



## PLANNING PROPOSAL

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To amend the *Parramatta Local Environmental Plan 2011* by reducing the extent of the archaeological site identified as A11 at 45 Macquarie St Parramatta, listed on Schedule 5 of the LEP, (Lot 100, DP 12122216) and identified on the Heritage Map (HER10), to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts"

45 Macquarie Street, Parramatta

Prepared for: Owners of DP 1224002

REF: M210146

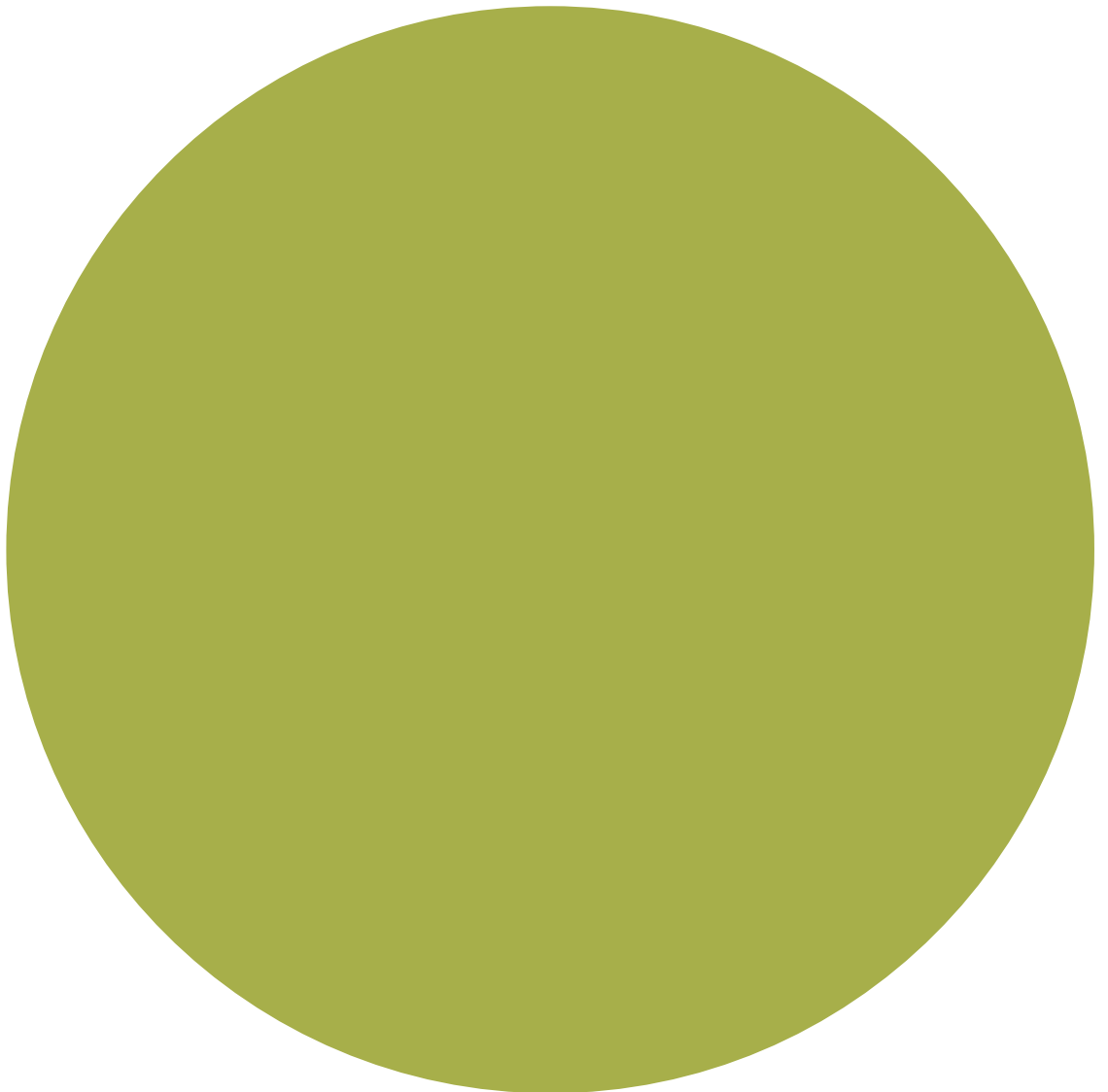
Date: 9 March 2022





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# Executive Summary

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This Planning Proposal seeks to amend the provisions of the *Parramatta Local Environmental Plan 2011* (PLEP 2011) for land at No. 45 Macquarie Street, Parramatta. Specifically, the Planning Proposal seeks to reduce the extent of the archaeological site identified as A11 at 45 Macquarie St Parramatta, listed on Schedule 5 of the LEP, (Lot 100, DP 12122216) and identified on the Heritage Map (HER10), to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* (SHR) as item 2027, “Archaeological Site and associated artefacts”.

The Planning Proposal will seek to apply the heritage listing to the SP 94346 common area located at Basement level 1. This is currently identified as occupying the entirety of the site at Nos. 134-140 Marsden Street (including 45 Macquarie Street), Parramatta under Schedule 5 and the PLEP 2011 Heritage Map (Sheet HER\_010). This Planning Proposal is to only apply to the interior face of retaining walls around the archaeological sites including the Convict Hut, Wheelwright’s Workshop and 1836 – 1844 Cottage and Cellar and Cellar Drain of Shepherd Inn.

This Planning Proposal applies to the land which contains the archaeological site at No. 45 Macquarie Street, Parramatta. The Planning Proposal seeks to preserve the heritage significance of the archaeological site, however reduce its extent to apply only to the common area located on Basement level 1. This is supported by a Heritage Assessment Report and Heritage Inventory Sheet which has evaluated the heritage significance of the archaeological site and the proposed reduction of extents.

The Heritage Assessment Report prepared by *GBA Heritage* outlines the historical importance of the archaeological site and provides a description of its physical condition and an assessment of its heritage significance. The assessment has been undertaken following the guidelines in the NSW Heritage Manual which have provided guidance on the substance, structure and methodology for determining the existing heritage significance of the archaeological site. The heritage assessment has identified that the archaeological site, which is already identified as prominent and significant, will not be altered and will be conserved despite the proposed changes. The heritage assessment has considered the cultural significance of the site in accordance with *The Australia ICOMOS Burra Charter* and Heritage NSW criteria to ensure the reduced extent of the archaeological site will protect significance as is existing.

The Planning Proposal has been prepared in accordance with the NSW Department of Planning & Environment’s *Guide to Preparing Planning Proposals* and has adequately addressed the relevant strategic and statutory planning considerations.

The proposed modification to reduce the extent of the archaeological site identified in the PLEP is considered to satisfy the requirements to enable the amendment of the PLEP and is submitted to Parramatta City Council for endorsement and submission to the Department of Planning, Industry and Environment for Gateway determination.



# 1. Introduction

This Planning Proposal has been prepared for the Owners of DP 1224002, at No. 45 Macquarie Street, Parramatta. It is submitted in support of an application to request that Council seek a Gateway Determination under the provisions of Section 3.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The Planning Proposal submitted with this report has been prepared in accordance with Section 3.33 of the EP&A Act as well as the NSW Department of Planning & Environment's publications "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans".

The primary intent of this submission is to initiate the Planning Proposal process to amend the *Parramatta Local Environmental Plan 2011* (PLEP) by seeking to reduce the extent of the archaeological site identified in Schedule 5 (A11) to only apply to the SP 94346 common area located at Basement level 1 at No. 45 Macquarie Street, Parramatta. This is to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts".

This Planning Proposal will subsequently modify the extent of the archaeological site as shown on the PLEP Heritage Map. The proposal will seek to only apply to the interior face of retaining walls around the archaeological sites including the Convict Hut, Wheelwright's Workshop and 1836 – 1844 Cottage and Cellar and Cellar Drain of Shepherd Inn. Currently, Schedule 5 identifies A11 as occupying the entirety of the site at Nos. 134-140 Marsden Street, Parramatta. As detailed, this Planning Proposal seeks to align the extent of the PLEP listed site (A11) with the SHR listing footprint. Of relevance, the formal listing of the site on the NSW SHR was gazetted on 5 July 2019 as is illustrated on SHR Plan 3220.

Submitted in support of this Planning Proposal application is a Heritage Assessment Report prepared by *GBA Heritage* that has evaluated the heritage characteristics of the archaeological site. The proposal will not seek to alter the heritage significance of the archaeological site and is consistent with local and state government planning strategies and will protect the heritage of the existing site within the Parramatta LGA.

