

INNOVATIVE

ITEM NUMBER	6.2
SUBJECT	Post Exhibition Outcome - Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement for 2 O'Connell Street, Parramatta
REFERENCE	RZ/2/2017 - D07333909
REPORT OF	Project Officer-Land Use Planning
LAND OWNER	The Owners Of Strata Plan 20716
APPLICANT	Think Planners

PURPOSE:

To seek the Local Planning Panel's advice on the outcome of the public exhibition of the Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement for land at 2 O'Connell Street, Parramatta for Council's consideration.

RECOMMENDATION

That the Local Planning Panel consider the following Council staff recommendation in its advice to Council:

- (a) **That** Council receives and notes the submissions made during the public exhibition of the Planning Proposal, draft site-specific Development Control Plan (DCP) and draft Planning Agreement.
- (b) **That** Council endorse for finalisation the Planning Proposal provided at **Attachment 1**, which seeks to amend the Parramatta LEP 2011 as follows:
 - i. An increase in the maximum Height of Buildings from 36 metres to 217 metres (inclusive of design excellence bonus);
 - ii. An increase in the maximum FSR from 4.2:1 to 16.2:1 (including all bonuses, opportunity site provisions and additional non-residential floor space);
 - iii. Introduction of site-specific provisions that outline the requirements for achieving the maximum FSR, require an appropriate transition to heritage items or conservation areas, introduce maximum parking rates, and ensure that issues pertaining to airspace operations and satisfactory arrangements for State infrastructure are addressed.
- (c) **That** Council forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) to prepare for finalisation, but request the final notification on the relevant Government website only be undertaken once:
 - i. Council confirms that the Planning Agreement has been signed and entered into; and
 - ii. the site-specific DCP has been publicly exhibited and endorsed by Council for finalisation.

- (d) **That** an amended DCP is re-exhibited and the outcomes of this exhibition are reported to Council. The amendments to be made to the DCP prior to re-exhibition are as follows:
 - i. Removal of the 3.5 metres setback to O’Connell Street (as Transport for NSW has indicated this is no longer required for road widening purposes) and resulting adjustments to relevant controls including but not limited to changes to the building and tower setbacks;
 - ii. Addition of a section on heritage that refers to the LEP provision relating to heritage transition and impacts. The new DCP controls will ensure clear criteria for assessing the transition of any development on this site to the adjoining heritage item; and
 - iii. Addition of a control outlining that materials selection is to minimise reflectivity and glare impacts.

- (e) **That**, with regards to the Planning Agreement:
 - i. That an administrative amendment is undertaken to the draft Planning Agreement provided at **Attachment 4** to accurately describe the instrument change sought under the Planning Proposal (noting that this does not change the contribution or any other terms of the Planning Agreement);
 - ii. That Council enter into this amended Planning Agreement;
 - iii. The Chief Executive Officer be delegated authority to sign the Planning Agreement on behalf of Council;
 - iv. Council (in accordance with its statutory obligations) forward the Planning Agreement to DPIE once it comes into force.

- (f) **Further, that** Council authorise the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process relating to the Planning Proposal, DCP and Planning Agreement.



THE SITE

1. The subject site is located at 2 O'Connell Street, Parramatta and is also known as St John's Terrace, 5 Aird Street. The legal description of the site is Strata Plan 20716. The site area is 3,283 square metres and contains a two and three-storey commercial building occupied by a number of strata subdivided office suites. The site has frontages to O'Connell Street (West), Aird Street (North) and Campbell Street (South) and slopes substantially from south to north. An aerial photo of the site is shown below in Figure 1.



Figure 1: Site location (Source: City of Parramatta GIS)

2. The site is located towards the western edge of the Parramatta CBD within the B4 Mixed Use zone, which is characterised by a mixture of residential and commercial uses. To the north of the site is the Westfield shopping complex, immediately to the east two newly-constructed residential towers, and opposite the site to the west, the State Heritage-listed St. John's Cemetery.
3. With regards to flooding issues, this site is outside of the area affected by the 1-in-100-year Average Recurrence Interval (ARI).

