Church Street, Parramatta

The Planning Proposal is supported by a draft DCP which will be exhibited alongside. The DCP contains at a minimum the following planning controls:

- A street frontage height of 3-4 storeys (maximum 14 metres) along Church Street (refer to Figure 2).
- Upper level setback of 6 metres along Church Street (refer to Figure 2).
- Upper level setback of 3 metres along Harold Street.
- Minimum upper level setback of 12m from the eastern boundary to allow inter-building separation between habitable rooms.
- Minimum upper level setback of 9 metres from the southern boundary subject to meeting the requirements of the ADG.
- The upper level setbacks should be measured to the outer most face of buildings, including balconies.

The DCP will inform any future design competition brief for the site based on this Planning Proposal. The Urban Design Report and reference design demonstrates the scale proposed under this Planning Proposal is capable of complying with the ADG under SEPP 65.

It also demonstrates that the proposed scale on the subject site will result in an acceptable impact on the surrounding properties. However, this form should not set precedence for properties adjoining the Sorrell Street Conservation Area. Transition will be discussed in detail below.

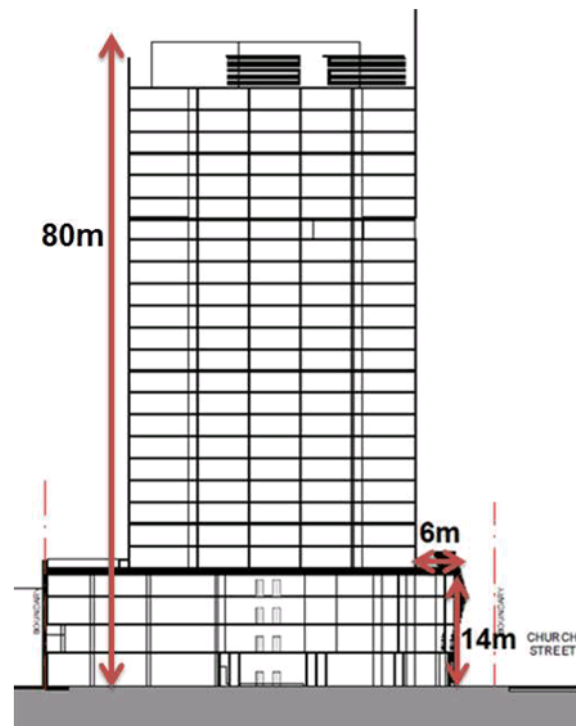


Figure 2 – Proposed design concept (Source: Urban Design Report)

Planning Proposal – 470 Church Street, Parramatta

Transition

A reasonable transition is required between this site and the conservation area to the east. This section analyses how transition will be an effective tool in reducing the impacts of the proposed form on the Sorrell Street Conservation Area.

The subject site is located in close proximity to the Sorrell Street Conservation Area. Within the conservation area there is a mix of building typologies which include one storey dwelling houses and three storey residential flat buildings. Figure 3 demonstrates just one example of the scale of properties located in the Sorrell Street Conservation Area. The building displayed in Figure 3 is heritage item number 420 located at 53 Sorrell Street and closest property in the Sorrell Street Conservation Area to the subject site (refer to Figure 4).

Any increase in density on the subject site would change the setting, as well as the views to and from the properties within the conservation area. This impact can be mitigated by transitioning the scale of development.



Figure 3: Sorrell Street Conservation Area, corner of Sorrell Street and Harold Street, Parramatta (Source: Google Maps)

The CBD PP requires a transition to any heritage item or conservation area, the following is an extract from the proposal:

7.15 Community Infrastructure

(2) The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Incentive Height of Buildings Map and the Incentive Floor Space Ratio Map, but only if:

(a) the development is able to demonstrate an appropriate transition to any heritage items or conservation areas

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Figure 4 illustrates one example of how transition can be accomplished using FSR. Focusing on the 'superblock' in which the subject site is located, the properties fronting Church Street, including the subject site have an FSR of 6:1 (red), the sites located in the Conservation Area have an FSR of less than 0.8:1 (green) and the sites in between, notably 23-27 Harold Street have FSRs of 3:1 acting as a transition from 6:1 to less than 0.8:1. Figure 6 demonstrates conceptually what the FSR transition in Figure 5 might look like using 3D modelling. The height, bulk and scale of buildings reduce as the built forms get closer to the conservation area/heritage item.

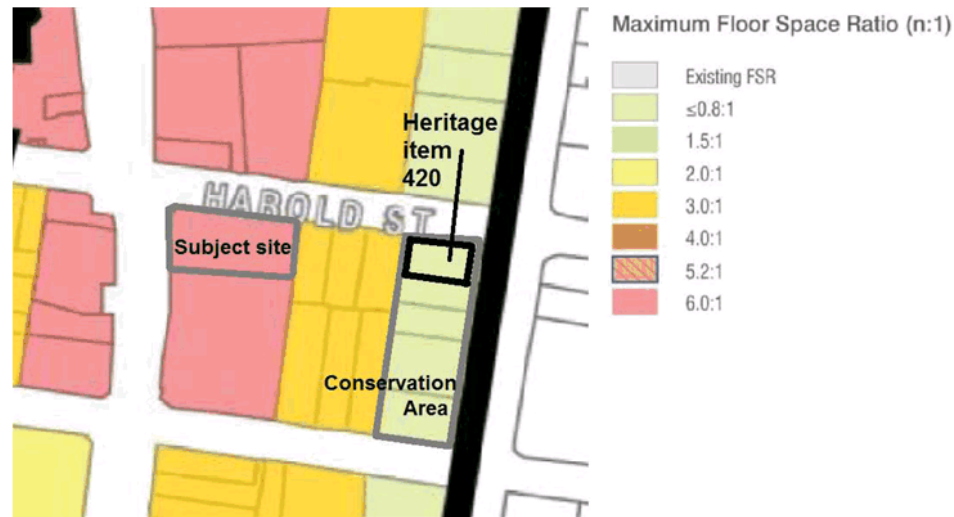


Figure 4: Transition using FSR (Source: City of Parramatta – Parramatta CBD Heritage Study)



Figure 5: Transition 3D modelling (Source: City of Parramatta – Parramatta CBD Heritage Study)

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Heritage

The site does not contain a heritage item listed under Schedule 5 of *PLEP 2011* but is in proximity to the Sorrell Street Conservation Area and heritage residence at 53 Sorrell Street located to the east and local heritage item 695 Former Bakery, located at 476 Church Street. Refer to Section 4.1 of this report for an excerpt of the heritage map.

Sorrell Street is an important local road and one of the early streets developed north of the Parramatta River. It demonstrates the development of the colonial government town and its early residential growth from 1823 onwards. This area contains 63% of the dwellings that existed in this locality in 1895, including heritage item 420 a two storey residence constructed in 1885, located at 53 Sorrell Street, on the corner of Harold Street and Sorrell Street.

Heritage item 695, located at 476 Church Street is a former shop and bakery building. It is of local significance and represents historical commercial premises. The building was erected in 1890 and comprises remnant fabric which demonstrates the commercial development that lined the major roads into Parramatta. The site possesses the potential to contribute to an understanding of early urban development in Parramatta.

The proposed height and bulk sought as part of this Planning Proposal would inevitably impact the view lines of nearby heritage items, particularly as the subject site is located on a prominent street corner. The proposed height will likely result in overshadowing of heritage items located south of the subject site, particularly the Sorrell Street Conservation Area. However, these impacts are expected and considered acceptable given the location of the subject site and heritage items in a CBD context.

The proposed height and FSR is acceptable given the scale of the proposed development is consistent with the CBD PP as endorsed by Council. Additionally, as discussed above there is adequate space between the subject site, the nearby heritage items and the conservation area to the east to provide an acceptable transition.

The site is approximately 40m from the conservation area and heritage item to the east. Setbacks to the eastern boundary of the site will also provide adequate separation between any future development on the adjacent land at 23-27 Harold Street, which is subject of a separate Planning Proposal.

The site is over 20m to the former shop and bakery building (Heritage item 695), located at 476 Church Street. Podium and tower setbacks will also provide an adequate transition to the item.

Since the referral of the PP to Council's heritage team on July 2017 Council endorsed the Parramatta Central Business District Heritage Interface Study for forwarding to the DP&E as a supporting document for the Parramatta CBD PP. This study was prepared in response to issues raised by the Heritage Council and the DPE.

The site is located within the interface area and subject of this study. In summary, the study identified a number of heritage impacts resulting from the Draft CBD PP as related to the Interface Areas. To ameliorate these impacts, the consultants recommended a series of amendments and concluded that: *"These recommendations if adopted should ensure new growth and developments occur in a manner that protects and manages the city's heritage assets and demonstrate consistency with Section 117 Direction 2.3 Heritage Conservation"*.

The study made a total of 153 recommendations for the interface study areas. A detailed assessment by Council officers of the recommendations and supporting maps was undertaken. Council officers support the majority of the HAA study recommendations with the exception of recommendations that are "outside the study scope", require separate investigative work, or where there is a compelling strategic planning argument. Council's assessment was supported by Council.

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The study recommended the retention of the incentive FSR of 6:1 and no height limit for site, consistent with the CBD PP and this Planning Proposal. There are no other recommendations specific to this Planning Proposal.

