



PLANNING PROPOSAL

**153 Macquarie Street and Part 1A Civic Place,
Parramatta**

Planning Proposal drafts

Council versions:

No.	Author	Version
1.	City of Parramatta	December 2016 – presented to Independent Hearing & Assessment Panel & Council

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INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the 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) and 'Guidance for merged councils on planning functions' (May 2016).

Background and context

After a competitive tender/selection process Council entered into a Project Delivery Agreement with Walker Corporation for the re-development of 153 Macquarie Street and Part 1A Civic Place Parramatta (also known as '3 Parramatta Square'). In 2016 a competitive design excellence process was run to provide a commercial building on the site. After further design development it was identified that in order to fully meet a prospective tenant's accommodation brief that a Planning Proposal would be required to facilitate the re-development of the site in the manner desired. A design concept and formal request was received on 17 November 2016. A planning proposal was subsequently prepared and independently reviewed due to Council's direct interest in the site. The site is shown in Figure 1.

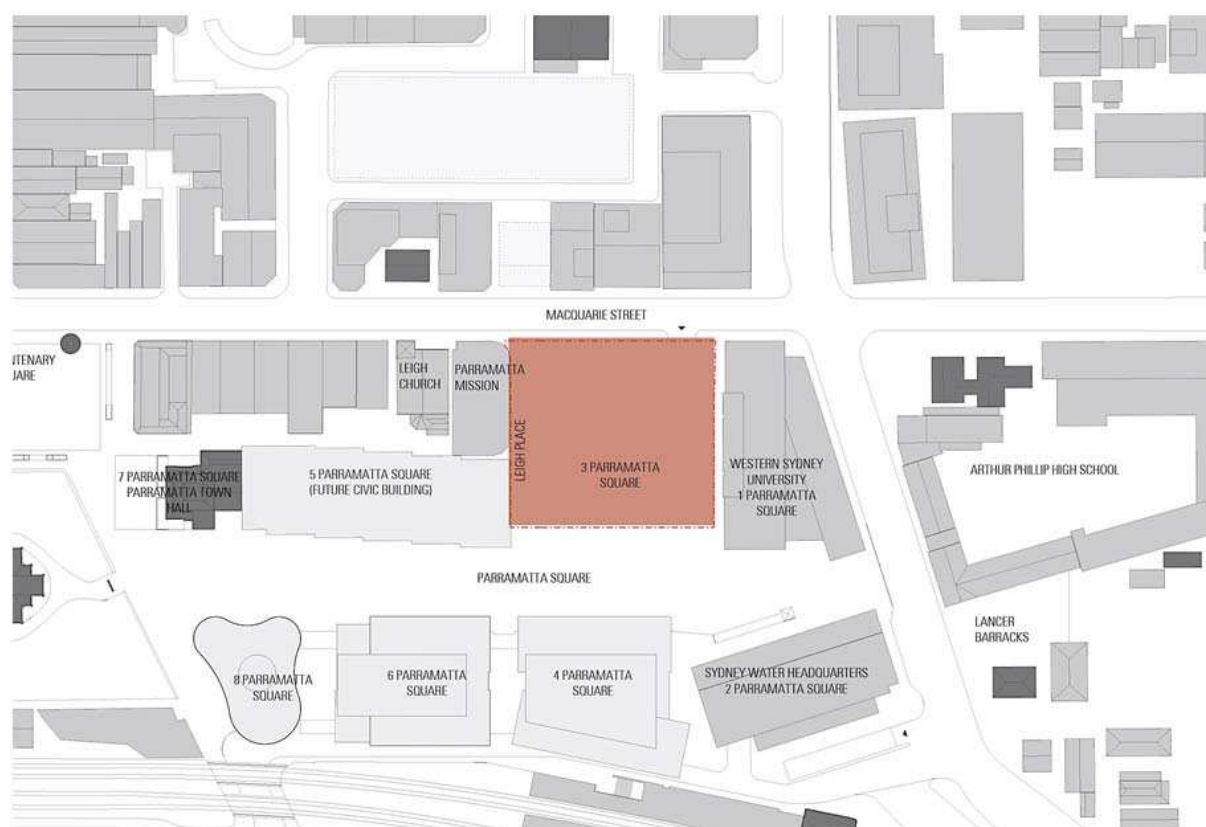


Figure 1 – Site at 153 Macquarie Street and Part 1A Civic Place, Parramatta subject to the planning proposal

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

- is zoned B4 Mixed Use and B3 Commercial Core (refer to Figure 3 in Part 4 – Mapping);

- has a maximum building height of 54 metres (refer to Figure 4 in Part 4 – Mapping);
and
- has a maximum floor space ratio (FSR) of 8:1 (refer to Figure 5 in Part 4 – Mapping).

This planning proposal does not seek to amend the zoning of the site.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to increase the permissible density of development on land at 153 Macquarie Street and Part 1A Civic Place Parramatta within the precinct known as Parramatta Square within Parramatta City Centre.

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta Local Environmental Plan 2011 (PLEP 2011)* in relation to the height and floor space ratio controls.

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

1. Insert a new site specific clause in Part 7, consistent with Council's resolution:

7.# Development on land at 153 Macquarie Street and part 1A Civic Place, Parramatta

(1) This clause applies to land marked "Area 5" on the Key Site Map/Special Provisions Area Map.

(2) Despite clauses 4.3 & 4.4, the consent authority may grant consent to development involving the construction of a new building or external alterations to an existing building on land to which this clause applies if:

(a) the design of the building is the result of a competitive design process as required by clause 7.10 (5), and

(b) the consent authority is of the opinion that the building or alteration exhibits design excellence with regard to the design criteria specified in clause 7.10 (4), and

(c) the development contains a minimum of 90% commercial floorspace with no residential component and

(d) the development results in a building with a height or form that is determined by the provisions of Clause 7.4 - Solar access such that it does not result in any additional overshadowing of the identified solar protection area of Parramatta Square or Lancer Barracks building as identified in Section 4.3.3 of Parramatta DCP 2011 and

(e) the development does not result in a building with a gross floor area that exceeds 46,200 square metres.