BACKGROUND

4. At its meeting on 10 July 2017, Council considered a report on a Planning Proposal for the subject site and resolved to endorse the Planning Proposal for the purposes of seeking a Gateway Determination, which seeks changes to *Parramatta LEP 2011 (PLEP 2011)* consistent with the Parramatta CBD Planning Proposal, as outlined in the table below.

Table 1. Comparison of controls for the subject site between Parramatta LEP 2011, the Parramatta CBD Planning Proposal, and the exhibited planning proposal

	<i>Parramatta LEP 2011</i>	Parramatta CBD Planning Proposal	Planning Proposal
Zoning	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Maximum HOB	36m (approximately 10 storeys)	RL 243m (approximately 217m when converted to height above ground level – 66 storeys)	217m (inclusive of Design Excellence – 66 storeys)
Maximum FSR	4.2:1	15:1 FSR (including all bonuses) with the potential for additional non-residential FSR	15:1 FSR (including all bonuses) + 1.2:1 additional non-residential FSR
Approximate yields		3,283 m ² (mandatory 1:1 commercial, with potential for additional non-residential FSR) 575 dwellings (at 80 m ² per dwelling)	3,283 m ² mandatory 1:1 commercial 45,962 m ² residential (14:1 residential) 575 dwellings (at 80 m ² per dwelling) Additional 3,939 m ² additional commercial floorspace

5. Council also resolved on 10 July 2017 to prepare a draft Development Control Plan (DCP) and enter negotiations on a Planning Agreement, and to report both to Council for endorsement prior to their concurrent exhibition with the Planning Proposal.
6. At Council's meeting on 26 February 2018, a further report was considered which sought to respond to advice from the then-Department of Planning and Environment (now referred to as the Department of Planning, Industry and Environment, or DPIE). DPIE's advice was to restructure the format and mechanism of the proposed FSR controls to more closely align with the format of *PLEP 2011*, while still achieving development density outcomes in line with Parramatta CBD Planning Proposal (as were previously endorsed by Council). In response to this report, Council resolved to restructure the Planning Proposal in accordance with DPIE's advice, and also resolved to consider a further report on the heritage impacts of the Planning Proposal on St. John's Cemetery.
7. Council considered the further report on 9 April 2018. Council resolved to endorse the Planning Proposal without changes and also included the following additional resolutions:
 - i. That the public domain landscaping on the eastern side of O'Connell Street is enhanced. (This is achieved within the draft DCP through controls to require retention of existing trees and provision of new street trees.)
 - ii. That the northern edge of the new development to Aird Street considers the existing axial views from the cemetery path. (This is interpreted within the draft DCP to provide for the protection of the view corridor along Aird Street when looking east from the cemetery entrance gates, and is achieved through the setback controls from Aird Street which provide for a 6 metre tower setback and a 1.2 metre ground level setback).

Gateway Determination

8. DPIE issued a Gateway determination on 5 October 2018 (refer to **Attachment 2**). The Gateway determination required that certain amendments were made to the Planning Proposal, and that an amended Planning Proposal be sent back to DPIE for their endorsement prior to exhibition. The main Gateway conditions are outlined below, along with a comment as to how these conditions were addressed by Council officers:

- i. Assess the cumulative overshadowing on the South Parramatta and Harris Park West Heritage Conservation Areas (HCAs).

Comment: An analysis of cumulative overshadowing issues on the South Parramatta and Harris Park West HCAs was completed as part of work on the Parramatta CBD Planning Proposal. The overshadowing impact from this particular site-specific Planning Proposal on these areas was found to be negligible and therefore no change to the Planning Proposal was recommended as a result.

- ii. Address the comments by the Roads and Maritime Services (RMS) (dated 13 February 2018).