This application for a Planning Proposal has been informed by the following documents:

**Table 1** Supporting Documents with this Planning Proposal

Document	Author
Heritage Assessment Report	GBA Heritage
Heritage Inventory Sheet	GBA Heritage

This report is divided into six sections including a locality and site analysis, existing planning provisions, draft planning provisions, the Planning Proposal and a conclusion.

## 2. Locality and Site Analysis

### 2.1 THE CONTEXT

#### 2.1.1 Metropolitan Context

The subject site is located in Parramatta. The site is within the urbanised area under the Central River City Plan.

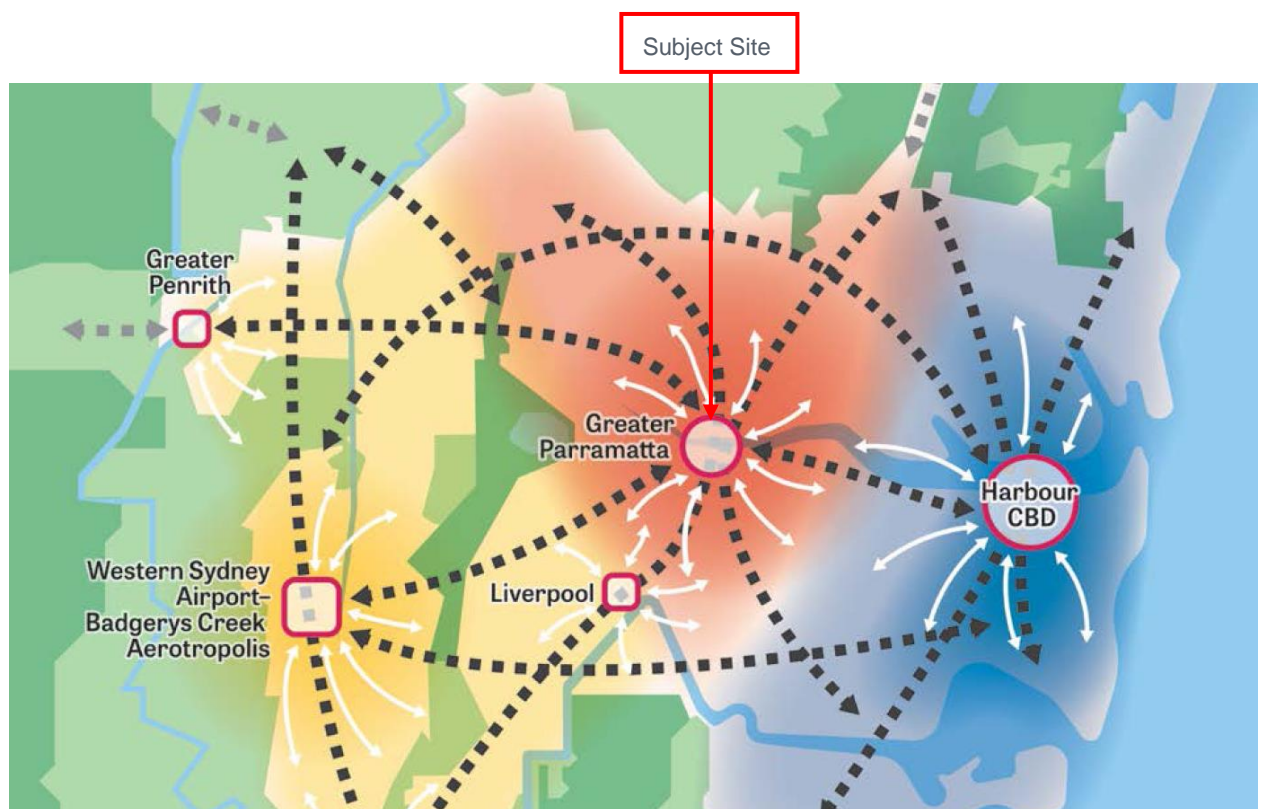


Figure 1 Context Map from Metropolis of 3 Cities

#### 2.1.2 Local Context

The subject site is located within the dense urbanised area of the Parramatta CBD. The subject site contains frontages to Hunter, Marsden and Macquarie Street. The site contains an existing high density mixed use development and is characteristic of the dominant built form in the locality, being medium to high rise structures. The local character is characterised by a range of development and architectural styles. The site and its context within the Parramatta CBD locality is illustrated on the zoning map extract in **Figure 2**.



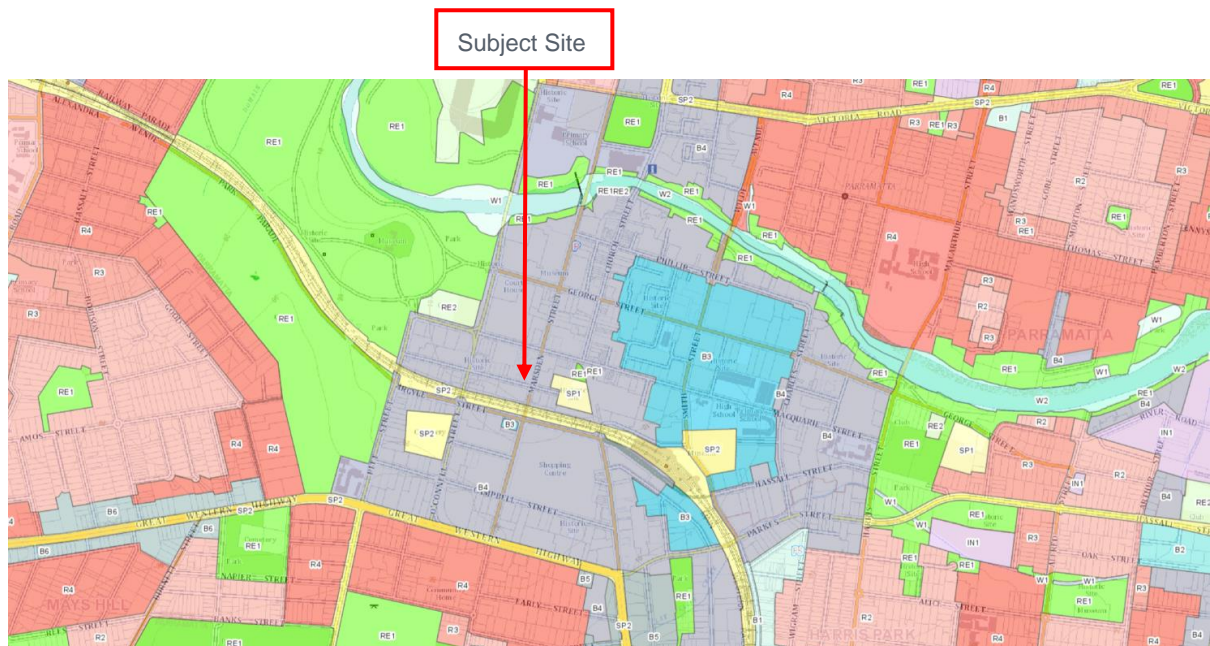


Figure 2 Context within the wider Parramatta locality (Source: NSW Planning Portal)

## 2.2 THE SITE

The subject site comprises a corner lot with an area of approximately 4,900m<sup>2</sup> having a legal description of Lot 100 in DP 1212216. The site is identified as No. 45 Macquarie Street, Parramatta. The location of the subject site is shown edged red in the aerial image provided at **Figure 3**.



Figure 3 Aerial image (Source: NSW Government SIX Maps)





Pedestrian access to the site is from the corner of Macquarie and Marsden Street with vehicular access provided from Hunter Street. The site is occupied by a high density, contemporary mixed use development with the archaeological site located within the common property on basement level 1. The archaeological items include the '*Site of Convict Hut*', '*Wheelwrights Workshop*' and '*Hotel Cellar and Associated Archaeological Remains*'. As detailed, the formal listing of the archaeological items on the NSW SHR was gazetted on 5 July 2019 per SHR Plan 3220.

Photographs of the subject site depicting existing conditions and archaeological site are provided in the following figures. Further photographic imagery of the site and its heritage and local context are included in the Heritage Assessment Report provided with the submission.