In this clause: **commercial premises** means any of the following:

(a) *business premises*,

(b) *office premises*,

(c) *retail premises*.

2. Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB_10) from 54 metres to 'Area 2' refer to Clause 7.4 of PLEP 2011. Refer to Figure 8 in Part 4 of this planning proposal.
3. Amend the Key Site Map/Special Provisions Area Map to include Area 5 as noted above. Refer to Figure 9 in Part 4 of this planning proposal.

The proposed amendments described above would need to be legally drafted and included within the *PLEP 2011*.

2.1 Other relevant matters

2.1.1 Voluntary Planning Agreement

At the time of the preparation of this Planning Proposal, Council had not received a letter of offer to enter into a voluntary planning proposal (VPA). Given the relatively modest uplift in development potential and the commercial nature of the use a VPA offer is unlikely to be required however should a draft letter of offer be received, this will be assessed separately and any draft VPA will ideally be exhibited in conjunction with the planning proposal.

PART 3 – JUSTIFICATION

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

3.1 Section A - Need for the planning proposal

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

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

The Planning Proposal is a result of an application from the landowner (currently City of Parramatta Council) seeking to increase the density of development permitted on the site. Council has assessed the application within the context of local and State Government strategic plans, including the NSW Government's *A Plan for Growing Sydney 2014* and the Parramatta CBD Planning Strategy. Notably, *A Plan for Growing Sydney* states the Government will work with City of Parramatta to review expansion opportunities in the Parramatta CBD including updated building height controls and removal of barriers to growth to promote more efficient land use outcomes.

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

The Parramatta CBD Planning Proposal (CBD PP) was adopted by Council on 11 April 2016. The CBD PP seeks a potential increase in height and FSR for sites within the Parramatta CBD subject to the provision of community infrastructure. Whilst more work needs to be done prior to the Department of Planning and Environment issuing a Gateway determination, the CBD PP is Council's most recently adopted position on density increases in the Parramatta CBD. This proposal is consistent with the planning controls Council is seeking to implement via 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 prospective landowner/developer and allows for the orderly and economic development of the land. The existing height and FSR provisions would not permit the density of development envisaged in the planning

proposal and would not allow the site to capitalise on its optimal location within the Parramatta City Centre and Parramatta Square redevelopment precinct for the purposes of employment uses.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

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

A Plan for Growing Sydney

In December 2014, the NSW Government released *A Plan for Growing Sydney*, which is a plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space.

Parramatta Local Government Area is part of the West Central Subregion. *A Plan for Growing Sydney* identifies the goals and directions for the broader Metropolitan area and also directions, actions and priorities for Parramatta and the West Central Subregion that are relevant to this planning proposal:

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
- Establish A New Priority Growth Area – Greater Parramatta To The Olympic Peninsula
- Establish a new partnership to manage renewal of the Greater Parramatta to Olympic Peninsula Priority Growth Area
- Identify and deliver enabling infrastructure to support growth and urban renewal
- Deliver priority revitalisation precincts
- Grow the knowledge economy as part of the extension of the Global Economic Corridor.

Promote Sydney's Heritage, Arts and Culture

- **Centres:** Parramatta is identified as Sydney's Western CBD and is also a Strategic Centre. The site is located within Parramatta CBD in the centre of Greater Parramatta.
- **Global Economic Corridor:** The Global Economic Corridor contains a concentration of jobs and activities in strategic centres, transport gateways and industrial lands between Port Botany/Sydney Airport, Macquarie Park and now extended to Parramatta, Norwest and Sydney Olympic Park. Growing Sydney notes that the Government will work with Council to review expansion

opportunities in the Parramatta CBD including updated building height controls and removal of barriers to growth to promote more efficient land use outcomes.

- **Transport:** As well as existing road and public transport infrastructure, several potential light rail corridors have been identified around Parramatta. Parramatta CBD is also located at the intersection of West Connex and the M4.
- **Urban Renewal Corridor:** Parramatta is part of an Urban Renewal Corridor (Greater Parramatta to Olympic Peninsula Priority Growth Area) where *A Plan for Growing Sydney* prioritises the revitalisation of established urban areas to provide for a greater range of housing and to improve liveability through better access to employment, improved services and social infrastructure.

The planning proposal will facilitate the development of land for the purposes of employment generating floor space that will contribute towards employment targets on a site located within the Parramatta City Centre with excellent access to public transport.

The development concept would allow for an increased quantum of commercial floor space that will assist in activating the city and re-invigorating commercial activity around the Parramatta Transport Interchange.

Draft West Central District Plan

The draft West Central District Plan was recently (November 2016) released by the Greater Sydney Commission and placed on formal exhibition until 31 March 2017. The draft plan sets out a twenty year vision for Greater Sydney's West Central 'District' which includes the Local Government Areas of Blacktown, Cumberland, Parramatta and The Hills.

In order to realise the higher level vision for the district and its vital role in Greater Sydney the draft district plan contains three primary tenets being A Productive city, A Liveable City and A Sustainable City.

The draft district plan will act as a broader framework for the long term development of the area, guiding and supporting government investment and linking local and state planning issues.

Key components of the draft West Central District Plan of relevance to future development of the subject site and the broader development of the City of Parramatta include the following:

- *Emphasise the need for planning authorities to focus on the design of, accessibility to, and economic strength of centres.*
- *The plan identifies that there is a lack of new premium commercial office space supply in Parramatta.*
- *The provision of an additional 60,000 jobs by 2036*

The Planning Proposal seeks to deliver approximately **1400 jobs** which will make a contribution towards Council's employment targets.

