

IRF25/154

# Gateway determination report – PP-2024-2057

57, 63 and 83 Church, Parramatta (+208 dwellings and +500 jobs) March 25



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## Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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### Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
Appendix 1 - Council Report and Council Meeting Resolution & Minutes (December 2024)

Appendix 2 - Letter of Offer, VPA (JQZ Seventeen Pty Ltd, November 2024)

Appendix 3 - Urban Design Report (AJC Architects, October 2024)

Appendix 4 - Traffic and Parking Assessment (MLA Transport Planning, September 2024)

- Appendix 5 Economic Assessment (Urbis, October 20214)
- Appendix 6 Flood Assessment Report (AT&L, September 2024)
- Appendix 7 Flood Emergency Response Strategy (August 2015)
- Appendix 8 Detailed Environmental Site Assessment (Jan 2016)

# 1 Planning proposal

### 1.10verview

#### Table 2 Planning proposal details

LGA	Parramatta		
РРА	City of Parramatta		
NAME	57, 63 and 83 Church, Parra	matta (+208 dwellings and +500 jobs)	
NUMBER	PP-2024-2057		
LEP TO BE AMENDED	Parramatta LEP (PLEP) 2023	3	
ADDRESS	57-83 Church Street, Parramatta		
DESCRIPTION	83 Church Street (Site 1)	Lot 100 DP 1249271	
	63 Church Street (Site 2)	Lot 102 DP 1249271	
	57 Church Street (Site 3)	Lot 15, DP 651039, Lot 16, DP 12623, and Lot 114, DP 129484	
RECEIVED	20/12/2024		
FILE NO.	IRF25/154		
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required		
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal		

## 1.20bjectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Enable a higher density development of a mix of residential, commercial, and community facilities that contribute to the vibrancy and functionality of the Parramatta City Centre;
- Address the demand for housing in the Parramatta region by delivering additional residential apartments, thereby contributing to the overall housing stock and supporting population growth;
- Support the site's transition from the employment focussed Parramatta Central Business District (CBD) to the residential community of Harris Park and surroundings;
- Provide dedicated spaces for cultural and community activities, such as the Parramatta Artist Studio (PAS), which supports the growth of creative industries and enhances the cultural landscape of the area;

- Create employment opportunities through the establishment of commercial spaces, including retail and hospitality offerings, which will stimulate the local economy; and
- Ensure high quality urban design outcomes that enhance the public realm, including landscaping, pedestrian access, and connectivity between the sites and surrounding areas.

Council notes that a site-specific Development Control Plan (DCP) is currently in force under Part 9 of the Parramatta DCP 2023 as part of the previous rezoning for the sites in 2014. Given the review of the development controls under this planning proposal, Council intends to update the existing site-specific DCP to enhance urban design and public amenity for the site.

The objectives of this planning proposal are clear and adequate.

### Local Voluntary Planning Agreement (VPA)

Council notes that an existing VPA has been established for 63 Church Street (Site 2) and 57 Church Street (Site 3) as part of the previous rezoning for the sites in 2014. Given the review of the development controls under this planning proposal, Council intends to renegotiate a VPA to deliver public benefits such as the provision of a Community and Cultural Building, the embellishment of public parks and public easements. These contributions are intended to enhance the local community and align with the objectives of the planning proposal, ensuring that the development not only meets housing and commercial needs but also supports the broader community infrastructure goals. Council notes the estimate value of the VPA is \$26.5million.

## 1.3Explanation of provisions

The planning proposal seeks to amend the Parramatta LEP 2023 as outlined below. The subject site is referenced under Clause 7.29 of the Parramatta LEP 2023. It is noted that Site 3 is zoned RE1 Public Recreation and is not subject to any amendments within the planning proposal but is part of the ongoing local VPA renegotiations.

Control	Current	Proposed	
Zone	Part MU1 (Mixed Use) and Part E2 (Commercial Centre).	No change.	
Maximum height of the building (HOB)Site 1: 36m and 118m (12 and 4) storeys).Site 2: 36m and 90m (10 and 32) storeys).		Site 1: No change. Site 2: 36m and 118m (10 and 40 storeys).	
Floor space ratio (FSR)	Site 1: 7.2:1. Site 2: 6.4:1.	<b>Site 1</b> : 8.4:1. <b>Site 2</b> : No change.	
Site specific provision - Clause 7.29 (3)	<b>Site 1 and Site 2:</b> At least 40% of the Gross Floor Area (GFA) is to be used for non-residential purposes.	<b>Site 1 and Site 2:</b> At least 25% of the GFA is to be used for non-residential purposes.	
	Clause 7.29 (3)(b) specifies that the FSR on Site 1 will not exceed 7.2:1 if the development includes a basement for commercial purposes.	Remove the application of Clause 7.29(3)(b). Note that this control is no longer relevant as the proposal is seeking a FSR greater than 7.2, which is now 8.4.	

#### Table 3 Current and proposed controls

Additional LEP clauses applicable to the site	Clause 7.14 Competitive design process.	Amend clause 7.29 to include a new sub-clause to remove the application of clause 7.14 Competitive design process for Site 1 and Site 2, if the development consists only of alterations and additions to a building that is the winner of a design competition.	
Additional LEP clauses applicable to the site	Clause 7.24 Dual water systems.	Amend clause 7.29 to include a new sub-clause to remove the application of Clause 7.24 Dual water systems for Site 1.	
Additional Permitted Uses (APU)	Nil.	The site is proposed to be identified as '26' on the APU map. <b>Site 1 and Site 2:</b> Amend Schedule 1 of PLEP to permit residential basement carparking on the E2 Commercial Centre zone on Sites 1 and 2. <b>Site 2:</b> Amend Schedule 1 of PLEP to permit creative industries on the E2 Commercial Centre zone	
Total Number of dwellings	714 dwellings.	922 dwellings (+208 dwellings).	
Number of jobs	N/A.	+500 jobs.	