Comment: The exhibited reference design was revised to reflect the 3.5 metre road widening required by the RMS.

- iii. Update the Urban Design Study to reflect an FSR of 16.2:1 and a 3.5 metre road-widening on O'Connell Street.

Comment: The exhibited reference design had an FSR of 16:1 and the 3.5 metre road widening. As explained later in this report, due to TfNSW advice that the 3.5 metre road widening is not required, the applicant has now confirmed a revised reference design with FSR of 16.2:1.

- iv. Update the "Explanation of provisions" within the Planning Proposal document to reflect the revised structure of the FSR calculation.

Comment: The Planning Proposal document was updated to reflect this structure.

- v. Include a satisfactory arrangements clause to enable contributions towards the funding of State infrastructure.

Comment: The Planning Proposal document was amended to include this provision.

- vi. Consult with federal Department of Infrastructure, Transport, Cities and Regional Development (DIRD) prior to exhibition.

Comment: Council consulted with DIRD and subsequently received a response from DIRD and from Sydney Metro Airports.

In summary, DIRD advised that the development may require approval under the Airports (Protection of Airspace) Regulations 1996, including assessment by the Civil Aviation Safety Authority and Airservices Australia prior to construction. This assessment is best undertaken at Development Application stage.

Sydney Metro Airports advised that the building and crane works will impact on Bankstown Airport's airspace and, possibly, Sydney Airport's airspace. As such, a full aeronautical assessment would be required to be reviewed by Bankstown Airport in conjunction with the relevant bodies prior to DIRD making their final assessment. Further clarification from Sydney Metro Airports was received advising that the aeronautical

assessment was appropriate to be submitted at Development Application stage.

9. It is noted that the Gateway determination lapsed on 5 October 2019 and an extension was subsequently issued by the DPIE on 2 December 2019. This has extended the time frame to 5 April 2020. A further extension has been sought from the DPIE to extend for a further four months.

Draft Site-Specific DCP

10. A draft site-specific DCP (refer **Attachment 3**) was prepared to provide more detailed built form guidelines to supplement the LEP controls. Pursuant to Council's resolution on 10 July 2017, the draft DCP was publicly exhibited concurrently with the Planning Proposal and draft Planning Agreement.
11. As discussed previously in this report, Council's resolution on 9 April 2018 included additional requirements to be addressed in the DCP regarding the protection of the axial view corridor from the St John's cemetery entrance gates along Aird Street and public domain landscaping along the eastern side of O'Connell Street.
12. In summary, the DCP seeks to achieve the following objectives:
 - i. Contribute to a high quality public domain at ground level with activated edges to the streets and street walls that create legible, safe, functional and attractive streets;
 - ii. Provide for slender, elegant towers that are setback above the street walls to allow for daylight penetration to the street, views to the sky and privacy; and
 - iii. Protect, frame and enhance the axial view corridor from the entry gate to St John's cemetery along Aird Street.
13. This report recommends that the DCP controls be amended as a result of the submissions received during the exhibition, and the relevant controls are discussed in more detail later in this report.

Draft Planning Agreement

14. A draft Planning Agreement (**Attachment 4**) outlining a contribution towards the provision of community infrastructure in the Parramatta CBD was negotiated with the Applicant. Legal advice from Council's solicitor was obtained regarding the provisions of the draft Planning Agreement prior to its exhibition. Pursuant to Council's resolution on 10 July 2017, the draft Planning Agreement was publicly exhibited concurrently with the Planning Proposal and draft DCP.
15. The draft Planning Agreement provides for a monetary contribution of \$6,549,585. This is consistent with Council's Planning Agreements Policy which references the Parramatta CBD Planning Proposal's provisions regarding community infrastructure needs. The Parramatta CBD Planning framework includes a resolution of Council dated 10 April 2017 which applies a 'Phase 1' community infrastructure contribution of \$150 per square metre and a 'Phase 2' community infrastructure contribution of \$375 per square metre. The method of calculating the amount of value sharing relative to the increase in FSR is demonstrated in Figure 2 below.