- *This growth must be supported by appropriate and improved transport connections, traffic management within Parramatta City, new walking and cycling links, travel demand management and parking management solutions.*
- *The state government has invested previously new bus corridors connecting Parramatta to surrounding major centres and has also recently announced its commitment to establishing a light rail network for western Sydney*

The site is in an excellent location to provide employment uses as it is approximately 100m walking distance from Parramatta Railway Station/Bus Terminal and within walking distance of nearby residential housing development (both existing and approved/under construction) in and surrounding the Parramatta CBD.

The planning proposal is considered to be consistent with the articulated vision and direction set out in the Draft West Central District Plan.

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 considered to meet the strategies and key objectives identified in the plan including; to help build the City as a centre of high, value-adding employment and a driving force behind a generation of prosperity for Western Sydney. The development will also allow for the concentration of employment around transport nodes and contributing towards jobs targets for the Parramatta LGA.

Parramatta CBD Planning Strategy

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

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

The planning proposal is consistent with the above Strategy in that it will allow for redevelopment of the site for mixed residential and commercial development replacing the existing low-scale commercial building with a building more commensurate with Australia's next great city.

Following further development of supporting technical studies and resolution of key policy issues, in April 2016 a planning proposal was endorsed by City of Parramatta to be forwarded to the Department of Planning and Environment for gateway determination.

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

The underlying aim of SEPP No. 55 is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Commercial and residential development is already permitted on different parts of the site. In any event, past uses are unlikely to give rise to contaminated soils. Further investigations, if required, can be completed at the DA stage. This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.

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

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

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

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

Employment and Resources - 1.1 Business and Industrial Zones

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

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

The planning proposal will maintain the existing zones applying to the site (primarily B3 – Commercial core and part B4 – Mixed Use) which allows for primarily a mix of residential and non-residential uses. The proposed increase in commercial floorspace will support the precinct in which the site is located.

This Planning Proposal is consistent with the strategic directions outlined in state and local planning strategies including *A Plan for Growing Sydney*, West Central Subregion Draft Subregional Strategy and Parramatta CBD Planning Strategy.

Environment and Heritage - 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The site is not a heritage item, however, is identified as being of potential State Archaeological significance due to its known early history. The site is also located within close proximity to an item (No I647 in PLEP 2011) of local significance known as the 'convict drain'. As part of the preparation of this site for development, the following approvals have been granted;

- DA/560/2013 for the demolition of the former Australia Post building (153 Macquarie Street) was approved by Council in March 2015. It was demolished in May 2015.

- DA/414/2015 was approved by Council in August 2015 permitting early works to facilitate the Aboriginal and European archaeological and cultural heritage investigations and salvaging.
- DA/358/2015 relates to the next stage in the development of then site and comprised demolition of the ground level concrete slabs and hardstands, excavation varying between 1m and 2m across the site and the partial removal of a heritage item, "Convict Drain" and construction of a four level basement carpark as well as ancillary essential services at ground level for future commercial development and land subdivision.

Following the issue of these approvals relevant Aboriginal Heritage Impact Permit (AHIP) and s140 and s144 permits were obtained. These works have now been completed in accordance with relevant development consents and permits. Conditions of consent also apply to the site which require 'interpretation elements' to be provided on the site in any future re-development.

The planning proposal will facilitate re-development of the site and is considered to satisfy this direction.

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

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

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

Increasing the density of development for the purposes of employment generating uses within the walking catchment of transport nodes, namely Parramatta Railway Station and Bus Terminal will support the viability of existing and proposed public transport services and reduce dependence on cars. The proposal integrates land use and transport outcomes to a high degree.

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

The objectives of this direction are:

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

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

The development facilitated under this planning proposal does not propose to penetrate the OLS for either the Bankstown or Sydney airports.

Hazard and risk - 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The site is identified as Class 5 under the Acid Sulfate Soils Map of the Parramatta Local Environmental Plan 2011. Acid sulphate soils are generally not found in Class 5 areas, however, this can be addressed further at the development application stage.

Hazard and risk - 4.3 Flood Prone Land

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

The objectives of this direction are:

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

In October 2015 DA/358/2015 was approved for construction of a four level basement carpark as well as ancillary essential services at ground level for future commercial development and land subdivision. As part of this approval detailed design documentation was provided including a Flood Emergency Management Strategy Report AECOM (dated 15 06 2015) and Stormwater Concept Plan and cover letter by AECOM (dated 16 09 2015).

The Flood Emergency Management Strategy Report includes an analysis of the flooding affectation on the site and an emergency management plan detailing various flood related matters and measures including flood wardens, evacuation routes, emergency warning systems and signage. These measures were collectively assessed to have been acceptable with respect to flooding.

This planning proposal seeks an increase in development density from that available under the current planning controls of 8:1 to 10.19:1 (inclusive of design excellence).

Council's flooding engineer has reviewed the current planning proposal and in the context of the previous detailed design assessment that has been undertaken, as well as the relative magnitude of the density increase proposed on the site, has concluded that the proposal is satisfactory with respect to this s117 direction.

More broadly, the management of flood risk is also being addressed through the wider 'CBD Planning Proposal'. CBD Planning Proposal provides for a significant increase in development potential in flood affected areas in the Parramatta CBD. The issues associated with this are the safety of residents and workers and managing the potential for damage to property. To address this, Council commissioned an update to the Floodplain Risk Management Plans that apply to the Parramatta CBD.

One of the key recommendations from this report is that approval from the Minister for the Environment be sought to impose controls for development above the flood planning level (FPL) in PLEP 2011. The effect of this is buildings with particular evacuation issues must be structurally adequate and incorporate a place for people to shelter above the PMF, or alternatively people must be able to evacuate to land above the PMF. A separate application to the Minister for the Environment for exceptional circumstances to impose controls above the FPL for development within the Parramatta CBD affected by the PMF will occur concurrently with this Planning Proposal process.

Notwithstanding this, the current site specific planning proposal will likely proceed before the broader CBD Planning Proposal however the future detailed design resolution with respect to flooding and building management may be resolved at the development application stage.