Traffic and Transport Assessment

A Traffic and Parking Assessment has been prepared by MRCagney, refer to **Appendix 3**. The Traffic and Parking Assessment has reviewed the planning context, analysed public transport availability and servicing, considered the proposed development and assessed its impacts and reviewed the likely parking and access requirements. The following is an extract of the key findings of the report:

- *The following potential mix of residential, commercial and retail areas has been adopted for an overall assessment of traffic impact and parking:*
 - *Residential: 154 apartments with a possible mix of 66 1-bed and 88 2-bed apartments;*
 - *Commercial: 1,026m² GFA total; and*
 - *Retail: 331m² GFA total mix of shops and cafes / food and drink outlets.*
- *It is noted that Parramatta City Council's Parramatta CBD Planning Strategy recommends that the FSR applicable to the subject site (and surround areas) be increased to 6.0:1, as identified in the 470 Church Street North Parramatta Urban Context and Design Report, which has been adopted in generating potential mix of uses for development site.*
- *The subject site is currently well served by public transport services, and is located in proximity to planned proposed public transport services such as Western Sydney Light Rail Network.*
- *The anticipated traffic generation of the identified mix of uses on the site would be in the order of 45-55 peak hour vehicle, equivalent to less than one vehicle movement per minute. Traffic impacts on the surrounding road network from this relatively low generator will be negligible.*
- *A maximum parking supply provision for the potential mix of uses for the development site has been identified based on the rates within the Parramatta LEP – Section 7.3 Car Parking. Bicycle parking provision and end-of-trip cycle facilities have been outlined.*
- *Design considerations in relation to the internal parking arrangements and servicing areas, as well as vehicular access for the development have been outlined.*

Internal referral

In August 2016, Council's Traffic Team provided the following comments:

- Until the findings of the Traffic and Transport Study being conducted by Council as part of the Parramatta CBD Planning Strategy are finalised, the maximum total parking provision on any site subject to a Planning Proposal within the CBD should be the same as if the development for the site was at an FSR of 10:1 and 6:1 in the north part of the CBD including 470 Church Street.
- Traffic modelling is no longer required to be conducted as part of the Traffic Analysis submitted as part of the Planning Proposal given Council is conducting a detailed traffic study that investigates the cumulative impact of traffic generation under the 10:1 FSR growth scenario. Discussion is still required around the parking rate sought for the subject site and the vehicular access points into the site.
- If this Planning Proposal proceeds for a Gateway determination, it should not be determined until the findings and recommendations of the CBD Traffic and Transport Study are finalised. The study will determine whether a greater parking rate within the

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Planning Proposal – 470 Church Street, Parramatta

CBD is feasible, and if not, may potentially recommend parking rates lower than what is currently permitted under the 10:1 growth scenario.

As detailed in Section 3.2.2 of this report Condition 5 of the Gateway Determination issued required the Planning Proposal be reviewed and amended where necessary, having regard to the mesoscopic modelling undertaken for the Parramatta CBD Planning Proposal prior to being submitted to the Department for finalisation.

CBD Strategic Transport Study and maximum car parking rates

Since this time, the CBD Strategic Transport Study has been prepared in conjunction with Transport for NSW and Roads and Maritime Services. The Study assesses the impacts of the density increases proposed in the CBD PP and how the resulting traffic impacts can be mitigated.

On 10 April 2017 Council resolved to endorse maximum car parking rates as proposed in Parramatta CBD Strategic Transport Study and recommended that these rates be applied to existing site-specific planning proposals and Design Competitions within the Parramatta CBD, pending results of the forthcoming mesoscopic study and Integrated Transport Plan.

This resolution was in part to allow site-specific planning proposals to proceed ahead of the mesoscopic modelling. Council's traffic and transport team have advised that they agree with the approach of applying the recently resolved rates to this Planning Proposal.

In keeping with the resolution aforementioned, Council requested an amended gateway determination to replace condition 5. A Gateway alteration was issued by the Department on the 7 August 2017, that required the Planning Proposal to be amended prior to community consultation to indicate a provision will require a maximum car parking rate in accordance with the CBD Strategic Transport Study.

The Planning Proposal has now been updated to include the site specific clause that will apply the following parking rates to the site:

Residential development

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	0.7 spaces/unit
1-bedroom	0.3 spaces/unit
Studio	0.1 spaces/unit

Commercial development (If the FSR > 3.5:1)

$$M = (G * A) / (50 * T)$$

where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (m²);

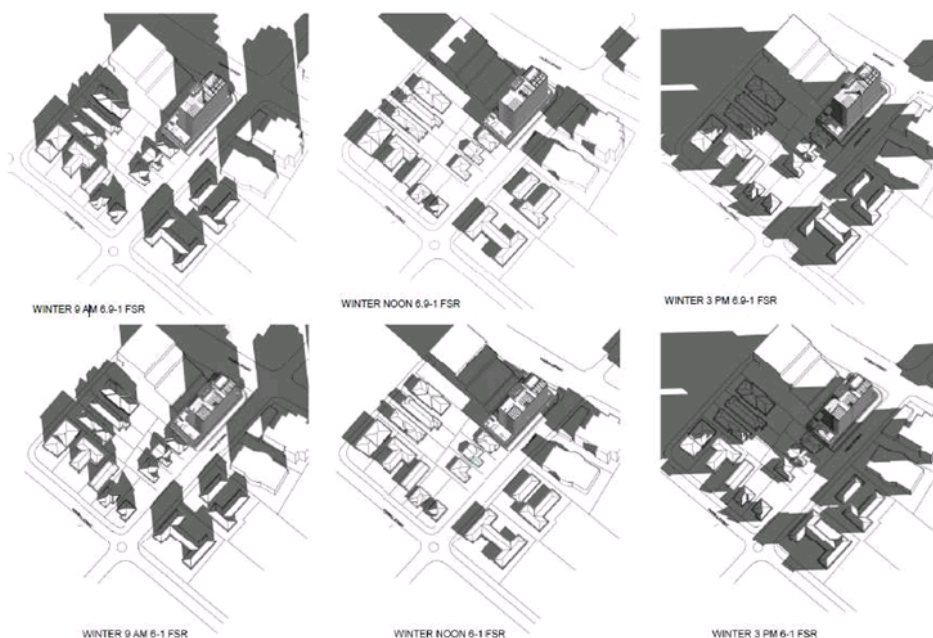
A = Site Area (m²);

T = Total GFA of all buildings on the site (m²)

Planning Proposal – 470 Church Street, Parramatta

Overshadowing

As per Condition 1 of the Gateway Determination, this Planning Proposal document has been updated to contain shadow diagrams showing Planning Proposal site and existing buildings. Please refer to attached Urban Design Report (refer Appendix 1) for further discussion.



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Planning Proposal – 470 Church Street, Parramatta

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 housing and employment generating floor space.

The commercial components of the development will contribute to the activation of Church Street, the main retail street of Parramatta CBD. The ground floor uses will provide the daily needs for the increased residential population while contributing to a renewed streetscape with vibrant retail uses. The dominant residential use will deliver a range of housing options located in close proximity to public transport, employment and community facilities.

The proposed scale of the building is appropriate given the location of the site on the northern edge of the Parramatta CBD whilst being in close proximity to the Sorrell Street Conservation Area. The scale of the development will ensure the integrity of the conservation area is retained for future generations.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The following public transport infrastructure is within proximity of the site:

- 400m of Victoria Road with a number of buses running along the transport corridor,
- Approximately 1,400m from the Parramatta Railway Station/Bus transport interchange and a kilometre from the Charles Street Ferry Terminal,
- 400m from Parramatta River, along which the Parramatta cycleway is located, and
- The future light rail stop associated with Stage 1 is also adjacent to the site along Church Street.

A number of areas of open space are within 500m of the site including Parramatta Park.

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

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

Condition 2 of the gateway determination states that the following public agencies

- Department of Education and Communities
- Transport for NSW – Ferries
- Transport for NSW – Sydney Trains
- Roads and Maritime Services
- Department of Infrastructure and Regional Development
- Telstra
- Sydney Water
- Endeavour Energy.

Government agencies are to provide their feedback by 20 February 2018. This section of the Planning Proposal will then be updated.

Planning Proposal – 470 Church Street, Parramatta

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.

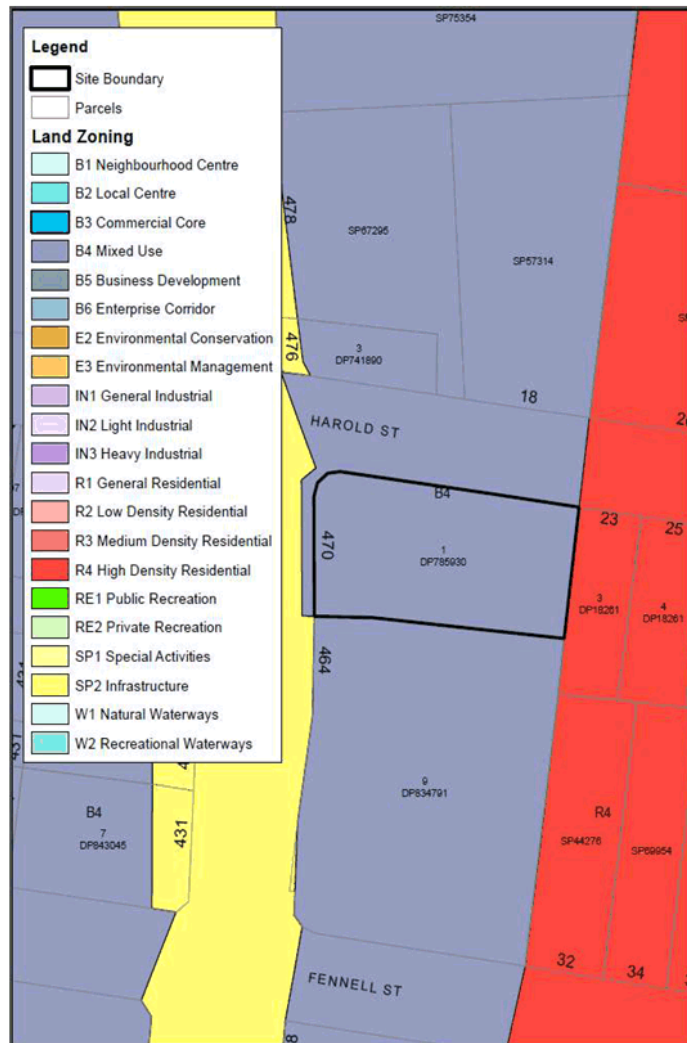


Figure 6 – Existing zoning extracted from the *PLEP 2011* Land Zoning Maps

Figure 6 above illustrates the existing B4 Mixed Use zone over the site.