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

### 1.4Site description and surrounding area

The site comprises several allotments along the western side of the road, located at 83 (Site 1), 63 (Site 2), and 57 (Site 3) Church Street, Parramatta **(Figure 1)**. The subject sites are located on Church Street which is a six lane arterial road managed by Transport for New South Wales (TfNSW).



#### Figure 1: Subject site (Source: Planning proposal, 2024)

Site 1, located at 83 Church Street, is bounded by the Great Western Highway to the north, Church Street to the east, and Early Street to the south and has a land area of 7,136m<sup>2</sup>. The site is currently undergoing development as per the approved Development Application DA/738/2016, which includes the construction of an 11 storey non-residential building with 275 hotel rooms, two residential towers (22 storey and 40 storey) containing a total of 538 apartments, and a two-level retail/commercial podium at the rear. The development also incorporates landscaping and plaza works to enhance the urban environment.

Site 2, located at 63 Church Street, Parramatta, is bounded by Early Street to the north, Church Street to the East and Lansdowne Street to the south and has a land area of 4,519m<sup>2</sup>. The site is currently occupied by a dilapidated 3 storey building that previously served as the 'Holden House' car dealership, situated in the Auto Alley Precinct. This area has historically been characterised by a high concentration of car sales yards but is undergoing a transformation towards mixed use development

Site 3, located at 57 Church Street, comprises multiple lots, with a total land area of 1,953m<sup>2</sup>. This site, is situated to the south of Site 1 and Site 2, is bounded by Lansdowne Street to the north and Church Street to the east. Site 3 is zoned RE1 Public Recreation and is subject to a local VPA.

The area surrounding the sites consists of commercial and residential developments, contributing to the urban environment. The sites are strategically positioned along Church Street, which is a major thoroughfare in Parramatta, facilitating high visibility and accessibility. To the north, the Parramatta CBD provides a range of amenities, including retail, dining, and public transport options. The proximity to transport nodes enhances connectivity, making the sites an attractive location for both residential and commercial purposes.

Collectively, the sites form part of the Auto Alley Precinct, which has historically been associated with automotive sales and services. The current planning proposal aims to transition the area into a mixed-use development, incorporating residential apartments and community facilities, thereby aligning with the broader objectives of urban renewal and housing supply in Parramatta. The surrounding area is also set to benefit from improved pedestrian and cycle connectivity, enhancing access to the CBD and other key destinations.



Figure 2: Site context (Source: Planning proposal report 2024)

# 1.5Mapping

The planning proposal includes mapping showing the proposed changes to the height of buildings, floor space ratio and additional permitted use maps, which are suitable for community consultation.



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Figure 5 Current floor space ratio map





Figure 7 Proposed APU Map

### 1.6Background

The site has been subject to past planning studies, a previous rezoning (Amendment 9 of PLEP 2007), Architectural Design Competition, Concept Development Application and Development Application.

### Planning Proposal – Amendment 9 of PLEP 2007

The rezoning for the site was gazetted in September 2014 under Amendment 9 (Parramatta LEP 2007), which facilitated high density residential, commercial, and retail land uses. This proposal

was informed by the Auto Alley Planning Framework 2014, which aimed to redevelop the site in line with best practices and to establish Parramatta CBD as Sydney's second CBD.

The rezoning was accompanied by a site-specific DCP and local VPA. The site specific DCP is currently in force under Part 9 of the Parramatta DCP 2023, whereas the VPA that was agreed is being renegotiated.

Under the previous rezoning, the local VPA had an estimated value of \$15,142,695 which included:

- Embellishment and dedication of land at Site 3 for public open space (totalling 1,953 sqm);
- Embellishment and footpath widening along the Church Street frontage;
- Provision of a pedestrian thoroughfare through Sites 1 and 2;
- Construction and dedication of a commercial suite (200 sqm) to the Council; and
- Payment of a \$7.3 million cash contribution to the Council's City Centre Section 94A Plan.

### Design Competition (LA/386/2013) and Concept DA/706/2014

The Concept Development Application (DA/706/2014) received approval in June 2016 from the Sydney West Joint Regional Planning Panel. It is noted that the DA also undertook a design competition (LA/386/2013). This approval permitted the construction of seven buildings across two sites, including a public park, with plans for 753 apartments and around 39,000 square meters of retail and commercial space, ensuring adherence to high design standards and community needs.

### Detailed DA/738/2016 and subsequent modifications

DA/738/2016 was approved by the Sydney Central City Planning Panel on August 24, 2017, allowing for the construction of a mixed-use development on Site 1, which included an 11 storey non-residential building, two residential towers (22 and 40 storeys) with a total of 538 apartments, and two levels of retail/commercial space.

Since the initial approval, several modifications to the application have been made. These include reducing residential apartment, increasing hotel rooms, and amendments to stormwater and drainage.

## 2 Need for the planning proposal

The planning proposal addresses the challenges faced by fringe locations within the Parramatta's Central Business District (CBD) which have been impacted by the declining commercial and retail markets.