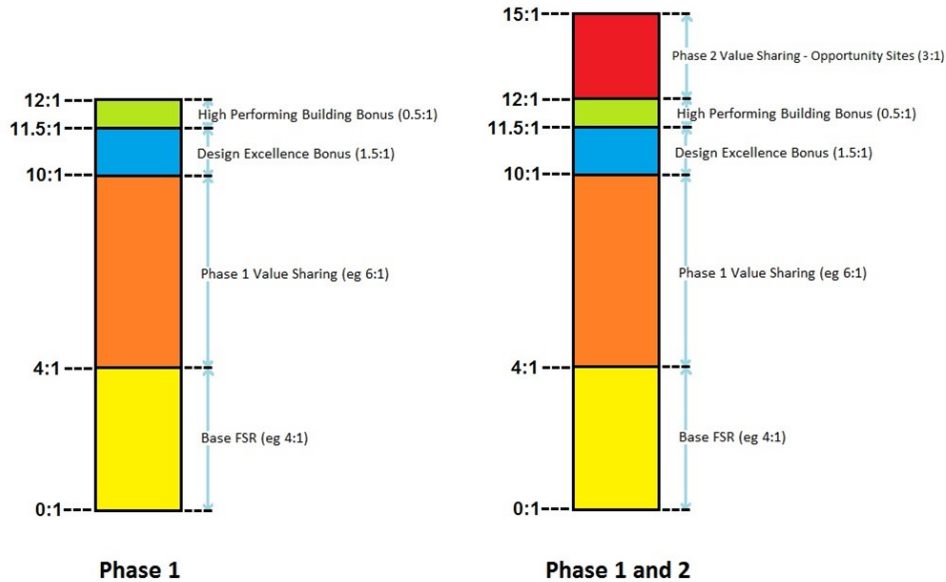


Figure 3: Method for calculating phase 1 & 2 community infrastructure contributions under the Parramatta CBD Planning Proposal

16. As shown in Figure 3, Phase 1 represents the increase in FSR between the “base” FSR control and the “incentive” FSR control. The applicable rate for Phase 1 is \$150/sqm. Phase 2 represents the increase in FSR between the “incentive” FSR plus all bonuses (i.e. 12:1) and the Opportunity Site FSR of 15:1. The applicable rate for Phase 2 is \$375/sqm.
17. Using the methodology above, the value of the monetary contribution contained in the draft Planning Agreement for 2 O’ Connell St is based on the calculations in Table 2 below.

Table 2. Calculation of monetary contribution in draft Planning Agreement for 2 O’Connell St

Development parameters	
Site Area	3,283 m ²
Base FSR	4.2:1
Incentive FSR (Phase 1)	10:1
Opportunity Site FSR (FSR)	15:1 (the additional 1.2:1 that takes the total to 16.2:1 is non-residential and not subject to the FSR calculation under the proposed site-specific clause)
Phase 1 calculation	
Incentive FSR minus base FSR	10:1 - 4.2:1 = 5.8:1
Increase in FSR multiplied by site area	5.8 x 3,283 = 19,041.4 m ²
Increase in floor area multiplied by \$150	19,041.4 x \$150 = \$2,856,210
Phase 2 Calculation	

Opportunity Site FSR minus total FSR with all bonuses	15:1 - 12:1 = 3:1
Increase in FSR multiplied by site area	3 x 3,283 = 9,849 m ²
Increase in floor area multiplied by \$375	9,849 x \$375 = \$3,693,375
Total Phase 1 plus Phase 2	\$2,856,210 + \$3,693,375 = \$6,549,585

18. Under the terms of the draft Planning Agreement, 75 per cent of the contribution is to be paid prior to the issue of any construction certificate relating to the development of the site and the remaining 25 per cent of the contribution is to be paid prior to the issue of an occupation certificate (or prior to registration of a strata plan, whichever is earlier). This is consistent with Council's Planning Agreements Policy adopted on 26 November 2018.