**Figure 4** Contemporary mixed use development on site

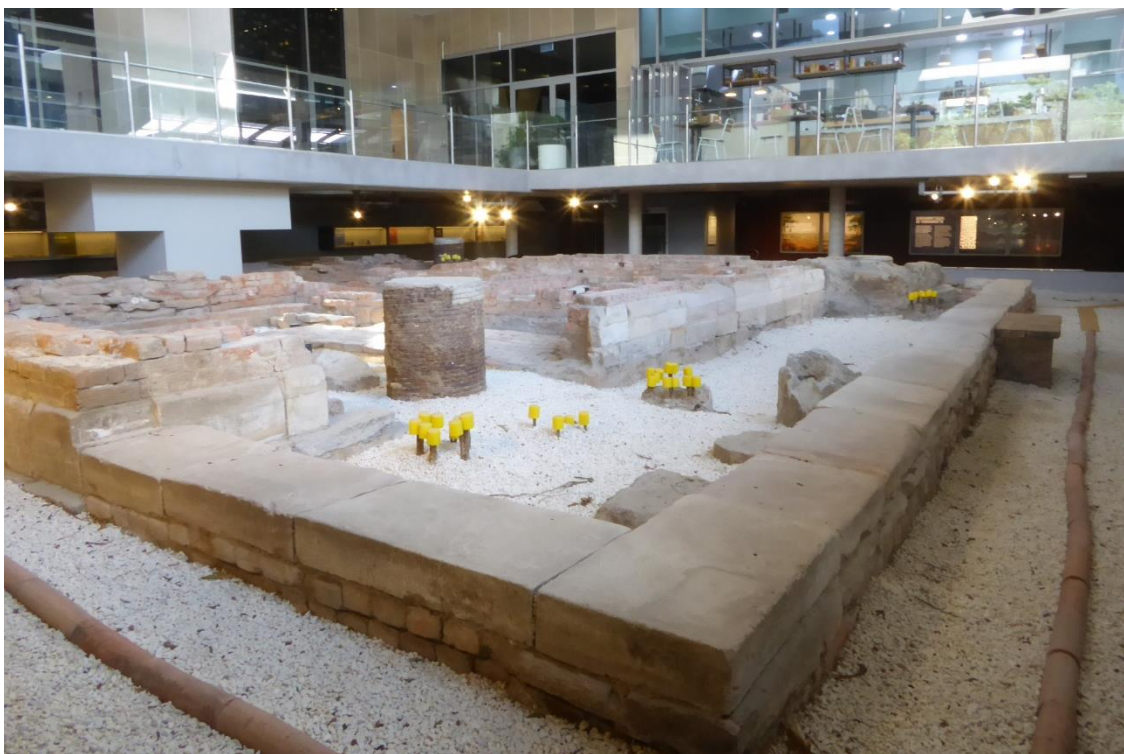


Figure 5 Wheelwrights Workshop and Convicts Hut





Figure 6 Hotel Cellar

## 2.3 SURROUNDING DEVELOPMENT

The site is located within the Parramatta CBD that comprises of medium to high density developments with differing architectural characters reflecting various eras of development. The subject site is directly adjoined by the B4 Mixed Use zone which contains a variety of commercial, community, religious and residential uses.

The aerial image provided at **Figure 7** indicates key features of the immediate area.



Figure 7 Key features in proximity to the subject site

## 3. Existing Planning Provisions

### 3.1 Parramatta Local Environmental Plan 2011 (PLEP 2011)

The land is zoned B4 Mixed Use under the PLEP 2011. The objectives of the B4 Mixed Use zone are as follows:

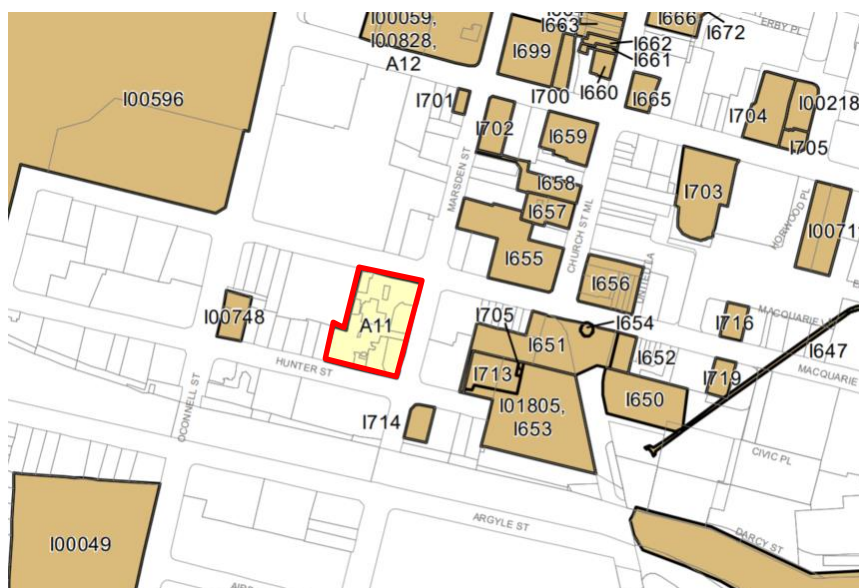
- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

No changes to the zoning of the land are proposed in this application for a Planning Proposal. An extract of the PLEP Land Zoning Map is provided in **Figure 8** below.



**Figure 8** Extract from PLEP Land Zoning Map (LZN\_010) with the subject site edged in red

The entirety of the site is identified as a heritage item, A11 ('*Archaeological Site*') being Nos. 134-140 Marsden Street (Lot 1, DP 953138; Lot 1, DP 1079113; Lots 1 and 2, DP 213184; Lot 1, DP 61073; Lot 1, DP 539968; Lots 101, 102 and 103, DP 785428; Lots A, B and C, DP 82967). As discussed in this Planning Proposal, it is sought to reduce the extent of this *Archaeological Site* to only apply to the common areas in basement level 1 per Strata Plan 94346 in accordance with the NSW SHR Plan 3320. An extract of the PLEP Heritage Map is provided in **Figure 9** below.



**Parramatta Local  
Environmental  
Plan 2011**

Heritage Map - Sheet HER\_010

**Heritage**  
 Conservation Area - General  
 Item - Archaeological  
 Item - General

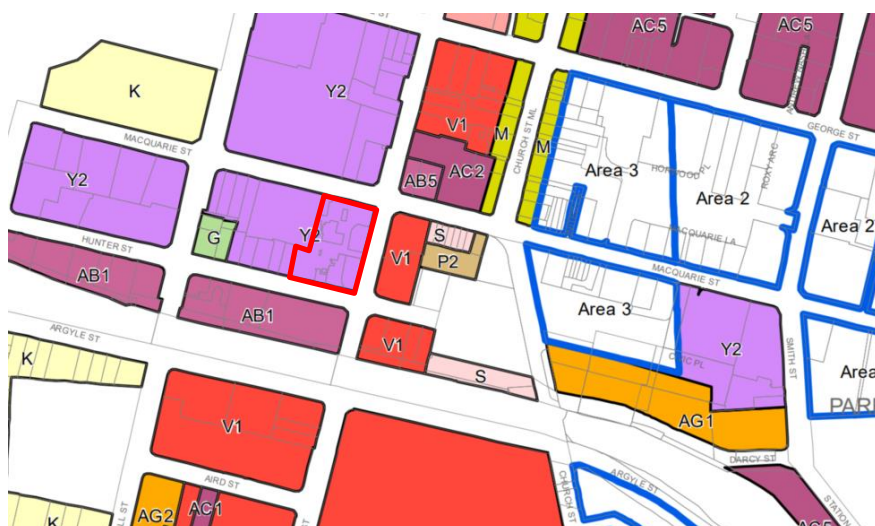
**Figure 9** Extract from PLEP Heritage Map (HER\_010) with the subject site edged in red

The current development standards that apply to the land under the PLEP are summarised as follows:

**Table 2** Summary of Current Development Standards

Control	Existing Requirement	Figure
Height of Buildings	54m	10
Floor Space Ratio	6.0:1	11
Acid Sulfate Soils	Class 4 and 5	12
Land Reservation Acquisition	B4 – Local Road Widening	13
Additional Local Provisions	-	14

No changes to the principal development standards currently applicable to the site under PLEP are proposed to change under this Planning Proposal request.



