



PLANNING PROPOSAL

2 O'Connell Street, Parramatta

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Think Planners	February 2017

Council versions:

No.	Author	Version
1.	City of Parramatta Council	13 February 2018 – Amended Planning Proposal for Council's consideration at its meeting of 26 February 2018
2.	City of Parramatta Council	November 2019 – Amended Planning Proposal in response to Gateway conditions and administrative amendments.

Contents

INTRODUCTION.....	4
Description of the site and surrounds	4
Existing planning controls	7
PART 1 – OBJECTIVES OR INTENDED OUTCOMES.....	8
PART 2 – EXPLANATION OF PROVISIONS	8
2.1 Other relevant matters	9
PART 3 – JUSTIFICATION	11
3.1 Section A - Need for the planning proposal	11
3.2 Section B – Relationship to strategic planning framework	12
3.3 Section C – Environmental, social and economic impact	26
3.4 Section D – State and Commonwealth Interests	33
PART 4 – MAPPING.....	36
4.1 Existing controls	36
4.2 Proposed controls	43
PART 5 – COMMUNITY CONSULTATION	46
PART 6 – PROJECT TIMELINE	46
Appendix 1 – Draft Site-specific clause.....	47
Appendix 2 – Heritage Study	49
Appendix 3 – Urban Design Report and Reference Designs.....	50

Note:

This version of the Planning Proposal contains changes which have been made in response to the Gateway Determination issued 5 October 2018, as well as administrative amendments. Changes are marked in red text throughout.

INTRODUCTION

This planning proposal seeks to amend the *Parramatta Local Environmental Plan (PLEP) 2011* to modify the maximum building height and floor space ratio (FSR) controls that apply to land at 2 O'Connell Street, Parramatta (legally described as SP201716); consistent with the broader Parramatta CBD Planning proposal.

These amendments are sought with the intent to erect a mixed use development comprising a podium comprising commercial uses and two residential towers above.

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's:

- 'A Guide to Preparing Local Environment Plans' (August 2016), and
- 'A Guide to Preparing Planning Proposals' (August 2016).

Description of the site and surrounds

The subject site is located at 2 O'Connell Street, Parramatta (also known as St John's Terrace, 5 Aird Street). The legal description of the site is SP 20716.

The site area is 3,283 square metres (sqm) and contains a two and three storey commercial building occupied by a number of (strata subdivided) office suites. It has frontages to O'Connell Street (West), Aird Street (North) and Campbell Street (South) and experiences a substantial fall from south to north. The site is highlighted in Figure 1 below.

The site is located towards the western edge of the CBD within the B4 Mixed Use Zone which is characterized by a mixture of residential and commercial uses. Surrounding development consists of:

- Westfield shopping complex to the north and further east
- A newly constructed residential tower to the east
- The heritage listed St John's cemetery to the west

The figures below illustrate existing development at the site and the surrounds.

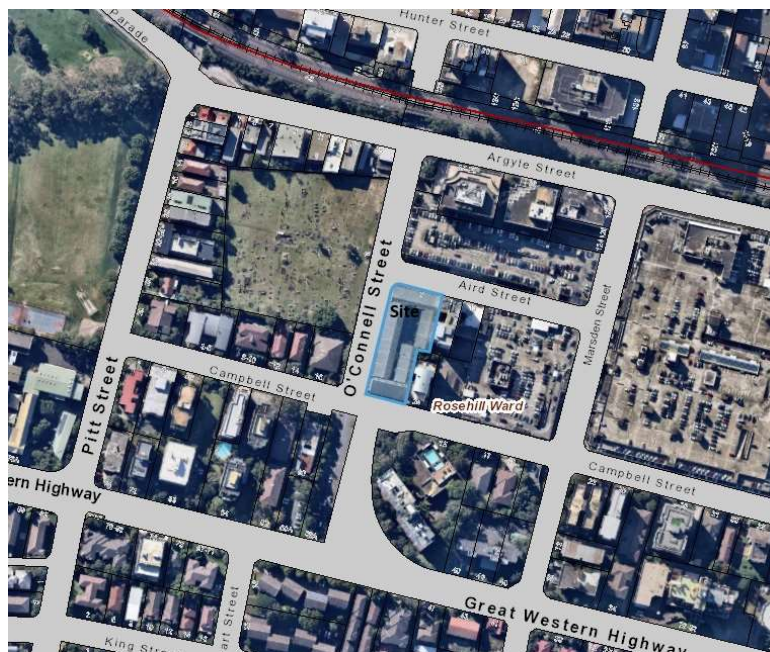


Figure 1: Location map



Figure 2: The site viewed from the corner of O'Connell and Aird Streets



Figure 3: The site viewed from Aird Street facing West with St John's Cemetery in the background



Figure 4: The site viewed from the corner of O'Connell and Campbell Street



Figure 5: Adjacent development to the south



Figure 6: Westfield Aird Street multi-deck car park and Beaurepairs Service Centre at the ground floor



Figure 7: St John's Cemetery and other medium/high density developments along Campbell Street in the background

Existing planning controls

Pursuant to Parramatta Local Environmental Plan 2011 (PLEP 2011):

- The site is Zoned B4 Mixed Use
- Has a maximum building height of 36m and maximum Floor Space Ratio (FSR) 4.2:1
- The site is not identified as an item of local heritage significance, however is in close proximity to the State listed St John's Cemetery
- Is subject of additional local provisions under Part 7 given the sites location within the Parramatta city centre
- Identified as Class 5 Acid Sulfate Soils.

Further, the site is not identified as being flood-prone, as it is located outside of the 20-year and 100-year Average Recurrence Interval (ARI) events, and is also outside of the Probable Maximum Flood (PMF) event.

Refer Part 4.1 of this report for maps illustrating the current planning controls that apply to the site.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable the redevelopment of land at 2 O'Connell Street, Parramatta (SP 20716) to facilitate a high density mixed use development in accordance with the site's B4 Mixed Use zoning.

To facilitate the site's redevelopment, it is proposed the *Parramatta Local Environmental Plan 2011* (PLEP) is proposed to be amended to:

- Allow a maximum building height of 217m and a maximum FSR of 15:1
- Include an additional site specific clause requiring a mandatory 1:1 of commercial floor space.
- Include an additional site specific clause allowing the consent authority to grant consent to an additional FSR of 1.2:1 of non residential floor space in addition to the 15:1 FSR.
- Include maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study and resolution of Council on 10 April 2017.
- **Include a satisfactory arrangements clause to enable contributions towards the funding of state infrastructure.**

It is anticipated that the amendment of these controls will facilitate an increase in housing supply and employment generating floor space in the Parramatta CBD.

PART 2 – EXPLANATION OF PROVISIONS

In order to achieve the desired objective, the following amendments to *PLEP 2011* would need to be made:

- 1) Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB_010) to 217m. Refer to Figure 16 in Part 4 of this planning proposal.
- 2) Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR_010) to 14.5:1. Refer to Figure 17 in Part 4 of this planning proposal.
- 3) Amend the **Special Area Provision Map** (Sheet CL1_010) to identify the site. Refer to Figure 18 in Part 4 of this planning proposal.
- 4) Insert a new Clause in Part 7 to include site specific provisions as follows:
 - a) Requirement to demonstrate appropriate transition to any heritage items or conservation areas
 - b) **Provision outlining that 14.5:1 FSR is inclusive of Design Excellence bonus and that future development will be required to undergo a design excellence process in accordance with Clause 7.10 of the Parramatta LEP 2011;**
 - c) Requirement for minimum 1:1 commercial floor space **within the 14.5:1 FSR of the development;**
 - d) Provision outlining an additional 0.5:1 FSR achievable, provided that high-performing buildings standards are met (bringing FSR total to 15:1).
 - e) Provision outlining an additional 1.2:1 FSR achievable for non-residential floor space, with this additional 1.2:1 FSR being excluded from the overall FSR of 15:1.
 - f) Provision outlining that the high-performing buildings incentive floor space and additional 1.2:1 non-residential floor space are not subject to any additional Design Excellence bonus;

- g) The land uses that are permissible within the non-residential component are restricted to “commercial premises” (noting that this is a LEP defined term which also includes “retail premises”)
- h) The land is subject to Clause 7.6 Airspace Operations;
- i) Maximum parking rates, in line with the resolution of City of Parramatta Council on 10 April 2017 with regards to parking rates in the CBD Planning Proposal.
- j) Include provision for a satisfactory arrangements clause to enable contributions towards the funding of state infrastructure. Note: this is in response to the Gateway determination condition no. 1(f).

Refer to **Appendix 1** for an example of a potential draft site-specific provision.

2.1 Other relevant matters

2.1.1 Draft Planning Agreement

A draft Planning Agreement has been prepared with the applicant to require them to contribute towards the provision of community infrastructure in the Parramatta CBD. Pursuant to Council's resolution on 10 July 2017, the draft Planning Agreement is to be publicly exhibited concurrently with the Planning Proposal and draft DCP.

The commercial terms of the draft Planning Agreement provide for a monetary contribution of **\$6,549,585**. This amount is consistent with Council's Planning Agreements Policy which references the Parramatta CBD Planning Proposal which contains provisions regarding community infrastructure needs. The Parramatta CBD Planning framework includes a resolution of Council dated 10 April 2017 which applies a 'Phase 1' value sharing amount of \$150 per square metre and a 'Phase 2' value sharing amount of \$375 per square metre. Council's Planning Agreements Policy was adopted by Council at its Meeting on 26 November 2018. The method of calculating the amount of value sharing relative to the increase in FSR is demonstrated in Figure 8 below.

