



**CITY OF
PARRAMATTA**

EXTRACT FROM MINUTES

**Ordinary Council Meeting
Monday, 8 July 2024
6.30pm**

**Council Chamber
Level 4, PHIVE**

Parramatta Square, Parramatta

PRESENT - COUNCILLORS

The Lord Mayor, Councillor Pierre Esber, Deputy Lord Mayor, Councillor Patricia Prociv and Councillors Phil Bradley, Michelle Garrard, Henry Green, Ange Humphries, Cameron MacLean, Paul Noack, Sameer Pandey, Georgina Valjak, Donna Wang and Loraine Wearne.

PRESENT – STAFF

Chief Executive Officer - Gail Connolly, Executive Director City Engagement and Experience - Angela Jones-Blayney, Executive Director City Assets & Operations - George Bounassif, Executive Director Finance and Information - John Angilley, Acting Executive Director City Planning and Design - Robert Cologna, Acting Executive Director Community and Culture - David Moutou, Group Manager Office of the Lord Mayor and CEO - Roxanne Thornton, Chief People, Culture and Performance Officer - Brendan Clifton, Chief Financial Officer - Amit Sharma, Chief Information Officer and Acting Chief Governance and Risk Officer - John Crawford, Group Manager Regulatory Services - Adrian Mihaila, Group Manager Infrastructure Planning and Design – Anthony Newland, Senior Policy & Advocacy Adviser - Renee Attard, Strategy Manager - Ashlee Gardner, ICT Service and Delivery Manager - Ian Vong, ICT Service Desk Officer, Ankit Pokharel, Secretariat Support Officer - Adrianna Hokin, Business Manager - Michelle Samuel.

1. OPENING MEETING

The Lord Mayor, Councillor Esber, opened the meeting at 6.32PM.

2. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

The Lord Mayor acknowledged the Burramattagal people of The Dharug Nation as the traditional owners of this land, and paid respect to their ancient culture and to their elders past, present and emerging.

3. WEBCASTING ANNOUNCEMENT

The Lord Mayor advised that this public meeting is being recorded and streamed live on the internet. The recording will also be archived and made available on Council's website.

The Lord Mayor further advised that all care will be taken to maintain privacy, however as a visitor in the public gallery, the public should be aware that their presence may be recorded.

4. GENERAL RECORDING OF MEETING ANNOUNCEMENT

As per Council's Code of Meeting Practice, the recording of the Council Meeting by the public using any device, audio or video, is only permitted with Council permission.

Recording a Council Meeting without permission may result in the individual being expelled from the Meeting.

5. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

RESOLVED: Councillor MacLean and Councillor Noack

That an apology be accepted on behalf of Councillor Darley and a leave of absence be granted.

Record of Voting:
CARRIED

6. CONFIRMATION OF MINUTES

Minutes of the Council Meeting held on 24 June 2024

4777 **RESOLVED:** Councillor Noack and Councillor Bradley

That the minutes be taken as read and be accepted as a true record of the Meeting.

Record of Voting:
CARRIED

7. DISCLOSURES OF INTEREST

The Acting Executive Director City Planning and Design, Mr Robert Cologna, declared a Non-Pecuniary, Non-Significant interest in relation to Item 14.1 (On Street Parking Issues for Residents in Newington) for the reason that he owns property in Newington.

13.5

Gateway Request: Planning Proposal for Land at 90-94 Phillip Street, Parramatta

(Group Manager Projects and Precincts)

4778

RESOLVED: Councillor Garrard and Councillor Green

- (a) That Council approve, for the purpose of seeking a Gateway determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 90-94 Phillip Street, Parramatta (Attachment 1), which seeks to amend the Parramatta Local Environmental Plan 2023 (Parramatta LEP 2023) in relation to the subject site by:
 - i. Increasing the maximum Height of Buildings control on the map from 80 metres (105 metres when including all bonuses) to part 133 metres (153 metres when including all bonuses) and part 0 metres;
 - ii. Increasing the Floor Space Ratio (FSR) control on the map from 6:1 (9.7:1 when including all bonuses) to 12.8:1 (15.36:1 when including all bonuses); and
 - iii. Amending Clause 7.28A so that it no longer provides a site-specific FSR and height bonus for the subject site.
- (b) That the Gateway request referred to above in recommendation (a) be submitted to the DPHI after the Applicant's Flood Report has been updated to reflect the Parramatta River Flood Study 2024.
- (c) That Council request the DPHI to provide Council with the authorisation to exercise its plan-making delegations for this Planning Proposal.
- (d) That Council authorise the CEO:
 - i. To amend the Parramatta Development Control Plan 2023 (PDCP 2023) in relation to the subject site as described in this report; Council 8 July 2024 Item 13.5 - 216 –
 - ii. To draft a Planning Agreement subject to the details within the submitted Letter of Offer provided at Attachment 2 which addresses the matters described in this report; and
 - iii. If a Gateway Determination is issued by the DPHI, the draft Planning Agreement and draft amendment to the PDCP 2023 are placed on public exhibition concurrently with the Planning Proposal.
- (e) That Council note the Local Planning Panel's advice to Council is in support of the Planning Proposal (refer to Attachment 3), which is consistent with the Council Officer's recommendation in the report.

- (f) That Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process of the documents.

Record of Voting:

For the Motion: Lord Mayor Councillor Esber, and Councillors Garrard, Green, Humphries, Noack, Pandey, Valjak, Wang and Wearne.