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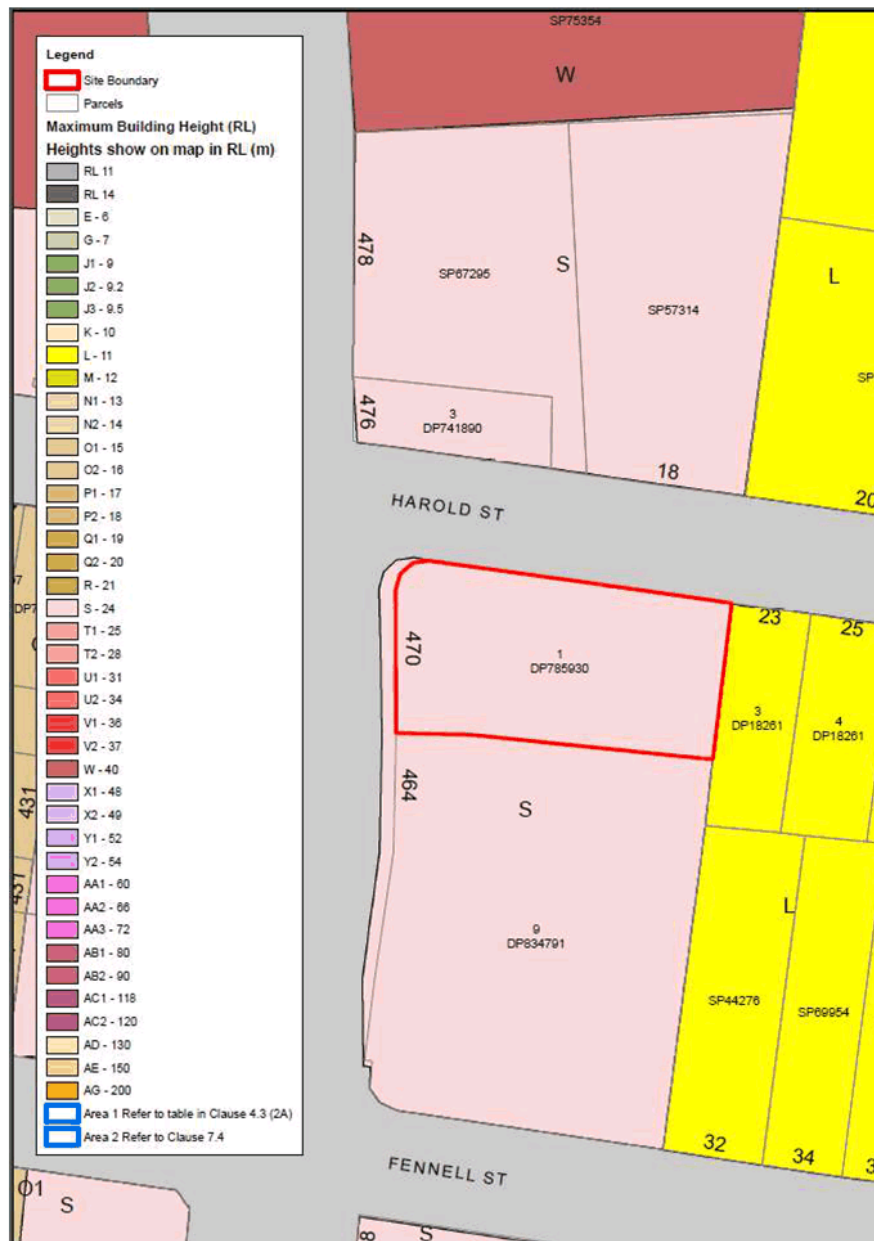


Figure 7 – Existing building heights extracted from the PLEP 2011 Height of Buildings Maps

Figure 7 above illustrates the existing 24 metre height applying to the site.

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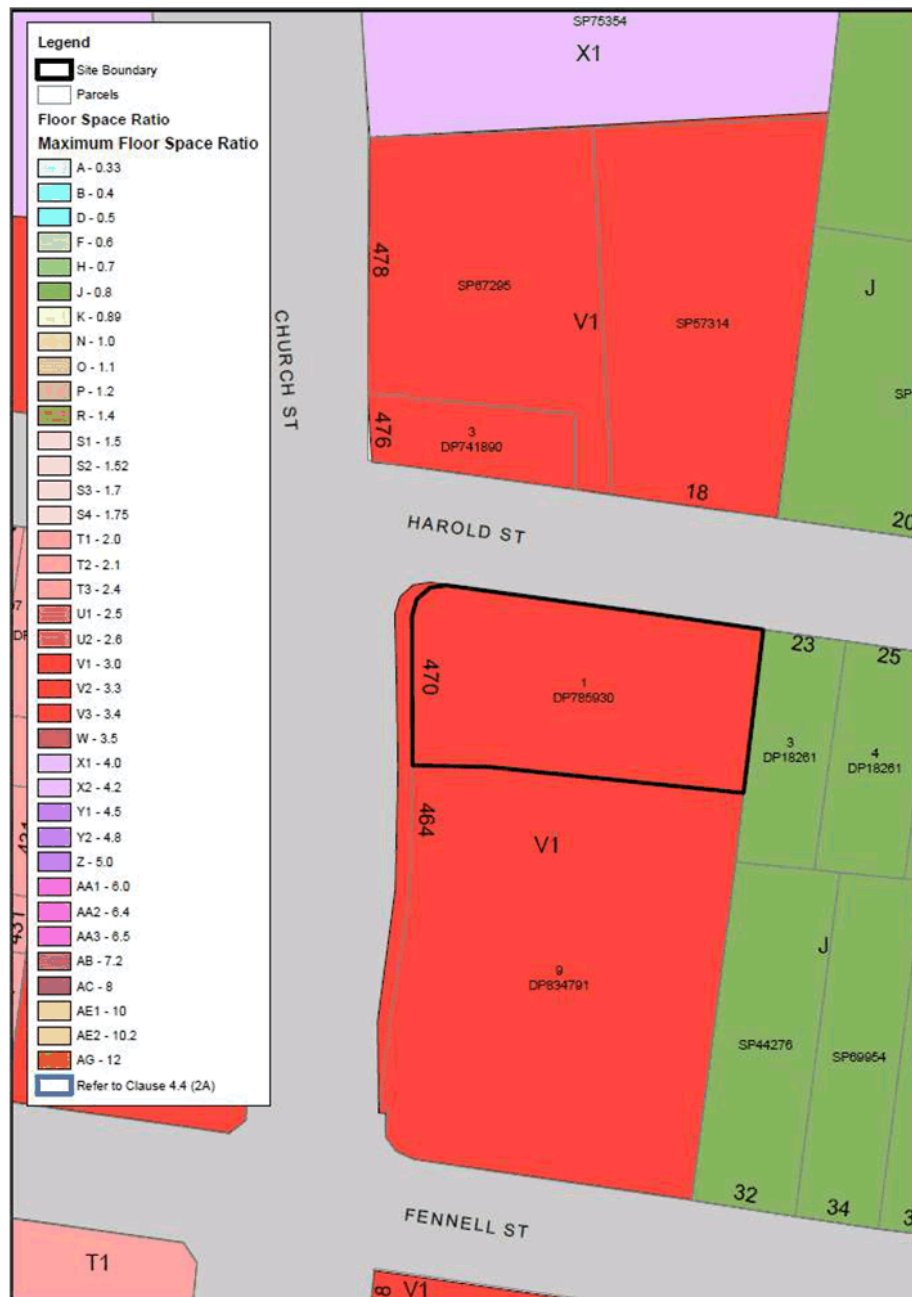


Figure 8 – Existing floor space ratio extracted from the *PLEP 2011* Floor Space Ratio Map

Figure 8 above illustrates the existing 3:1 FSR applying to the site.

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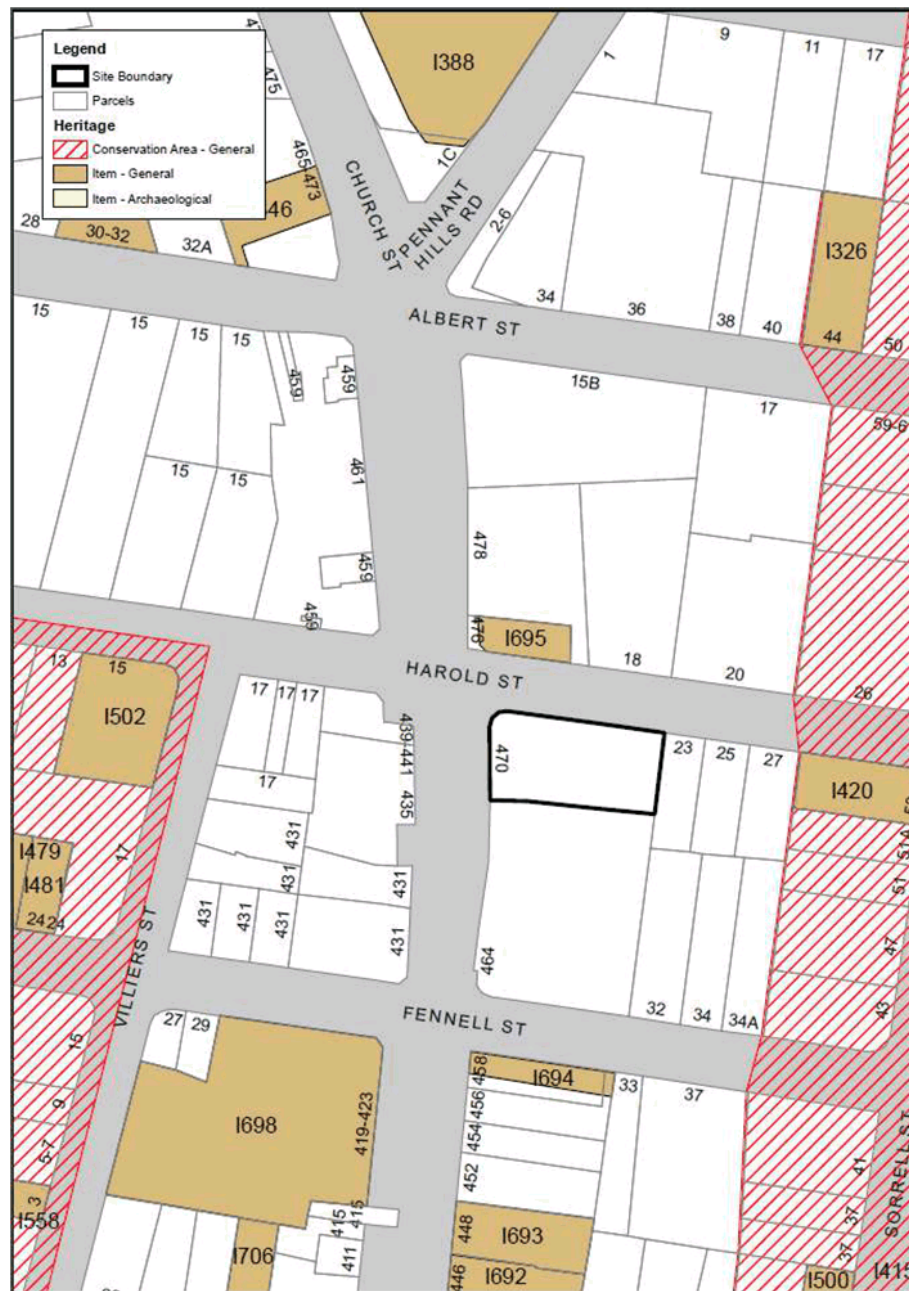


Figure 9 – Existing heritage items extracted from the PLEP 2011 Heritage Maps

Figure 9 above illustrates the heritage sites and conservation area which are in close proximity to the site.