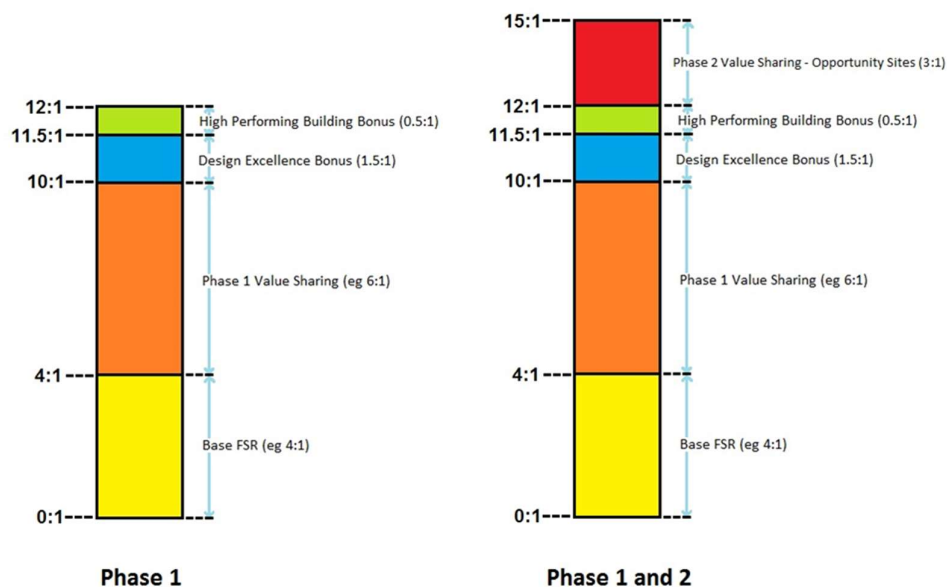


Figure 8: FSR controls and phase 1 & 2 value sharing under the Parramatta CBD Planning Proposal

Phase 1 value sharing represents the increase in FSR between the “base” FSR control and the “incentive” FSR control. The applicable value sharing rate for Phase 1 is 20 per cent of this land value uplift. Phase 2 value sharing represents the increase in FSR between the highest FSR achievable under the Planning Proposal (after all bonuses) and the Opportunity Site FSR of 15:1. The applicable value sharing rate for Phase 2 is 50 per cent of this land value uplift.

Using the methodology above, the draft Planning Agreement for 2 O'Connell Street is based on the following calculations:

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 minus 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 minus 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 plus \$3,693,375 = \$6,549,585

2.1.2 Draft DCP

The draft site-specific DCP has been 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 is to be publicly exhibited concurrently with the Planning Proposal and draft Planning Agreement.

Council's resolution on 9 April 2019 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.

In summary, the DCP seeks to achieve the following objectives:

- 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;

- 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
- Protect, frame and enhance the axial view corridor from the entry gate to St John's cemetery along Aird Street.

The main controls include:

- The street wall on O'Connell Street is to be set back 3.5 metres to allow for future road-widening;
- The ground level of the buildings must be set back 4.7 metres from O'Connell Street and 1.2 metres from Aird and Campbell Streets. (Note: this is demonstrated in Figures 2 and 3 of the draft DCP);
- The towers must be set back 6 metres from O'Connell Street and Aird Street and the tower adjoining 24 Campbell Street must align with the existing neighbouring building;
- The height of the street wall must be a minimum of 12.5 metres and a maximum of 21 metres from natural ground at footpath level and the height of the street wall must relate to the existing adjacent buildings;
- The lower tower referred to as building 2 is to be limited in height to 39 metres;
- The ground floor frontage should have active uses for a minimum of 70 per cent of its length; and
- The public domain on O'Connell Street must retain the existing street trees and provide new trees that will allow for the future road-widening.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

3.1 Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

3.1.1 Is the Planning Proposal a result of any study or report?

The planning proposal is a result of an application from the landowner seeking to increase the density of development permitted on the site. The planning proposal was amended to reflect the Parramatta CBD Planning Strategy (the Strategy) and the Parramatta CBD Planning Proposal (CBD PP).

Council adopted the Parramatta CBD Planning Strategy at its meeting of 27 April 2015. The Strategy is the outcome of a study which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The Strategy sets the vision for the growth of the Parramatta CBD. Council has subsequently prepared a planning proposal which has been informed by workshops and Council resolutions.

The CBD PP was adopted by Council on 11 April 2016 and submitted to the Department of Planning and Environment. The CBD PP seeks a potential increase in height and FSR for sites within the Parramatta CBD subject to the provision of community infrastructure.

While the Department is yet to issue a Gateway determination, the CBD PP is Council's most recently adopted position on density increases in the Parramatta CBD.

3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal seeking to amend *PLEP 2011* is the most effective way of providing certainty for Council, the local community and the landowner. The existing height and FSR standards do not permit the density envisaged in the CBD PP nor do the existing controls respond to the emerging CBD character of Parramatta.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the priorities, directions and actions outlined in key local and state strategic planning policy documents.

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan

On March 2018, the Greater Sydney Region Plan (the 'Plan') was finalised by the Greater Sydney Commission. The adoption of the Greater Sydney Region Plan will supersede A Plan for Growing Sydney as Sydney's overarching metropolitan strategy.

The vision of this Plan is built on the three cities concept where residents live within 30 minute access to jobs, education and health facilities, services and places. This is consistent with the 10 Directions as set in Directions for a Greater Sydney, which is the core component of the vision and measure of the Plan's performance.

The Plan identifies that a target of an additional 725,000 dwellings would be needed within the Greater Sydney Region by 2036 to meet housing demands based on current population growth.

The Greater Sydney Region Plan is structured around four key themes—infrastructure and collaboration, liveability, productivity and sustainability—and sets out a number of directions, objectives and actions to guide delivery of these themes.

The tables below provides a summary of the consistency of the proposal with the relevant directions and objectives.

Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the GSRP's relevant Infrastructure and Collaboration objectives is provided in Table 3a, below.

Table 3a – Consistency of planning proposal with relevant GSRP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Relevant Objective	Comment
A city supported by infrastructure	O1: Infrastructure supports the three cities	The Planning Proposal will facilitate an increase in commercial office space and residential apartments within the Parramatta CBD on a site that is within 500m of the Parramatta Transport Interchange giving workers and residents access to train and bus services.
	O2: Infrastructure aligns with forecast growth – growth infrastructure compact	The Planning Proposal will facilitate growth in commercial floor space and hence growth in jobs within the GPOP area which is being trialed as the pilot growth infrastructure compact.
	O4: Infrastructure use is optimised	In accordance with the Objective 4, the planning proposal will allow for efficient land use by locating new commercial floor space and residential apartments in the vicinity of Parramatta railway station and future Parramatta Light Rail network. Future occupants and users of the site will have access to the existing and proposed transport infrastructure and will benefit from the commuting advantages.

Liveability

An assessment of the planning proposal's consistency with the GSRP's relevant Liveability objectives is provided in Table 3b, below.

Table 3b – Consistency of planning proposal with relevant GSRP Actions – Liveability

Liveability Direction	Relevant Objective	Comment
A city of great places	O12: Great places that bring people together	The development concept includes active frontages incorporating retail uses at the ground floor with commercial and residential above.

Productivity

An assessment of the planning proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 3c, below.

Table 3c – Consistency of planning proposal with relevant GSRP Actions – Productivity

Productivity Direction	Relevant Objective	Comment
A well connected city	O14: The plan integrates land use and transport creates walkable and 30 minute cities	The planning proposal satisfies this direction by co-locating commercial spaces and residential apartments on a site that is within walking distance to Parramatta Transport Interchange; and will uphold the concept of a 30-minute city.
	O15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	The Planning Proposal increases the permissible density on the site which will allow for an increase in commercial floor space and residential apartments, further strengthening the Parramatta CBD and reinforcing its role in the GPOP area.

Jobs and skills for the city	O19: Greater Parramatta is stronger and better connected	The outcome of the planning proposal will contribute to the economic growth of Parramatta CBD and enables a mixture of commercial and residential land uses within proximity of key public transport infrastructure. This proposal will provide improvements to the site that will enhance the vibrancy, competitiveness and walkability within Parramatta CBD.
	O22: Investment and business activity in centres	The Planning Proposal will facilitate an increase in commercial office space and residential apartments on a B4 Mixed use zoned site within proximity of the Parramatta Transport Interchange, integrating land use and transport. The development likely to be facilitated by the Planning Proposal will contribute to achieving the 30 minute city goal.

Sustainability

An assessment of the planning proposal's consistency with the GSRP's relevant Sustainability objectives is provided in Table 3d, below.

Table 3d – Consistency of planning proposal with relevant GSRP Actions – Sustainability

Productivity Direction	Relevant Objective	Comment
	O30: Urban tree canopy cover is increased	The entire site is currently built-up with an existing two-storey commercial building. The development concept will result in a new mixed use building with a similar footprint to the existing structure. As such, there is no opportunity for tree planting onsite. While there are existing small trees within the public domain on O'Connell Street, these are likely to be removed in the future to accommodate future road widening by the RMS. However, this would occur regardless of the Planning Proposal. The Planning Proposal and subsequent development provides the opportunity to improve the amenity of the public domain and incorporate street tree planting where appropriate.
An efficient city	O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The Planning Proposal seeks to apply a High Performing Buildings bonus FSR of 0.5:1. This is consistent with the approach adopted as part of the draft controls within the CBD Planning Proposal. This will be achieved through a site specific clause which sets energy and water maximum consumption targets. These targets will be implemented through the assessment of the Design Competition and Development Application. Included with the exhibition of the Planning Proposal is the background technical studies that underpin the energy and water consumption targets within the CBD Planning Proposal. These include the "Sustainability and Infrastructure Study" and the "High Performance Buildings Study 2019" both prepared by Kinesis.
	O34: Energy and water flows are captured, used and re-used	
	O35: More waste is re-used and recycled to support the development of a circular economy	
A resilient city	O36: People and places adapt to climate change and future shocks and stresses	The site is not identified as being flood-prone, as it is located outside of the 20- and 100-year Average Recurrence Interval (ARI) events, and is also

	O37: Exposure to natural and urban hazards is reduced	outside of the Probable Maximum Flood (PMF) event.
	O38: Heatwaves and extreme heat are managed	(Refer Section 4.1 of this report for excerpt of flood map)

Greater Parramatta to the Olympic Peninsula (GPOP) Vision

In October 2016, prior to the release of the draft district plans, the Greater Sydney Commission released a Visioning document for the Greater Parramatta to the Olympic Peninsula (GPOP) area. GPOP is a centrepiece of the Greater Sydney Commission's draft District Plan for the West Central District, within which the bulk of GPOP is located.