Against the Motion: Deputy Lord Mayor Councillor Prociv and Councillor Bradley and MacLean.

On being Put to the Meeting, voting on this Motion was nine (9) votes FOR and three (3) votes AGAINST. The Motion was CARRIED.

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.5
SUBJECT	Gateway Request: Planning Proposal for Land at 90-94 Phillip Street, Parramatta
REFERENCE	F2024/00282 - D09482225
APPLICANT/S	Think Planners
OWNERS	Buildup Phillip Pty Ltd (90 Phillip St) and Academy Parramatta Pty Ltd (94 Phillip St)
REPORT OF	Group Manager, Major Projects and Precincts

CSP THEME: Innovative

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE

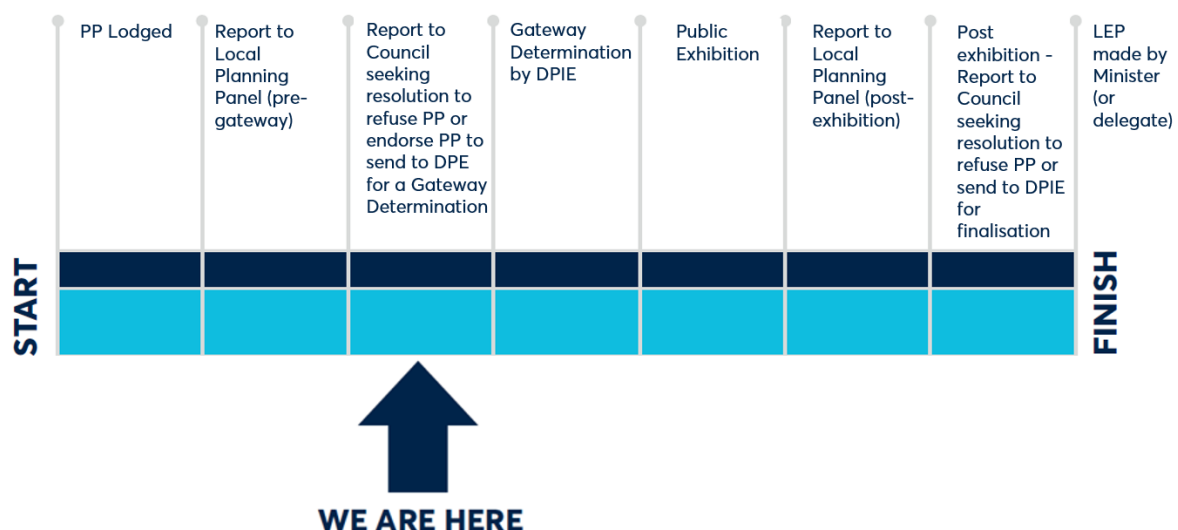
To seek Council's approval of a Gateway determination for a Planning Proposal for land at 90-94 Phillip Street, Parramatta and to seek Council's endorsement to prepare an associated Planning Agreement and draft amendment to the Parramatta Development Control Plan.

RECOMMENDATION

- (a) That Council approve, for the purpose of seeking a Gateway determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 90-94 Phillip Street, Parramatta (**Attachment 1**), which seeks to amend the Parramatta Local Environmental Plan 2023 (Parramatta LEP 2023) in relation to the subject site by:
 - i. Increasing the maximum Height of Buildings control on the map from 80 metres (105 metres when including all bonuses) to part 133 metres (153 metres when including all bonuses) and part 0 metres;
 - ii. Increasing the Floor Space Ratio (FSR) control on the map from 6:1 (9.7:1 when including all bonuses) to 12.8:1 (15.36:1 when including all bonuses); and
 - iii. Amending Clause 7.28A so that it no longer provides a site-specific FSR and height bonus for the subject site.
- (b) That the Gateway request referred to above in recommendation (a) be submitted to the DPHI after the Applicant's Flood Report has been updated to reflect the Parramatta River Flood Study 2024.
- (c) That Council request the DPHI to provide Council with the authorisation to exercise its plan-making delegations for this Planning Proposal.
- (d) That Council authorise the CEO:

- i. To amend the Parramatta Development Control Plan 2023 (PDCP 2023) in relation to the subject site as described in this report;
 - ii. To draft a Planning Agreement subject to the details within the submitted Letter of Offer provided at **Attachment 2** which addresses the matters described in this report; and
 - iii. If a Gateway Determination is issued by the DPHI, the draft Planning Agreement and draft amendment to the PDCP 2023 are placed on public exhibition concurrently with the Planning Proposal.
- (e) That Council note the Local Planning Panel's advice to Council is in support of the Planning Proposal (refer to **Attachment 3**), which is consistent with the Council Officer's recommendation in the report.
- (f) That Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process of the documents.

PLANNING PROPOSAL TIMELINE



SUMMARY

1. This report seeks the endorsement of Council of a Planning Proposal for land at 90-94 Phillip Street, Parramatta for the purpose of seeking a Gateway Determination from the DPHI, and to seek Council's endorsement to prepare an associated Planning Agreement and draft amendment to the Parramatta Development Control Plan for public exhibition concurrently with the Planning Proposal if a Gateway determination is received.
2. The Planning Proposal seeks to amend the Parramatta Local Environmental Plan 2023 (Parramatta LEP 2023) as shown in **Table 1** below:

Table 1: Existing and proposed controls

Control	Current control	Proposed control
Height of Buildings	80m	133m

(Mapped)		
Height of Buildings (Total including 15% Design Excellence bonus)	105m* (31 storeys mixed use)	153m (47 mixed use storeys)
Floor Space Ratio (Mapped)	6:1	12.8:1
Floor Space Ratio (Total including 15% Design Excellence bonus and 5% High Performing Buildings bonus)	9.7:1*	15.36:1

* The current height and FSR controls are also subject to a 13 metre and a 2.5:1 site-specific bonus under the controls introduced by SEPP 2. These are included in the total figures for these controls.