**Parramatta Local  
Environmental  
Plan 2011**

Height of Buildings Map -  
Sheet HOB\_010

**Maximum Building Height (RL)**  
 Heights shown on map in RL (m)  
 RL 11  
 RL 14  
**Maximum Building Height (m)**

A	0	S	24	AB3	84
E	6	T1	25	AB4	86
G	7	T2	28	AB5	90
H	7.5	U1	31	AB6	92
J1	9	U2	34	AB7	97
J2	9.2	V1	36	AC1	102
J3	9.5	V2	37	AC2	105
K	10	W	40	AC3	110
L	11	X1	45	AC4	118
M	12	X2	48	AC5	120
N1	13	X3	49	AD1	130
N2	14	Y1	52	AD2	136
O1	15	Y2	54	AE1	150



Figure 10 Extract from PLEP Height of Building (HOB\_010) with the subject site edged in red



Figure 11 Extract from PLEP Floor Space Ratio Map (FSR\_010) with the subject site in red

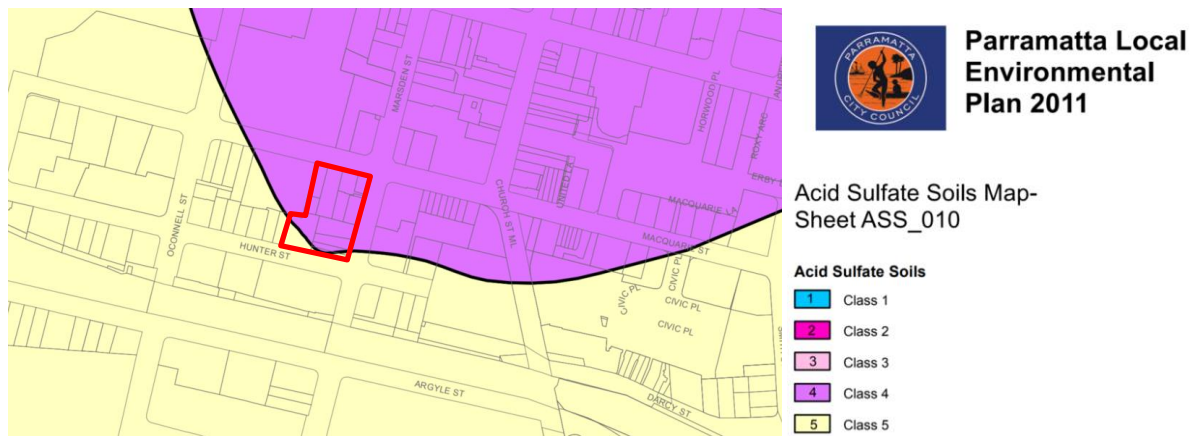


Figure 12 Extract from PLEP Acid Sulfate Soils Map (ASS\_010) with the subject site in red

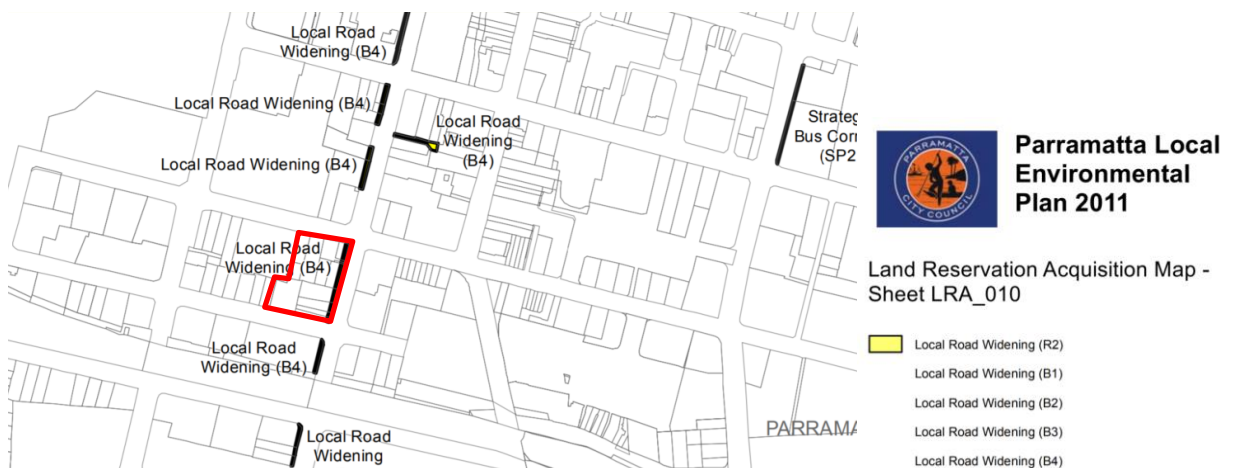
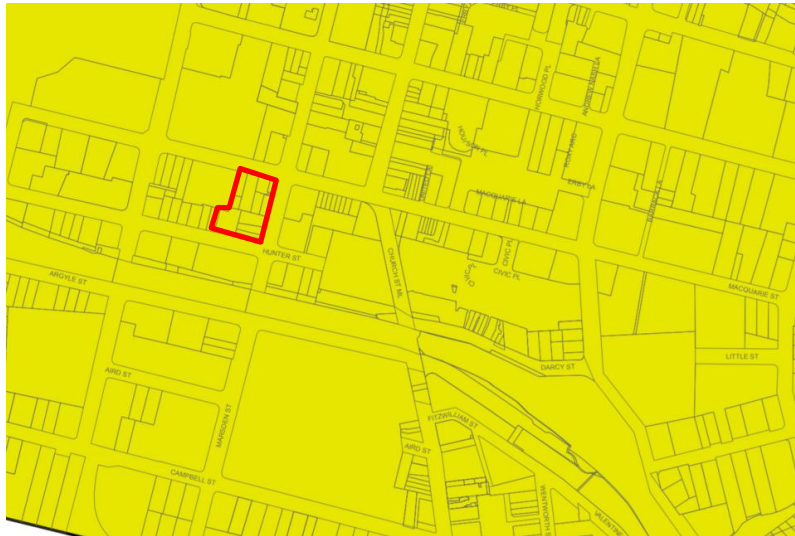


Figure 13 Extract from PLEP Land Reservation Acquisition Map (LRA\_010) with the subject site in red



**Parramatta Local  
Environmental  
Plan 2011**

Additional Local Provisions Map-  
Sheet-ALP\_010

 Additional Local Provisions

**Figure 14** Extract from PLEP Additional Local Provisions Map (ALP\_010) with the subject site in red

The land is not known to be subject to any other environmental constraints.

### 3.2 Parramatta Development Control Plan 2011

The Parramatta Development Control Plan (PDCP) 2011 applies to the subject site and its surrounds. Any development proposals either on the site or on adjoining sites are required to address any relevant PDCP controls.

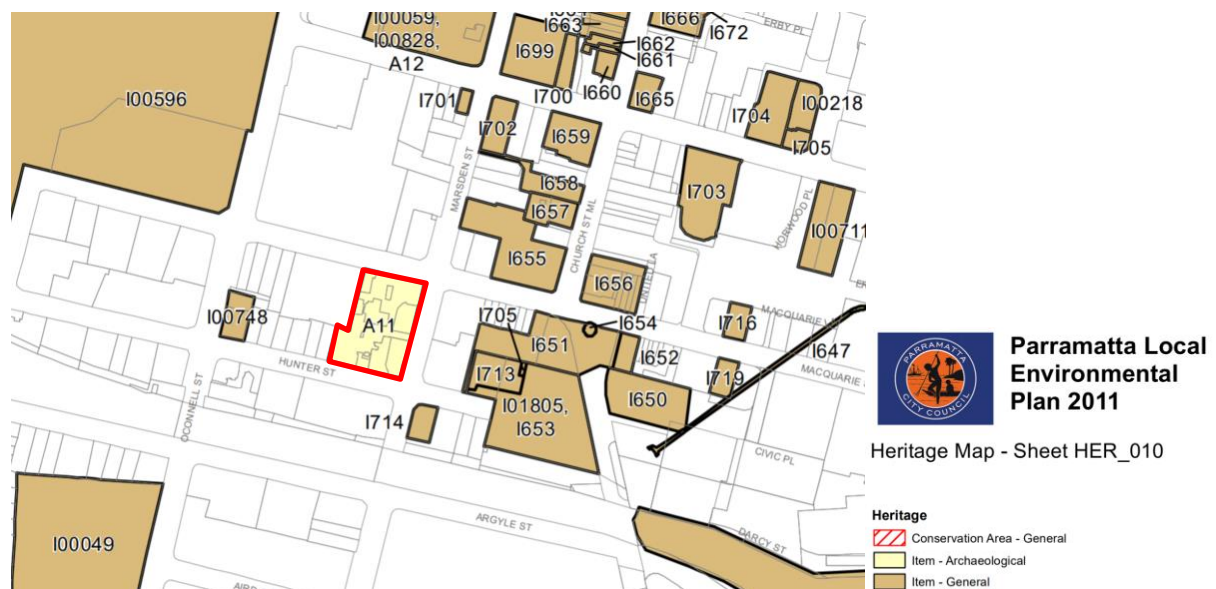
The site is within the Parramatta City Centre as identified in Part 4, Section 4.3.3 of the PDCP which specifies objectives for the precinct and outlines the various controls that any new development proposals are required to address. The proposed reduction to the extent of area identified as part of the archaeological site is consistent with the objectives and controls of the Parramatta City Centre and will not impact on its continued application.