After being rezoned in 2014, the site has been subject to a number of development applications, and construction has begun on part of the site for a mixed-use development that contains residential and commercial uses. The proposal justifies the redistribution of non-residential GFA to residential GFA due to the declining demand in the commercial sector, driven by competition from the established Parramatta CBD core and Westfield Parramatta Shopping Centre.

The reduction of the commercial GFA is necessitated by several indicators. Information submitted with the planning proposal (**Appendix 5 – Economic Assessment**) primarily demonstrates that expanding commercial GFA could compromise the feasibility of the current development on the site. This is due to high commercial vacancy rates, projected to reach 20% within the Parramatta CBD over the next five years. As a result, commercial tenancies are more likely to be attracted to occupy spaces within the core of Parramatta CBD rather than commercial fringe CBD spaces where the site is located.

Additionally, Council's investigations reveal that the site can support additional commercial uses such as creative industries, through an additional permitted use (APU) to the employment zone. The proposed APU for creative industries will foster the emerging character of the southern

commercial area of the CBD which is becoming a destination for the arts and culture. Although the planning proposal reduces commercial GFA, the APU ensures that non-residential uses are upheld within the employment zone.

## 3 Strategic assessment

### 3.1District Plan

Parramatta CBD is located within the Central City District. The Greater Sydney Commission released the 'Central City District Plan' (District Plan) on 18 March 2018. The District Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets. The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

District Plan Priorities	Justification
C1 Planning for a city supported by infrastructure	The proposal demonstrates compliance with the objectives of a city supported by infrastructure by its strategic location within the Parramatta CBD, ensuring strong connectivity to major transport hubs, and aligning with forecast growth through a high-density mixed-use development. It incorporates necessary infrastructure upgrades to adapt to future needs and optimises existing resources by co-locating diverse land uses, thereby promoting efficient land use and reducing the need for additional infrastructure investments.
	The recently opened Parramatta Light Rail, along with the future Sydney Metro West station in Parramatta, will improve local connectivity and access throughout Greater Sydney. These transport investments support the expected growth in the Parramatta CBD and provide strong infrastructure support for the region.
C3 Providing services and social infrastructure to meet people's changing needs	The proposal demonstrates compliance with C3 and the objectives of "A city for people" (O6) by incorporating a range of services and infrastructure that address the evolving needs of the community. It includes the development of public amenities such as parks, community spaces, and a cultural centre, which enhance social interaction and accessibility. Additionally, the sites promote walkability and easy access to essential services, ensuring that the infrastructure is responsive to the changing demographics and preferences of the growing population in Parramatta. This holistic approach fosters a vibrant, inclusive environment that meets the diverse needs of residents and visitors alike.
	The establishment of a Cultural and Community Building, along with parks for open space and through site links, will enhance liveability for both the current and expanding population. Council intends to deliver these public benefits via a local VPA.
C4 Fostering healthy, creative, culturally rich and	The proposal will facilitate the establishment of a Cultural and Community Building that serves as a vital social infrastructure in the Parramatta CBD. This building will promote community health and resilience by providing a space for social interaction

#### **Table 3 District Plan assessment**

socially connected	and engagement, fostering connections among residents.
communities	The sites are strategically located in close proximity to key public transport hubs, such as Harris Park Station and the Parramatta Transport Interchange, which will encourage the use of public transport and decrease dependence on private vehicles.
	Additionally, it enhances the cultural richness of Greater Sydney by supporting diverse artistic expressions and creative industries, thereby contributing to a vibrant socially connected neighbourhood. By incorporating the arts and providing infrastructure for emerging artists, the proposal aligns with the broader goals of nurturing innovation and cultural diversity within the community.
C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposal demonstrates compliance with Priority C5 and the objectives O10 and O11 by increasing the overall housing supply in Parramatta through the development of an additional 208 residential dwellings, which will facilitate a mix of 1, 2, and 3 bedroom apartments. This diverse range of housing options caters to various demographic needs, promoting inclusivity and accessibility.
C6 Creating and renewing great places and local centres, and respecting the	The planning proposal aims to revitalise Auto Alley as a catalyst for further redevelopment. It demonstrates compliance with Priority C6 and objective O12 through enhance the site by providing a balanced mix of residential and non-residential uses, activating the proposed park, public recreation areas, and the central plaza.
District's heritage	The inclusion of parks, plazas, and community facilities enhances the public domain, making it more inviting and accessible. This thoughtful urban design not only enhances the aesthetic appeal of the area but also cultivates a strong sense of place, ultimately bringing people together and enriching the community experience in Parramatta.
C7 Growing a stronger and more competitive Greater Parramatta	The proposal demonstrates compliance with Priority C7 and objective O19 through improved transport access, integrated land uses, enhanced public spaces, and economic growth. The proposal is expected to boost local economic activity and attract more businesses, enhancing the overall vibrancy of Greater Parramatta
	The sites are strategically located within the Parramatta CBD, which is a key metropolitan centre. This accessibility encourages the use of public transport, reducing reliance on private vehicles and promoting sustainable commuting options. Additionally, the mixed use nature of the development integrates residential, commercial, and community spaces, further strengthening the area's vibrancy and connectivity. By facilitating better access to services and amenities, the proposal contributes to a stronger and more interconnected Greater Parramatta.
C8 Delivering a more connected and competitive GPOP Economic Corridor	The subject site is strategically situated within 600 meters of key heavy rail stations, Harris Park and Parramatta, which feature bus interchanges, thereby enhancing travel and connectivity throughout Sydney and the GPOP Economic Corridor. Additionally, access to the site is improved with the introduction of the Parramatta Light Rail and the future Sydney Metro West station in Parramatta
C9 Delivering integrated land use and transport	The subject site is conveniently located within walking distance of the Harris Park and Parramatta heavy rail stations, which are complemented by nearby bus and light rail connections, thereby enhancing overall connectivity within the local