Regional planning – 5.1 Implementation of Regional Strategies

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

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

Local Plan Making – 6.3 Site Specific Provisions

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

Council resolved at its meeting of 19 December 2016 to endorse the Planning Proposal to facilitate the redevelopment of the site for commercial purposes with a gross floor area of up to 46,200 square metres and a height limit to be determined by the solar access provisions relating to Parramatta Square and Lancer Barracks (Clause 7.4 of PLEP 2011). In order to effect this change in FSR, a new clause that applies to No. 153 Macquarie Street and part 1A Civic Place, Parramatta is to be inserted in Part 7:

7.# Development on land at 153 Macquarie Street, Parramatta

- (1) This clause applies to land marked "Area 5" on the Key Site Map/Special Provisions Area Map.
- (2) Despite clauses 4.3 and 4.4, the consent authority may grant consent to development involving the construction of a new building or external alterations to an existing building on land to which this clause applies if:
 - (a) the design of the building is the result of a competitive design process as required by clause 7.10 (5), and
 - (b) the consent authority is of the opinion that the building or alteration exhibits design excellence with regard to the design criteria specified in clause 7.10 (4), and

- (c) the development contains a minimum of 90% commercial floorspace with no residential component and
- (d) the development results in a building with a height or form that is determined by the provisions of Clause 7.4 - Solar access such that it does not result in any additional overshadowing of the identified solar protection area of Parramatta Square or Lancer Barracks building as identified in Section 4.3.3 of Parramatta DCP 2011 and
- (e) the development does not result in a building with a gross floor area that exceeds 46,200 square metres

In this clause: **commercial premises** means any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

The site specific clause proposed as part of this planning proposal is deemed necessary to ensure consistency with the Parramatta CBD Planning Strategy/Proposal and to give effect to an increase in permitted density on site.

3.3 Section C – Environmental, social and economic impact

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

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

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

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

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

- European Archaeology
- Aboriginal Archaeology
- Heritage impacts
- Urban Design and Built Form
- Flooding – this is addressed in ‘Hazard and risk - 4.3 Flood Prone Land’, Section 3.2.4.
- Transport and Accessibility Assessment
- Acid Sulfate Soils – this is addressed in ‘Hazard and risk – 4.1 Acid Sulfate Soils’, Section 3.2.4.
- Soil Contamination – this is addressed in Section 3.2.3 ‘State Environmental Planning Policy No. 55 – Remediation of Land’.
- Aeronautical operations

Heritage - General

The site is not a heritage item, however, is identified as a site of high potential archaeological significance and is located in close proximity to a local heritage items being a (subterranean) convict drain.

This issue is addressed previously in Section 3.2.4.

European Archaeological

The Parramatta Historical Archaeological Management Study prepared by Godden Mackay Logan in 2001 has divided the Parramatta City Centre into a series of discrete areas referred to as Archaeological Management Units (AMUs). The site sits within AMU 2869 and is predicted to have a high archaeological research potential. While the site is disturbed and contains an existing building, the recent excavation related to future construction may uncover relics. The Study notes the following:

“The subject area is likely to contain intact subsurface deposits. The construction of the existing structures within this AMU would not have significantly disturbed archaeological resources in this area. This AMU may contain structural and other remains associated with the use of this area prior to the construction of the railway line, as part of the developing township of Parramatta.”

As detailed earlier in Section 3.2.4 the site has already been the subject of s140 permit and excavation and exploration works undertaken in accordance with the permits.

Aboriginal Archaeological

Council's Aboriginal Heritage Study has identified the subject site as being of low sensitivity meaning that it is not expected that relics of Aboriginal heritage significance would be likely to be found. However, the approved development application on the site was accompanied by an appropriate archaeological assessment and has satisfied the provisions of cl. 5.10 Heritage Conservation within *PLEP 2011*.

Urban Design and Built Form

The Planning Proposal is accompanied by a reference design and is included as Appendix 1. The reference design provided indicates the final built form proposed to be provided on the site. i.e. it is not subject to further bonus elements as a result of undergoing a competitive design competition process.

The analysis concludes that the proposed built form able to be achieved under an FSR of 10.19:1 (inclusive of design excellence) is able to be satisfactorily accommodated on the site as well contribute to positively to the precinct (Parramatta Square) in terms of the buildings relationship to the public domain.

Overshadowing

The shadow analysis provided with the reference design models shadows for the development concept between 12 noon and 2pm in mid-Winter. The shadow diagrams demonstrate the following impacts:

- At 12 noon in mid-Winter, a shadow is cast upon the eastern end of the public domain known as Parramatta Square. No overshadowing will occur within the identified solar protection zone within Parramatta Square between 12-2pm.
- The shadow continues to move in an easterly direction until a point where at approximately 1:40pm it touches on the site known as 'Lancer Barracks' however falls

within the shadow cast by the recently constructed building (169 Macquarie Street – University of Western Sydney) on the corner of Smith Street. As a result the proposal will not result in any additional overshadowing of the sensitive Lancer Barracks and is considered acceptable in this regard.

As such, it is considered appropriate that the shadows cast by the FSR being sought can be further modelled and ratified with any future Development Application submitted for the site.

Transport and Accessibility

Council is currently conducting a Traffic and Transport study as part of the CBD Planning Strategy. This Study includes traffic modelling of different growth scenarios factoring in various increases in the FSR.

Further advice from Council's Traffic and Transport team has advised that the increase in traffic generation from the subject site is within the standard deviation of probable outcomes for the traffic modelling within the CBD.

Should the NSW Department of Planning and Environment issue a gateway determination to Council to enable the CBD Planning Proposal to be exhibited, it is intended that the CBD Traffic and Transport Study be amended to reflect the FSR assumptions underlying the traffic modelling with appropriate findings to be exhibited with the Planning Proposal.

Aeronautical operations of Bankstown and Sydney airports

The subject site is located approximately 20km north west of Sydney Airport and 11km north of Bankstown Airport. Airspace above the Parramatta CBD is affected by the operation of these airports. Given the proposed height on the site, an Aeronautical Study is not required.