## 4. Draft Planning Provisions

### 4.1 Proposed Amendments

This Planning Proposal request seeks to reduce the extent of the land included in Schedule 5 of the PLEP as an archaeological site and as a result, it will require an amendment to the Heritage Map to identify the land. This will only include select portions of the land identified within the common area of Basement level 1 under SP 94356 at No. 45 Macquarie Street, Parramatta. This is to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, “Archaeological Site and associated artefacts”.

An extract of the current Heritage Map is provided in **Figure 15**.



**Figure 15** Extract from PLEP Heritage Map (HER\_010) with the subject site in red

The revised Heritage Map will be prepared by Parramatta City Council.



## 5. Planning Proposal

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### 5.1 Objectives or Intended Outcomes – Part 1 of The Guide

#### 5.1.1 Objectives

The objective of this Planning Proposal is to reduce the extent of the archaeological area to only apply to the common area of SP 94346 located in Basement Level 1 at No. 45 Macquarie Street, Parramatta. This is to only apply to the interior face of retaining walls around the archaeological sites including the Convict Hut, Wheelwright's Workshop and 1836 – 1844 Cottage and Cellar and Cellar Drain of Shepherd Inn. This will align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts".

#### 5.1.2 Intended Outcomes

The Planning Proposal will amend Schedule 5 and the Heritage Map of the PLEP 2011 to modify the area and reference of the archaeological area currently identified as A11 at Nos. 134-140 Marsden Street, specifically, Lot 1, DP 953138; Lot 1, DP 1079113; Lots 1 and 2, DP 213184; Lot 1, DP 61073; Lot 1, DP 539968; Lots 101, 102 and 103, DP 785428; Lots A, B and C, DP 82967. The proposal will seek to reduce the extent of this area to the common area under SP 94346 within Basement Level 1 and apply to the interior face of retaining walls around the archaeological sites including the Convict Hut, Wheelwright's Workshop and 1836 – 1844 Cottage and Cellar and Cellar Drain of Shepherd Inn in accordance with the NSW SHR.

The modification to the extent of this archaeological site in Schedule 5 of PLEP 2011 will mean that any future exempt and complying development pertaining to the mixed use development will not be affected by the heritage item. As existing, any future development applications either on the subject site or on any land within its vicinity will need to consider the provisions of Clause 5.10 of PLEP 2011. This will maintain the statutory requirement for development proposals to consider the effects of proposed development on the heritage significance of the archaeological site.

### 5.2 Explanation of Provisions – Part 2 of The Guide

The proposed outcome will be achieved by amending the PLEP to:

- Modify the heritage listing for the archaeological site to only include the common area under SP 94346 of Basement Level 1 at No. 45 Macquarie Street, Parramatta in Part 3 (Archaeological Sites) of Schedule 5 Environmental Heritage, and
- Amend the Heritage Map (Sheet HER\_010) of the PLEP to modify the land containing the archaeological site (SP 94346) to align with the NSW SHR.

### 5.3 Justification – Part 3 of The Guide

This section details the reasons for the proposed LEP amendments and is based on a series of questions as outlined in the Department of Planning and Environment's *'A Guide to Preparing Planning Proposals'*. The matters to be addressed include the strategic planning context of the amendments, potential State and Commonwealth agency interests, environmental, social and economic impacts.

The planning proposal has strategic merit. The heritage significance of the archaeological site which has been previously established will not be affected by the proposal. This Planning Proposal will seek to modify the extent to which this heritage item applies and will permit the ease of development (namely, exempt and complying development





under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* at the subject site without affecting heritage significance. This is established by the assessment undertaken by GBA Heritage. As detailed, the proposal will align with the recently gazetted NSW SHR listing.

These matters are further discussed below in Parts 5.3.1 to 5.3.3 of this report.

#### **Questions for consideration in demonstrating justification**

##### **5.3.1 Section A - The Need for the Planning Proposal**

###### ***Q1: Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?***

No. There are no strategic studies or reports that directly address the subject site. However, the continued conservation of the archaeological site is consistent with the Local Strategic Planning Statement (City Plan 2036) in relation to conservation of heritage.

The planning proposal is the result of requirements of the owners of DP 1224002 and the recommendations of the Heritage Assessment Report prepared by *GBA Heritage*. The report concludes that the reduction of extent pertaining to the archaeological site pertaining to the Basement Level 1 under SP 94346 will continue meet criteria for listing as a heritage item. The report concludes the following:

- *The retained archaeological relics have already been reduced in extent by the construction of the high-rise residential building, as approved by HNSW and PCC.*
- *The reduced archaeological area is now defined and enclosed by the concrete basement walls that surround the Archaeological Display Centre.*
- *The retained archaeological relics are protected and conserved under the relevant provisions of the Heritage Act NSW, 1977.*
- *The ownership of the archaeological relics and the Display Centre fall within the strata title framework of the remainder of the building and site.*
- *The clarification of the confined extent of the heritage listed archaeological relics will enable changes and upgrades to the remainder of the high-rise building at 45 Macquarie Street to be approved by the relevant consent authority without any need to consider potential heritage impacts on the archaeology.*

###### ***Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?***

Yes. The objective of this planning proposal is to amend the extent of the archaeological site in Schedule 5 of the PLEP and Heritage Map (HER\_010). The best, and only, means of achieving this objective is through the planning proposal process.

The reduced extent will continue to provide ongoing protection and recognition of the heritage significance of the archaeological site. There are no other options, such as adding site-specific objectives and controls to the Parramatta DCP, which will reduce the extent to which the PLEP applies which providing a high level of heritage protection and recognition.

##### **5.3.2 Section B - Relationship to the Strategic Planning Framework**

###### ***Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?***

Yes. The planning proposal is consistent with the relevant objectives and actions of the Greater Sydney Region Plan: A Metropolis of Three Cities and the Central River City Plan, as discussed below.



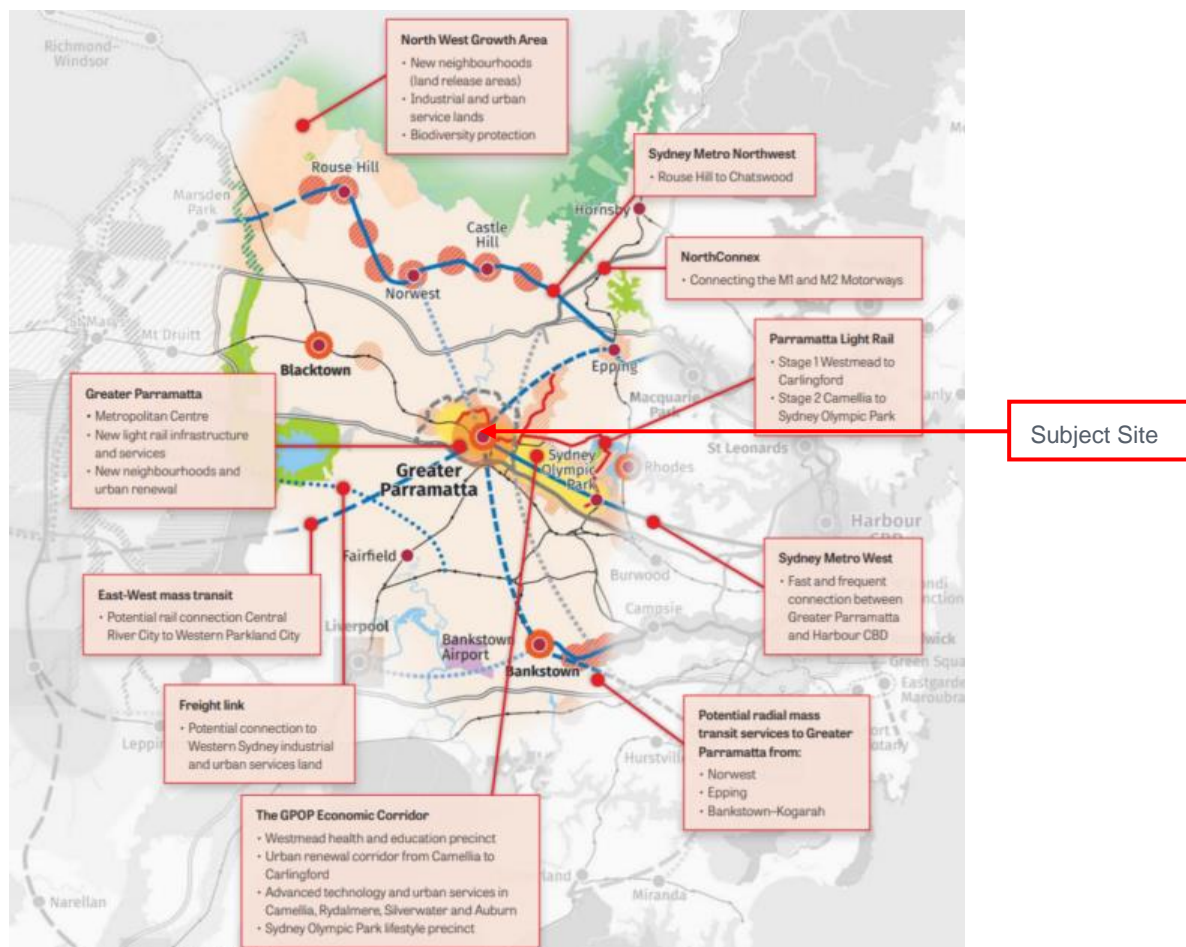


### A Metropolis of 3 Cities: The Greater Sydney Region Plan (March 2018)

On 23 March 2018, the Greater Sydney Commission released *A Metropolis of 3 Cities: The Greater Sydney Region Plan*. The new Regional Plan contains a revised ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy identifies the site as being located within the “Central River City” as detailed in **Figure 16**.