planning and a 30-minute city	government area. The anticipated Sydney Metro West Station in Parramatta will further bolster public transport accessibility, enabling efficient travel to other districts in Greater Sydney and supporting the objectives of the 30 minute city framework.		
C11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land	The planning proposal intends to decrease the non-residential floor space from 40% to 25%. This adjustment is justified by notable shifts in commercial office market trends since the early 2010s, coupled with the prevailing high vacancy rates and the ongoing housing crisis. The proposed reduction facilitates an increase in residential GFA while ensuring an adequate provision of non-residential space, thereby optimising land use and supporting the integration of creative industries.		
C17 Delivering high quality open space	The associated local VPA will create through site links designed as landscaped public open space. Furthermore, the current site specific DCP encourages the development of these areas for public access, thereby improving connectivity and the functionality of the spaces between the buildings.		
C19 Reducing carbon emissions and managing energy, water and waste efficiently	The planning proposal promotes the effective management of water and wastewater across the buildings. It is intended that Clause 7.24, which pertains to dual water system controls, will be implemented for Site 2.		
C20 Adapting to the impacts of urban and natural hazards and climate change	The current site specific DCP provides established controls and guidelines for development in flood prone areas, as well as strategies for mitigating the effects of climate change. These provisions will remain intact and unaffected by the proposed planning proposal.		

### 3.2Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

#### Table 4 Local strategic planning assessment

Local Strategies	Justification	
Local Strategic	The planning proposal aligns with several key planning priorities within the LSPS for the City of Parramatta, including:	
Planning Statement	<ul> <li>Planning Priority 1: Enhances Parramatta's economic role by redistributing commercial floor space, supporting its status as a major metropolitan centre;</li> </ul>	
	<ul> <li>Planning Priority 4: Increases housing supply while maintaining adequate employment space, focusing growth in strategic areas;</li> </ul>	
	<ul> <li>Planning Priority 6: Supports community infrastructure through the dedication of a Cultural and Community Building and public park space.</li> </ul>	
	<ul> <li>Planning Priority 7: Offers a variety of housing types (1, 2, and 3 bedroom apartments) to meet diverse community needs; and</li> </ul>	
	• Planning Priority 11: Strengthens the economic viability of the Parramatta CBD by including commercial spaces and a hotel.	

Parramatta 2038	The proposal aligns with the following sections of the Parramatta 2038 Community Strategic Plan:	
Community Strategic Plan	<ul> <li>F.1, Health and Wellbeing – it includes a Council owned community hub that will house the Parramatta Arts Studio, promoting community engagement and social interaction, which supports residents' health and wellbeing; and</li> </ul>	
	<ul> <li>F.3, Housing Affordability and Diversity – the proposal will deliver an additional 208 residential dwellings, offering a mix of 1, 2, and 3 bedroom apartments to meet diverse housing needs.</li> </ul>	
	Overall, the proposal enhances community infrastructure and provides varied housing options, contributing to a vibrant, inclusive, and sustainable urban environment.	
Community Infrastructure Strategy (CIS)	The Community Infrastructure Strategy (CIS), adopted by the Council in July 2020, outlines a long term framework for community infrastructure in the Parramatta Local Government Area (LGA). It identifies the need for a multipurpose community hub in the southern Parramatta City Centre.	
	To address this, the proposed Planning Agreement will facilitate the development of a Community and Cultural Building (Building L), which will include community facilities, retail, and commercial office spaces, as well as serve as the permanent home for the Parramatta Artist's Studio. Additionally, the agreement will support the enhancement and dedication of a public park on Site 3, aligning with the objectives of the CIS to accommodate increased density in the area.	
Parramatta	The proposal aligns with the Parramatta LHS by:	
Local Housing Strategy	<ul> <li>Increased Housing Supply: The proposal aims to deliver additional housing within the Parramatta CBD, designated as a growth precinct, contributing to the overall housing supply needed to accommodate projected population growth;</li> </ul>	
(LHS)	<ul> <li>Diverse Housing Options: It includes a mix of 1, 2, and 3 bedroom apartments, catering to various demographics and housing needs, which aligns with the objectives of the LHS;</li> </ul>	
	<ul> <li>Infrastructure Support: The development is designed to be supported by local infrastructure, ensuring that housing growth is sustainable and beneficial to the community's economic, social, and cultural fabric; and</li> </ul>	
	<ul> <li>Alignment with Transport Improvements: The proposal is consistent with the LHS's emphasis on locating housing growth in areas with existing and planned transport improvements, enhancing accessibility for residents.</li> </ul>	
	Overall, the proposal addresses the objectives of the LHS by promoting increased housing supply, diversity, and infrastructure support within the Parramatta CBD.	
The EmploymentThe ELS, adopted by Council in 2020, provides a framework for the future development employment land within the Parramatta LGA. It aligns with the Planning Priorities in LSPS to retain commercial development in the Parramatta CBD. The proposal encompasses a portion of the Auto Alley Precinct, classified as Strategic Employment Lands, and supports a mix of non-residential uses to serve the current and future n the surrounding area.		
Parramatta 2050	Adopted by Council on August 12, 2024, Parramatta 2050 is a long term strategic vision for the city's future, serving as a foundation for Council advocacy. It includes key initiative such as a Sydney Metro West transport connection to the new international airport in the Western Parkland City and the development of a 24 hour cultural and creative economy. The proposal supports the objectives of the Parramatta 2050 strategy without hindering it	

implementation.