The vision for GPOP is: *"Our 2036 vision: GPOP will be Greater Sydney's true centre – the connected, unifying heart"*.

It is focused on driving 12 directions to deliver the GPOP Vision. The document also notes that the GPOP area is the subject of several land use planning activities which are to progress alongside, and consistent with, the developing GPOP Vision, such as the GPOP Land Use and Infrastructure Strategy, Department of Planning and Environment.

The site is located within the Parramatta CBD Westmead Health and Education Super Precinct. The planning proposal is consistent with the vision and directions of GPOP Vision as it will:

- Deliver additional housing and employment within Parramatta CBD that will revitalise the city centre and support the commercial core,
- Provide a mix of housing (studios and 1 – 3+ bedroom units) to suit individual household needs, preferences and budgets,
- Respect the heritage values of items within the vicinity of the site (Refer Section 3.3.2 of this report),
- Facilitate the development of a high quality and well-designed mixed use development through a design competition process,
- Redevelop a site that has good access to public transport, jobs, services, recreational, educational and other opportunities, and
- Negotiate 5% to 10% of new floor space for affordable housing in line with Council's affordable housing policy.

Central City District Plan

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20 year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

The Central City District Plan District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Draft Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

Taking its lead from the GSRP, the *Central City District Plan* ("CCDP") is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities which are each supported Action. Those Planning Priorities and Actions relevant to this planning proposal are discussed below.

Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the CCDP's relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 4a, below.

Table 4a – Consistency of planning proposal with relevant CCDP Actions – Infrastructure and Collaboration

Infrastructure Collaboration Direction	and Planning Priority/Action	Comment
<p>A city supported by infrastructure</p> <p>O1: Infrastructure supports the three cities</p> <p>O2: Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p>O3: Infrastructure adapts to meet future need</p> <p>O4: Infrastructure use is optimised</p>	<p>PP C1: Planning for a city supported by infrastructure</p> <ul style="list-style-type: none"> A1: Prioritise infrastructure investments to support the vision of <i>A metropolis</i> A2: Sequence growth across the three cities to promote north-south and east-west connections A3: Align forecast growth with infrastructure A4: Sequence infrastructure provision using a place based approach A5: Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans A6: Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and flexible regulations to allow decentralised utilities 	<p>The planning proposal will allow for efficient land use by locating new commercial floor space and residential apartments within proximity of Parramatta railway station. Future occupants and users of the site will have access to the existing and proposed transport infrastructure and will benefit from the commuting advantages.</p>

Liveability

An assessment of the planning proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in Table 4b, below.

Table 4b – Consistency of planning proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
<p>O7: Communities are healthy, resilient and socially connected</p> <p>O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p>	<p>PP C4: Working through collaboration</p> <ul style="list-style-type: none"> A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially 	<p>The development concept includes active frontages incorporating retail uses at the ground floor with commercial and residential above.</p>

O9: Greater Sydney celebrates the arts and supports creative industries and innovation	<p>connected communities by (a-d).</p> <ul style="list-style-type: none"> • A14: Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden including (a-c). • A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places
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Productivity

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4c, below.

Table 4c – Consistency of planning proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
<p>A well-connected city</p> <p>O19: Greater Parramatta is stronger and better connected</p>	<p>PP C7: Growing a stronger and more competitive Greater Parramatta</p> <ul style="list-style-type: none"> • A23: Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged] • A26: Prioritise infrastructure investment [abridged] • A27: Manage car parking and identify smart traffic management strategies 	<p>The outcome of the planning proposal will contribute to the economic growth of Parramatta CBD and enables a mixture of commercial uses within proximity of key public transport infrastructure.</p> <p>This proposal will provide improvements to the site that will enhance the vibrancy, competitiveness and walkability within Parramatta CBD.</p> <p>The Planning Proposal includes a site-specific clause that prescribes a maximum car parking rate as identified by the Parramatta CBD Strategic Transport Study.</p>
<p>Jobs and skills for the city</p> <p>O15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive</p>	<p>PP C8: Delivering a more connected and competitive GOP Economic Corridor</p> <ul style="list-style-type: none"> • A29: Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GOP Economic Corridor • A30: Prioritise transport investments that enhance access to the GOP between centres within GOP 	<p>See above</p> <p>Further, the Planning Proposal will facilitate the redevelopment of the site for commercial office space of approximately 7,222 sqm. Using Council's assumed employment generating rate of 1 employee per 24 sqm of floor space, the Planning Proposal has the potential to generate approximately 300 FTE employees.</p>
<p>O14: The plan integrates land use and transport creates walkable and 30 minute cities</p> <p>O16: [relevant?]</p>	<p>PP C9: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The planning proposal satisfies this direction by co-locating commercial spaces on a site that is within walking distance to Parramatta Railway Station and the proposed Parramatta Light Rail Station; and</p>

<ul style="list-style-type: none"> • A32: Integrate land use and transport plans to deliver a 30-minute city • A33: Investigate, plan and protect future transport and infrastructure corridors • A34: Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network • A36: Protect transport corridors as appropriate, including the Western Sydney Freight Line, North South train link from Schofields to WS Airport as well as Outer Sydney Orbital and Bells Line of Road-Castlereagh connections 	will uphold the concept of a 30-minute city.
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Sustainability

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4d, below.

Table 4d – Consistency of planning proposal with relevant CCDP Actions – Sustainability

Sustainability Direction	Planning Priority/Action	Comment
<p>O30: Urban tree canopy cover is increased</p> <p>O32: The Green grid links Parks, open spaces, bushland and walking and cycling paths</p>	<p>PP C16: PP C16: Increasing urban tree canopy cover and delivering Green grid connections</p> <ul style="list-style-type: none"> • A68: Expand urban tree canopy in the public realm 	<p>The entire site is currently built-up with an existing two-storey commercial building. The development concept will result in a new mixed use building with a similar footprint to the existing structure. As such, there is no opportunity for tree planting onsite. While there are existing small trees within the public domain on O'Connell Street, these are likely to be removed in the future to accommodate future road widening proposed by the RMS. This would occur regardless of the Planning Proposal. The Planning Proposal and subsequent development application provides the opportunity to improve the amenity of the public domain and incorporate replacement street tree planting where appropriate.</p>

<p>O31: Public open space is accessible, protected and enhanced</p>	<p>PP C17: Delivering high quality open space</p> <ul style="list-style-type: none"> • A71: Maximise the use of existing open space and protect, enhance and expand public open space by (a-g) [abridged] 	<p>The site is located to the north of Ollie Webb Reserve. However, the shadow diagrams submitted with the reference design indicate that the development will only cast minimal shadows on the north-eastern corner of the reserve between approximately 10 and 11am on 21 June.</p>
<p>O36: People and places adapt to climate change and future shocks and stresses</p> <p>O37: Exposure to natural and urban hazards is reduced</p> <p>O38: Heatwaves and extreme heat are managed</p>	<p>PP C20: Adapting to the impacts of urban and natural hazards and climate change</p> <ul style="list-style-type: none"> • A81: Support initiatives that respond to the impacts of climate change • A82: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing areas most exposed to hazards • A85: Consider strategies and measures to manage flash flooding and safe evacuation when planning for growth in Parramatta CBD 	<p>The site is not identified as being flood-prone, as it is located outside of the 20- and 100-year Average Recurrence Interval (ARI) events, and is also outside of the Probable Maximum Flood (PMF) event.</p> <p>(Refer Section 4.1 of this report for excerpt of flood map)</p>

3.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The following strategic planning documents are relevant to the planning proposal.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region. Of relevance is the growth of Parramatta CBD.

The planning proposal is considered to meet the strategy and key objectives identified in the plan by allowing for an appropriate mix of residential and non-residential uses located in a centre with public transport, shops and community facilities in close proximity. The proposal will activate the street and improve the walkability of the city centre with retail on the ground floor. The development will also allow for the concentration of housing around transport nodes and contribute towards dwelling targets for NSW.

Parramatta CBD Planning Proposal

The CBD PP was adopted by Council on 11 April 2016. The CBD PP is the outcome of detailed technical studies which reviewed the current planning framework. The CBD PP seeks controls responding to the vision for the growth of the Parramatta CBD as Australia's next great city. The CBD PP identifies a need for significant growth in the Parramatta City Centre to which this planning proposal responds.

In line with the Strategy, Council subsequently prepared the Parramatta CBD Planning Proposal (CBD PP), which was informed by Councillor workshops held throughout 2015 as well as various Council resolutions. Council adopted the CBD PP on 11 April 2016. In general terms, the CBD PP seeks to increase heights and FSR's in the Parramatta CBD, subject to the provision of community infrastructure and other requirements. The CBD PP remains Council's most recently endorsed policy position on density increases in the Parramatta CBD. Council is currently awaiting a Gateway Determination on the CBD PP from the Department of Planning and Environment.

Under the CBD PP, the following key planning controls are identified for the site at 2 O'Connell Street:

- **Zoning:** The current B4 Mixed Use zoning is retained
- **Height of Buildings:** The "Base" HOB control for this site retains the current planning control of 36m, while there is no "Incentive" HOB control assigned to this site. This is consistent with the general policy direction of the CBD Planning Proposal, which is that – for most sites in the CBD – there are no Incentive height controls, with maximum building heights instead being effectively controlled by sun access planes and aviation operational parameters.
- **FSR:** The total maximum FSR achievable for this site under the CBD PP is 15:1, comprising the following:
 - The "Base" FSR control for this site is 4.2:1 in the draft CBD PP maps also noted is that the CBD PP requires the provision of 1:1 commercial floor space in this area of the B4 zone.
 - The Incentive FSR control for this site is 10:1. Under the CBD PP, Incentive FSR controls are achievable provided that an appropriate contribution to Community Infrastructure is made (discussed further in this report).
 - 15% bonus of the Incentive FSR (i.e. 1.5:1 in this case), provided that a Design Excellence process has been undertaken in accordance with the PLEP 2011.
 - An additional 0.5:1 FSR is achievable, provided that High Performing Building standards are met.
 - This site is also identified as an Opportunity Site, meaning that an additional 3:1 FSR is potentially available, provided that a number of criteria are met (including that certain site area, Incentive, Design Excellence and High Performing Buildings requirements are met, and that a further contribution to Community Infrastructure is made).