**Figure 16** The Central River City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.

**Table 3** Greater Sydney Region Plan: A Metropolis of Three Cities Directions

**Direction 4 – Liveability**

**Objective 13: Environmental heritage is identified, conserved and enhanced**

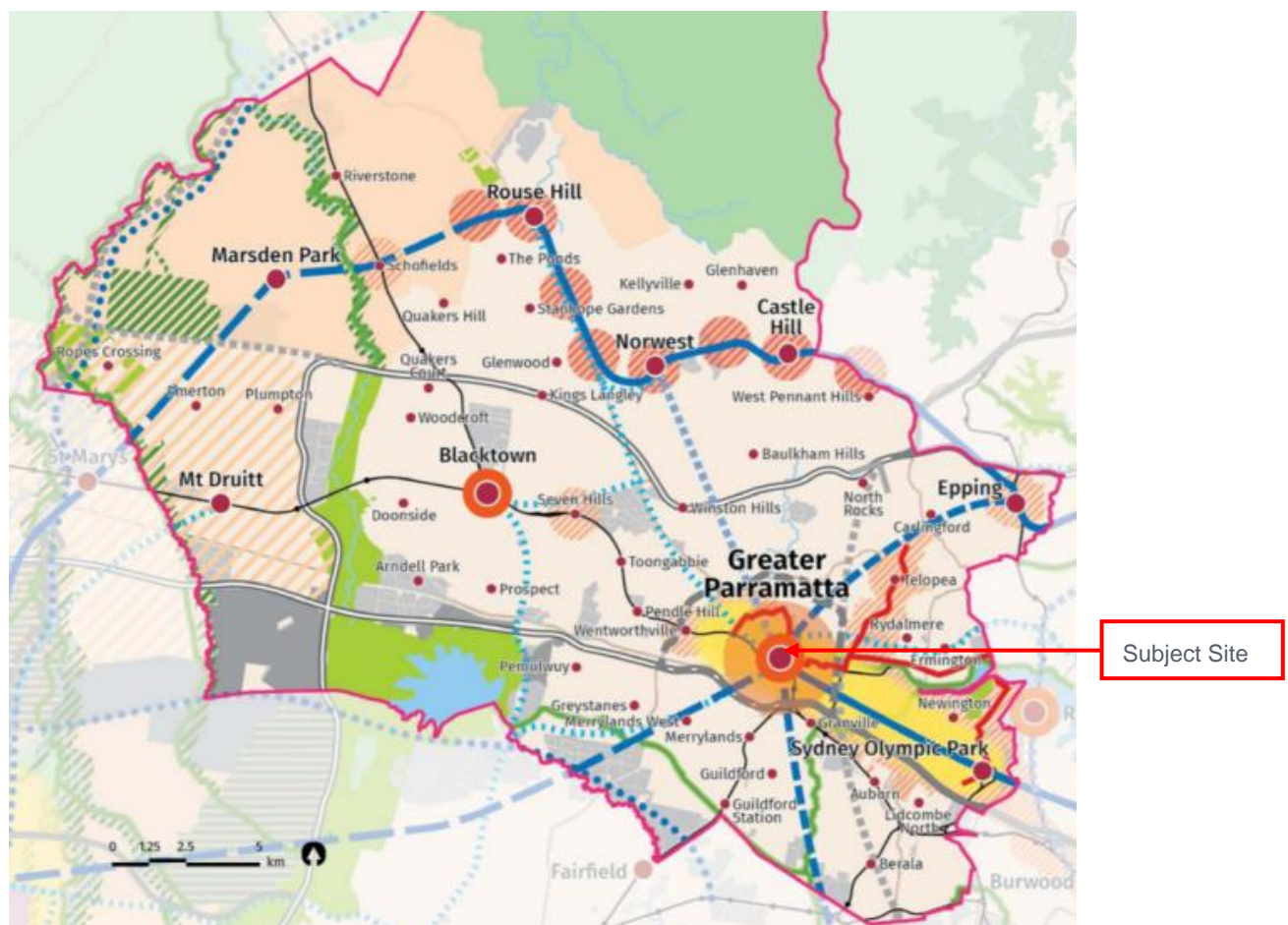
This planning proposal seeks to reduce the extent of the archaeological site in Schedule 5 (A11) to only apply to the SP 94346 common area located at Basement level 1. This Planning Proposal will not alter the heritage protection and recognition of the archaeological site and is therefore consistent with Objective 13.

Central City District Plan

In March 2018, the Greater Sydney Commission released the Central City District Plan. The Central City District Plan is a guide to implementing the Greater Sydney Region Plan at a District level. It provides a 20-year plan to manage growth and achieve the 40 year vision.

The Central City District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, centres and services is required in response to population growth. As such, the local area will require more dwellings, jobs and infrastructure in order to accommodate the needs of the growing population.

The District Plan outlines actions for how the Central City District will work towards meeting the priorities and objectives of the Regional Plan. **Figure 17** details the land within the Central City District Plan.





**Figure 17** The Central City District Plan locality (Source: Central City District Plan)

The Proposal supports a number of the actions outlined in the plan as outlined in the following table:

Table 4 Central City District Plan
Direction 3 – Liveability
Planning Priority C6: Creating and renewing great places and local centres, and respecting the District's heritage
This Planning Proposal seeks to reduce the extent to which the archaeological site applies to only the physical area as identified in this Report. The proposal will continue to conserve the environmental heritage of the archaeological site within the Parramatta LGA. The proposal will continue to identify, conserve, interpret and celebrate Parramatta's heritage values as is currently existing whilst improving the potential of owners of the building on-site.

***Q4: Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?***

Yes. The planning proposal is consistent with the Parramatta Local Strategic Planning Statement (City Plan 2036) and Parramatta Community Strategic Plan, 2018-2038.

***Parramatta Community Strategic Plan, 2018-2038***

The Parramatta Community Strategic Plan, 2018-2038, was adopted by Council after extensive community engagement. The Plan has been prepared by Council through a series of community consultations. This Plan sets out the community's vision to 2038 and sets out six long term community goals to deliver that vision:

- Goal One: Fair - *'We can all benefit from the opportunities our city offers'*.
- Goal Two: Accessible – *'We can all get to where we want to go'*.
- Goal Three: Green – *'We care for and enjoy our environment'*.
- Goal Four: Welcoming – *'We celebrate culture and diversity - past, present and future'*.
- Goal Five: Thriving – *'We benefit from having a thriving CBD and local centres'*.
- Goal Six: Innovative – *'We collaborate and champion new ideas to create a better future'*.

The following table details how the Planning Proposal is consistent with the relevant vision and strategic goals of the Parramatta Community Strategic Plan:

Table 5 Parramatta Community Strategic Plan 2018-2038
Goal 4 – Welcoming
4.3 Respect, protect and celebrate our shared living histories of Parramatta and embrace our heritage
This planning proposal will continue to protect and recognise the heritage significant of the archaeological site within the Parramatta LGA. The proposal will continue respect, conserve and celebrate Parramatta's heritage values and will maintain understanding of history.

***Parramatta Local Strategic Planning Statement***

The Parramatta Local Strategic Planning Statement commenced in March 2020.

Local Strategic Planning Statements (LSPS) are a new legislative requirement for Councils, requiring a 20-year vision for land use, as well as outlining strategies for managing change and preserving the unique character of their areas. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Parramatta area. The LSPS will align with the Community Strategic Plan and Central City District Plan.