## 3.3Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1	Ministerial	Direction	assessment
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Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency					
Direction 1.4 – Site Specific Provisions	Inconsistent, justified	The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls including imposing any development standards or requirements in addition to those alrea contained in the planning instrument being amended.					
		This Direction applies as the proposal introduces new site specific provisions based on the sites constraints, development history and feasibility considerations, as outlined below:					
		Design excellence clause					
		Council proposes to exempt any future DAs on the subject site to be exempt from the existing Clause 7.14 which requires a new design competition.					
		As there is an approved development on the site that has previously gone through a design excellence competition, Council contends that it would be unreasonable to subject a future amending development application which seeks to increase the FSR on Site 1 and height on Site 2 to a new competition.					
		Dual water system clause					
							It is proposed to allow any future DAs on Site 1 to be exempt from the existing Clause 7.24 dual water systems, which requires that certain developments in the CBD must use dual water reticulations.
		The Department notes that Clause 7.24 was introduced as part of the Parramatta CBD planning proposal (Amendment 56) after development consent was granted to the subject site. It is considered unreasonable to require compliance with dual water systems since construction has already progressed prior to the implementation of Clause 7.24.					
		<u>Non-residential GFA</u>					
		The proposal seeks to reduce GFA allocated to non-residential uses of Sites 1 and 2 from 40% to 25% resulting in a total reduction of 13,048m <sup>2</sup> GFA across the development.					
		The existing site-specific clause requires 40% of the GFA to be allocated to non-residential uses, which was originally satisfied by a basement level supermarket under the approved DA. During the assessment of the approved DA, it was revealed that the sites flood affectation restricted the feasibility of providing basement level commercial floor space.					
		Council considers it unreasonable to require compliance with					

		<ul> <li>the 40% due to the physical constraints of the site, particularly as a portion of non-residential GFA was reliant on the basement that can no longer be delivered. Reducing the requirement to 25% allows for a realistic balance between commercial and residential land uses while ensuring the development remains viable.</li> <li><u>Addition permitted use</u> It is proposed to add a new clause to Schedule 1 Additional Permitted Uses of the Parramatta LEP 2023 enabling development for creative industries and residential flat buildings within the E2 Commercial Centre zone for Site 1 and Site 2, as shown in Figure 7 above. As a result of the residential conversion, residential parking spaces will now be located within the E2 zone, where residential parking is currently prohibited. The proposed additional permitted use will allow the sites footprint to be used for both commercial and residential carparking, reducing the need for excavation. Thus, allowing parking to be constructed over a wider footprint. The inconsistency with this Direction is justified as the proposal removes site-specific requirements that have become impractical or redundant due to site constraints, flood affectation and changes in planning controls introduced after approval. The amendments ensure that the development can proceed without imposing</li></ul>
Disastian 4.7	Vec	unreasonable requirements while still delivering positive development outcomes.
Direction 1.7 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Yes.	This Direction seeks to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim (LUIIP) dated July 2017. The land is identified on the Greater Parramatta Priority Growth Area, as a potential precinct targeted for growth, particularly within 1km of the new light rail stops. The land is within the Parramatta CBD which is within proximity of the existing train station, Parramatta Light Rail stops and proposed Sydney Metro West station. The Department considers that the proposal is consistent with the Direction broad objectives of the LUIIP and therefore this Direction. However, Council has not provided an assessment of the proposal's consistency. Prior to the exhibition, the planning proposal must be updated to demonstrate consistency with Direction 1.7. A condition will form part of the Gateway determination in this regard.
Flooding	Consistency not yet demonstrated.	The objectives of this Direction are to ensure that development on flood prone land is consistent with the NSW Government'sFlood Prone Land Policy and the principles of the Floodplain Development Manual.
		Direction 4.1(3)(d) states that a planning proposal must not contain provisions that apply to the flood planning area that significant increase development and/or dwelling density of that land.