Key criteria, relating to both airports, requiring consideration are:

- **Obstacle Limitations Surface (OLS):** This is defined airspace that should ideally be kept free of obstacles to minimise danger to aircraft during an entirely visual approach to an airport; and
- **Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS):** Airspace surfaces intended to safeguard aircraft from collision with obstacles when a pilot is flying solely by reference to instruments.

Permanent or temporary penetrations of an OLS by a building or structure may be permitted via approval granted by the Commonwealth Department of Infrastructure and Regional Development. It is possible for approval to also be granted for a temporary penetration of PANS-OPS, however permanent penetration of PANS-OPS will not be approved.

For Bankstown Airport the Aeronautical Study indicates that:

- the OLS is 155.1m which is unlikely to be exceeded by the proposal;
- the location of the site should ensure that navigational aids are not affected;
- the proposed maximum floor space ratio is not likely to result in any penetration of the PANS-OPS surface.

For Sydney Airport the Aeronautical Study indicates that:

- the site is located outside of the OLS;
- the proposed likely building height will not impact upon the most restrictive of PANS-OPS surfaces;
- the development will not affect navigational aids; and
- the proposed height should enable cranes during construction to avoid penetrating radar surface, but this is subject to confirmation from Airservices Australia.

The Planning Proposal seeks to facilitate a building height of 83.5m (R.L 93.00) as indicated in the reference design. Therefore, the Planning Proposal is satisfactory in terms of relevant airspace safety considerations.

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

At the time of the preparation of this Planning Proposal, the applicant had not indicated an intention to enter into a VPA with Council. A formal letter of offer will be sought from the applicant and it is intended that any VPA that may be agreed upon be exhibited concurrently with the planning proposal in accordance with Council's VPA policy.

Community consultation and public authority consultation during the assessment of the application will explore the social and economic benefits in more detail.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The subject land is approximately 100m walking distance from Parramatta Railway Station/Bus terminal. Civil and utility infrastructure is suitably accessible to service the subject land and support the proposed development. Redevelopment of the subject site and further development within the area can optimise public infrastructure investment. However, it is recommended that the relevant infrastructure agencies be consulted during the planning proposal process.

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

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

PART 4 – MAPPING

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

4.1 Existing controls

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

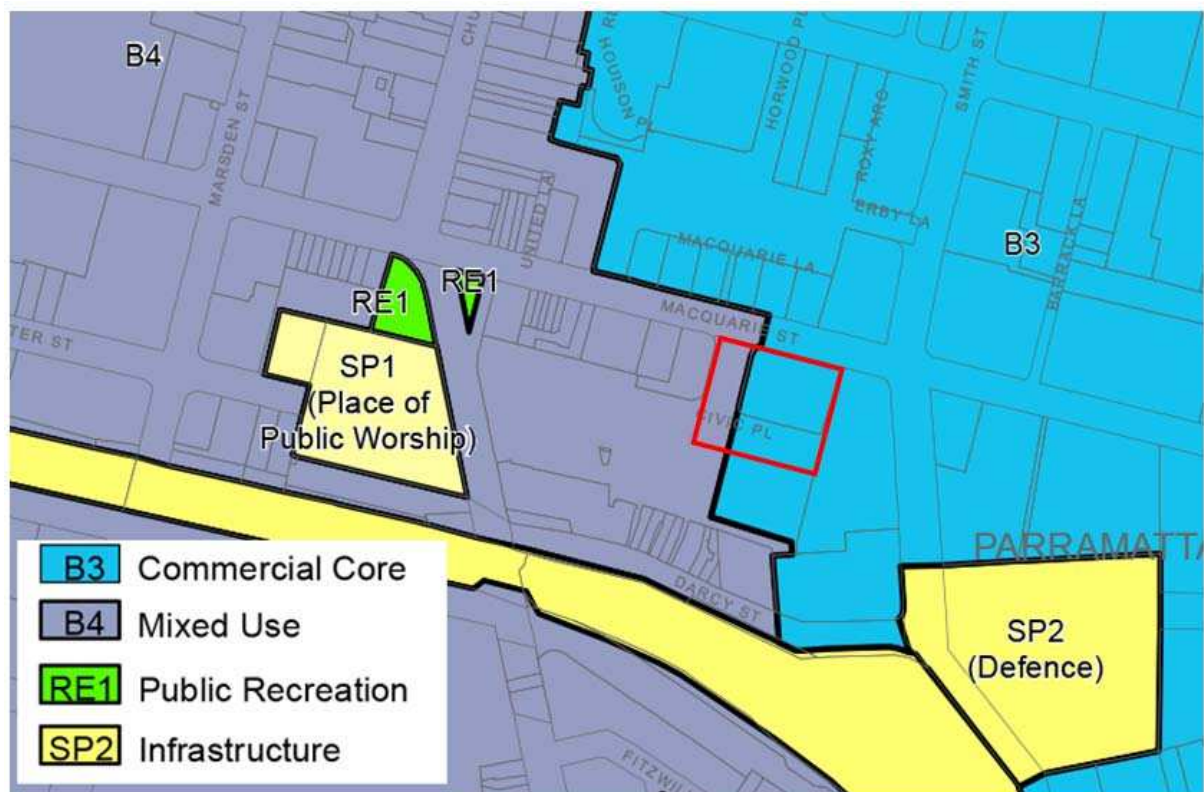


Figure 3 – Existing Zoning Map (Source: City of Parramatta GIS)

Figure 3 above illustrates the existing B3 Commercial Core and B4 Mixed Use zone over the site.