- The Planning Proposal necessitates amendment of the Parramatta Development Control Plan (DCP) 2023 to increase the eastern tower setback and align with the reference scheme.

SITE DESCRIPTION

- The subject site is located at 90 and 94 Phillip Street, Parramatta and has a legal description of Lot 10 DP 773452 (90 Phillip St) and Lot 2 DP 706033 (94 Phillip Street) (see **Figure 1**). The site is on the southern bank of the Parramatta River and is to the west of the Ferry Wharf known as “Parramatta Quay” and the recently completed Charles Street Square. The total site area is 2,192 sqm.
- Both 90 and 94 Phillip Street contain existing four storey commercial buildings with lower level car parking. Vehicular access is provided to 90 Phillip Street directly from Phillip Street. Vehicular access is provided to 94 Phillip Street from a driveway over an unformed portion of Charles Street directly to the east of the site (refer to **Figure 2** below).



Figure 1: Site location (City of Parramatta GIS)

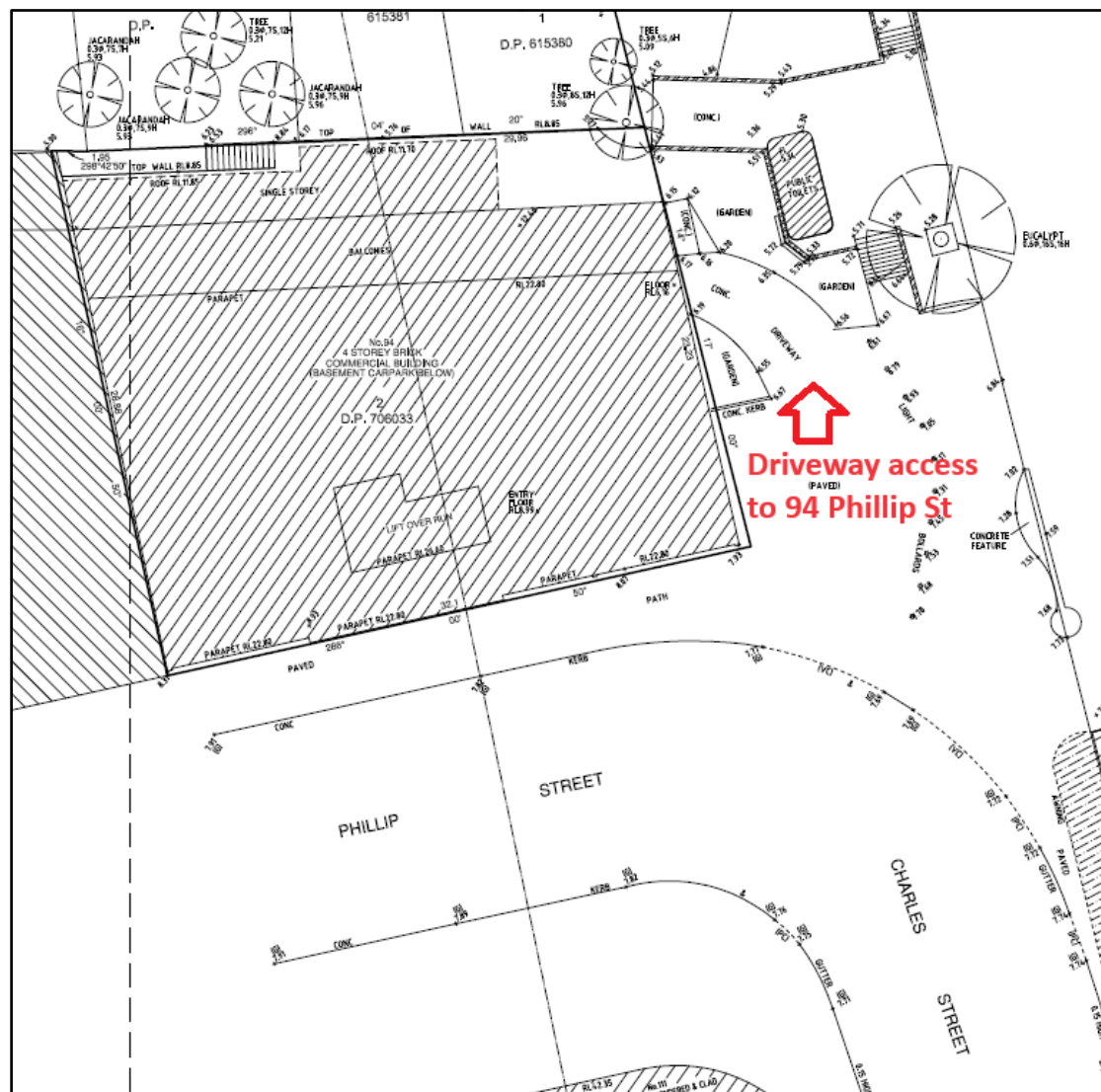


Figure 2: Extract from site survey indicating location of current driveway access to 94 Phillip St over unmade portion of Charles Street (Source Applicant's site survey – Norton Survey Partners)