		<ul> <li>and Flood Emergency Management Strategy (Appendix 7). The site is subject to the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) risks, as detailed in the recently adopted Parramatta Flood Study 2023. The site is also affected from high hazard flooding from the Clay Cliff Creek and surrounding overland flow.</li> <li>To mitigate the flood risks, the proposal: <ul> <li>establishes a Flood Planning Level of 12.9 m AHD, and a PMF of 14m, incorporating a 500mm freeboard above the 1% AEP flood level.</li> <li>ensures habitable floors are located above these flood levels.</li> <li>addresses potential impacts from development, such as stormwater runoff, and ensures compliance with Council's water management controls within the Parramatta DCP 2023.</li> <li>Implement a Flood Emergency Management Strategy to safeguard public safety and property during flooding events.</li> </ul> </li> <li>Since the lodgement of the planning proposal, Council has submitted Flood Emergency Management Strategy and a Gateway condition is required to ensure that it is exhibited with the planning proposal.</li> <li>While the proposal is unlikely will result in additional flood impacts beyond those considered in the existing DA, the Department recommends a Gateway condition to require agency consultation with State Emergency Services (SES) and Department of Climate Change, Energy, the Environment and Water (DCCEEW). As such the Direction will remain unresolved pending further consultation with relevant authorities.</li> </ul>
Direction 4.4 – Remediation of Contaminated Land	Yes.	The land is identified as an investigation area under the Contaminated Land Management Act 1997 and has not been subject to development as described in the contaminated land planning guidelines. A detailed environmental site assessment report <b>(Appendix 8)</b> prepared by Consulting Earth Scientists. It concluded that the site was suitable for the proposed mixed use commercial and residential development and that no further investigation or remediation is required.
		This indicates that the proposal has considered contamination and remediation issues, ensuring that risks to human health and the environment are addressed appropriately.
		Further, it is not proposed to rezone the sites from their existing mixed use and employment zones.
		Since the lodgement of the planning proposal, Council has provided the detailed environmental site assessment report, and a Gateway condition is required to ensure that it is exhibited with the planning proposal.

Acid Sulfate Soils	justified.	environmental impacts from the use of land that has a probability of containing acid sulfate soils.
		The site is mapped as potentially containing Class 4 and 5 acid sulfate soils.
		The proposal is inconsistent with this Direction as an acid sulfate soils study was not submitted with the planning proposal to support the intensification of development.
		This inconsistency is of minor importance since Class 4 and 5 acid sulfate soils are classified as low risk. The Parramatta LEP 2023 and DCP 2023 includes adequate provisions to ensure that this issue can be properly evaluated and managed in any future development application that involves excavation.
		It is recommended that the Secretary's delegate agree that any inconsistency with this Direction is of minor significance.
Direction 5.1 – Integrating Land Use and Transport	Yes.	The objective of Direction 5.1 is to reduce car dependence, enhance transport options, and improve access to housing, jobs, and services through walking, cycling, and public transport. The planning proposal aligns with this Direction by providing new dwellings near major public transport facilities, such as Harris Park Station and the Parramatta Transport Interchange. Furthermore, the Parramatta LEP 2023 mandates a maximum parking rate for the site, promoting reduced private vehicle use and encouraging public transport, thus effectively integrating land use with transport infrastructure.
Direction 6.1 – Residential Zones	Yes.	The objectives of this Direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services, and minimise the impact of residential development. The planning proposal will facilitate the delivery of an additional 208 residential dwellings, thereby contributing to a diverse range of housing options and making effective use of the existing infrastructure in the area.
Direction 7.1 – Employment Zones	Inconsistent, justified	The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres
		The proposal is inconsistent with this Direction as it seeks to reduce non-residential GFA from 40% to 25%. To justify this inconsistency and ensure that the remaining non-residential GFA continues to support employment-generating uses, Council proposes to include an APU for Creative Industries within the E2 Commercial Core zoning on Sites 1 and 2.
		While Council's vision for the E2 zone in the Parramatta CBD is to prioritise commercial office space as the primary employment use, the proposed APU provides an alternative means of retaining non-residential activities on the site. Creative industries, classified as 'light industry,' will expand commercial opportunities by diversifying employment-generating uses, ensuring flexibility in how non-residential space is utilized. This approach aligns with the intent of the Direction while responding to market demand and

reinforcing the commercial viability of the site. It should be noted that under the State Environmental Planning Policy (Housing) 2021 allows for build to rent, which conflicts with Council's vision for E2 zoning in the Parramatta CBD. As such, the
proposed APU ensures that a portion of the site remains dedicated to non-residential employment uses, balancing residential and commercial outcomes in a way that supports the long-term economic sustainability of the CBD.
The Direction provides that a proposal can be inconsistent in certain circumstances, including where justified by a study prepared in support of the planning proposal. Given the study, the Department is satisfied that the inconsistency is justified.

## 3.4State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Housing) 2021	Aims to provide diverse housing types, including affordable housing in appropriate locations	Yes	<ul> <li>The proposal is consistent with the Housing SEPP for several reasons:</li> <li>It will add 208 residential dwellings to increase housing supply;</li> <li>Offer a variety of housing types to promote diversity;</li> <li>Make efficient use of existing infrastructure; and</li> <li>Benefit from proximity to major public transport facilities to enhance access to housing.</li> </ul>
Environmental to Planning e	The SEPP aims to facilitate the effective delivery of infrastructure	Yes	The SEPP identifies consent, assessment and consultation requirements for certain types of infrastructure and adjacent development. This includes consideration of development in or adjacent to road corridors and road reservations.
			The proposal is consistent with the Transport and Infrastructure SEPP as it aligns with the Future Transport Strategy 2056, is located near major public transport hubs to facilitate access, promotes walkability and active transport, considers and enhances existing infrastructure capacity, and encourages sustainable transport options by reducing reliance on private vehicles.
			Church Street is also identified as SP2 Classified Road. As such, the SEPP will require any future development application to address the necessary

### Table 6 Assessment of planning proposal against relevant SEPPs

			considerations for development on classified roads to satisfy the consent authority.
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 – 'Remediationof land' of the Resilience and Hazards SEPP contains planning provisions which provides a state wide planning framework for the remediation of contaminated land and to minimise the risk of harm.	Yes	<ul> <li>The planning proposal is consistent with the Resilience and Hazards SEPP due to the following reasons:</li> <li>A detailed site investigation report confirms the site's suitability for development without the need for further remediation;</li> <li>It includes flood risk management measures to mitigate potential impacts;</li> <li>It considers natural hazards with design strategies to reduce vulnerability;</li> <li>It adheres to safety standards to protect against environmental hazards; and</li> <li>It promotes sustainable practices to enhance long term community and infrastructure resilience.</li> </ul>

## 4 Site-specific assessment

### 4.1Environmental

### **Built form**

The current planning proposal is supported by an urban design study **(Appendix 3)** which details the proposed controls. **Table 7** provides comparative images illustrating key changes between the built form under the approved DA and proposed controls.