A summary of the proposed controls for the site in line with the CBD PP are detailed below.

Height

The CBD PP proposes that the maximum height limit (incentive height) of 243m AHD apply to the majority of land zoned Mixed Use B4 within the CBD subject to the delivery of community infrastructure.

Previous Gateway Determinations received for other site-specific CBD planning proposals required insertion of a numeric HOB control. Accordingly, it was recommended that a numeric HOB control that corresponds to the reference design for the site be included in this planning proposal.

Council endorsed position is that a maximum building height of 217m is proposed for the site.

Floor Space Ratio (FSR)

Under the CBD PP the majority of sites in the CBD are identified on the new Incentive Floor Space Ratio Map as 10:1, with additional floor space bonuses on certain sites up to 15:1.

The planning proposal has been amended to apply an FSR of 15:1 (in line with CBD Planning Proposal) with a mandatory 1:1 FSR of commercial floor space provided (also in line with CBD planning proposal).

0.5:1 of this 15:1 FSR is also an incentive for achieving high-performing building standards relating to water and energy; because of this, the FSR map is proposed to be amended to 14.5:1. This is consistent with the CBD Planning Proposal.

The 14.5:1 FSR is inclusive of a 15% Design Excellence Bonus.

Further, the planning proposal includes a site specific clause that allows the consent authority to approve an additional 1.2:1 non-residential floor space above the 15:1 FSR. This is consistent with the CBD Planning Proposal, in that the CBD PP allows additional commercial floorspace beyond the minimum 1:1 requirement to be exempted from FSR controls.

Therefore, a total FSR of 16.2:1 is possible on the site, subject to Design Excellence Competition.

Non-residential floor space

A local clause is proposed in the CBD PP that requires a minimum 1:1 FSR of commercial floor space to be provided as part of a mixed use development on certain sites zoned B4 Mixed Use.

The policy objective of this control is to contribute employment generating floor space consistent with Parramatta's role as a key employment centre in western Sydney. The current market conditions have seen the majority of B4 zoned sites obtain approvals for and be developed for almost entirely residential purposes with nominal ground floor retail uses.

The planning proposal also seeks to provide an additional 1.2:1 commercial floor space located in the podium in addition to the 1:1 required under the CBD planning proposal. This additional 1.2:1 floor space will not be counted towards the maximum FSR of the site.

Site specific clause

A site specific clause has been included in this planning proposal to:

- Ensure appropriate transition to Heritage items and conservation areas
- Provide for a minimum 1:1 commercial floor space,
- Ensure 14.5:1 FSR is inclusive of Design Excellence bonus
- Allow an additional 0.5:1 FSR provided that high-performing building standards are met (bringing total to 15:1)
- Encourage additional 1.2:1 non-residential floor space beyond 15:1 FSR
- Clarify that high-performing buildings incentive FSR and additional 1.2:1 non-residential FSR are not subject to additional Design Excellence bonus, and
- ensure parking is provided in accordance with Council's parking rates consistent with the CBD Planning Proposal.

3.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

An assessment of the planning proposal against the applicable State Environmental Planning Policies (SEPPs) relevant to the site is detailed in the table below (Table 1).

Table 1 – Assessment of consistency of the planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Assessment of consistency
SEPP No 55 Remediation of Land	
<p>Provides state-wide planning controls for the remediation of contaminated land.</p> <p>Clause 6 of the policy states that land must not be rezoned unless contamination has been considered and, where relevant, land has been appropriately remediated.</p>	<p>Not relevant to proposed amendment. The proposal does not involve the rezoning or change of use of the land. Accordingly, the contamination issues will be addressed at the DA stage.</p>
SEPP 64 Advertising and signage	
<p>Provides a consistent approach to the management of outdoor advertising so that adverse impacts on the amenity of the built and natural environment are avoided.</p>	<p>Not relevant to proposed amendment. May be relevant to future DAs.</p>
SEPP No 65 Design Quality of Residential Flat Development	
<p>Raises the design quality of residential apartment development across the state through the application of a series of design principles and guidelines.</p>	<p>Consistent. The built form presented in the reference designs have satisfactorily demonstrated that the site is able to accommodate the FSR being sought and indicates that a resulting development would be capable of complying with the Apartment Design Guideline (ADG).</p> <p>As part of the Design Excellence process compliance with the ADG requirements will be required in the future DA approval.</p>
SEPP (BASIX) 2004	
<p>Operates in conjunction with provision of the EP&A regulation to encourage sustainable residential development (BASIX scheme). The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, which would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.</p>	<p>Consistent. Detailed compliance with SEPP (BASIX) for residential component will be demonstrated at the time of making a development application for the site facilitated by this planning proposal.</p>
SEPP (Exempt and Complying Development Codes) 2008	
<p>Seeks to provide for exempt and complying development in certain local government areas that have not provided for those types of development through a local environmental plan.</p>	<p>Consistent. May apply to future development of the site.</p>
SEPP (Infrastructure) 2007	
<p>Aims to facilitate the effective delivery of infrastructure across the State along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.</p> <p>In particular, Traffic generating development (clause 104) requires that a proposal for an apartment or residential flat building with 300 or more dwellings is required to be referred to the Roads and Maritime Services.</p>	<p>Consistent. To be addressed as part of future DA for the site.</p>
State Environmental Planning Policy (State and Regional Development) 2011	

State Environmental Planning Policies (SEPPs)	Assessment of consistency
<p>Applies to development with a Capital Investment Value (CIV) of over \$20 Million, the proposal is defined for the purposes of this SEPP as "Regional Development".</p> <p>The consent authority for regional development will be the Sydney West Planning Panel.</p>	<p>Consistent. Should the planning proposal proceed, it is likely that any future DA would have a CIV value of >\$20 million and be determined by the Sydney West Planning Panel.</p>
Regional Environmental Plan (REP) Sydney Harbour Catchment 2005 (deemed SEPP)	
<p>The Plan covers the area of Sydney Harbour, including the Parramatta River and its tributaries and the Lane Cove River. The plan aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.</p> <p>The SREP includes a range of matters for consideration by consent authorities assessing development within the Foreshores and Waterways Area of the Plan. These are aimed at ensuring better and consistent development decisions and include such issues as ecological and scenic quality, built form and design, maintenance of views, public access and recreation and working harbour uses. The REP includes provisions relating to heritage conservation and wetlands protection and provides planning controls for strategic foreshore sites.</p>	<p>Consistent. The whole of the Parramatta is covered by the REP. Any matters for consideration will be addressed as part of any future DA.</p>

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

In accordance with Clause 117(2) of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs.

An assessment against the Ministerial Directions applicable to the subject planning proposal is detailed in the table below.

Table 2 – Assessment of consistency of the planning proposal with applicable Ministerial Directions

Section	Comment	Consistent
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	<p>The planning proposal will maintain the existing B4 Mixed Use zone which allows for a mix of residential and non-residential uses.</p> <p>The proposal will support the mixed use character of the area and the nearby commercial core, by providing commercial uses and increasing the residential population thereby delivering homes close to employment.</p>	Yes
2. Environment and Heritage		
2.3 – Heritage Conservation	<p>The site is not listed as a heritage item or located within a heritage conservation area under the Parramatta LEP 2011. The site is not identified as having an Aboriginal or archaeological significance in the Parramatta DCP 2011 or Council's GIS data records.</p> <p>The site is, however, within proximity to the state heritage listed St John's Anglican Cemetery at 1 O'Connell Street (legal described as Lot 5, DP 1023282) referenced Item #00049 in the PLEP 2011(Refer 4.1 of this report for an excerpt of the heritage map).</p> <p>Council's heritage officer has reviewed the proposal and advised that while the planning proposal would facilitate development of a scale dramatically different to that currently on site, its lateral separation from and absence of overshadowing impact on St John's cemetery will not unacceptably impact upon the heritage values of this State listed site. This was informed by a detailed study prepared by Urbis as part of the CBD PP.</p> <p>Refer Section 3.3.23.3.2 of this report for further detail.</p>	Yes
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	<p>The planning proposal is consistent with the objectives of this direction in that it will:</p> <ul style="list-style-type: none"> • Increase residential densities and housing choice in a location that is close to public transport, shops, employment and recreational opportunities • Provide for a high density development through the application of appropriate height and FSR controls • Be of high quality design facilitated through a design competition process • Provide a mix of housing including studios, one, two and three bedroom apartments • Make more efficient use of existing infrastructure and services through urban consolidation. 	Yes
Direction 3.4 - Integrating Land Use and Transport	<p>Increasing the density of development within the walking catchment of transport nodes, namely the Parramatta Railway Station and Bus Interchange as well as implementing maximum car parking rates will support the viability of existing and proposed public transport services and reduce dependence on cars.</p>	Yes