BACKGROUND

6. In October 2018, the applicant (at that time, Hamptons Property Services, now Think Planners) lodged a Planning Proposal with the City of Parramatta Council for land at 90 to 94 Phillip Street, Parramatta seeking to increase the density of development permitted within the MU1 Mixed Use zoning of the site. The Planning Proposal sought to increase the floor space ratio (FSR) from 6:1 to 21:1 (including the 15% design excellence bonus). It also sought to increase the height control from 80 metres (92 metres including the 15% design excellence bonus) to 210 metres (including the 15% design excellence bonus).
7. Initial assessment by Council Officers raised concerns regarding the density and scale of the proposal considering the prominence of the site on the Parramatta River adjoining Charles Street Square, and its high visibility from the ferry approach to the CBD. The applicant's Planning Proposal submitted that it was consistent with the draft Parramatta CBD Planning Proposal on the basis that it reflected the draft planning controls at that time including unlimited commercial floor space. The applicant also argued that the site was subject to the draft Opportunity Site provisions. The Opportunity Site provisions provided

for a bonus FSR of 3:1 for certain sites that were considered of sufficient size and location to accommodate higher densities with minimal impacts on surrounding development. However, it is noted that the subject site did not meet the relevant site depth requirement to use this draft provision.

8. Several revised reference designs were submitted by the applicant in 2019, which proposed a total FSR of 21:1. Noting the significance of the site on the river foreshore addressing Charles Street Square and a site-specific Planning Proposal for 66 Phillip Street within the same street block, Council staff conducted urban design analysis of these two sites in context of the broader street block. This preliminary urban design work identified potential unsatisfactory outcomes from such building heights along the river and the report to Council dated 15 June 2021 relating to the post-exhibition of the CBD Planning Proposal recommended that this area be removed from the proposed amendment to allow further analysis. Notwithstanding, at the 15 June 2021 meeting Council resolved to proceed with the draft controls for the Phillip Street block under the Parramatta CBD Planning Proposal including incentive building heights and FSR, minimum commercial provisions and the Opportunity Site bonus.
9. The Parramatta CBD Planning Proposal was implemented by Parramatta Local Environmental Plan 2011 (Amendment 56) which was notified on 6 May 2022 and took effect on 14 October 2022. The then DPE finalisation report recommended that the Phillip Street Block not progress as part of the CBD PP and that the block retain its current controls. The finalisation report was informed by the Department's built form modelling and the findings of an Independent Rapid Assessment of the Parramatta CBD Planning Proposal prepared by Bennett and Trimble.. Based on these considerations, the then DPE excluded the Phillip Street block from the new controls and the existing density controls remained for the site at a FSR of 6:1 and HOB of 80 metres.
10. The then DPE made further changes to the Parramatta CBD planning controls through State Environmental Planning Policy Amendment (Parramatta CBD) (No.2) on 16 December 2022. This introduced controls to facilitate growth in employment uses within certain B3 Commercial Core and B4 Mixed Use zone sites within the Parramatta CBD as well as uplift for the Phillip Street Block, subject to certain provisions being met. In this regard, Clause 7.28A permits development in the Phillip Street block (including the subject site) to exceed the floor space ratio limit by 2.5:1 subject to conditions.
11. The density bonuses now applicable to the site under Clause 7.28A provide the site with the potential for a total FSR of 9.7:1.

CURRENT PLANNING CONTROLS

12. Under the provisions of the Parramatta LEP 2023, as introduced by SEPP 2, the following planning controls apply to the subject site:
 - a. Land Use zoning: MU1 Mixed Use.
 - b. Maximum Height of Buildings across the majority of the site: 80 metres (105 metres including 15% Design Excellence bonus and 13 metres bonus under Clause 7.28A).
 - c. Maximum floor space ratio (FSR) of 6:1 mapped (9.7:1 including 15% Design Excellence bonus and 2.5:1 bonus under Clause 7.28A).

- d. Maximum tower width of 35 metres when viewed from the Parramatta River in order to use the 2.5:1 bonus FSR.
 - e. Local Road Widening Reservation under the Land Reservation Acquisition Map. This applies to a narrow strip of land approximately 2 metres wide on part of the Phillip Street frontage of 90 Phillip Street.
13. The site is not heritage listed. However, there are several items within proximity to the site that are identified as items of local heritage significance under Parramatta LEP 2023 (Refer to **Figure 3** below). Approximately 40 metres to the north-east of the site is “Charles Street Weir”. Approximately 70 metres to the west of the site is the “Convict Drain”, further to the west is the item named “Office and potential archaeological site” at 70 Phillip Street and “Barnaby’s Restaurant and potential archaeological site” at 66 Phillip Street.