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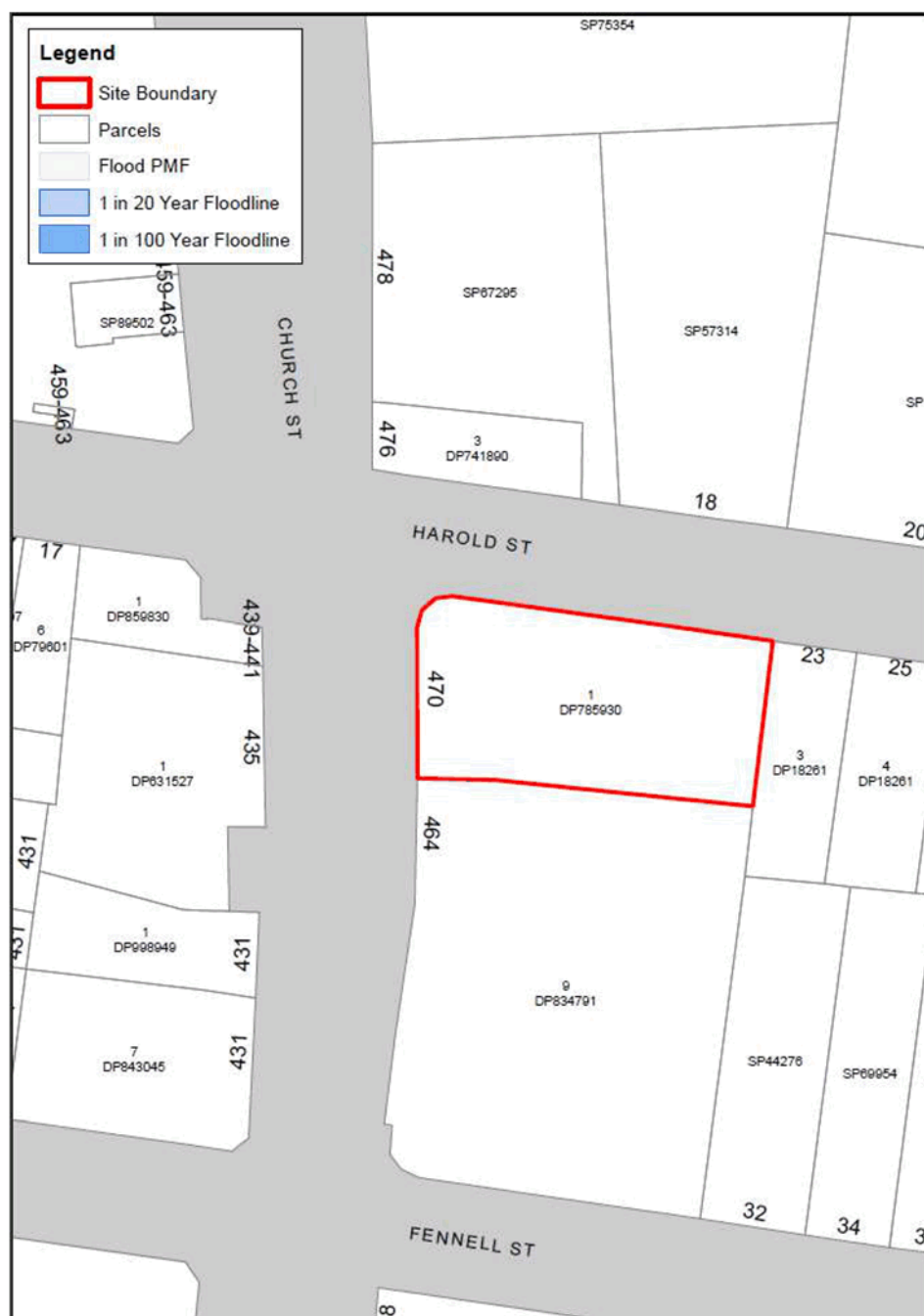


Figure 10 – Existing flooding extant extracted from Council's Flooding Maps

Figure 10 above illustrates the flooding extant in the vicinity of the site.

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4.2 Proposed controls

The figures in this section illustrate the proposed controls sought by this Planning Proposal.

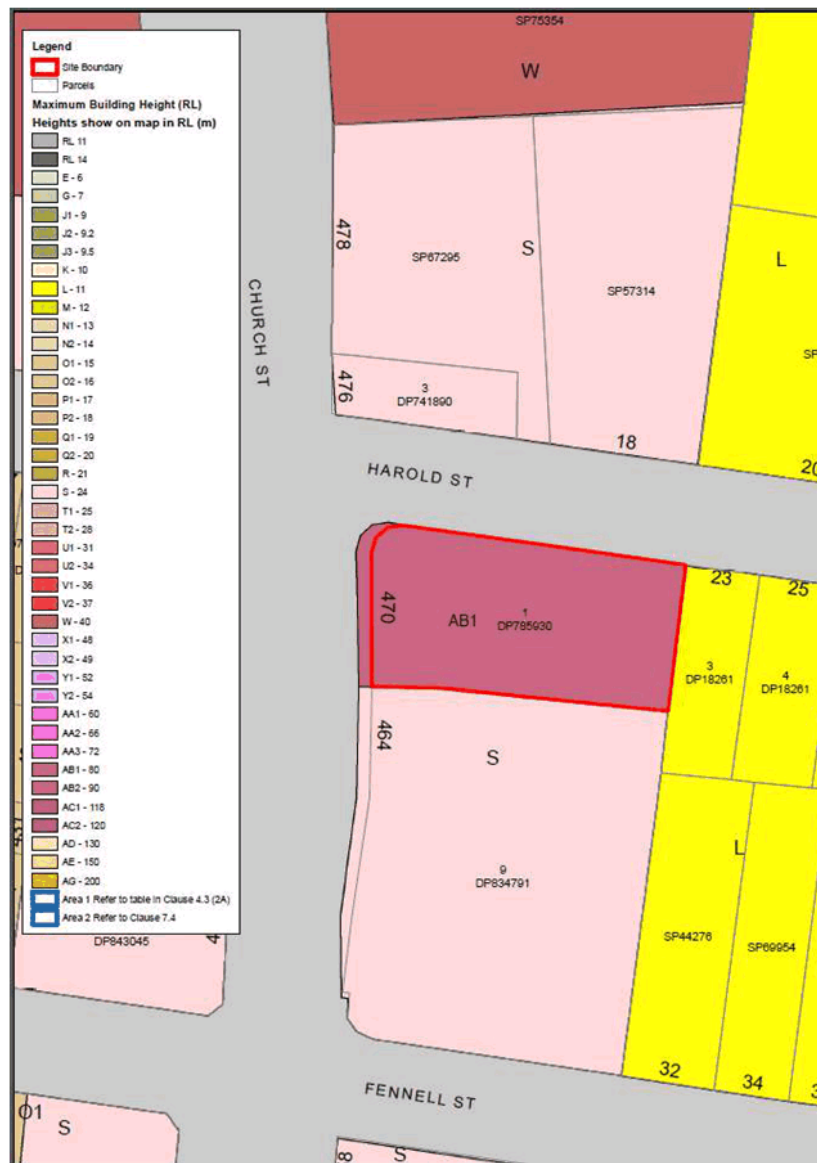


Figure 11 – Proposed amendment to the PLEP 2011 Height of Building Map

Figure 11 above illustrates the proposed maximum building height of 80 metres over the site. The proposed height excludes the additional 15% of GFA (which equates to a total height of 92 metres) as this will be achieved through the forthcoming design excellence clause at development application stage.