Section	Comment	Consistent
Direction 3.5 – Development near Licensed Aerodromes	Bankstown Airport is subject to the <i>Federal Airports Act 1996</i> and the Airports (Protection of Airspace) Regulations 1996. Airspace above the Parramatta CBD is affected by operational requirements for this airport. A building that penetrates the Obstacle Limitation Surface (OLS) requires approval under that legislation, via the Commonwealth Department of Infrastructure and Regional Development. If the planning proposal is to proceed, it is expected that consultation with the Department of Infrastructure and Regional Development will be required.	Yes
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	With the exception of several small blocks, the majority of Parramatta City Centre (including the site) is affected by Class 4 or Class 5 Acid Sulfate soils. Despite this constraint, Parramatta has accommodated medium to high density development throughout the CBD. This application for a planning proposal acknowledges that the site is affected by Class 5 Acid Sulfate Soils. An Acid Sulfate Soils Management Plan may be required to support any future DA in accordance with the existing provisions of PLEP 2011. (Refer Section 4.1 of this report for excerpt of acid sulfate soils map)	Yes
Direction 4.3 - Flood Prone Land	The site is not identified as being flood-prone, as it is located outside of the 20- and 100-year Average Recurrence Interval (ARI) events, and is also outside of the Probable Maximum Flood (PMF) event. (Refer Section 4.1 of this report for excerpt of flood map)	Yes
6. Local Plan Making		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral requirements.	Yes
Direction 6.3 - Site Specific Provisions	This planning proposal proposes the addition of a site specific provision to be applied to the site that would: <ul style="list-style-type: none"> ○ Ensure appropriate transition to Heritage items and conservation areas ○ Provide for a minimum 1:1 commercial floor space, ○ Ensure 14.5:1 FSR is inclusive of Design Excellence bonus ○ Allow an additional 0.5:1 FSR provided that high-performing building standards are met (bringing total to 15:1) ○ Encourage additional 1.2:1 non-residential floor space ○ Clarify that high-performing buildings incentive FSR and additional 1.2:1 non-residential FSR are not subject to additional Design Excellence bonus, and ○ ensure parking is provided in accordance with Council's parking rates consistent with the CBD Planning Proposal. <p>The clause requiring a minimum of 1:1 of commercial floor space aims to ensure there is sufficient facilities and businesses to support the incoming resident population. The additional floor space not to be included as FSR seeks to further encourage non-residential development in the B4 zone.</p> <p>The Urban Design Report submitted demonstrates a design option that included 2.2:1 commercial floor space. A site specific clause ensures a minimum 1:1 commercial floor space with an additional 1.2:1 not included as part of FSR in accordance with Council's latest position.</p> <p>In relation to the maximum parking rates provision, a site specific provision would ensure that should the redevelopment of the site under the proposed controls commence prior to the gazettal of the CBD PP the maximum parking rates as endorsed by Council on 10 April 2017 will be consistent with the future CBD controls.</p> <p>This planning proposal is consistent with this Direction.</p> <p>Refer to Appendix 1 for an example of a potential draft site specific provision.</p>	Yes

Section	Comment	Consistent
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	As detailed in Section 3.2.1 of this report, the planning proposal is consistent with the directions, actions and priorities of a Plan For Growing Sydney.	Yes
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>The proposal with is consistent with the actions in the Interim Land Use and infrastructure Plan in that the proposal:</p> <ul style="list-style-type: none"> • Is in line with the Parramatta CBD proposal • Will contribute towards dwelling and employment targets within the Parramatta City Centre • Assist in the funding of infrastructure. 	Yes

3.3 Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is located within a highly modified urban environment and it is very unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Heritage;
- Urban Design and Built Form;
- Transport and Accessibility; and
- Overshadowing.

Heritage

The site is not listed as a heritage item or located within a heritage conservation area under the PLEP 2011. The site is not identified as having an Aboriginal or archaeological significance in the Parramatta DCP 2011 or Council's GIS data records.

The site is however, within proximity to the state heritage listed St John's Anglican Cemetery at 1 O'Connell Street (legal described as Lot 5, DP 1023282) referenced as Item #00049 in the PLEP 2011 (Refer Section 4.1 of this report).

A Heritage study was prepared by NBR Architecture in support of the proposal.

The study concluded that the proposed development is compatible with the wider setting of the heritage item and that the form of development is an appropriate one to define the western edge of the Parramatta CBD.

Key recommendations included:

- The significant vista along Airs Street to the central path of the cemetery will remain unaltered and should be reinforced in any final design proposal for the sites on either side of that street
- Adequate provision for street tree planting along the eastern side of O'Connell Street should form part of any final design resolution to re-establish a more landscaped setting for the Cemetery.

Refer to Heritage Study included at **Appendix 2**.

Council's heritage officer has reviewed the proposal and advised that while the planning proposal would facilitate development of a scale dramatically different to that currently on site, its lateral separation from and absence of overshadowing impact on St John's cemetery will not unacceptably impact upon the heritage values of this State listed site.

It is noted that this planning proposal has been considered in view of the CBD Planning Proposal framework, which establishes a 15:1 FSR (including an Opportunity Site bonus of 3:1 FSR) and no height control for this site. This is consistent with other B4 Mixed Use sites of sufficient size that are situated in this area of the CBD. These controls have been developed through an extensive planning process, and included a heritage study by consultants Urbis which considered the impact of proposed FSR controls on Heritage items within the CBD context. In light of the Council-endorsed policy position on Opportunity Sites, and this site's position within a relatively dense urban context, it is considered that the visual impacts on the nearby heritage item can be appropriately addressed during the Design Excellence and Development Application processes for this site. A provision requiring that development demonstrate appropriate transition to Heritage items and conservation areas is proposed; this is consistent with the CBD Planning Proposal for this site.

Urban Design and Built Form

The planning proposal is accompanied by a Reference Design prepared by PTI Architecture and Interiors and is included at **Appendix 3**.

The reference design includes a 3.5m wide setback along the O'Connell Street frontage of the site for potential road widening reservation identified by identified by the Roads & Maritime Service (RMS) and Transport for New South Wales (TfNSW) as part of the strategic transport planning for the CBD Planning Proposal.

The reference design provides a concept for 69 storey and 11 storey mixed-use buildings on the site that include the following features:

- 3-4-storey podium containing retail and commercial uses;
- 1 x 69-storey residential tower above podium and 1 x 11 storey residential tower;
- Separate entrances & lobby spaces for commercial/community and residential uses; and

- Basement car parking - area schedules indicate 377 car parking spaces over 6 levels.

Refer Figure 8 below for an illustration of the proposed development.

Broadly, the reference design has satisfactorily demonstrated that the site is able to accommodate the FSR being sought and indicates that a resulting development would be capable of complying with the ADG.

To ensure the final concept also responds to the context of the site and meets criteria for Opportunity Site FSR, a draft site-specific DCP has been prepared to provide more detailed built form guidelines to supplement the LEP controls.

Council's resolution on 9 April 2019 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.

In summary, the DCP seeks to achieve the following objectives:

- a) 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;
- b) 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
- c) Protect, frame and enhance the axial view corridor from the entry gate to St John's cemetery along Aird Street.

The main controls include:

- a) The street wall on O'Connell Street is to be set back 3.5 metres to allow for future road-widening;
- b) The ground level of the buildings must be set back 4.7 metres from O'Connell Street and 1.2 metres from Aird and Campbell Streets. (Note: this is demonstrated in Figures 2 and 3 of the draft DCP);
- c) The towers must be set back 6 metres from O'Connell Street and Aird Street and the tower adjoining 24 Campbell Street must align with the existing neighbouring building;
- d) The height of the street wall must be a minimum of 12.5 metres and a maximum of 21 metres from natural ground at footpath level and the height of the street wall must relate to the existing adjacent buildings;
- e) The lower tower referred to as building 2 is to be limited in height to 39 metres;
- f) The ground floor frontage should have active uses for a minimum of 70 per cent of its length; and
- g) The public domain on O'Connell Street must retain the existing street trees and provide new trees that will allow for the future road-widening.

The DCP will inform any future design competition brief for the site based on this planning proposal. As such, it is expected that the above issues will be addressed through the Design Excellence and DA process.

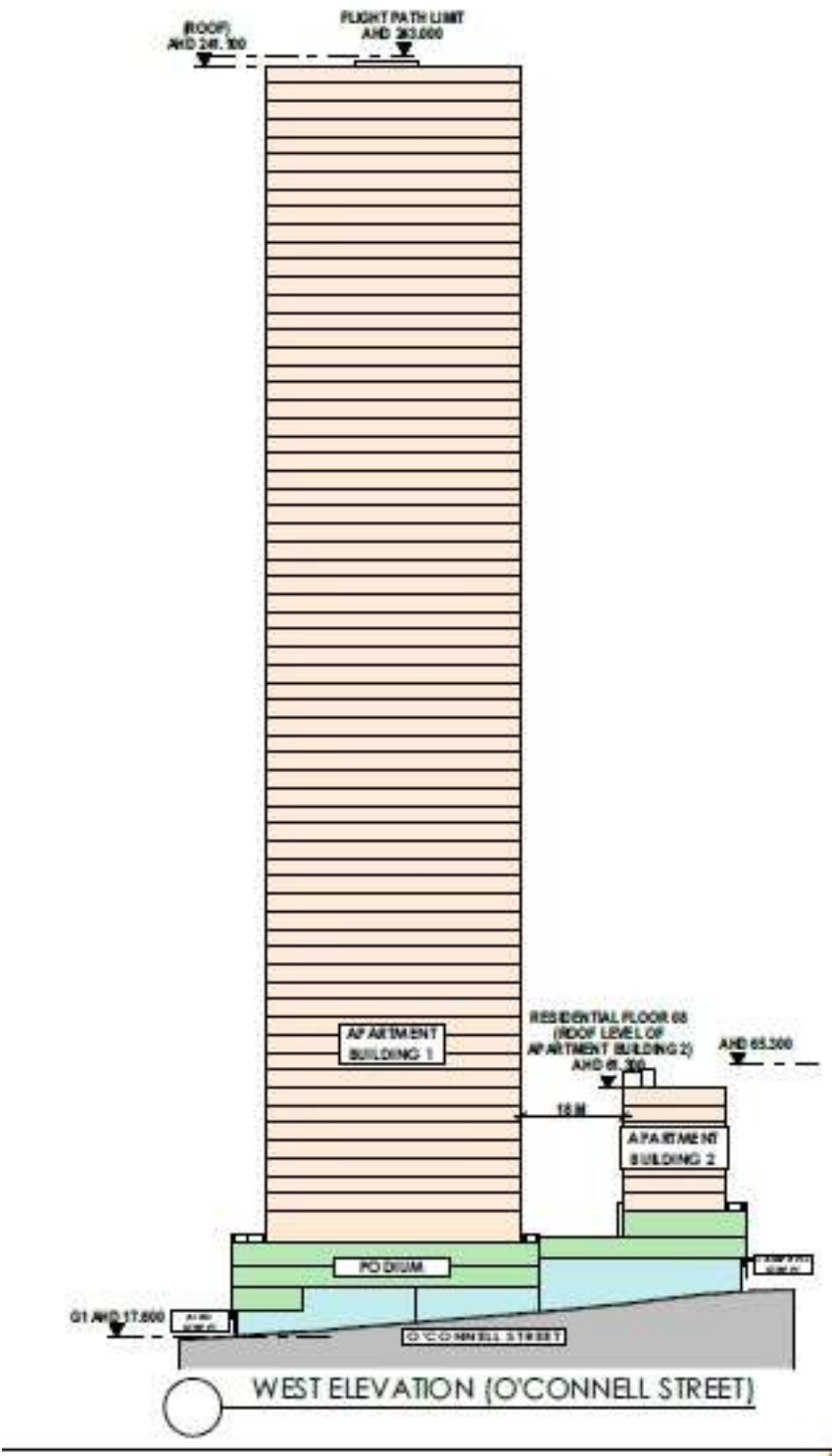


Figure 9: Reference design West Elevation

Transport and Accessibility

Council's traffic and transport team initially reviewed the planning proposal and advised that due to the status of the CBD Planning Proposal and uncompleted detailed traffic modelling that the maximum total parking provision on any site subject to a planning proposal within the CBD should be the same as if the development for the site was at an FSR of 10:1.