The following table details how the Planning Proposal is consistent with the relevant vision and strategic goals of the Parramatta LSPS:

**Table 6** Parramatta Local Strategic Planning Statement

**Planning Priority 9:** Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs

Actions 52 to 54 of this planning priority seek to ensure that heritage is conserved:

*A52 Complete the Integrated Heritage Strategy project for community consultation and implementation to better manage and promote the City of Parramatta's Indigenous and European heritage.*

*A53 Investigate potential development controls to guide the adaptive re-use of heritage items in the Parramatta North Precinct, noting its National heritage significance.*

*A54 Investigate ways to enhance, embellish and revitalise our Heritage Conservation Areas.*

This planning proposal will only seek to reduce the area to which the archaeological site applies and will continue to conserve the environmental heritage of Parramatta LGA. The proposal will continue to manage, protect and promote the heritage character of the archaeological site. The proposal will satisfy the above actions.

**Q5: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?**

Yes. The planning proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies (refer to Tables 8 & 9 below).

**Table 7** Relevant State Environmental Planning Policies

SEPP	Application and Consistency
SEPP No. 19- Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 21- Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 33- Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 36- Manufactured Home Estates	Not Applicable.
SEPP No. 47-Moore Park Showground	Not Applicable.
SEPP No. 50- Canal Estate Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 55- Remediation of Land	Applicable



**Table 7** Relevant State Environmental Planning Policies

SEPP	Application and Consistency
SEPP No. 64 – Advertising and Signage	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.  Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No. 65 Design Quality of Residential Apartment Development	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 70- Affordable Housing (Revised Scheme)	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable. There is no land in the Parramatta LGA currently identified on the Land Application Map of SEPP (Aboriginal Land) 2019.
SEPP (Activation Precincts) 2020	Not applicable. There are no activation precincts identified in the Parramatta LGA.
SEPP (Affordable Rental Housing) 2009	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable. Consistent, however, the site is not identified within any of the coastal areas. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Education Establishments and Child Care Facilities) 2017	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable.







**Table 7** Relevant State Environmental Planning Policies

SEPP	Application and Consistency
	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. Modification to the land as an archaeological site will have the effect on certain works being carried out as either exempt or complying development.
SEPP (Gosford City Centre) 2018	Not Applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2020	Not Applicable.
SEPP (Koala Habitat Protection) 2021	Not Applicable.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable.
SEPP (Kurnell Peninsula) 1989	Not Applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable.
SEPP (Major Infrastructure Corridors) 2020	Not applicable. The planning proposal does not apply to land within a future infrastructure corridor or the adjacent land.
SEPP (Penrith Lakes Scheme) 1989	Not Applicable.
SEPP (Primary Production and Rural Development) 2019	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable.



**Table 7** Relevant State Environmental Planning Policies

SEPP	Application and Consistency
SEPP (Sydney Region Growth Centres) 2006	Not Applicable.
SEPP (Three Ports) 2013	Not Applicable.
SEPP (Urban Renewal) 2010	The site is not identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Aerotropolis) 2020	Not Applicable.
SEPP (Western Sydney Employment Area) 2009	Not Applicable.
SEPP (Western Sydney Parklands) 2009	Not Applicable.

**Table 8** Relevant Deemed State Environmental Planning Policies

Sydney Regional Environmental Plans (deemed State Environmental Planning Policies)	Application and Consistency
SREP No. 8 (Central Coast Plateau Areas)	Not applicable.
SREP No. 9 – Extractive Industry (No. 2 – 1995)	Not applicable.
SREP No. 16 – Walsh Bay	Not applicable.
SREP No.20 – Hawkesbury-Nepean River (No. 2 – 1997)	Not applicable.
SREP No. 24 – Homebush Bay Area	Not applicable.
SREP No. 26 – City West	Not applicable.
SREP No. 30 – St Marys	Not applicable.
SREP No. 33 – Cooks Cove	Not applicable.
SREP (Sydney Harbour Catchment) 2005	Applicable. Consistent. The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles. The site is not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.



**Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The consistency of the Planning Proposal with the relevant Ministerial Directions is demonstrated in Table 10 below.

Table 9 Section 9.1 Ministerial Directions	
Ministerial Direction	Applicability and Comments
<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	The proposal will not impacted the objectives or operation of the B4 Mixed Use zone.
<b>1.2 Rural Zones</b>	Not applicable.
<b>1.3 Mining, Petroleum and Extractive Industries</b>	Not applicable.
<b>1.4 Oyster Aquaculture</b>	Not applicable.
<b>1.5 Rural Lands</b>	Not applicable.
<b>2. Environment and Heritage</b>	
<b>2.1 Environment Protection Zones</b>	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
<b>2.2 Coastal Management</b>	Not applicable. The planning proposal does not apply to land within the coastal zone.
<b>2.3 Heritage Conservation</b>	Applicable. Consistent. The archaeological site will continue to be protected and recognised of its heritage significance and is therefore consistent with this direction.
<b>2.4 Recreation Vehicle Areas</b>	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	Not applicable.
<b>2.6 Remediation of Contaminated Land</b>	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
<b>3. Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	Applicable. Consistent. The subject land is zoned for mixed use purposes which permits significant residential development. The planning proposal does not contain any provision which is contrary to the operation of this direction.
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	Not applicable.
<b>3.3 Home Occupations (Revoked 9 November 2020)</b>	Not applicable.
<b>3.4 Integrating Land Use and Transport</b>	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.

**Table 9** Section 9.1 Ministerial Directions

Ministerial Direction	Applicability and Comments
<b>3.5 Development Near Regulated Airports and Defence Airfields</b>	Not applicable.
<b>3.6 Shooting Ranges</b>	Not applicable.
<b>3.7 Reduction in non-hosted short term rental accommodation period</b>	Not applicable.
<b>4. Hazard and Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	Applicable. Consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
<b>4.2 Mine Subsidence and Unstable Land</b>	Not applicable.
<b>4.3 Flood Prone Land</b>	Applicable. Consistent. Existing flood prone land will not be altered by the planning proposal.
<b>4.4 Planning for Bushfire Protection</b>	Not applicable.
<b>5. Regional Planning</b>	
<b>5.1 Implementation of Regional Strategies (Revoked 17 October 2017)</b>	Not applicable.
<b>5.2 Sydney Drinking Water Catchments</b>	Not applicable.
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	Not applicable.
<b>5.4 Commercial and Retail development along the Pacific Highway, North Coast</b>	Not applicable.
<b>5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)(Revoked 18 June 2010)</b>	Not applicable.
<b>5.6 Sydney to Canberra Rail Corridor (Revoked 10 July 2008)</b>	Not applicable.
<b>5.7 Central Coast (Revoked 10 July 2008)</b>	Not applicable.
<b>5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)</b>	Not applicable.
<b>5.9 North West Rail Link Corridor Strategy</b>	Not applicable.
<b>5.10 Implementation of Regional Plans</b>	Applicable. The planning proposal is consistent with the objectives of the Greater Sydney Regional Plan: A Metropolis of Three Cities, particularly Objective 13 'Environmental heritage is identified, conserved and enhanced.' The proposal will continue to provide ongoing protection and recognition of the heritage significance of the archaeological site.
<b>5.11 Development of Aboriginal Land Council land</b>	Not applicable.
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	Applicable.





Table 9 Section 9.1 Ministerial Directions	
Ministerial Direction	Applicability and Comments
	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
<b>6.2 Reserving Land for Public Purposes</b>	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
<b>6.3 Site Specific Provisions</b>	Not applicable. The planning proposal does not allow a particular development to be carried out.
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney (Revoked 9 November 2020)</b>	Not applicable.
<b>7.2 Implementation of Greater Macarthur Land Release Investigation (Revoked 28 November 2019)</b>	Not applicable.
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	Not applicable.
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	Not applicable.
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	Not applicable.
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	Not applicable.
<b>7.8 Implementation of the Western Sydney Aerotropolis Plan</b>	Not applicable.
<b>7.9 Implementation of Bayside West Precincts 2036 Plan</b>	Not applicable.
<b>7.10 Implementation of Planning Principles for the Cooks Cove Precinct</b>	Not applicable.
<b>7.11 Implementation of St Leonards and Crows Nest 2036 Plan</b>	Not applicable.
<b>7.12 Implementation of Greater Macarthur 2040</b>	Not applicable.
<b>7.13 Implementation of the Pyrmont Peninsula Place Strategy</b>	Not applicable.

### 5.3.3 Section C - Environmental, Social and Economic Impacts

***Q7: 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?***

No. The site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities.







***Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

No. There are no other likely environmental effects expected to arise as a result of the planning proposal. The continual conservation of the archaeological site is unlikely to result in environmental harm and will be managed through any future development assessment process.

***Q9: Has the planning proposal adequately addressed any social and economic effects?***

Yes. The heritage assessment undertaken by GBA Heritage has considered that the significance of the archaeological site will be retained despite the reducing the extent to which this applies. The archaeological site is acceptable against the criteria for 'cultural significance' as defined in the *Australia ICOMOS Burra Charter*, being the aesthetic, historic, scientific, social or spiritual value for past, present or future generations. The planning proposal will continue to ensure the archaeological site meets the historic, aesthetic, research potential, rarity and representativeness criteria at local level.

The proposal to reduce the extent to where the archaeological site applies will still require any future development applications on the site or nearby to be considered against the heritage conservation provisions in Clause 5.10 of PLEP 2011. However, this proposal will improve the ability of the owners on-site to undertake minor exempt and complying works as the area to which the archaeological site applies will only apply to the common area of basement level 1 under SP 94346. With respect of development proposed carried out on any site that is within the vicinity of the item, the council will still have the power to require that an assessment be undertaken of the extent to which the carrying out of that development would affect the heritage significance of the item.

As is existing, to facilitate the assessment process, any future DA on the site will need to be accompanied by a heritage impact statement prepared by a suitably qualified professional. Any future DA on land in the vicinity of the item will also need to address and have regard for potential impacts on the heritage character. Accordingly, this will be unchanged in the preparation of an application on or adjoining a site which is listed as an archaeological site.

As detailed above, alteration to the area which the archaeological site applies will allow certain works to be carried out as either exempt or complying development.

#### **5.3.4 Section D - State and Commonwealth Interests**

***Q10: Is there adequate public infrastructure for the Planning Proposal?***

Yes. The planning proposal does not involve any amendments to the planning controls that will facilitate intensified development.

Currently, the existing mixed use development on the site has access to adequate public infrastructure such as water, sewer, electricity and telephone services. The alteration to area which the archaeological site applies will have no bearing on this. The site has three frontages which provides adequate vehicular and pedestrian access. The locality is also serviced by regular public transport.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the site are suitable for the proposal.

***Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

If this planning proposal is supported by Council and a Gateway determination is issued, this will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation. The Gateway



determination may identify additional agencies to be consulted.

## 5.4 STRATEGIC MERIT TEST

The Department of Planning in Circular PS 18-012 issued 14 December 2018 released updated criteria relating to strategic merit. They include:

*The key factor in determining whether a proposal should proceed to a Gateway determination should be its strategic merit. The Department has strengthened the Strategic Merit Test and proposals will now be assessed to determine if they are:*

- *consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *consistent with a relevant local strategy that has been endorsed by the Department; or*
- *responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.*

*A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.*

As outlined at Section 5.3.2 of this Report, the proposal is consistent with the strategic planning documents prepared by the Greater Sydney Commission, including *A Metropolis of 3 Cities: The Greater Sydney Region Plan* and the *Eastern City District Plan*. The proposal is also consistent with the strategic planning documents prepared by Parramatta Council, including the *Parramatta Community Strategic Plan 2018-2038* and the *Parramatta Local Strategic Planning Statement (City Plan 2036)*. The proposal is consistent with these documents since it maintains the conservation of archaeological site of heritage significance.

Once satisfied that sufficient strategic merit exists for the development, the Department will then consider the site specific merit and have regard to the following:

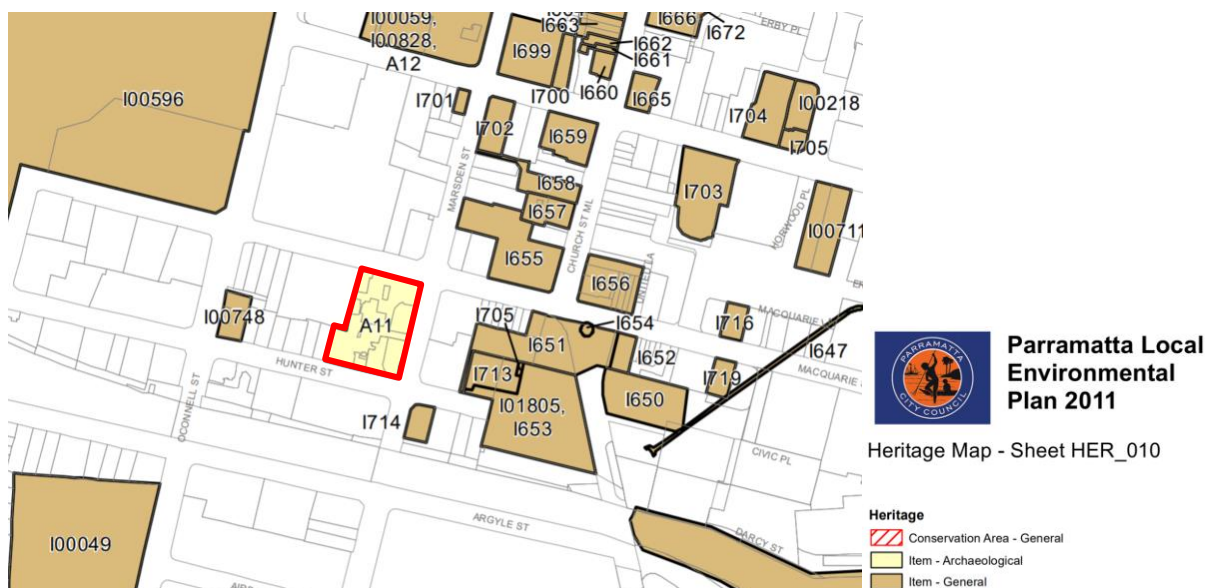
- *the natural environment (including known significant environmental values, resources or hazards);*
- *the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The site is not subject to known significant environmental hazards, values or resources. Furthermore, the proposal is not anticipated to alter the demand for infrastructure, utilities and services to support the day to day demands of future land uses.

Based on the existing and likely future uses of land in the vicinity of the land subject to the proposal, the alteration to the extent of which the archaeological site applies will improve the ability for minor exempt and complying future development, however development applications will still be required to consider Clause 5.10 of the PLEP 2011.

## 5.5 Mapping – Part 4 of The Guide

The planning proposal will necessitate the amendment of the PLEP Heritage Map (Sheet HER\_010) to reduce the extent of the land identified as containing the “archaeological site” within the common area of Basement Level 1 under SP 94346 at No. 45 Macquarie Street, Parramatta. The site is outlined in red on the Heritage Map extract below.



**Figure 18:** Extract from PLEP Heritage Map (HER\_010) with the subject site in red

## 5.6 Community Consultation – Part 5 of The Guide

It is anticipated that a draft Planning Proposal would be publicly exhibited for a period of at least 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, draft LEP maps and an indication of the timeframes for completion of the process as estimated by Council.

The Community Consultation methods may include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in local media outlets and on Parramatta City Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

### 5.6.1 Project Timeline

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:

Phase	Timing
Gateway determination date	TBD (by Department of Planning, Industry & Environment)
Completion of required technical information	No additional supporting studies required at this stage
Government agency consultation (pre-exhibition)	Not required
Government agency consultation (during exhibition)	Concurrent with public exhibition (28 days)



Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition





## 6. Conclusion

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This Planning Proposal has been prepared for the Owners of DP 1224002, at No. 45 Macquarie Street, Parramatta. It has been prepared as part of an application to seek Councils support for the proposal and consequently seek a Gateway Determination under the provisions of Section 3.34 of the *Environmental Planning & Assessment Act, 1979*. The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning publication "*A Guide to Preparing Planning Proposals*" and "*A Guide to Preparing Local Environmental Plans*".

The intent of the application is to initiate the Planning Proposal process to amend the provisions of PLEP 2011 seeking to reduce the extent of the archaeological site in Schedule 5 (A11) to only apply to the SP 94346 common area located at Basement level 1 at No. 45 Macquarie Street, Parramatta. This Planning Proposal will subsequently modify the extent of the archaeological site as shown on the PLEP Heritage Map. As detailed, this is to align with the extent of the recently gazetted listing of that archaeology on the *NSW State Heritage Register* as item 2027, "Archaeological Site and associated artefacts".

The Planning Proposal is consistent with local, regional and state planning strategies for the Parramatta LGA and the Central River City Plan within the Sydney Metropolitan Area. The Planning Proposal continue to protect and conserve the heritage significance and cultural values of the archaeological site and permit ease of development modification to the contemporary building on the subject site. As such, given the minimal impact it is considered worthy of Council's support.