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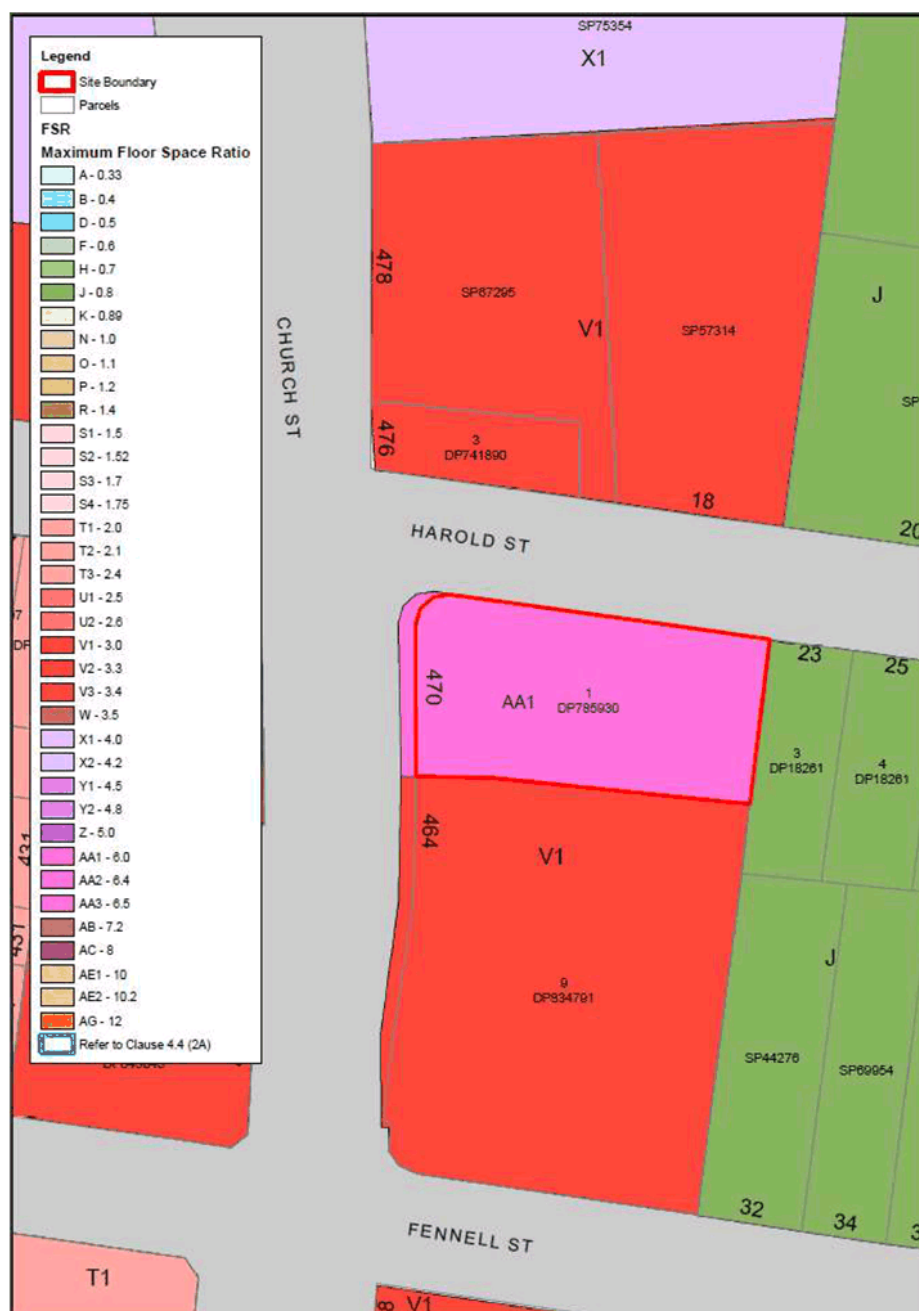


Figure 12 – Proposed amendment to the PLEP 2011 Floor Space Ratio Map

Figure 12 above illustrates the proposed 6:1 FSR over the site. This excludes the additional 15% of GFA (which equates to a total FSR of 6.9:1) as this will be achieved through the forthcoming design excellence clause at the development application stage.

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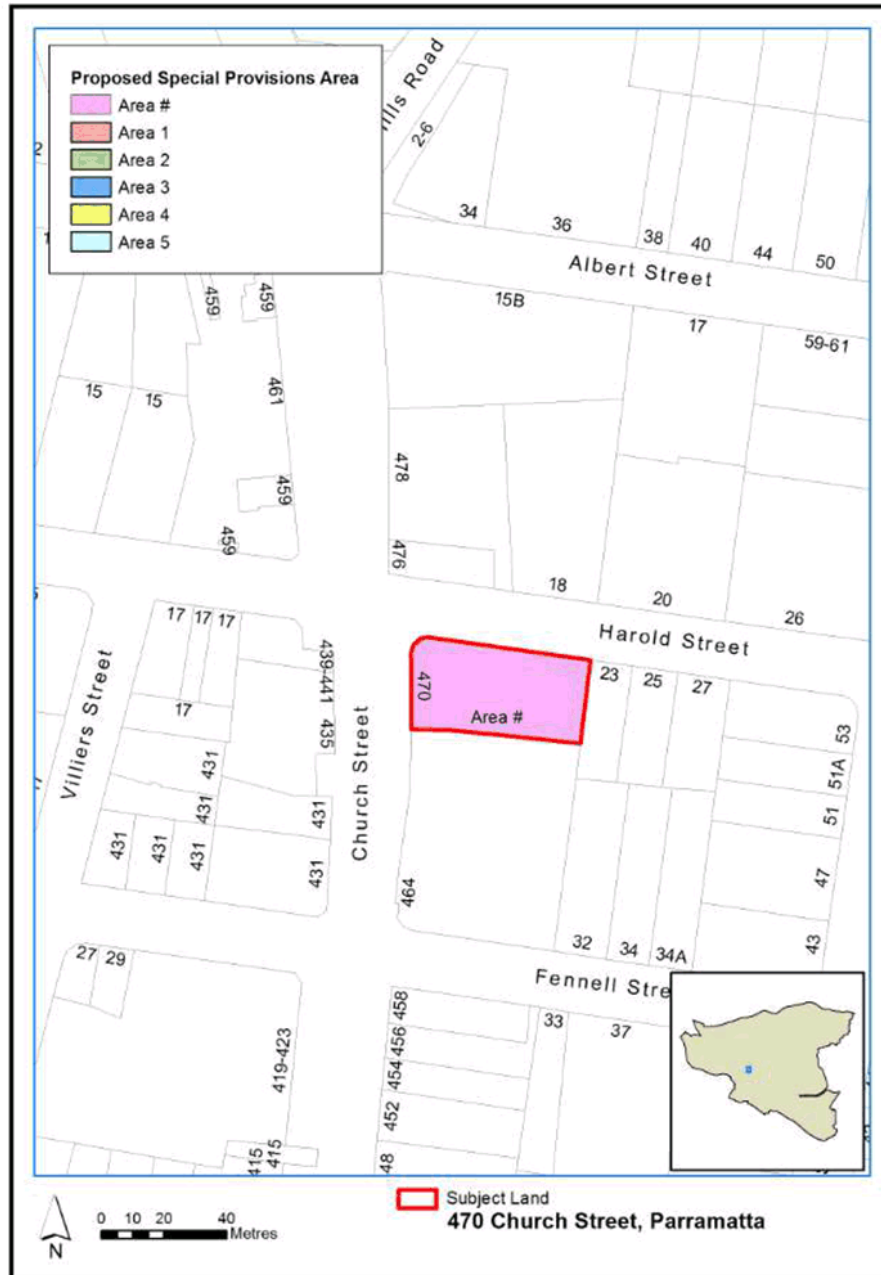


Figure 13 – Proposed amendment to the PLEP 2011 Special provisions map

Figure 13 above will identify that special provisions apply to the site. These special provisions relate to maximum car parking rates.

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PART 5 – COMMUNITY CONSULTATION

The Planning Proposal is to be publicly available for community consultation following consultation with public authorities in accordance with Gateway Determination conditions.

As per condition 3 of the Gateway Determination:

- The Planning Proposal must be publicly exhibited for 28 days; and
- The relevant planning proposal must comply with requirements for public exhibition set out in a Section 5.5.2 of *A Guide to preparing local environmental plans* (DP&E, 2016).

Public exhibition is likely to include:

- Newspaper advertisement;
- Display on the Council's web-site; and
- Written notification to adjoining landowners and occupiers.

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 review of the Gateway Determination.

The following steps are anticipated:

- Government agency notification (January – February 2018)
- Community consultation (March 2018)
- Consideration of submissions (April 2018)
- Consideration of proposal post exhibition and reporting to Council (May 2018)
- Submission to the Department to finalise the LEP (June 2018)
- Legal drafting of instrument (June – August 2018)
- Notification of instrument (September 2018)

Planning Proposal – 470 Church Street, Parramatta

Appendix 1 – Urban Design Report prepared by David Lock Associates

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Appendix 2 – Reference Design prepared by Level Architectural Division

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**Appendix 3 – Traffic and Parking Assessment prepared by
MRCagney dated 15 July 2016**

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Prepared by City of Parramatta

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DRAFT AMENDMENTS TO THE PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Amendments shown in blue.

Part 4.3 Strategic Precincts

4.3.3 Parramatta City Centre

4.3.3.7 City Centre Special Areas

Update Figure 4.3.3.7.1. City centre Special Areas on page 254 to include the subject site being:

470 Church Street, Parramatta legally known as Lot 1 DP 785930 to refer to Section 4.3.3.7 (X) as shown outlined and shaded in black in Figure 4.3.3.7.1 City Centre Special Areas.



Figure 4.3.3.7.1 City Centre Special Areas

Insert new section 4.3.3.7 (X) being site specific controls relating to 470 Church Street, Parramatta

4.3.3.7 (X) 470 Church Street, Parramatta

Land to which this applies

This site-specific Development Control Plan (DCP) applies to land at 470 Church Street, Parramatta legally known as Lot 1 DP 785930 within the Parramatta CBD as illustrated at in Figure XX below.

Following the finalisation of the Planning Proposal to amend the Parramatta Local Environmental Plan (LEP) 2011, the yield anticipated for the site comprises:

- Base FSR of 6:1
- Maximum building height of 80 metres
- Design Competition Bonus of 15% relating to Height and FSR to achieve 92m and FSR of 6.9:1.

This DCP sets relevant development controls for the form of the building, taking into account the anticipated yield in floor space. This bonus height and FSR will be achieved through the forthcoming design excellence clause at development application stage.



Relationship to other Planning Documents or Sections within DCP 2011

This Part is to be read in conjunction with other parts of this DCP and the Parramatta LEP 2011.

This part establishes site specific principles, objectives and controls to be interpreted during preparation and assessment of development applications for the site.

Desired future character

Future mixed use development proposed at the site is consistent with the State Government policies to facilitate a renewed Parramatta CBD. The site is located adjacent the Parramatta Light Rail route, that connects the Westmead Precinct (to the west of the site) and the centre of the Parramatta CBD (to the south of the site).

The mixed use character of development is to complement the Parramatta CBD and provide a positive design outcome. The proposed mix of land uses includes retail/commercial uses on the ground floor and level 1 and residential apartments above.

The following design principles are to be incorporated into the future design of the building:

- Respond to the north facing frontage and generally east-west site with an appropriate built form that maximises solar access
- Create a podium and presentation to the street of design excellence which contributes to the design quality of space and streets in the CBD
- Comprise a podium edge to the streets with recessed tower form. The podium is to be four storeys.
- The street wall should be designed to provide a well-modulated pedestrian experience at street level. A smaller, more detailed scale should be used in its articulation.
- Ground floor facade should be rich in variation and detail. Vertical relief in the façade maximises the walking experience, with awnings included and integrated in the design so as to provide adequate pedestrian shelter.
- Development is to comply with the objectives and controls set out below and any other relevant objectives and controls of this DCP.