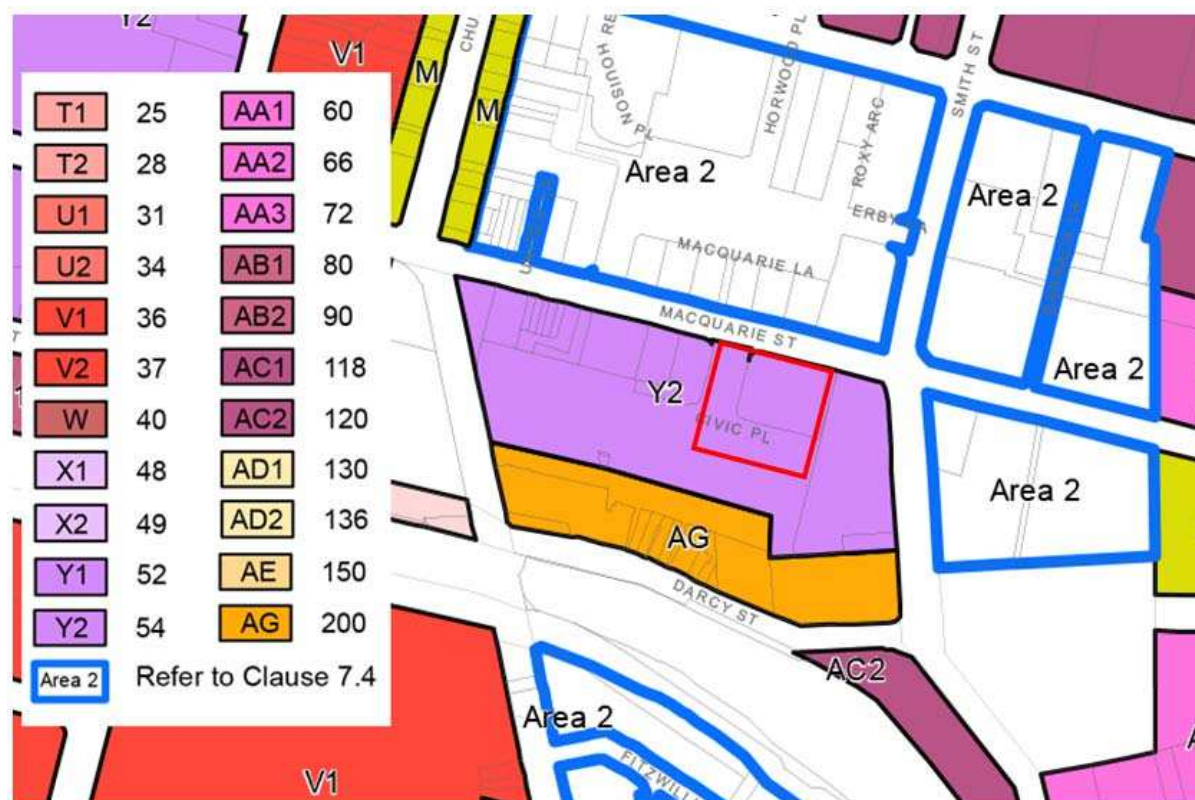


Figure 4 – Existing building heights (Source: City of Parramatta GIS)

Figure 4 above illustrates the existing 54 metre height limit applying to the site.

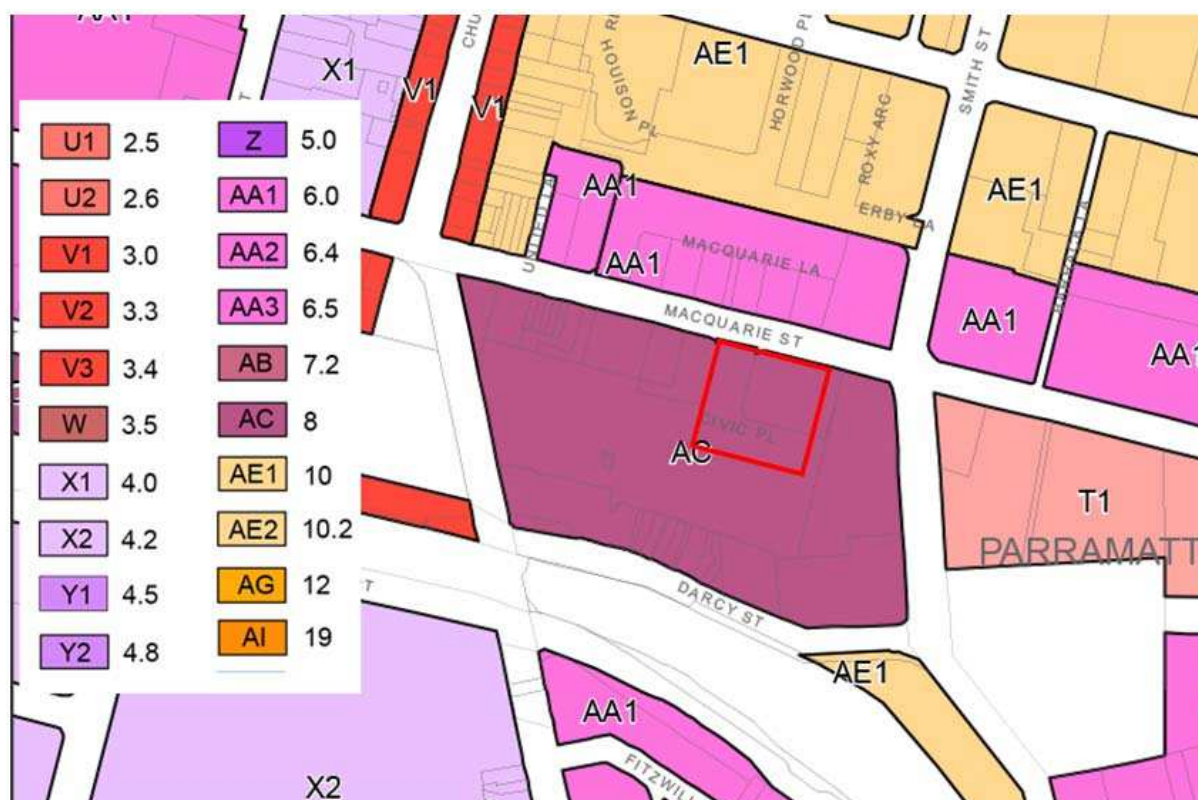


Figure 5 – Existing floor space ratio (Source: City of Parramatta GIS)

Figure 5 above illustrates the existing 8:1 FSR which applies to the site.