Since that referral was undertaken (February 2017), Council's resolved (10 April 2017) to endorse the Strategic Transport Study for the Parramatta CBD and include reduced parking rates in the CBD Planning proposal, pending results of the forthcoming mesoscopic study.

This resolution was in part to allow site-specific planning proposals to proceed ahead of the mesoscopic modelling. Council's traffic and transport team have advised that they agree with the approach of applying the endorsed rates to this planning proposal.

A site-specific clause to be included within PLEP 2011 (refer to **Appendix 1**). This will apply the following parking rates to the site:

Residential development

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	0.7 spaces/unit
1-bedroom	0.3 spaces/unit
Studio	0.1 spaces/unit

Commercial development (If the FSR > 3.5:1)

$$M = (G * A) / (50 * T)$$

where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (m²);

A = Site Area (m²);

T = Total GFA of all buildings on the site (m²)

The current preferred reference design indicates a total of 533 apartments; the unit mix and resulting maximum residential parking spaces under the Council-resolved rates are described in the table below.

Residential component

Type of Apartment	Spaces/unit	Units indicated in reference design	Total
3-bedroom	1 space/unit	70	70
2-bedroom	.7 spaces/unit	400	280
1-bedroom	.3 spaces/unit	63	18.9
		TOTAL	368.9 Round up to

		369
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The current reference design indicates 5,602 square metres of commercial floor space and . Applying the above formula to the current reference design yields a maximum of 5 car parking spaces for the commercial uses, as follows:

$$M = (G * A) / (50 * T)$$

$$M = (5,602 * 3283) / (50 * 52,678)$$

$$M = 18,391,366 / 2,633,900$$

$$M = 6.9 \text{ (round to 7)}$$

The total number of 376 car parking spaces indicated above (369 + 7 = 376) is comparable to the number of car parking spaces indicated on the detailed area schedule for the reference design (377 spaces). Nonetheless, it is proposed that a site-specific clause be applied to the site that can ensure compliance with the above maximum parking rates, as previously resolved by Council, as shown in the draft clause included as part of the Planning Proposal.

Please note: the above estimated maximum car parking rates apply to the current reference design, and may be altered during subsequent design competition and development application processes. However, the numbers above can be taken as an indication of the scale of the quantum of car parking that would be expected to result at this site. Determining the final number of approved car parking spaces is a matter for the development application stage.

Overshadowing

Condition no. 1(b) of the Gateway determination requires the Planning proposal to be amended to address the potential cumulative overshadowing impact on the northern section of the South Parramatta and Harris Park West heritage conservation areas. This should include an assessment of the impact of the proposed height of building, any approved surrounding buildings and the proposed increase in FSR and height under the Parramatta CBD planning proposal (inclusive of additional FSR provisions).

The reference design submitted by the applicant (refer to Appendix 3) includes shadow diagrams showing the overshadowing impacts at 9am, 12pm and 3pm on 21 June. (See Figures 9, 10 and 11 below).

The shadow diagrams indicate that there will be no overshadowing of the Harris Park west heritage conservation area or the South Parramatta heritage conservation area. While the Gateway determination does not refer to any other overshadowing locations, the Gateway determination issued on 14 December 2018 for the broader CBD Planning Proposal requires Council to assess the overshadowing impacts of the proposed controls on public open spaces surrounding the CBD. From Figures 9 and 10 below, it appears that the site-specific Planning Proposal has the potential to overshadow Ollie Web reserve to the south.

The shadow diagrams don't show the 10am or 11am shadows but it appears likely that the northern part of the reserve would be overshadowed some time between 9am and 11am. It is considered that this level of overshadowing would only affect the northern tip of the reserve and would be an acceptable level of overshadowing.

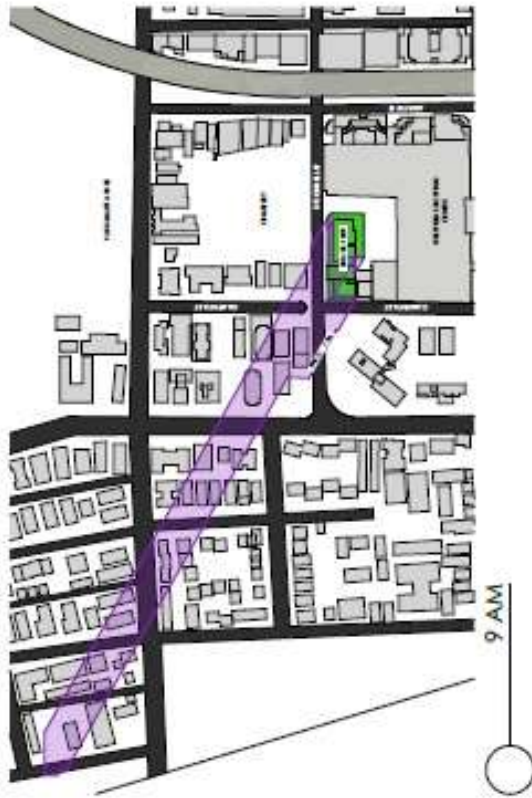


Figure 10: Shadows cast at 9am on 21 June (Source: Applicant's Reference Design)

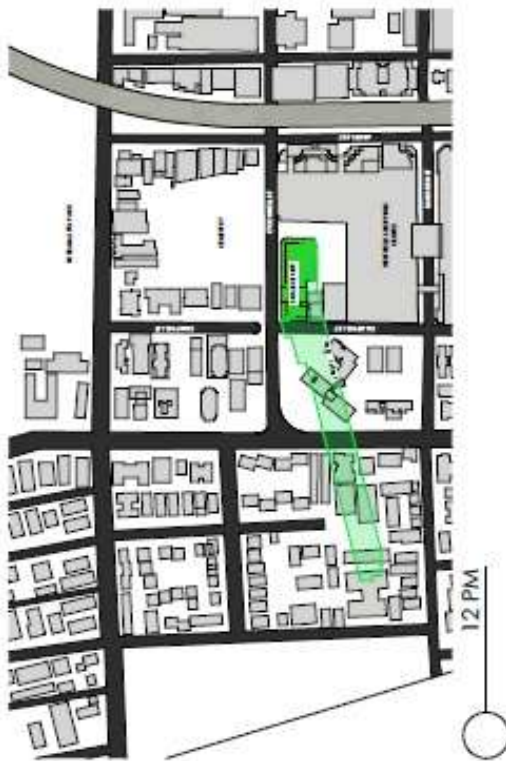


Figure 11: Shadows diagram cast at 12pm on 21 June (Source: Applicant's reference design)



Figure 12: Shadows cast at 3pm on 21 June (Source: Applicant's reference design)

3.3.3 How has the planning proposal adequately addressed any social and economic effects?

There is adequate justification for this planning proposal, which will facilitate an increase in density of housing and employment.

The commercial components of the development will contribute to the creation of employment and job opportunities in the Parramatta CBD.

The dominant residential use will deliver a range of housing options located in close proximity to public transport, recreation, employment and community facilities.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The site has good access to public transport being within 500 metres of the Parramatta Railway Station/Bus Interchange.

Contributions towards additional public infrastructure to cater for the incoming population will be facilitated through the VPA process, s94 contributions and State Infrastructure Contribution (SIC) currently being developed for the GPOP area.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Roads and Maritime Services

Condition 1(c) requires the Planning Proposal to address the requirements of the Roads and Maritime Services (RMS) in their submission dated 13 February 2018. The RMS sent a letter to the then Department of Planning and Environment (now known as the Department of Planning, Industry and Environment) regarding the Planning Proposal. In this letter, the RMS raised no objection to the Planning proposal in principle subject to a traffic and transport study being undertaken to assess the cumulative traffic impact as a result of the proposal and any other surrounding approved developments on the road network. More specifically, the submission notes that any future vehicular access from O'Connell Street would be denied and the vehicular access should be from Aird Street with the entry point being located as far as possible from the Aird Street/O'Connell Street traffic signals.

The reference design indicates two vehicular access points being from Aird Street and Campbell Street. The access from Aird Street is the primary access for the car parking basement levels. The access from Campbell Street is for the loading bay and service vehicles only. Both access points are located at the most eastern part of the site being furthest from the Aird Street/O'Connell Street traffic signals.

With regard to the request for a traffic and transport study, it is noted that the Planning Proposal proposes a density consistent with the CBD Planning Proposal. The CBD Planning Proposal is underpinned by several technical background studies including the Parramatta CBD Strategic Transport Study. The Study recommends maximum car parking rates which are reflected in the draft LEP provisions for the CBD Planning Proposal. These rates are included with this site-specific Planning Proposal (refer to Appendix 1).

Since the RMS made their original comments, the applicant has provided a revised reference design which complies with the lower car parking rates proposed to be applied and also applies a 3.5 metre wide road widening reservation on O'Connell Street. The 3.5 metre road widening is required under condition no. 1(d) of the Gateway determination.