A key modification in the proposal is the increase in height on Site 2 from 36m and 90m to 36m and 118m. The shift in bulk and scale from Building L fronting Church Street (in Site 2) onto Building E towards the rear of Site 1 serves numerous purposes. By reducing the height of buildings along Church Street avoids a uniform wall of tall buildings. This approach also enhances Church Street's identity by contributing to a more dynamic and inviting streetscape. Furthermore, the lowering of Building L along Church Street ensures that the human scale is maintained. Council notes that the current site-specific DCP will be updated to require the building to be stepped in to encourage a slender tower form.

The proposal also increases the FSR on Site 1 from 7.2:1 to 8.4:1. Despite this increase, the built form remains broadly consistent with the approved DA. This is because of the site's large size and the distribution of building heights from the north and south. The additional floor space is accommodated without significantly altering the perceived scale, bulk or massing of the development.

In summary, the proposal aims to facilitate a high quality built form and urban environment that is functional, attractive, and conducive to community engagement, with no anticipated adverse environmental impacts.

#### Table 7: Built form differences (Source: Appendix 3, Urban Design Report)

Built Form under current controls	Proposed Built Form
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### Solar Access and Overshadowing

The overshadowing effects are primarily focused on ensuring that public open spaces and adjacent properties receive adequate sunlight. The proposal's key considerations include maintaining solar access to public open spaces and ensuring compatibility with surrounding residential and commercial developments.

A detailed shadow analysis was provided with the proposal that details the potential shadow cast by for various times of the day at 9:00 am, 12:00 pm, and 3:00 pm to evaluate the potential shadow cast by the proposed buildings on surrounding areas (**Table 8**). The design aims to minimise shadow impact on future public open spaces, in particularly on Site 3 (57 Church Street), by reducing the height of buildings along Church Street frontage from ten storeys to four storeys. This change is intended to enhance sunlight access, making these areas more usable and enjoyable for the community.

The current proposal has also been compared with the previous approval to identify changes in building heights and the changes for overshadowing. The overshadowing comparison is highlighted in **Table 8** below at the intervals of 9:00 am, 12:00 pm and 3:00 pm. The difference between the overshadowing is considered to have minor environmental impacts.

#### Table 8: Previous and proposed overshadowing (Source: Appendix 3, Urban Design Report)



### Flooding

The planning proposal is supported by a flood assessment report that supports the proposed amendments to the LEP. It incorporates findings from the most recent 2024 Parramatta River

Flood Study, which was adopted by the City of Parramatta Council in June 2024. The report references this study to ensure that the flood risk assessments and management strategies are based on the latest data and modelling available.

The flood assessment report provides an assessment against Ministerial Direction the 4.1, which relate to floodplain management and development in flood prone areas. The report indicates that the proposal complies with this Direction by demonstrating that it adheres to the established flood planning levels, incorporates appropriate flood mitigation measures, and aligns with the recommendations from the 2024 Parramatta River Flood Study. For further details see Ministerial Directions 4.1 above.

In terms of flood levels, the following mapping indicates the following:

- 5% AEP RL 11.7m AHD;
- 1% AEP RL 12.2m AHD and RL 12.8m AHD;
- Flood Planning Level (FPL) 5.8m AHD; and
- Probable Maximum Flood (PMF) RL 14.5m AHD (Figure 8).



Figure 8: PMF (Source: Appendix 6, Flood Assessment Report)

The proposal demonstrates compliance with the 2024 Parramatta River Flood Study by effectively integrating its findings and recommendations into the future development's design and flood management strategies.

The assessment confirms that the proposed development will not significantly alter existing floodwater flow patterns, which are vital for preserving the integrity of adjacent properties and downstream. This consideration aligns with the Parramatta LEP's 2023 objectives to protect the environment and community from adverse flooding effects.

### Traffic and Parking

The traffic and parking assessment for the proposed mixed use development at 83 Church St and 63 Church St, Parramatta, indicates that the modifications to the existing development are

projected to generate an additional 39 vehicle trips during peak hours in comparison to the approved DA. This increase is considered low and is not expected to significantly impact the traffic operations of the local road network.

The assessment confirms that onsite parking will be provided in full compliance with the relevant local environmental plans and development control plans. Specifically, for the additional 60 apartments in Site 1, the maximum permissible parking is calculated to be 48 spaces.

The reference scheme is not anticipated to create traffic impacts that are worse than those of the previously approved scheme. The traffic effects associated with the reference scheme are deemed minimal and satisfactory, indicating that the development will not exacerbate existing traffic conditions.