PUBLIC EXHIBITION

19. The Planning Proposal, draft DCP and draft Planning Agreement were publicly exhibited from 11 December 2019 to 31 January 2020 (to account for the Christmas and New Year's period). An advertisement was placed in the local newspaper, and relevant material was made available on Council's website and in hard copy format at Council's Administration Building and Parramatta Central Library. Letters were sent to land owners and occupiers in the vicinity of the subject site.
20. The following public authorities were also consulted, as required by the Gateway determination:
- i. Transport for NSW;
 - ii. Roads and Maritime Services;
 - iii. Office of the Environment and Heritage – Heritage Division (now known as Heritage NSW);
 - iv. Heritage Council;
 - v. Sydney Metro Airports;
 - vi. Endeavour Energy;
 - vii. DIRD; and
 - viii. Civil Aviation Safety Authority.

KEY ISSUES RAISED IN SUBMISSIONS

21. During exhibition, submissions were received from various public authorities and from the community. Also, additional issues were identified by Council staff during the exhibition period. These submissions are summarised and addressed below. In summary, no changes to the Planning Proposal are recommended as a result of these submissions, however some amendments to the DCP are recommended and a number of issues for clarification during the legal drafting of the LEP amendment have also been identified.

Submissions from Public Authorities

22. Council received submissions from the following public authorities:
- i. Department of Infrastructure, Transport, Cities and Regional Development (DIRD);
 - ii. Civil Aviation Safety Authority (CASA);

- iii. Heritage NSW;
 - iv. Endeavour Energy; and
 - v. Transport for NSW (TfNSW)
23. The issues raised in the public authority submissions and associated Officer responses are summarised in Table 1 at **Attachment 5**. Key issues raised by the State agencies related to airspace regulations, provision of electricity infrastructure, and potential overshadowing of heritage items.
24. With regards to the last point, Heritage NSW raised concern about potential overshadowing of St John's Cemetery and the South Parramatta HCA. These two issues are addressed in turn below:

St John's Cemetery: Council considered an additional report relating to overshadowing impacts on St John's Cemetery on 9 April 2018. The report concluded that the subject site-specific Planning Proposal is capable of facilitating a future development that will not have unacceptable impacts on St. John's Cemetery and recommended no changes to the Planning Proposal; Council accepted this recommendation and endorsed progressing the Planning Proposal with no changes.

South Parramatta HCA: An analysis of cumulative overshadowing issues on the South Parramatta and the Harris Park West HCAs was completed as part of work on the Parramatta CBD Planning Proposal. The overshadowing impact from this particular site-specific Planning Proposal on these areas was found to be negligible and therefore no change to the Planning Proposal was recommended as a result.

25. Council officers consider that the issues raised in the public authority submissions do not require any changes to the Planning Proposal as exhibited, noting that a number of matters raised in the submissions can be addressed at the Development Application stage. However, Council officers do recommend an amendment to the draft DCP as a result of TfNSW's submission, and this is discussed in further detail in the following paragraphs.
26. TfNSW's submission advised that, notwithstanding RMS' prior recommendation that a 3.5 metre setback be provided from O'Connell Street to allow for future potential road widening, TfNSW has no current plans or funding in its forward work program for this section of O'Connell St and the 3.5 metre setback is not a requirement of TfNSW. In response to this advice, Council staff reconsidered the issue of the 3.5 metre setback. Council staff are satisfied that it is not required from a traffic or active transport perspective, and also conclude that removing the setback could potentially result in the following urban design improvements (in comparison to the current reference design that includes the setback):
- i. Improve the extent of active frontage at ground level (as there is more room for active frontage uses to sleeve the podium parking);
 - ii. Improve the setbacks and building separation; and
 - iii. Allow for an improved tower form (as there is more site area on which to organise the FSR).
27. As a result of the above consideration, Council officers support removal of the 3.5 metre road widening setback. As this setback is not part of the proposed controls of the Planning Proposal, no changes are required to the Planning Proposal. However, removal of the setback does have implications for amending the draft site-specific DCP as follows:

- i. There are references to the 3.5 metre road widening in the current draft DCP that need to be removed and / or reworded.
- ii. There are resulting adjustments to the development controls for the building form and layout that can be undertaken as a result (i.e. in order to achieve the improved urban design outcomes noted above).