This has seen a reduction in the car parking numbers from 537 to 377 (a reduction by 30%). As such, it is considered that the Planning Proposal is consistent with the CBD Planning Proposal and the traffic generation is addressed by the technical studies underpinning the broader CBD Planning Proposal. Notwithstanding, the Planning Proposal will be further referred to the RMS during the public exhibition period under Clause 3.34(2)(d) as discussed below and their comments considered by Council.

DIRD

The conditions of the Gateway determination issued by the Department of Planning, Industry and Environment require Council to consult with the federal Department of Infrastructure and Regional Development (DIRD) prior to community consultation. A letter was sent from Council to DIRD on 5 July 2019 providing consultation on the Planning Proposal.

In response to the consultation, Council received submissions from the Department of Infrastructure, Transport, Cities and Regional Development and Sydney Metro Airports. The

submissions are included as Appendix 4. A summary of the issues raised by the Department of Infrastructure, Transport, Cities and Regional Development is as follows:

- Any development on this site may require approval under the Airports (Protection of Airspace) Regulations 1996, including assessment by the Civil Aviation Safety Authority and Airservices Australia. Bankstown Airport (through Sydney Metro Airports) as well as Sydney Airport would be able to confirm the specific details of the relevant airspace above the site; and
- It is recommended that the proponent of this development continue to advise Bankstown and Sydney Airports of the planned final height of any buildings as well as any associated crane activities to ensure that any approvals that may be required under the Airports (Protection of Airspace) Regulations 1996 are obtained prior to construction commencing.

Sydney Metro Airports advised that a full aeronautical assessment is to be carried out before they can make comment and this would also need to be forwarded to Air Services and the Civil Aviation Safety Authority. Subsequent correspondence with Sydney Metro Airports confirmed that this level of assessment is appropriate at the Development Application stage (copy also included in Appendix 4)

The Gateway determination also requires the following State agencies to be consulted under section 3.34(2)(d) of the Act:

- Transport for NSW;
- Roads and Maritime Services;
- Office of Environment and Heritage – Heritage Division;
- Heritage Council of NSW;
- Federal Department of Infrastructure and Regional Development;
- Civil Aviation Safety Authority

This consultation will occur during the public exhibition period and the agencies will be given 21 days to comment as provided for in the Gateway determination.

PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DPI&E's guidelines on LEPs and Planning Proposals.

4.1 Existing controls

This section contains map extracts from *PLEP 2011* which illustrate the current controls applying to the site.

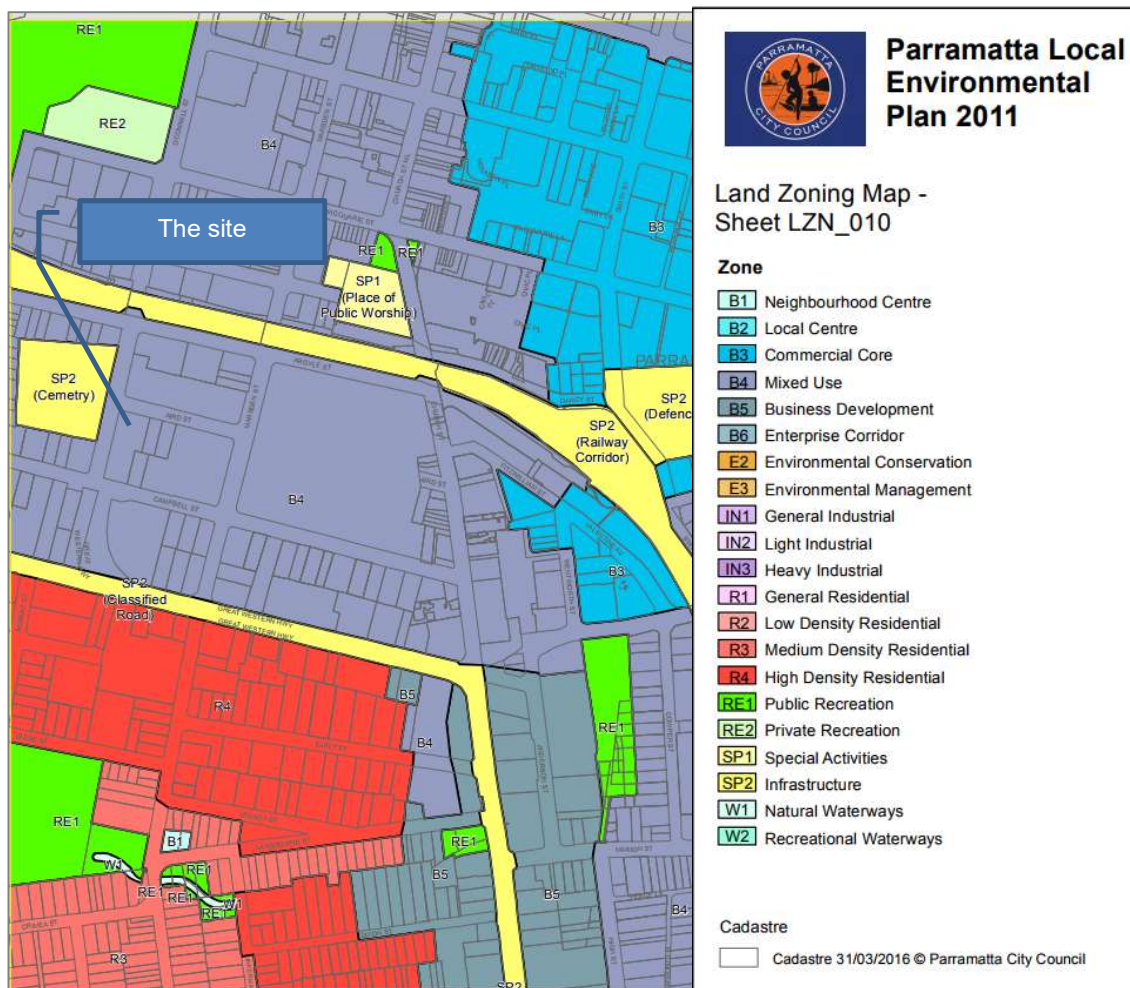


Figure 13 – Existing zoning extracted from the *PLEP 2011* Land Zoning Maps

Figure 13 above illustrates the existing B4 Mixed Use zone over the site. There is no proposed change to the zone.

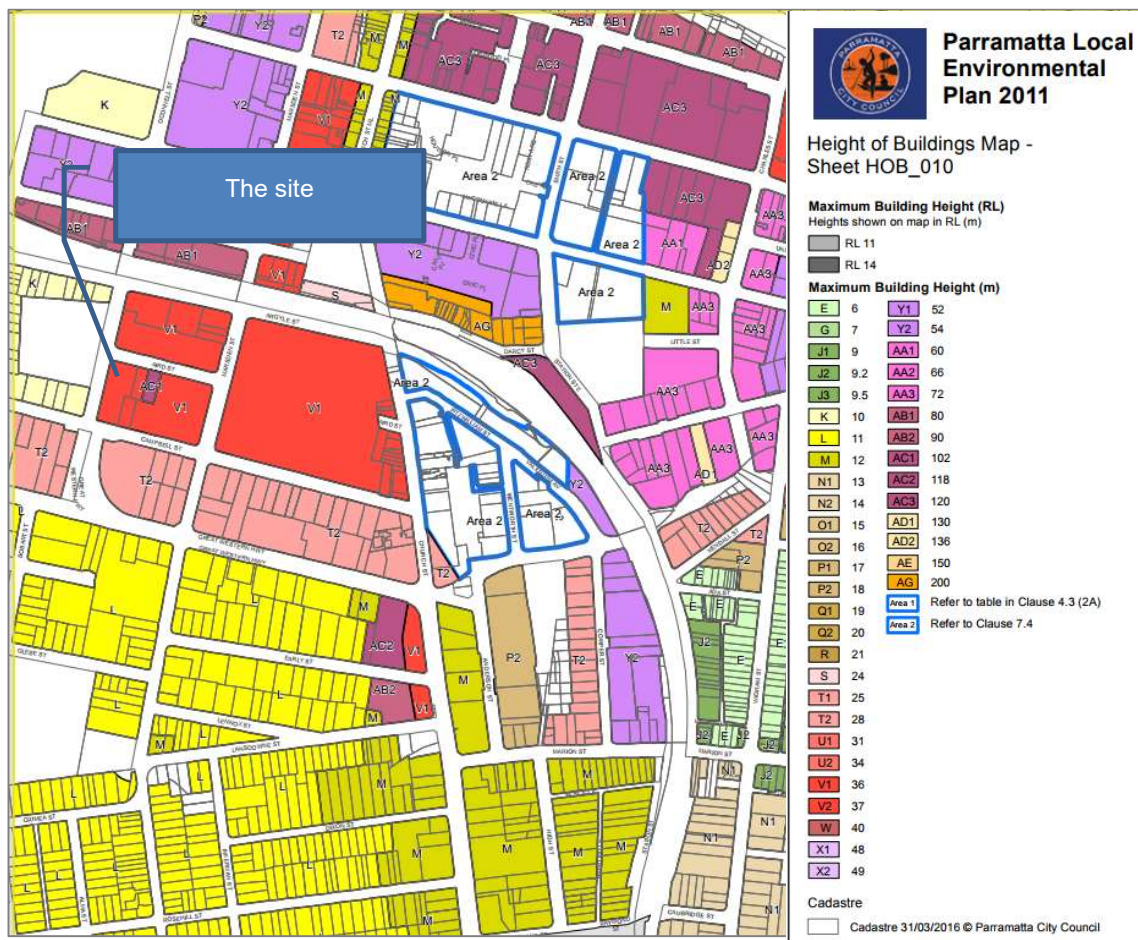


Figure 14 – Existing building heights extracted from the PLEP 2011 Height of Buildings Maps

Figure 14, above illustrates the existing 36m metre height restriction which applies to the site.