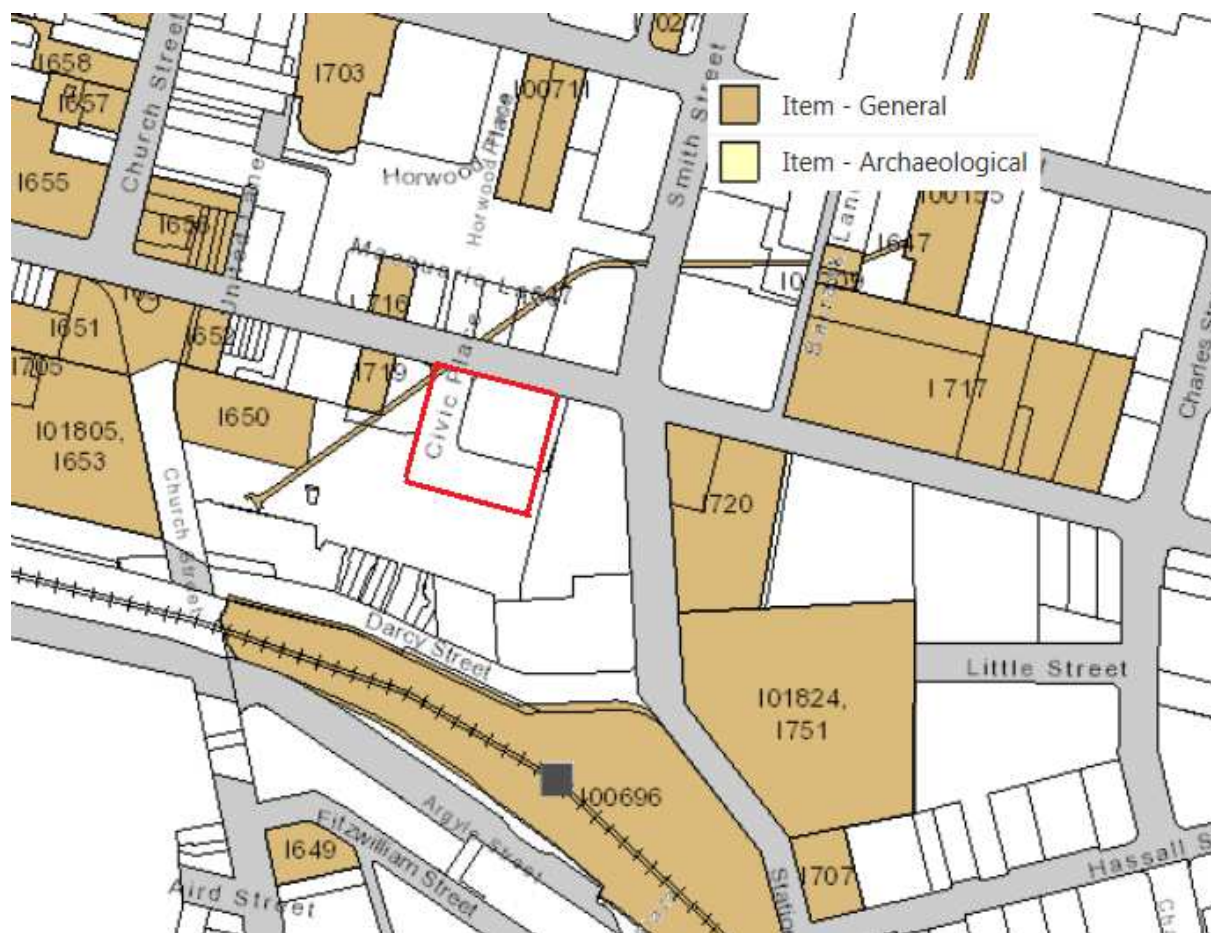


Figure 6 – Heritage (Source: City of Parramatta GIS)

Figure 6 above illustrates the heritage sites which are located in close proximity to the site.