Additionally, the proposed development will include a community facility and a childcare centre, which are expected to attract more pedestrian traffic than vehicular traffic. This shift is likely to further mitigate potential traffic impacts, enhancing the overall accessibility of the area. In summary, the traffic and parking aspects of the planning proposal are satisfactory and will not adversely affect local traffic conditions. Given that subject site is located on Church Street, which is zoned SP2 Classified Road, a gateway condition is recommended to consult with TfNSW.

### 4.2Social and economic

### Social Impact

The planning proposal offers numerous positive social impacts, including future community facilities such as a community hall and childcare for 110 children, which support families and foster engagement. The proposal will increase housing supply by adding 208 residential dwellings, providing diverse options for a growing population in a well located position within the CBD. The establishment of the Parramatta Artists Studio enriches the local cultural landscape, while dedicated public parks enhance recreational opportunities and promote social interactions.

The mixed uses of the site create a vibrant urban environment that encourages community connections, improved accessibility through pedestrian friendly design, and opportunities for social interaction. Additionally, the incorporation of commercial spaces stimulates local economic growth and reflects a commitment to sustainable community development, ultimately contributing to a more connected and supportive Parramatta.

### **Economic Impact**

The planning proposal is anticipated to generate several positive economic impacts. It will create jobs during the construction phase and through the establishment of new commercial and retail spaces, thereby boosting local employment. Additionally, the proposal is likely to attract investment, stimulating economic activity and encouraging further development in Parramatta CBD. By incorporating retail and commercial spaces, it will support local businesses and increase foot traffic, fostering a vibrant economic environment. The mixed use development will also promote various economic activities, reducing reliance on any single sector and enhancing local economic resilience.

The proposal notes that designating 40% of the sites GFA for commercial use could lead to unoccupied spaces, which would not be economically viable for the current market conditions. Thus, the proposal seeks to balance commercial space provision with the growing demand for residential development, ensuring a more feasible and sustainable outcome.

As stated above, in Section 2 and in Section 9.1 Ministerial Directions, the planning proposal is a direct response towards the economic shift and decline of uptake of commercial GFA within peripheral area of the Parramatta CBD. This decline in the uptake of commercial GFA is a result of oversupply and competition from the established Parramatta CBD core and Westfield Shopping Centre. The proposal mitigates this challenge by reducing the non-residential GFA requirement to

20% and introducing new uses such as creative industries.

The Department considers the introduction of new employment-generating activities will diversify and maintain the site's role in supporting commercial activity, while ensuring the development remains viable within the broader economic landscape of the Parramatta CBD.

### 4.3Infrastructure

No new or additional local or State infrastructure has been identified as being needed as a result of this planning proposal. The proposals proximity to existing transport infrastructure, such as the Parramatta Transport Interchange and Harris Park heavy rail station, which supports high density residential development. The proposal aligns with forthcoming infrastructure projects, like the Parramatta Light Rail and Sydney Metro West, which will enhance connectivity but does not necessitate the requirements for any new infrastructure.

The Department notes that the Housing and Productivity Contribution (HPC) commenced on 1 October 2023. It is intended HPC will secure funding towards state infrastructure to support growth in Parramatta CBD.

## 5 Consultation

### 5.1Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

## 5.2Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- NSW State Emergency Services (SES)
- Transport for New South Wales.

# 6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex.

The Department recommends an LEP completion date of 6 March 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

# 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal as the planning proposal is generally consistent with section 9.1 Ministerial direction.

This is apart from Directions 4.1 Flooding which will remain unresolved pending consultation with the relevant authorities.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan;
- It is consistent with the strategic direction and objectives of City of Parramatta's Local Strategic Planning Statement, Parramatta 2038 Community Strategic Plan, Community Infrastructure Strategy, Local Housing Strategy, Employment Land Strategy, and Parramatta 2050;
- It seeks to facilitate development within a coordinated planning framework, incorporating an existing master plan, supported by Council's existing DCP and an updated VPA; and
- The planning proposal provides an opportunity for regeneration of the Auto Alley the within the Parramatta CBD. The planning proposal provides the potential to develop at least 208 dwellings, and 500 jobs.

As discussed in the previous sections (Sections 3 and 4), the planning proposal and relevant supporting material should be updated to include the Gateway conditions included in Section 9 of this report.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 1.4 Site Specific Provisions, Direction 4.5 Acid Sulfate Soils, and Direction 7.1 Employment Zones are and justified; and
- Note that the consistency with section 9.1 Direction 4.1 Flooding remains unresolved, subject to further consultation with relevant authorities.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

- 1. Prior to public exhibition, the planning proposal be updated as follows:
  - (a) Provide a response for the following Ministerial 9.1 Directions:
    - (i) 4.5 Acid Sulfate Soils,
    - (ii) 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.
- 2. Ensure the Flood Emergency Response Strategy and Detailed Environmental Site Assessment Report are exhibited alongside the planning proposal
- 3. Consultation is required with the following public authorities:
  - Department of Climate Change, Energy, the Environment and Water (DCCEEW);
  - State Emergency Services NSW (SES NSW); and
  - Transport for New South Wales (TfNSW).
- 4. The planning proposal should be made available for community consultation for a minimum of 30 working days

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 13 March 2026 be

included on the Gateway.

The timeframe for the LEP to be completed is on or before 13 March 2026.

27/02/2025

Peter Pham Manager, Local Planning (Central, West and South)

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(Signature)

4 March 2025 (Date)

Tina Chappell Director, Local Planning (Central, West and South)

<u>Assessment officer</u> Clay Logan A/Senior Planning Officer, Local Planning (Central, West and South) 6650 7158