

Draft LEP Clause 7.16 – Opportunity Sites	Complies	Response
<p>(1) The objectives of this clause are:</p> <p>(a) to provide opportunities for tall, slender towers;</p> <p>(b) to encourage opportunities to improve the quality of the public domain; and</p> <p>(c) to facilitate opportunities to deliver additional community infrastructure.</p>	<p>YES</p>	<p>The Planning Proposal meets the objectives of the Draft Clause as it will:</p> <ul style="list-style-type: none"> a) facilitate the future delivery of a tall, slender tower form on the subject site. As shown in the indicative reference design a tower with an envelope footprint of 750m² and envelope dimensions of approximately 30m by 25m will be achieved on the site. b) encourage opportunities to improve the quality of the public domain, including: <ul style="list-style-type: none"> - upgrades to footpaths along Church Street and Erby Place; - creation of a new through site pedestrian link connecting Church Street to Erby place and providing an outcome consistent with the Council’s adopted City Centre Lanes Policy; and - provision of new high quality active retail frontages to Church Street, Erby Place and the new pedestrian laneway. c) facilitate opportunities for new community infrastructure, which can be negotiated and delivered through a voluntary planning agreement with Parramatta City Council. d)
<p>(2) This clause applies to Opportunity Sites as identified on the Opportunity Sites Map.</p>	<p>YES</p>	<p>Land that is the subject of the Planning Proposal forms the majority (55%) of an identified Opportunity Site in the Opportunity Sites map.</p>
<p>(3) A building on land to which this clause applies is eligible for an amount of additional residential floor space (above that already permitted elsewhere under this Plan) equivalent to that which may be achieved by applying a floor space ratio of up to 3:1 to the development site</p>	<p>YES</p>	<p>The site is identified as land to which this draft clause applies.</p>

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<p>(4) The consent authority may grant consent to development involving the construction of a new building or alterations to an existing building on land to which this clause applies that incorporates the additional floor space as specified in subclause (3) above, but only if:</p> <ul style="list-style-type: none"> a) the development site is at least 40 metres wide at the front building line, has an area of at least 1,800 square metres; and b) the development demonstrates an appropriate transition to any heritage items; and c) the development includes community infrastructure to the satisfaction of the consent authority, whether or not provided on the development site or an alternative site nominated by the consent authority. 	<p>YES</p>	<p>Land that is the subject of the Planning Proposal forms approximately 55% of an identified Opportunity Area. The proposal also satisfies the requirements outlined in subclause (4) as:</p> <ul style="list-style-type: none"> a) The site is approximately 48m at the front building line and is 2,099m² in area, thereby exceeding the numerical requirements of a 40m street frontage and 1,800m² area requirement under the draft control. b) The indicative development concept has been designed to include a podium form that responds to the 3 storey Church Street heritage context. Specifically, the podium has been designed to exhibit a materiality, scale, rhythm and form that complements Church Street and which responds to nearby buildings. The location of the tower is positioned to provide adequate separation and setbacks, and in this regard facilitates an appropriate transition to nearby heritage items; and c) The proponent is willing to enter into a Voluntary Planning Agreement to ensure the delivery of community infrastructure.
<p>(5) Development consent must not be granted to development under this clause unless:</p> <ul style="list-style-type: none"> a) the development first includes: <ul style="list-style-type: none"> i. the additional height, floor space ratio and community infrastructure as provided under clause 7.15; and ii. the 15% bonus floor space ratio and height for achieving design excellence under clause 7.10; and iii. (iii) the 0.5:1 bonus floor space ratio for high performing buildings under clause 7.17; and b) the development includes additional community infrastructure under this clause to the satisfaction of the consent authority above that provided under clause 7.15. 	<p>YES</p>	<p>The Planning Proposal will comply with this requirement. Any future development on the site will need to firstly satisfy the other various bonus floors space requirements as stipulated in sub-clauses (a) and (b). It is the intention of the proponent to:</p> <ul style="list-style-type: none"> • Enter into a voluntary planning agreement with Parramatta Council to deliver and/or contribute to community infrastructure provision as per draft clause 7.15. • Undertake a competitive design process in accordance with the Council’s requirements in order to ensure the achievement of design excellence. • Incorporate the necessary sustainability measures and initiatives to ensure that the development is a high performing building in accordance with draft clause 7.17.