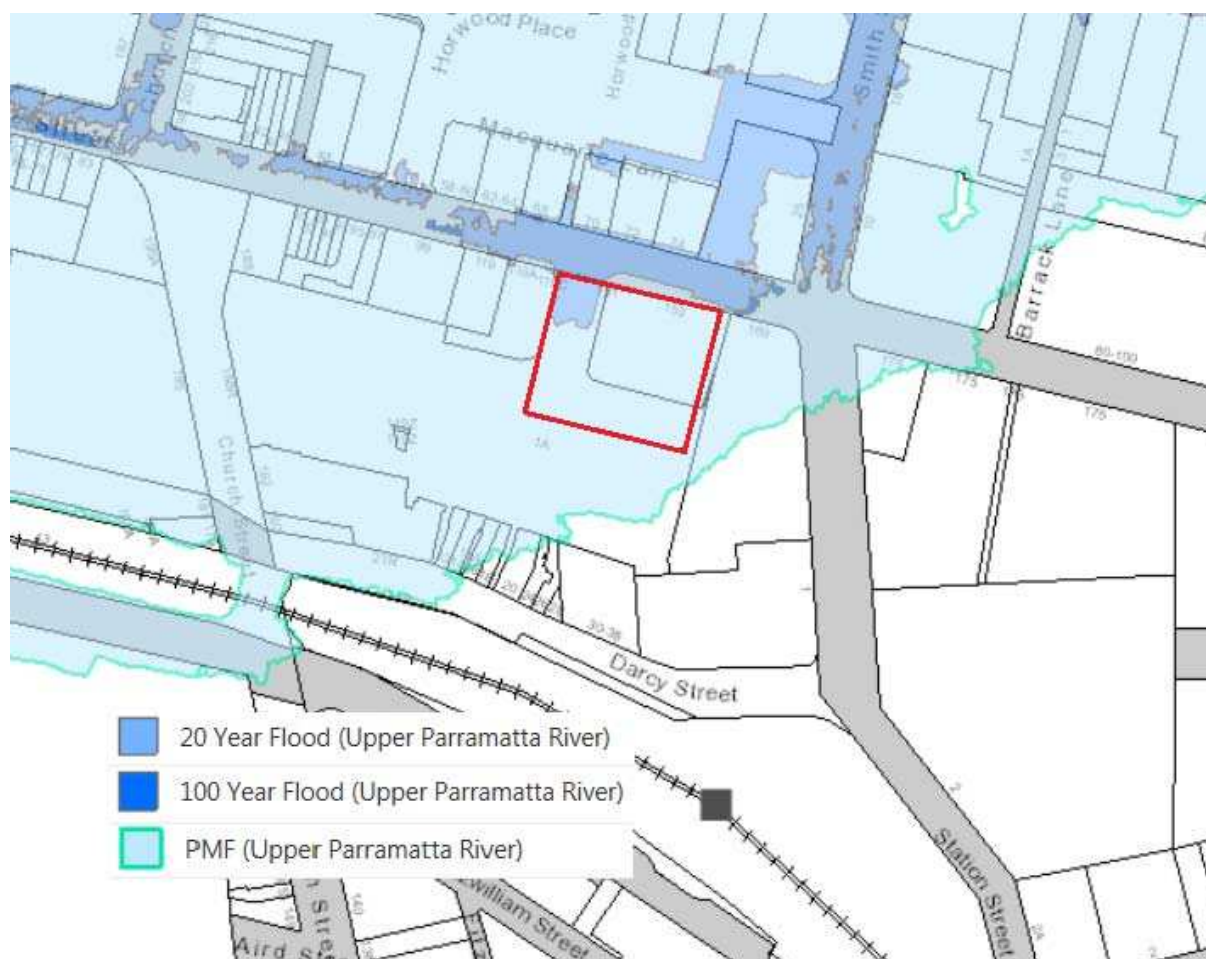


Figure 7 – Flooding affectation (Source: City of Parramatta GIS)

Figure 7 above illustrates the flooding extent for the site.

4.2 Proposed controls

The figures in this section (Figures 8 and 9) illustrate the proposed Key Sites Map/Special Provisions Map and proposed Height of Building Map sought by this planning proposal.

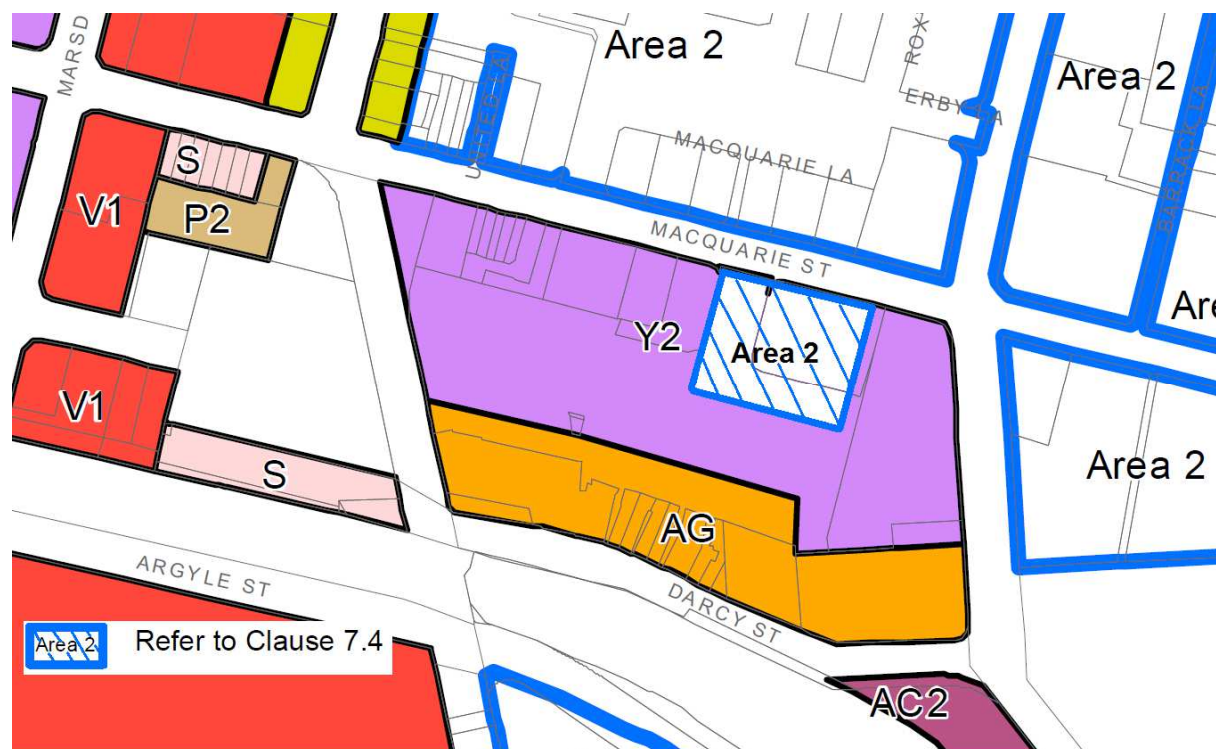


Figure 8 – Proposed height of building map (Source: City of Parramatta GIS)

Figure 8 above illustrates that no numerical height is proposed but the height will be determined by Clause 7.4 Sun access.



Figure 9 – Proposed Key Site Map/Special Provisions Map (Source: City of Parramatta GIS)

Figure 9 above demonstrates where the proposed site specific clause will apply as outlined in Part 2.

PART 5 – COMMUNITY CONSULTATION

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

Public exhibition is likely to include:

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

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

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

PART 6 – PROJECT TIMELINE

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

The following steps are anticipated:

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