Site objectives

- O.1 To provide a mix of uses that support the role of Parramatta CBD.
- O.2 To revitalize Church Street and Harold Street.
- O.3 To encourage high quality built form outcomes and achieve design excellence.
- O.4 To minimize adverse impacts on the amenity of adjoining uses.

Built Form, Design and Massing

Objectives

- O.1. To ensure that the built form:
- Responds positively to the sites location in relation to the city centre and the streetscape
 - Has a positive and cohesive relationship with surrounding land and uses.
 - Has adequate separation to minimise visual bulk and to ensure adequate amenity within the site and to neighbouring development.
 - Achieves usable and pleasant street and podium environment in terms of daylight and solar access, scale and wind mitigation.

Controls

Street frontage heights

- C.1 Maximum street wall height of 14m (3- 4 storeys) fronting Church and Harold Streets.

Building setbacks

- C.2 The minimum building setbacks are to be in accordance with the table below:

Table XX Minimum setbacks

	Minimum setback (m ²)
Podium	
Western boundary (Church Street) and norther boundary (Harold Street)	0m
Eastern boundary	0m
Southern boundary	0m (commercial) 9m (residential levels 2-3)
Tower (upper level)	
Western boundary (Church Street)	6m
Eastern boundary	12m
Northern boundary (Harold Street)	3m
Southern boundary	9m

Tower floor plate

- C.3 The reduced tower setback of 3m to Harold Street will accommodate a tower with a floorplate of approximately 560m².

Building design

- C.4 The street wall /podium is to be a separate architectural element, that is distinct and different in character from the tower element
- C. 6 High quality design and materials are to be used for the security shutters into the car park and loading areas.
- C.7 To ensure landscape courtyard in the podium is usable taking into account solar access and wind mitigation.

Land uses**Objectives**

- O.1. To provide for useable and functional commercial floor space that can support the desired use, achieve internal spaces appropriate to their function and support the Parramatta CBD.

Controls

- C. 1 The ground floor street frontage is used for active commercial uses.
- C.2 Commercial/retail tenancies are of a sufficient size and layout to cater for their desired use and function.

Traffic and Transport**Objectives**

- O.1 To ensure adequate parking is provided on site.
- O.2. To minimise pedestrian and vehicle conflict by locating vehicle access away from the Church Street intersection.
- O.3. To ensure parking design is integrated into the design of the building.

Controls

- C.1. Vehicle access is to be from Harold Street, at the eastern end of the site.
- C.3. Parking in the podium is discouraged. However, where it is provided it must be well integrated into the overall facade and not be visible from the public domain utilising screening or other appropriate design excellence solution.
- C.4. Car and bicycle parking is to be provided in accordance with the Parramatta CBD Strategic Transport Study.
- C.5 Investigate options to integrate vehicular access with the adjacent site at 23-27 Harold Street through one access point.



Voluntary Planning Agreement

City of Parramatta Council
ABN 49 907 174 773

Parramatta Investments No. 1 Pty Ltd
ACN 608 902 272

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Agreement

Date

Parties

First party

Name	City of Parramatta Council (Council)
ACN	49 907 174 773
Contact	Manager, Land Use Planning
Telephone	(02) 9806 5050

Second party

Name	Parramatta Investments No.1 Pty Ltd (Developer)
ACN	608 902 272
Contact	Eddy Samuel Haddad
Telephone	8199 1144

Background

- A. On 15 July 2016 the Developer made an application to the Council for the Instrument Change for the purpose of making a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B. The Instrument Change application was accompanied by an offer by the Developer to enter into this agreement to make contributions for public purposes associated with the Instrument Change and the Development.

Operative part

1 Definitions

In this agreement, unless the context indicates a contrary intention:

Act means the *Environmental Planning and Assessment Act 1979* (NSW);

Address means a party's address set out in the Notices clause of this agreement;

Approval means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this agreement;

Authority means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person;

Bank Guarantee means an irrevocable and unconditional undertaking that is not limited in time and does not expire by one of the following trading banks:

- (a) Australia and New Zealand Banking Group Limited,
- (b) Commonwealth Bank of Australia,
- (c) Macquarie Bank,
- (d) National Australia Bank,
- (e) St George Bank Limited,
- (f) Westpac Banking Corporation, or
- (g) Other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to the Council;

Bond means an insurance bond from an AAA credit rated party, or a party with a credit rating otherwise acceptable to Council;

Business Day means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

Claim means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this agreement;

Construction Certificate means a construction certificate as defined under section 6.4 of the Act, or if the Former Building and Subdivision Provisions apply, section 109C of the Act;

Contributions Plan has the same meaning as under the Act;

CPI means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics;

Damages means all liabilities, losses, damages, costs and expenses, including legal fees and disbursements and costs of investigation, litigation, settlement, judgment, interest and penalties;

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land;

Development means redevelopment of the land for the purposes of a mixed use development, including carparking;

Development Application has the same meaning as in the Act;

Development Consent has the same meaning as in the Act;

Fax Number means a party's facsimile number set out in the Notices clause of this agreement;

Former Building and Subdivision Provisions has the same meaning as in clause 18 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*;

GST has the same meaning as in the GST Law;

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST;

Insolvent means, in relation to a party:

- (a) that party makes an arrangement, compromise or composition with, or assignment for, the benefit of its creditors or a class of them;
- (b) a receiver, receiver and manager, administrator, provisional liquidator, trustee, controller, inspector or analogous person is appointed in relation to, or over, all or any part of that party's business, assets or securities;
- (c) a presumption of insolvency has arisen under legislation because of the party's failure to comply with a statutory demand or analogous process;
- (d) an application for the winding up of, or for the appointment of a receiver to, that party, other than winding up for the purpose of solvent reconstruction or re amalgamation, is presented and not withdrawn or dismissed within [21] days (or such longer period agreed to by the parties), or an order is made or an effective resolution is passed for the winding up of, or for the appointment of a receiver to, that party, or any analogous application is made or proceedings initiated;
- (e) any shareholder or director of that party convenes a meeting for the purpose of considering or passing any resolution for the winding up or administration of that party;
- (f) that is an individual, a creditor's petition or a debtor's petition is presented to the Official Receiver or analogous authority in relation to that party;
- (g) an execution or analogous process is levied or enforced against the property of that party;
- (h) that party ceases or suspends, or threatens to cease or suspend, the conduct of all or a substantial part of its business;
- (i) that party disposes of, or threatens to dispose of, a substantial part of its assets;
- (j) that party stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts; or
- (k) that party is unable to pay the party's debts as and when they become due and payable.

Instrument Change means an amendment of the Parramatta LEP in response to a planning proposal seeking to increase the maximum building height limit applying to the land from 24m to 80m and increase the maximum floor space ratio limit applying to the land from 3:1 to 6:1;

Land means Lot 1 of DP 785930 (Folio Identifier 1/785930), known as and situated at 470 Church Street Parramatta NSW 2150;

Landowner means Parramatta Investments No.1 Pty Ltd (ACN 608 902 272).

Law means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and

- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

Modification Application means any application to modify the Development Consent under section 4.55 of the Act;

Monetary Contribution means the monetary contribution payable by the Developer under clause 6 of this agreement;

Occupation Certificate means an occupation certificate as defined under section 6.4 of the Act, or if the Former Building and Subdivision Provisions apply, section 109C of the Act, and includes an interim Occupation Certificate, a final Occupation Certificate or a partial Occupation Certificate as the case may be;

Public Reserve has the same meaning as in the *Local Government Act 1993*;

Public Road has the same meaning as in the *Roads Act 1993*;

Register means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

Regulation means the *Environmental Planning and Assessment Regulation 2000*;

Related Body Corporate has the meaning given to that term in s 9 of the *Corporations Act 2001* (Cth);

Strata Plan means a strata plan, a strata plan of subdivision or a strata plan of consolidation that is registered in accordance with the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*; and

Transferee has the meaning given in clause 12.3.

2 Interpretation

In this agreement, unless the context indicates a contrary intention:

- (a) **(documents)** a reference to this agreement or another document includes any document which varies, supplements, replaces, assigns or novates this agreement or that other document;
- (b) **(references)** a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this agreement;
- (c) **(headings)** clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this agreement;
- (d) **(person)** a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;
- (e) **(party)** a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (f) **(president, CEO, general manager or managing director)** the president, CEO, general manager or managing director of a body or Authority includes any person acting in that capacity;

- (g) **(requirements)** a requirement to do anything includes a requirement to cause that thing to be done, and a requirement not to do anything includes a requirement to prevent that thing being done;
- (h) **(including)** including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;
- (i) **(corresponding meanings)** a word that is derived from a defined word has a corresponding meaning;
- (j) **(singular)** the singular includes the plural and vice-versa;
- (k) **(gender)** words importing one gender include all other genders;
- (l) **(parts)** a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;
- (m) **(rules of construction)** neither this agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (n) **(legislation)** a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;
- (o) **(time and date)** a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in Sydney, Australia, even if the obligation is to be performed elsewhere;
- (p) **(joint and several)** an agreement, representation, covenant, right or obligation:
 - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
 - (ii) on the part of two or more persons binds them jointly and severally;
- (q) **(writing)** a reference to a notice, consent, request, approval or other communication under this agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;
- (r) **(replacement bodies)** a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;
- (s) **(Australian currency)** a reference to dollars or \$ is to Australian currency;
- (t) **(month)** a reference to a month is a reference to a calendar month; and
- (u) **(year)** a reference to a year is a reference to twelve consecutive calendar months.

3 Planning Agreement under the Act

- (a) The parties agree that this agreement is a planning agreement within the meaning of section 7.4 of the Act.

- (b) Schedule 1 of this agreement summarises the requirements for planning agreements under s 7.4 of the Act and the way this agreement addresses those requirements.

4 Application of this agreement

This agreement applies to:

- (a) the Instrument Change, and
- (b) the Development, and
- (c) the Land

5 Operation of this agreement

This agreement commences on and from the date it is executed by all parties.