Council officers recommend that these changes should be made to the draft DCP, and that it should be re-exhibited and reconsidered by Council prior to notification of the Planning Proposal.

Community Submissions

28. Twelve submissions were received from the community, comprising eleven submissions from nearby residents and one submission from the the owners of Westfield. The main concern raised in the community submissions related to the potential for structural damage to adjoining buildings during the construction phase. Concerns about traffic congestion, overshadowing and loss of views were also raised. A detailed response from Council officers to the community submissions is in Table 2 at **Attachment 5**, and this information is summarised in the table below.

Table 3: Summary of issues raised in community submissions/Council officer response

Issue raised	Council Officer Response
Westfield Submission	
Supports the proposal subject to some further consideration of the Aird Street public domain and future ground floor interface of the site to Aird Street.	Noted
Objects to certain aspects of the applicant's reference design. The Aird Street car park entrance includes a blank masonry wall which does not meet the objectives of the draft DCP.	The submission from TfNSW no longer requires a 3.5 metre setback from the O'Connell Street frontage. This affords Council the opportunity to revisit the setbacks and the DCP controls. As noted previously in this report, this would improve the extent of ground floor retail facing Aird Street rather than car parking.
The reference design and draft DCP should be amended to require the first 10m ground floor frontage from Aird Street (other than the car park entrance) to be sleeved with active commercial land uses.	As noted previously in this report, removal of the 3.5 metre setback will allow for insertion of DCP controls improving the extent of ground floor retail facing Aird Street rather than car parking.
Due to the narrow footpath width on Aird Street, the entire podium facing Aird Street should be set back 1.2 metres (not just the ground floor) so to allow more space for large street trees.	Council's City Design Team have recommended that the podium <u>not</u> be set back from the site boundary along Aird St, as this would require the main tower to be set back further as well thereby reducing building separation with the building to the south. In addition, the street wall to Aird St would not line up with the street wall of the adjacent building if the entire podium was set back further. The existing footpath width on Aird Street (approx. 3.7 metres and similar to O'Connell St and Campbell St) with