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(6) Development consent must not be granted to development to which this clause applies unless a development control plan that provides for the matters in subclause (7) below has been prepared for the development site.	YES	A development controls plan is proposed to be addressed following Gateway Determination. The DCP will be prepared prior public exhibition so that it can be formally exhibited alongside the Planning Proposal. The DCP will be drafted to 'provide for the matters' outlined in subclause (7).
(7) The development control plan must provide for all of the following:	YES	A DCP will be drafted to 'provide for' all of the matters outlined below:
(a) requirements as to the form and external appearance of proposed development so as to improve the quality and amenity of the public domain,	YES	The DCP will be drafted to include controls that will enable Parramatta Council to guide, assess and determine the form and external appearance of any future proposed development. The DCP can also be drafted to include controls to guide the future design of the public domain adjoining the site.
(b) requirements to minimise the detrimental impact of proposed development on view corridors,	YES	The DCP will be drafted to provide building form, setback and envelope controls, which can be developed taking into consideration the potential for detrimental impacts from view corridors. It is noted that the current strategic and statutory planning framework does not identify any existing view corridors of importance through the site.
(c) how the proposed development addresses the following matters:	YES	See below.
(i) the suitability of the land for development,	YES	The suitability of the land for the development is a matter that will be largely determined through the planning proposal process. The DCP will however be drafted to include detailed controls to guide and regulate future development on the site, and which collectively will enable the Council to determine if an individual proposal is a suitable development for the site.
(ii) the existing and proposed uses and use mix,	YES	Land use and mix is largely governed by the Parramatta LEP 2011. The DCP can however be drafted to provide further controls on the land use composition and distribution within any future development on the site. For example, 'non-residential' uses located at ground floor with residential above.
(iii) any heritage issues and streetscape constraints,	YES	The Draft DCP can be drafted to include controls that regulate the building design so that it appropriately responds to both heritage and streetscape constraints. For example, street wall heights, setbacks, use mix, active frontages, building materiality and other design controls.
(iv) the impact on any conservation area,	YES	The site is not located within, adjacent or near any conservation area and therefore any future DCP is not required to provide controls to manage the impact on these areas

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(v) the inclusion of community infrastructure,	YES	In accordance with advice from Parramatta Council, community infrastructure provision can not be facilitated via a DCP. The proponent has confirmed that they are willing to enter into discussions regarding a voluntary planning agreement as a means of contributing to the provision of community infrastructure.
(vi) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	YES	<p>The DCP will be drafted to include building envelope and setback controls that will enable any future development proposal to be guided, assessed and determined. The preparation of these controls will be developed ‘having regard’ to the need to achieve an acceptable relationship with other <u>towers</u> (existing or proposed) on neighbouring sites in terms of separation, setbacks, amenity and urban form.</p> <p>A high-level analysis of tower locations has been carried out by PTW and is included within their updated Urban Design Report. This analysis clearly demonstrates that the proposed tower will:</p> <ul style="list-style-type: none"> • have an acceptable relationship to future towers on neighbouring sites in terms of separation, setbacks, amenity and urban form; and • will not compromise the future development of towers on neighbouring sites. <p>With regard to 302 Church Street, inclusion or exclusion of this site from any future redevelopment proposal would have little impact on the positioning of the proposed tower. Shifting the proposed tower further north to partially cover 302 Church Street would not change the tower locations or forms within the city block, nor would it provide an opportunity for an additional tower to be built. It would however result in a slightly larger tower footprint, thus facilitating an outcome that is contrary to the objectives of the draft Clause 7.16, which seeks to create tall slender towers in the Parramatta CBD.</p>
(vii) the bulk, massing and modulation of buildings,	YES	The draft DCP can be prepared to provide development controls that will guide the bulk, massing and modulation of buildings, in such a way that ensures that buildings are appropriately articulated and modulated to respond to their context, and to achieve design excellence in their external appearance.
(viii) street frontage heights,	YES	The draft DCP can be drafted to provide controls that guide and regulate street frontage heights along Church Street and Erby Place. The DCP will also include detailed building envelope controls that will further reinforce street frontage height requirements.

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(ix) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,	YES	Most of these matters are covered by other pre-existing controls and guidelines, such as the Apartment Design Guideline and the Parramatta Council DCP 2011. Whilst this is the case the site specific DCP can be drafted to provide for controls that address these matters if required.
(x) the achievement of the principles of ecologically sustainable development,	YES	The DCP can be drafted to include controls that relate to ecologically sustainable development and if necessary set ESD targets for any future development.
(xi) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,	YES	The draft DCP will be prepared to include controls that identify the locations for pedestrian, cycle, vehicular and service vehicle access. The draft DCP will also include a control to define the location and dimensions of the proposed pedestrian through site link, thereby delivering an outcome that is consistent with the Council's adopted City Centre Lanes Policy.
(xii) the impact on, and any proposed improvements to, the public domain,	YES	The draft DCP will be prepared to include controls that guide and regulate required improvements to public domain, including footpath upgrades and the creation of a new pedestrian through site link. In addition to this the DCP will include controls relating to street activation and building design, with a key focus on ensuring any future development positively responds to and enhances the public domain.
(xiii) achieving appropriate interface at ground level between the building and the public domain,	YES	As per the above the draft DCP will be prepared to include controls relating to street activation and building design, with a key focus on ensuring any future building achieves a positive high-quality outcome that activates and positively enhances the public domain.
(xiv) the excellence and integration of landscape design,	YES	The draft DCP can be prepared to include controls relating to landscape design, both at street level and within the building.
(xv) the incorporation of high quality public art into the fabric of buildings in the public domain or in other areas to which the public has access.	YES	The draft DCP can be prepared to set a requirement for a Public Art Strategy to be developed for the site, and for public art to be integrated into the design of the building. This is something that is commonly done in the City of Sydney Council and can be replicated for this site.