6 Contributions to be made under this agreement

6.1 Monetary Contribution

- (a) The Developer will pay to Council a monetary contribution of \$733,050.00 or an amount calculated in accordance with the following formula, whichever is the greater:

$$\begin{array}{rcl}
 \$733,050.00 & \times & \frac{\text{The CPI at the time of payment}}{\text{The CPI at the date of this agreement}}
 \end{array}$$

- (b) Subject to clause 6.1(c), the Monetary Contribution must be paid to Council in instalments as follows:
- (i) 75% of the Monetary Contribution prior to the issue of a Construction Certificate for the Development; and
 - (ii) 25% of the Monetary Contribution prior to the issue of an Occupation Certificate for the Development, or prior to the registration of any Strata Plan, whichever is earlier.
- (c) The Developer is not required to pay the instalment of the Monetary Contribution specified in clause 6.1(b)(i) if the Developer provides to the Council a Bank Guarantee in accordance with clause 11.2 as security for that payment, in which case the Developer must pay the full amount of the Monetary Contribution prior to the issue of an Occupation Certificate for the Development.
- (d) The Monetary Contribution must be paid by way of bank cheque in favour of Council or by deposit by means of electronic funds transfer into an account specified by Council.
- (e) The Monetary Contribution will be taken to have been made when the Council notifies the Developer in writing that the bank cheque has been received and cleared funds or electronic funds have been deposited in the Council's bank account.

- (f) The parties agree and acknowledge that the Monetary Contribution will be used by the Council towards upgrades and delivery of new public domain and open spaces in the Parramatta CBD.

7 Application of s 7.11, s 7.12 and s 7.24 of the Act to the Development

- (a) This agreement does not exclude the application of section 7.11 of the Act to the Development.
- (b) This agreement does not exclude the application of section 7.12 of the Act to the Development.
- (c) This agreement does not exclude the application of section 7.24 of the Act to the Development.
- (d) The benefits under this agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the Act.

8 Registration of this agreement

8.1 Developer Interest

The Developer represents and warrants to the Council that on the date of this agreement it is the registered proprietor of the Land.

8.2 Registration of this agreement

- (a) The Developer agrees to procure the registration of this agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the Register of the Land in accordance with section 7.6 of the Act.
- (b) The Developer, at its own expense, must:
 - (i) procure the lodgement of this agreement with the Registrar-General as soon as reasonably practicable after this agreement comes into operation, but in any event no later than ten (10) Business Days after that date;
 - (ii) procure the registration of this agreement by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this agreement is lodged for registration; and
 - (iii) provide documentary evidence that the registration of this agreement has been completed to Council within 5 Business Days of receiving confirmation that the registration has occurred.
- (c) The Developer at its own expense will take all practical steps, and otherwise do anything that the Council reasonably requires to procure:
 - (i) The consent of each person who:
 - (A) has an estate or interest in the Land registered under the *Real Property Act 1900* (NSW); or
 - (B) is seized or possessed of an estate or interest in the Land,
 - (ii) An acceptance of the terms of this agreement and an acknowledgement in writing from any existing mortgagee in relation to the Land that the mortgagee will adhere to the provisions of this agreement if it takes possession of the Land as mortgagee in possession,

- (iii) The execution of any documents; and
 - (iv) The production of the relevant duplicate certificates of title,
- to enable the registration of this agreement in accordance with this clause 8.2.

8.3 *Removal from Register*

The Council will provide a release and discharge of this agreement so that it may be removed from the folios of the Register for the Land (or any part of it) provided the Council is satisfied the Developer has duly fulfilled its obligations under this agreement and is not otherwise in default of any of the obligations under this agreement.

8.4 *Caveat*

- (a) The Developer acknowledges and agrees that:
 - (i) when this agreement is executed, the Council is deemed to have acquired and the Developer is deemed to have granted, an equitable estate and interest in the Land for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently the Council will have a sufficient interest in the Land in respect of which to lodge a caveat over the Land notifying that interest;
 - (ii) it will not object to the Council lodging a caveat in the relevant folios of the Register for the Land subject to clause 8.4(a)(ii) nor will it seek to remove any caveat lodged by the Council provided the caveat does not prevent registration of any dealing or plan other than a transfer.
- (b) The Council must, at the Developer's cost, register a withdrawal of any caveat in respect of the Land within five Business Days after the Developer complies with clause 8.2 and must not lodge any other caveats on the titles to any of the Land.

9 *Review of this agreement*

- (a) This agreement may be reviewed or modified. Any review or modification of this agreement will be conducted in the circumstances and in the manner determined by the parties.
- (b) No modification or review of this agreement will be of any force or effect unless it is in writing and signed by the parties to this agreement.
- (c) A party is not in breach of this agreement if it does not agree to an amendment to this agreement requested by a party in, or as a consequence of, a review.

10 *Dispute Resolution*

10.1 *Reference to Dispute*

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

10.2 *Notice of Dispute*

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

- (a) The nature of the dispute,
- (b) The alleged basis of the dispute, and

- (c) The position which the party issuing the Notice of Dispute believes is correct.

10.3 *Representatives of Parties to Meet*

- (a) The representatives of the parties must promptly (and in any event within 20 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.
- (b) The parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting,
 - (ii) agree that further material or expert determination in accordance with clause 10.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or
 - (iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

10.4 *Further Notice if Not Settled*

If the dispute is not resolved within 10 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Determination Notice**) by mediation under clause 10.5 or by expert determination under clause 10.6.

10.5 *Mediation*

If a party gives a Determination Notice calling for the dispute to be mediated:

- (a) The parties must agree to the terms of reference of the mediation within 15 Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) The mediator will be agreed between the parties, or failing agreement within 15 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) The mediator appointed pursuant to this clause 10.5 must:
 - (i) Have reasonable qualifications and practical experience in the area of the dispute; and
 - (ii) Have no interest or duty which conflicts or may conflict with his or her function as a mediator he or she being required to fully disclose any such interest or duty before his or her appointment;
- (d) The mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;
- (e) The parties must within 15 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the

Council must advise of the representative within 5 Business Days of the resolution);

- (f) The parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (g) In relation to costs and expenses:
 - (i) Each party will bear its own professional and expert costs incurred in connection with the mediation; and
 - (ii) The costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

10.6 *Expert determination*

If the dispute is not resolved under clause 10.3 or clause 10.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

- (a) The dispute must be determined by an independent expert in the relevant field:
 - (i) Agreed upon and appointed jointly by the parties; and
 - (ii) In the event that no agreement is reached or no appointment is made within 20 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
- (b) The expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
- (c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
- (e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
- (f) Any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:
 - (i) Within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
 - (ii) The determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

10.7 *Litigation*

If the dispute is not *finally* resolved in accordance with this clause 10, then either party is at liberty to litigate the dispute.

10.8 *No suspension of contractual obligations*

Subject to any interlocutory order obtained under clause 10.1, the referral to or undertaking of a dispute resolution process under this clause 10 does not suspend the parties' obligations under this agreement.

11 *Enforcement*

11.1 *Default*

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this agreement, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.
- (b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.
- (c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 10 of this agreement.

11.2 *Bank Guarantee*

- (a) If the Developer elects to provide a Bank Guarantee instead of paying the instalment of the Monetary Contribution as set out in clause 6.1(b)(i), the Developer must provide to the Council a Bank Guarantee in an amount equivalent to 75% of the Monetary Contribution prior to the issue of a Construction Certificate for the Development.
- (b) The Council may reject any Bank Guarantee that contains errors, or if it has received the Bank Guarantee, require at any time the Developer to obtain a replacement Bank Guarantee that rectifies any such errors or otherwise obtain rectification of the errors. The Developer must provide the replacement Bank Guarantee, or otherwise obtain rectification of the errors, within 5 Business Days of receiving the Council's request.
- (c) The Council may call on a Bank Guarantee provided under this clause if:
 - (i) the Developer is in material or substantial breach of this agreement and have failed to rectify the breach within a reasonable period of time after having been given reasonable notice (which must not be less than 21 Business Days) in writing to do so in accordance with clause 11.1 of this agreement; or
 - (ii) the Developer becomes Insolvent.
- (d) Within 20 Business Days of each anniversary of a Bank Guarantee provided under clause (a), the Developer must provide Council with one or more replacement Bank Guarantees (**Replacement Bank Guarantee**) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the Replacement Bank Guarantee,

B is the amount of the Bank Guarantee to be replaced,

C is the CPI for the quarter ending immediately before the date of the Bank Guarantee to be replaced,

D is the CPI for the quarter ending immediately before the date of the Replacement Bank Guarantee,

provided A is greater than B.

- (e) On receipt of a Replacement Bank Guarantee provided under clause 11.2(d), the Council must release and return to the Developer, as directed, the Bank Guarantee that has been replaced as soon as reasonably practicable.
- (f) At any time following the provision of a Bank Guarantee under this clause, the Developer may provide the Council with one or more replacement Bank Guarantees totalling the amount of all Bank Guarantees required to be provided under this clause for the time being. On receipt of such replacement Bank Guarantee, the Council must release and return to the Developer, as directed, the Bank Guarantee(s) which it holds that have been replaced as soon as reasonably practicable.
- (g) Subject to clause 11.2(c), the Council may apply the proceeds of a Bank Guarantee in satisfaction of:
 - (i) any obligation of the Developer under this agreement that is secured by the Bank Guarantee in accordance with clause 11.2(a); and
 - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement.
- (h) If the Developer elects to provide a Bank Guarantee instead of paying the instalment of the Monetary Contribution as set out in clause 6.1(b)(i), the Council must promptly return the Bank Guarantee provided under that clause within seven (7) Business Days of receipt of payment of the 100% Monetary Contribution.
- (i) Nothing in this clause 11.2 prevents or restricts the Council from taking any enforcement action in relation to:
 - (i) any obligation of the Developer under this agreement; or
 - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement,

that is not or cannot be satisfied by calling on a Bank Guarantee.