	the setback at ground level nominated in the DCP (of 1.2 metres) is sufficient to accommodate a generous footpath as well as street trees, which will be consistent on all frontages.
The PP should include a Public Domain Concept Plan.	Planning Proposals of this nature do not generally include public domain concept plans. Public domain interface is addressed in the DCP controls, and will be further considered at the Design Competition and Development Application stages.
Main issues raised in submissions received by local residents	
Many of the submissions raised concern about the risk of structural damage to adjoining buildings from the construction of the proposal such as occurred with Mascot Towers. Further, submissions queried what measures Council would take to ensure there would be no damage to neighbouring apartments.	<p>Any development consent issued for the construction of the proposal in the future would include a standard condition that requires the developer to prepare dilapidation reports of both public and private infrastructure – before and after construction. This establishes the pre-existing condition of adjoining buildings and the condition after construction. Any adjoining resident who has concerns during the construction phase can contact Council to seek advice.</p> <p>Further, the State Government has also recently appointed a NSW Building Commissioner in response to concerns regarding construction standards. The Commissioner has been given a team of auditors and legislative powers to conduct site audits during construction and tools to identify those projects that are at highest risk. Draft legislation is also currently being considered which aims to improve industry standards and practices and make designers and builders more accountable. Information on the NSW Building Commissioner and the related initiatives can be accessed online:</p> <p>www.customerservice.nsw.gov.au/about-us/building-commissioner</p>
The existing Westfield car park entrance/exits and truck loading docks already create a lot of traffic congestion in the immediate area. An additional 455 apartments will make this significantly worse.	The traffic implications of individual site-specific Planning Proposals have been considered within the Parramatta CBD Strategic Transport Study (STS) prepared as part of the Parramatta CBD Planning Proposal. Where a site-specific Planning Proposal is consistent with the density anticipated under the Parramatta CBD Planning Proposal, the issues of traffic generation are addressed by applying the reduced car parking rates endorsed by Council as an outcome of the STS. Impacts on specific intersections are assessed as part of a Development Application and any required intersection upgrade works would be required as part of relevant conditions of consent.
Raises concerns with the overshadowing of public amenities and heritage items in the morning. In particular: Prabha Memorial Walk, Mays Hill Oval, Parramatta Park, Parramatta High School which would be overshadowed between sunrise and 9am. Would also impact on Mays Hill tennis courts and netball	<p>It is acknowledged that the proposal will result in overshadowing of a significant number of properties in the locality due to the height of the tallest tower (217 metres). It is inevitable that any development undertaken in line with the Parramatta CBD Planning Proposal is likely to generate overshadowing impacts. However, as the proposal consists of tall, slender building forms, this helps minimise the effects of overshadowing on neighbouring properties due to the narrow and fast moving nature of the shadows.</p> <p>It is also noted that the Gateway determination issued by DPIE for the subject site required assessment of the</p>

courts.	<p>cumulative overshadowing on the South Parramatta and Harris Park West Heritage Conservation Areas.</p> <p>This assessment indicated that the Planning Proposal would not overshadow the Harris Park West or South Parramatta Heritage Conservation Areas between 9.00am and 3.00pm on 21 June. Any overshadowing of Prabha Memorial Walk, Mays Hill Oval, Parramatta Park and Parramatta High School would be very early in the morning prior to school hours.</p> <p>With regard to cumulative impacts, the overshadowing in the Parramatta CBD Technical Paper assessed the total effect of the building heights permitted under the CBD Planning Proposal including the height sought for 2 O'Connell Street under the subject proposal.</p> <p>The report does not identify any shadow impact issues/concerns with the subject site 2 O'Connell Street as it is of a sufficient distance to the north and also benefits from being lower in topography so as to have a negligible overshadowing impact on any Heritage Conservation Area.</p> <p>As such, the study did not identify any amendments to the height control recommended as part of the CBD Planning Proposal for this particular site, and therefore, no amendments to the site-specific Planning Proposal are recommended.</p>
The proposal will obstruct views from existing residential buildings.	<p>It is understood that many units within 15 Campbell Street benefit from extensive views due to the elevated topography of the site and the height of the building. The tallest tower within the proposal will likely obstruct views from the existing apartment buildings, particularly those from the north-facing units within 15 Campbell Street. The proposal will likely obstruct these existing views north towards Parramatta Park. It is inevitable that development undertaken in line with the Parramatta CBD Planning Proposal is likely to result in some view obstruction as a result of tower development.</p>

29. In conclusion, it is not considered that any of the community submissions raise issues that require alteration of the Planning Proposal. Further, several concerns raised therein will be addressed at the Development Application stage through conditions of consent.

Issues identified by Council Officers during public exhibition

30. **Clause drafting:** The exhibition material contained a potential draft LEP clause that would be added to the LEP to implement the controls sought in the Planning Proposal. Some technical issues have been identified with the way the draft clause was structured and worded. However, the clause was provided for informational purposes only, as final clauses are drafted by Parliamentary Counsel on behalf of the State Government (not by Council Officers). During the legal drafting stage, all technical issues will be addressed to ensure the outcomes provided by the new clause are consistent with the objectives of the site specific Planning Proposal.