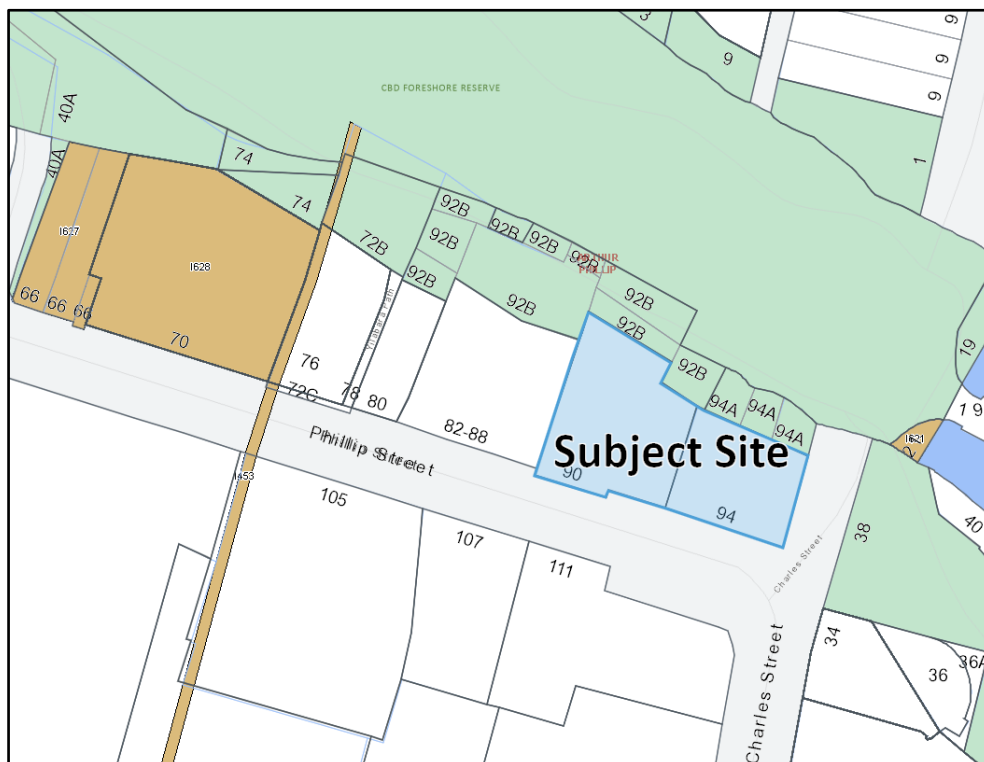


Figure 3: Heritage items within proximity of the subject site (shown in brown shading)

14. The site is also subject to the Parramatta Development Control Plan (DCP) 2023, specifically Section 9.5.1.2 which contains controls relating to the City East Block. The City East Block includes the subject site and is bound by Wilde Avenue, Phillip Street, Charles Street Square and the north bank river foreshore open space (see **Figure 4** below). The reference scheme submitted with the Planning Proposal does not comply fully with the DCP controls and an assessment against the DCP controls and discussion regarding appropriate DCP amendments is discussed further below.

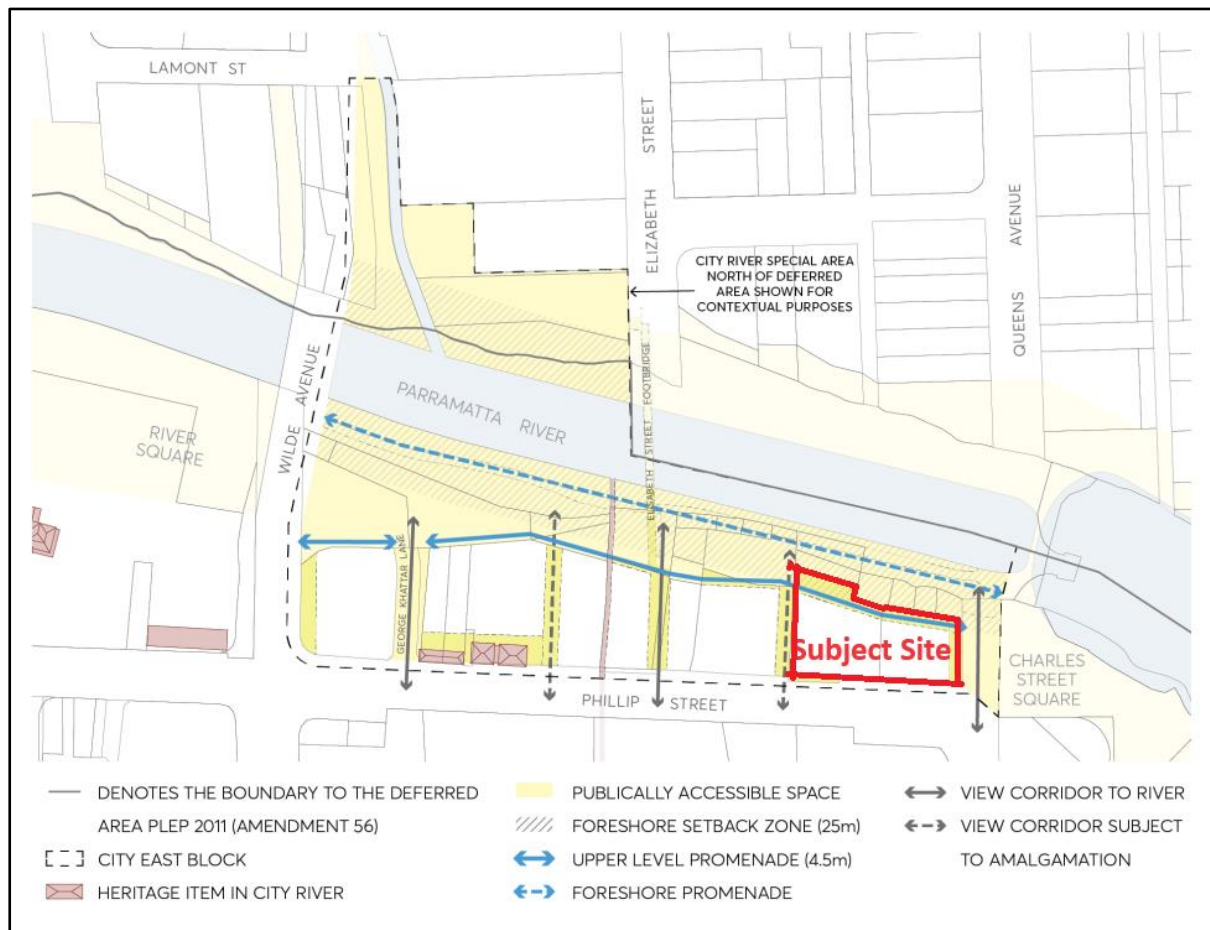


Figure 4: Extract from Parramatta DCP 2023 - City East Block Framework

DESCRIPTION OF PLANNING PROPOSAL

15. The Planning Proposal seeks to amend Parramatta Local Environmental Plan 2023 (Parramatta LEP 2023) as shown in **Table 2** below:

Table 2: Existing and proposed controls

Control	Current control	Proposed control
Height of Buildings (Mapped)	80m	133m
Height of Buildings (Total including 15% Design Excellence bonus)	105m* (31 storeys mixed use)	153m (47 mixed use storeys)
Floor Space Ratio (Mapped)	6:1	12.8:1
Floor Space Ratio (Total including 15% Design Excellence bonus and 5% High Performing Buildings bonus)	9.7:1*	15.36:1
Clause 7.28A	2.5:1 FSR bonus and 13m height bonus subject to conditions including maximum tower width of 35m.	Amendment of clause to remove its application to 90-94 Phillip Street.

* The current height and FSR controls are also subject to a 13 metres and a 2.5:1 site-specific bonus under the controls introduced by SEPP 2 these are included in the total figures for these controls.

16. The change to Clause 7.28A referred to in Table 2 above is proposed as the site will no longer require the currently available site-specific FSR bonus of 2.5:1 and height bonus of 13 metres. Development of the site can achieve the full FSR and height included in the Planning Proposal using the mapped controls plus bonuses applicable under other provisions within the Parramatta LEP 2023.
17. **Table 3** below provides the floor areas and indicative dwelling count outlined in the Reference Scheme under the proposed height control included in the Planning Proposal. The actual quantum of development provided will be subject to a design excellence competition and assessment at the DA stage.

Table 3: Floor Area and Dwelling Count Comparison Between Existing and Proposed Controls

Controls	Floor Area	Mix	FSR
Existing controls	21,262sqm*	280 dwellings 4,577 sqm commercial	9.7:1
Planning Proposal Reference Scheme	33,669 sqm*	405 dwellings 4,577 sqm commercial	15.33:1

*Subject to a design excellence competition and assessment at DA stage

18. The Planning Proposal is accompanied by a draft Planning Agreement Letter of Offer comprising of:
- 5 x affordable housing units (a mixture of four (4) x one bedroom apartments and one (1) x two bedroom apartment);
 - Dedication of road widening within Phillip Street;
 - Forego their historic legal right to utilise the Charles Street Reserve for access purposes;
 - Upgrade of the public domain within Charles Street reserve to the existing Charles Street Square;
 - Incorporation of an upper-level promenade fronting the river foreshore; and
 - Development of a 6 metre setback from the Charles Street Square to strengthen and activate the Square.
19. The Planning Proposal is accompanied by the following supporting documentation submitted by the applicant:
- Planning Proposal document prepared by Think Planners (see **Attachment 1**).
 - Reference Design prepared by PTI Architecture for a mixed use scheme (see **Attachment 4**).
 - Urban Design Report prepared by AE Design Partnership (**Attachment 5**).
 - Flooding Report prepared by Water Technology (**Attachment 6**).
 - Traffic and Parking Assessment Report prepared by CJP Consulting Engineers (**Attachment 7**).

SUMMARY OF COUNCIL OFFICER ASSESSMENT

20. The NSW Government Local Environmental Plan Making Guideline 2022 provides that for a Planning Proposal to proceed through Gateway determination, the Minister (or their delegate) must be satisfied that the Proposal has strategic and site-specific merit and that identified potential impacts can be readily addressed during the subsequent plan making stages.
21. With regard to strategic merit, the Planning Proposal has been assessed against and is considered consistent with the following strategic policies:
 - a. Greater Sydney Region Plan;
 - b. Central City District Plan;
 - c. Local Strategic Planning Statement (LSPS);
 - d. Local Housing Strategy (LHS);
 - e. Parramatta CBD Planning Strategy; and
 - f. Parramatta River City Strategy.
22. This alignment is discussed further in the Local Planning Panel (LPP) report at **Attachment 3**.
23. The Parramatta River City Strategy is of particular relevance to the subject site and outlines a comprehensive vision for revitalising the riverfront areas including the delivery of an upper level promenade. The proposal aligns with this strategy, aiming to create a positive interface with the public domain consistent with the urban design principles established in the Strategy. The inclusion of commercial spaces on the ground floor, facing the river, Phillip Street, and Charles Street Square, reflect the Strategy's goal of fostering an active and inviting pedestrian environment along the riverfront.
24. The site-specific merit of the Planning Proposal is assessed in detail by Council Officers in the LPP report at **Attachment 3**. The site has been subject to previous urban design analysis and built form testing by DPHI and Council Officers. The testing was done as part of the preparation and finalisation of the Parramatta CBD Planning Proposal and focused on the entire street block bounded by Wilde Avenue, Phillip Street, Charles Street Square and the north bank river foreshore open space. A detailed description of the urban design analysis studies is provided in **Attachment 8**. In summary, the primary urban design principles identified for the Phillip Street block in the above studies which are relevant to the subject site include:
 - a. Delivery of an upper level promenade;
 - b. Enhancement of the relationship of the city with Parramatta River;
 - c. Enhancement of views of Parramatta River; and
 - d. Reinforcement of the commercial core to the south.
25. The reference design submitted by the applicant (see **Attachment 4**) supporting the Planning Proposal has been reviewed by Council Officers. The assessment is described in detail in the Local Planning Panel report at **Attachment 3** and has considered the Urban Design Principles listed above and the controls for the broader street block within the Parramatta DCP 2023 noting the constraints of the site. The Planning Proposal will facilitate a more viable tower floorplate, an improved relationship with the public domain at the ground floor level, delivery of a crucial part of the upper level promenade while providing for a transition in height and views of the river from the commercial core.