11.3 *Restriction on the issue of Certificates*

- (a) In accordance with section 6.8 of the Act and any associated regulations (or if the Former Building and Subdivision Provisions apply, section 109F of the Act and clause 146A of the Regulation), the obligations to:
 - (i) provide a Bank Guarantee under clause 11.2(a); or
 - (ii) pay the instalment of the Monetary Contribution under clause 6.1(b)(i),must be satisfied prior to the issue of a Construction Certificate for the Development or any part of the Development.
- (b) In accordance with section 6.10 of the Act and any associated regulations (or if the Former Building and Subdivision Provisions apply, section 109H(2) of the Act), the obligation to have paid the full amount of the Monetary Contribution under clause 6.1 must be satisfied prior to the issue of an Occupation Certificate for the Development or any part of the Development.

11.4 *General Enforcement*

- (a) Without limiting any other remedies available to the parties, this agreement may be enforced by any party in any Court of competent jurisdiction.
- (b) Nothing in this agreement prevents:
 - (i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this agreement or any matter to which this agreement relates; and
 - (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this agreement or any matter to which this agreement relates.

12 *Assignment and Dealings*

12.1 *Assignment*

- (a) A party must not assign or deal with any right under this agreement without the prior written consent of the other parties.
- (b) Any change of ownership or control (as defined in section 50AA of the *Commonwealth Corporations Act 2001*) of a party (excluding the Council) shall be deemed to be an assignment of this agreement for the purposes of this clause.
- (c) Any purported dealing in breach of this clause is of no effect.

12.2 *Arrangements with Mortgagee*

- (a) The Developer agrees with the Council that if the Developer mortgages the Land after this agreement is entered into and becomes operational, it must use all reasonable efforts at that time to arrange a multiple party deed of agreement between the Council and the mortgagee so that the mortgagee accepts that the responsibilities set out in this agreement are binding upon the mortgagee in the event that the Developer defaults on the mortgage and the mortgagee takes possession of the Land.
- (b) The terms of the adoption of the obligations of the Developer by the mortgagee shall be as reasonably required by the Council. The agreement shall be prepared at the cost of the Developer.

12.3 Transfer of Land

- (a) The Developer may not transfer, assign or dispose of the whole or any part of its right, title or interest in the Land (present or future) or in the Development to another person (**Transferee**) unless before it sells, transfers or disposes of that right, title or interest:
 - (i) The Developer satisfies the Council that the proposed Transferee is financially capable of complying with the Developer obligations under this agreement;
 - (ii) The Developer satisfies the Council that the rights of the Council will not be diminished or fettered in any way;
 - (iii) The Transferee delivers to the Council a novation deed signed by the Transferee in a form and of such substance as is acceptable to the Council containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the Developer under this agreement;
 - (iv) The Transferee delivers to the Council replacement Bonds or Bank Guarantees as required by this agreement;
 - (v) Any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine, and
 - (vi) The Developer and the Transferee pay the Council's reasonable costs in relation to the assignment.

13 Approvals and consents

Except as otherwise set out in this agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

14 No fetter

14.1 Discretion

This agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this agreement as a "**Discretion**").

14.2 No fetter

No provision of this agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

- (a) They will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,

- (b) In the event that (a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this agreement has full force and effect, and
- (c) To endeavour to satisfy the common objectives of the parties in relation to the provision of this agreement which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

14.3 Planning Certificates

The Developer acknowledges that Council may, at its discretion, include advice on any planning certificate issued under section 10.7(5) of the Act that this agreement affects the Land.

15 Notices

15.1 Notices

Any notice given under or in connection with this agreement (**Notice**):

- (a) must be in writing and signed by a person duly authorised by the sender;
- (b) must be addressed as follows and delivered to the intended recipient by hand, by prepaid post or by email or fax at the address or fax number below, or at the address or fax number last notified by the intended recipient to the sender after the date of this agreement:
 - (i) to City of Parramatta Council: PO Box 32, Parramatta, NSW 2124
Fax: 02 9806 5917
Email: council@cityofparramatta.nsw.gov.au
Attention: Manager, Land Use Planning
 - (ii) to Parramatta Investments No. 1 Pty Ltd 30A – 44 St Riverwood NSW 2210
Email: eddy@level33.com.au
Attention: Eddy Haddad
- (c) is taken to be given or made:
 - (i) in the case of hand delivery, when delivered;
 - (ii) in the case of delivery by post, three Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country); and
 - (iii) in the case of a fax, on production of a transmission report by the machine from which the fax was sent that indicates the fax was sent in its entirety to the recipient's fax number; and
- (d) if under clause (c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

15.2 Notices sent by email:

- (a) A party may serve a Notice by email if the Notice:
 - (i) includes a signature block specifying:
 - (A) the name of the person sending the Notice; and
 - (B) the sender's position within the relevant party;
 - (ii) states in the body of the message or the subject field that it is sent as a Notice under this agreement;
 - (iii) contains an express statement that the person sending the Notice has the authority to serve a Notice under this agreement;
 - (iv) is sent to the email address below or the email address last notified by the intended recipient to the sender:
 - (A) to City of Parramatta Attention: Manager, Land Use Planning
Council: council@cityofparramatta.nsw.gov.au
 - (B) to Parramatta Investments Attention: Eddy Haddad
No. 1 Pty Ltd: eddy@level33.com.au
- (b) The recipient of a Notice served under this clause 15.2 must:
 - (i) promptly acknowledge receipt of the Notice; and
 - (ii) keep an electronic copy of the Notice,
- (c) Failure to comply with clause 15.2 does not invalidate service of a Notice under this clause.

15.3 Receipt of Notices sent by email

- (a) A Notice sent under clause 15.2 is taken to be given or made:
- (i) when the sender receives an email acknowledgement from the recipient's information system showing the Notice has been delivered to the email address stated above;
 - (ii) when the Notice enters an information system controlled by the recipient;
or
 - (iii) when the Notice is first opened or read by the recipient,
- whichever occurs first.
- (b) If under clause 15.3 a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it will be taken to have been given or made at the start of business on the next Business Day in that place.

16 General

16.1 Relationship between parties

- (a) Nothing in this agreement:
- (i) constitutes a partnership between the parties; or

- (ii) except as expressly provided, makes a party an agent of another party for any purpose.
- (b) A party cannot in any way or for any purpose:
 - (i) bind another party; or
 - (ii) contract in the name of another party.
- (c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

16.2 Time for doing acts

- (a) If the time for doing any act or thing required to be done or a notice period specified in this agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

16.3 Further assurances

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this agreement.

16.4 Joint and individual liability and benefits

Except as otherwise set out in this agreement, any agreement, covenant, representation or warranty under this agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

16.5 Variations and Amendments

A provision of this agreement can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

16.6 Counterparts

This agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

16.7 Legal expenses and stamp duty

- (a) The Developer must pay the Council's legal costs and disbursements in connection with the negotiation, preparation, execution, carrying into effect, enforcement and release and discharge of this agreement, including the reasonable costs of obtaining any legal advice in connection with this agreement, no later than 10 Business Days after receiving a demand from the Council to pay such costs.
- (b) The Developer agrees to pay or reimburse the costs and expenses incurred by Council in connection with the advertising and exhibition of this agreement in accordance with the Act.

- (c) The Developer agrees to pay Council any administrative fees as required by Council, acting reasonably, in connection with the administration of this agreement.

16.8 Entire agreement

The contents of this agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this agreement, whether orally or in writing.

16.9 Representations and warranties

The parties represent and warrant that they have the power and authority to enter into this agreement and comply with their obligations under the agreement and that entry into this agreement will not result in the breach of any law.

16.10 Severability

If a clause or part of a clause of this agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this agreement, but the rest of this agreement is not affected.

16.11 Invalidity

- (a) A word or provision must be read down if:
 - (i) this agreement is void, voidable, or unenforceable if it is not read down;
 - (ii) this agreement will not be void, voidable or unenforceable if it is read down; and
 - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:
 - (i) despite the operation of clause (a), the provision is void, voidable or unenforceable if it is not severed; and
 - (ii) this agreement will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this agreement has full effect even if clause 16.11(b) applies.

16.12 Waiver

- (a) A right or remedy created by this agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.
- (b) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

16.13 GST

- (a) Words and expressions which are not defined in this agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this agreement are exclusive of GST.
- (c) If GST is imposed on any supply made under or in accordance with this agreement, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.
- (d) If the Council is obliged to pay any GST on any supply made under or in accordance with this agreement, the Developer indemnifies the Council for the amount of any such payment is required to make.

16.14 Governing law and jurisdiction

- (a) The laws applicable in New South Wales govern this agreement.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

Schedule 1 Summary of requirements (section 7.4)

Subject and subsection of the Act	Planning Agreement
Planning instrument and/or Development Application – Section 7.4(1) The Developer has: <ul style="list-style-type: none"> (a) Sought a change to an environmental planning instrument (b) Made, or propose to make a Development Application (c) Entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies 	Yes Yes No
Description of the application – Section 7.4(3)(b)	Instrument Change for the purpose of making a Development Application to the Council for Development Consent to carry out the Development on the Land. See definitions of Development and Instrument Change in clause 1.
Description of the land to which the planning Agreement applies – Section 7.4(3)(a)	Lot 1 of DP 785930 (Folio Identifier 1/785930), known as and situated at 470 Church Street Parramatta NSW 2150
The scope, timing and manner of delivery of contribution required by the Planning Agreement – Section 7.4(3)(c)	See clause 6.1
Applicability of section 7.11 of the Act – Section 7.4(3)(d)	The application of section 7.11 of the Act is not excluded in respect of the Development
Applicability of section 7.12 of the Act – Section 7.4(3)(d)	The application of section 7.12 of the Act is not excluded in respect of the Development
Applicability of section 7.24 of the Act – Section 7.4(3)(d)	The application of section 7.24 of the Act is not excluded in respect of the Development
Mechanism for dispute resolution – Section 7.4(3)(f)	See clause 10
Enforcement of the Planning Agreement – Section 7.4(3)(g)	See clause 11

Registration of the Planning Agreement – Section 7.4(3)(g) and section 7.6	See clause 8.2
No obligation to grant consent or exercise functions – Section 7.4(9)	See clause 14

Executed as an agreement

Executed by City of Parramatta City Council under seal in accordance with a resolution of the Council on _____ :

Signature of

Signature of

Print name

Print name

Executed by Parramatta Investments No. 1 Pty Ltd under s127 of the Corporations Act 2001 (Cth) on _____ :

Signature of the Sole Director/Secretary

Eddy Samuel Haddad

Print name