31. **Clarification of height and relationship to Design Excellence bonus:** The explanatory page for the exhibited materials erroneously noted that the Planning Proposal sought to increase the height to 217 metres *excluding* Design Excellence, whilst the draft clause of the Planning Proposal itself outlines that 217 metres *includes* a Design Excellence bonus. For clarification's sake, Land Use Planning staff advise that the Planning Proposal seeks to change height controls to a maximum of 217 metres *inclusive* of the Design Excellence bonus. It is considered that while the exhibition materials erroneously displayed two different heights (i.e. 217 metres including Design Excellence bonus vs. 217 metres excluding Design Excellence bonus, or approximately 250 metres), the correct figure is the lower of these two heights, and therefore the community has had the opportunity to consider the maximum possible change considered under the amended controls. Therefore, it is not recommended to re-exhibit the Planning Proposal as a result of this issue. However, the Planning Proposal, Development Control Plan and Planning Agreement should be checked, and any administrative amendments necessary should be made to ensure that this matter is clarified and made consistent across all documents. It is noted, for instance, that the instrument change was also erroneously described in the Planning Agreement, and that an administrative amendment to the Planning Agreement should be undertaken to ensure that the instrument change is accurately described (i.e. that the height of 217 metres is inclusive of Design Excellence).
32. **Potential mismatch of height and FSR:** A concern was raised by Council officers that the height and FSR may be mismatched, as the mapped FSR does not include a potential extra 0.5:1 FSR for meeting high performing building criteria nor the potential extra 1.2:1 of non-residential floor space. Therefore, concerns were raised about whether this FSR is appropriately matched to the height of 217 metres. Land Use Planning officers consider that the exhibited reference design includes all potential FSR bonuses on site, and generally responds to the 217 metre height control (noting that the exhibited reference design including road widening setback has a maximum height of approximately 224 metre due to change in levels at the site). As noted above, the 3.5 metre road widening setback is no longer required; therefore, it is anticipated that the overall height of the final building design will fully conform to the height limit, as there is now "more room" to fit in the FSR over an enlarged site area (due to removal of the 3.5 metre setback). No changes to the controls in the Planning Proposal are recommended as a result, as the applicant has confirmed a revised reference design showing removal of the 3.5 metre road widening setback and a building with an FSR of 16.2:1 fitting within 217 metres height.
33. **Additional matters for inclusion in an amended DCP:** The review by Council officers has identified the following issues that can be addressed, and recommend the following amendments be made to the Draft DCP prior to the re-exhibition:
- i. Addition of a section on heritage that refers to the LEP provision relating to heritage transition and contains controls outlining that a development that complies with the DCP is taken to have provided an appropriate transition to heritage items, as the building envelope accounts for matters such as the axial view down Aird Street from the cemetery gates. This section of the amended DCP should also detail that the heritage assessment report otherwise required by the existing controls in *Parramatta DCP 2011* should ensure that the building

design and materials take into consideration the relationship of the building and the heritage item.

- ii. Controls relating to selecting building materials to minimise reflectivity and glare impacts.

CONSULTATION & TIMING

34. It is recommended that an amended draft DCP as discussed in this report is prepared and re-exhibited, and that Council considers the outcomes of this exhibition and endorses the final DCP prior to the Planning Proposal being finalised.

FINANCIAL IMPLICATION FOR COUNCIL

35. As outlined previously in this report, the exhibited draft Planning Agreement makes provision for a contribution to community infrastructure in the Parramatta CBD which aligns with Council's policy framework on this matter.

Felicity Roberts

Project Officer-Land Use Planning

Robert Cologna

Team Leader Land Use Planning

David Birds

Group Manager, City Planning

Jennifer Concato

Executive Director City Strategy & Development

ATTACHMENTS:

1	Planning Proposal	52 Pages
2	Gateway determination	4 Pages
3	Draft site-specific Development Control Plan	8 Pages
4	Draft Planning Agreement and Explanatory Note	27 Pages
5	Summary table of submissions	13 Pages

REFERENCE MATERIAL