26. Another important issue arising during assessment is the management of flood risk due to the sensitive location of the site adjoining the Parramatta River. The applicant has submitted a Flood Report prepared by Water Technology (see **Attachment 6**). The Report sets out preliminary findings of how flooding may dictate building design features. The Report notes that the advice is broad in nature and specific advice cannot be provided until Council adopts the draft Parramatta River Flood Study 2024 at which time precise flood levels will become available.
27. Council's Senior Catchment and Development Engineer has reviewed the Flood Report and concurs with its recommendations subject to the inclusion of specific reference to Local Planning Direction 4.1 Flooding issued by the Minister for Planning under section 9.1(2) of the Environmental Planning and Assessment Act 1979.
28. At the time of finalising this report, Council had recently adopted the Parramatta River Flood Study 2024 at its meeting on 11 June 2024. It is recommended that should Council resolve to submit the Planning Proposal to the DPHI to seek a Gateway determination, this should occur after the Applicant's Flood Report has been updated to take account of the new Study. The applicant is aware of this requirement and will be proceeding with an update of their Flood Report
29. The LPP report also contains details of the assessment undertaken by Council Officers on heritage, traffic and transport, infrastructure, social, economic and other environmental impacts and concludes that the proposal should be submitted for a Gateway Determination.

Draft amendment to Parramatta Development Control Plan 2023

30. The site is subject to the Parramatta Development Control Plan (DCP) 2023, specifically, Part 9.5.1.2 which contains controls relating to the City East Block. The City East Block includes the subject site and is bound by Wilde Avenue, Phillip Street, Charles Street Square and the north bank river foreshore open space. Part 9.5.1.2 prescribes an eastern side tower setback of 3 metres from the podium wall for the subject site.
31. It is considered appropriate that Council prepare a draft amendment to the Parramatta DCP 2023 to accompany the Planning Proposal in order to increase the eastern side tower setback to align with the reference scheme and respond to the increase in density as described in **Table 4** below.

Table 4: Existing and proposed controls under Parramatta DCP 2023

	Existing PDCP 2023	Proposed PDCP 2023
Eastern Podium setback	6 metres	No change
Eastern Tower setback	3 metres (from the podium wall)	6 metres (from the podium wall)

32. The increase in tower setback is proposed for this site in order to mitigate the increased height, bulk, scale and wind impacts from the increased height of the building. Should Council support the Planning Proposal, it is considered

appropriate that Council prepare a draft amendment to the Parramatta DCP 2023 as described above to be publicly exhibited concurrently with the Planning Proposal.

Planning Agreement Letter of Offer

33. The Planning Proposal is accompanied by a draft Planning Agreement Letter of Offer submitted to Council by the applicant under Section 7.4 of the Environmental Planning and Assessment Act 1979 (refer to **Attachment 2**). The Letter of Offer provides for the following:
- a. 5 x affordable housing units (a mixture of four (4) x one bedroom apartments and one (1) x two bedroom apartment);
 - b. Dedication of road widening within Phillip Street;
 - c. Forego their historic legal right to utilise the Charles Street Reserve for access purposes;
 - d. Upgrade of the public domain within Charles Street reserve to the existing Charles Street Square;
 - e. Incorporation of an upper-level promenade fronting the river foreshore; and
 - f. Development of a 6 metre setback from the Charles Street Square to strengthen and activate the square.
34. Council officers support the provision and dedication of the proposed affordable rental housing units which is in accordance with the requirements of Council's Affordable Housing Action Plan and draft Affordable Rental Housing Policy.
35. The provision of the upper level promenade is supported and will provide the important benefit of commencing the delivery of the promenade in accordance with the aim of Council's Parramatta CBD River Strategy.
36. The future development application for redevelopment of the site will also be subject to Section 7.12 development contributions in accordance with the Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment 2) in addition to the deliverables under the Planning Agreement.
37. It is proposed that a draft Planning Agreement be prepared based on the applicant's Letter of Offer and exhibited concurrently with the Planning Proposal and draft DCP amendment.

PARRAMATTA LOCAL PLANNING PANEL

38. The matter was considered by the Parramatta Local Planning Panel at its Meeting on 4 June 2024 (report at **Attachment 3**) and the Panel provided the following recommendation to Council:
- (a) *That Council approve, for the purpose of seeking a Gateway determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 90-94 Phillip Street, Parramatta (**Attachment 1**), which seeks to amend the Parramatta Local Environmental Plan 2023 (Parramatta LEP 2023) in relation to the subject site by:*
 - i. *Increasing the maximum Height of Buildings control on the map from 80 metres (105 metres when including all bonuses)*

- to part 133 metres (153 metres when including all bonuses) and part 0 metres;*
 - ii. Increasing the Floor Space Ratio control on the map from 6:1 (9.7:1 when including all bonuses) to 12.8:1 (15.36:1 when including all bonuses); and*
 - iii. Amending Clause 7.28A so that it no longer provides a site-specific FSR and height bonus for the subject site.*
- (b) That the Gateway request referred to above in recommendation (a) be submitted to the DPHI after the Applicant's Flood Report has been updated to reflect the Parramatta River Flood Study 2024.*
- (c) That Council request the DPHI to provide Council with the authorisation to exercise its plan-making delegations for this Planning Proposal.*
- (d) That Council authorise the CEO:*
- i. To amend the Parramatta Development Control Plan 2023 (PDCP 2023) in relation to the subject site as described in this report;*
 - ii. To draft a Planning Agreement subject to the details within the submitted Letter of Offer provided at **Attachment 2** which address the matters described in this report; and*
 - iii. If a Gateway Determination is issued by the DPHI, the draft Planning Agreement and draft amendment to the PDCP 2023 are placed on public exhibition concurrently with the Planning Proposal.*
- (e) That Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process of the documents.*

39. The Panel's advice to Council is consistent with the Council Officer's recommendation in this report.

PLAN MAKING DELEGATIONS

40. Should Council resolve to endorse the Planning Proposal to proceed, it is recommended that Council request that it exercise its plan-making delegations. This means that once the Planning Proposal has secured a Gateway determination, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being notified on the NSW Legislation website.

FINANCIAL IMPLICATIONS FOR COUNCIL

41. Should Council resolve to proceed with the Planning Proposal, the costs incurred in conducting the community consultation are covered by the fees associated with the submission of the Planning Proposal. The developer will reimburse any legal costs relating to the drafting/negotiation of the Planning Agreement.
42. The Planning Proposal is accompanied by a Letter of Offer (**Attachment 2**) which proposes that the applicant enter into an agreement to deliver a range of community infrastructure.

43. Further, at development application stage, development contributions in keeping with the current rates applicable under the Parramatta City Centre Local Infrastructure Contributions Plan 2022 will be applied to the development.
44. If Council resolves to endorse the recommendations of this report, the financial impacts on the budget are set out in the table below.

	FY 23/24	FY 24/25
Revenue Contribution		
Operating Result	Nil	Nil
External Costs		
Internal Costs		
Depreciation		
Other		
Total Operating Result	Nil	Nil
Funding Source		
CAPEX	Nil	Nil
CAPEX		
External		
Internal		
Other		
Total CAPEX	Nil	Nil

CONSULTATION & TIMING

45. Extensive consultation has been undertaken with the applicant to develop the draft planning provisions. The Planning Proposal and supporting documents were referred internally to various Council staff/teams.
46. The Planning Proposal was scheduled to be considered by the Heritage Advisory Committee on 13 June 2024, however, insufficient Committee Members were in attendance to form a quorum. The Planning Proposal was presented to the Members present. The Committee Members provided feedback and recommended that in developing the conditions under the Planning Proposal, that Council consider the significance of the site's Parramatta River setting and urban context, and for the developer to appropriately respond to any significant archaeology which may be found in the area during planned studies, as well as Council's updated flood study modelling.
47. No public consultation has yet been undertaken relating to the Planning Proposal. Should Council resolve to proceed with the Planning Proposal it, and all related information, will be submitted to the DPHI for Gateway determination. Community consultation will then be undertaken as required by the Gateway determination.

Councillor Consultation

48. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
1 July 2024	All	Not known at time of finalising this report.	Not known at time of finalising this report.	Group Manager Major Projects and Precincts

LEGAL IMPLICATIONS FOR COUNCIL

49. The legal implications associated with this report relate to the Planning Agreement that is proposed to be entered into between Council and the landowner. Should Council endorse the recommendation, Council's legal team will be assisted by an external legal advisor in drafting the Planning Agreement based upon the Letter of Offer and Council resolution.

CONCLUSION AND NEXT STEPS

50. Council officers have assessed the Planning Proposal and consider that the Planning Proposal has strategic and site specific merit and should proceed to a Gateway determination.
51. Should Council endorse the Planning Proposal for the purposes of seeking a Gateway determination, it is also recommended that Council prepare and exhibit a draft amendment to the Parramatta DCP 2023 as outlined in this report and prepare and exhibit a draft Planning Agreement in accordance with the applicant's Letter of Offer.
52. If supported by the DPHI, the Planning Proposal for 90-94 Phillip Street, Parramatta, will be publicly exhibited for a minimum of 28 days and in accordance with the conditions of the relevant Gateway determination. The draft amendment to the Parramatta DCP 2023 and the draft Planning Agreement will be exhibited concurrently with the Planning Proposal. A further report will be prepared for Council on the outcomes of the public exhibition.

David Birds
Group Manager, Major Projects and Precincts

Robert Cologna
A/Executive Director City Planning and Design

John Angilley
Executive Director Finance & Information

Gail Connolly
Chief Executive Officer

ATTACHMENTS:

1 Applicant's Planning Proposal document

83 Pages

2	Planning Agreement Letter of Offer	3 Pages
3	Minutes and Report from Local PLanning Panel - 4 June 2024	29 Pages
4	Applicant's Reference Design	16 Pages
5	Applicant's Urban Design Report	21 Pages
6	Applicant's Flooding Report	19 Pages
7	Appliant's Traffic and Parking Assessment Report	14 Pages
8	Urban Design Analysis Summary	8 Pages

REFERENCE MATERIAL