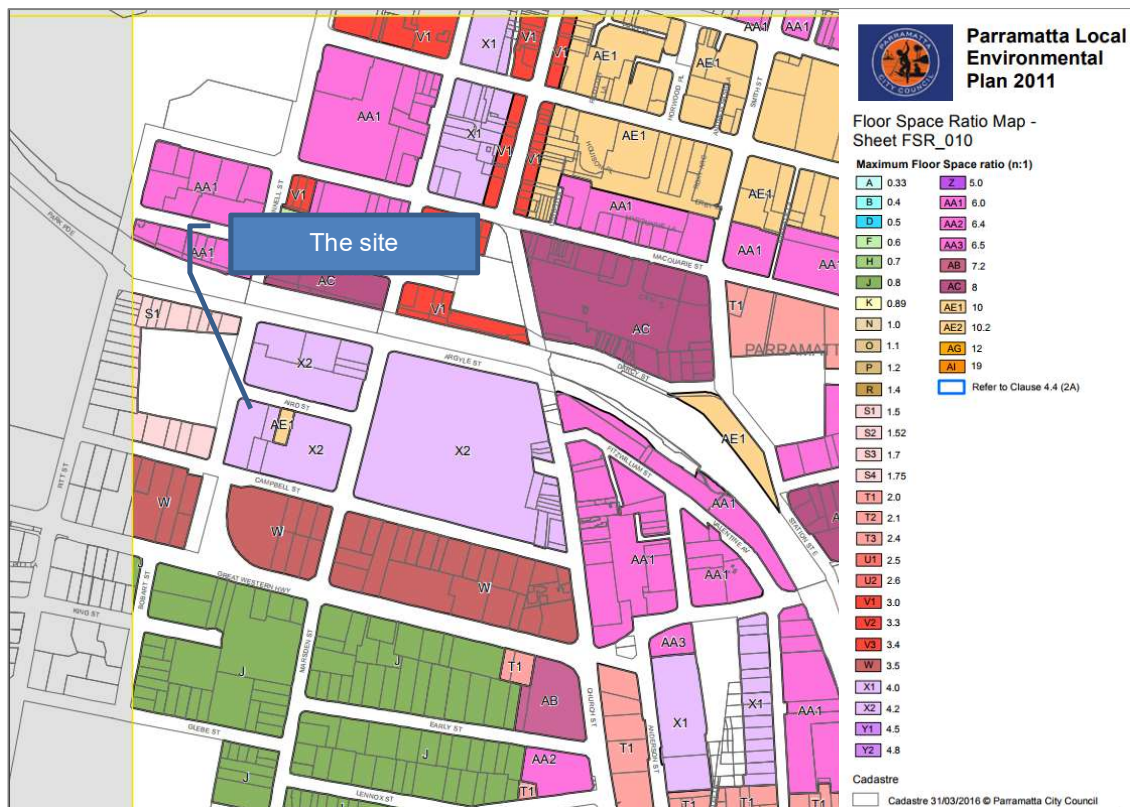


Figure 15 – Existing floor space ratio extracted from the PLEP 2011 Floor Space Ratio Map

Figure 15, above illustrates the existing FSR of 4.2:1 which applies to the site.

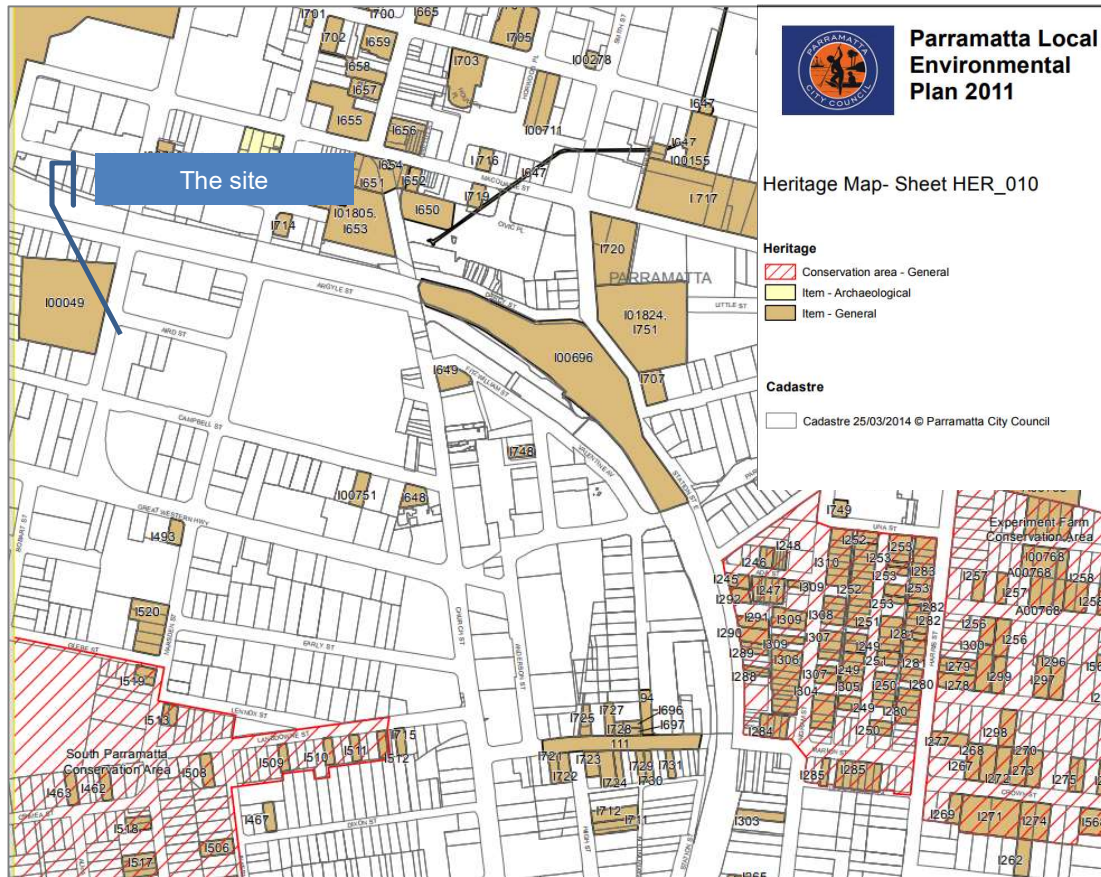


Figure 16 – Existing heritage items extracted from the PLEP 2011 Heritage Maps

Figure 16 above illustrates the heritage items in the locality.

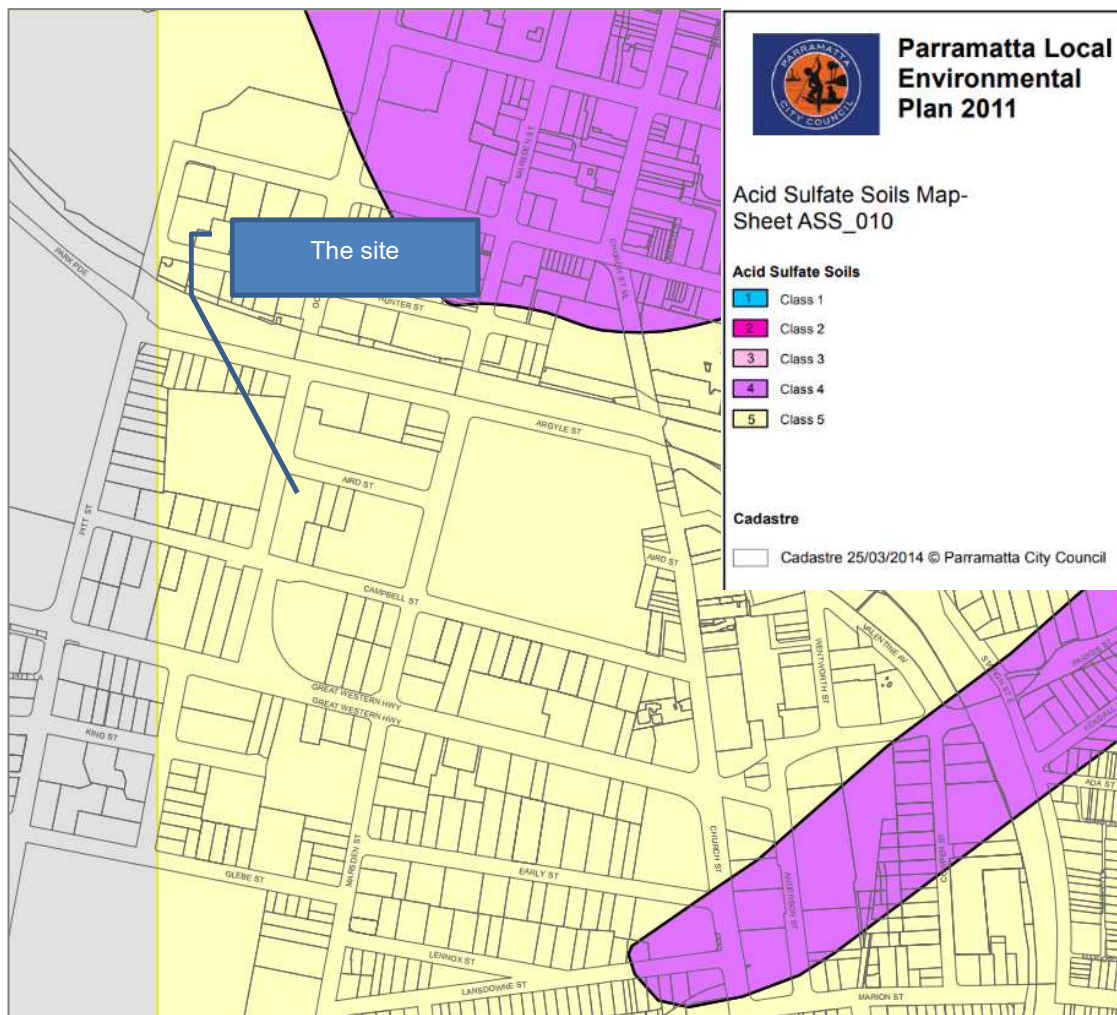


Figure 17 – Existing acid sulfate soils extant extracted from the *PLEP 2011* Acid Sulfate Soils Map

Figure 17 above illustrates the site is identified as Class 5 Acid Sulfate Soils.

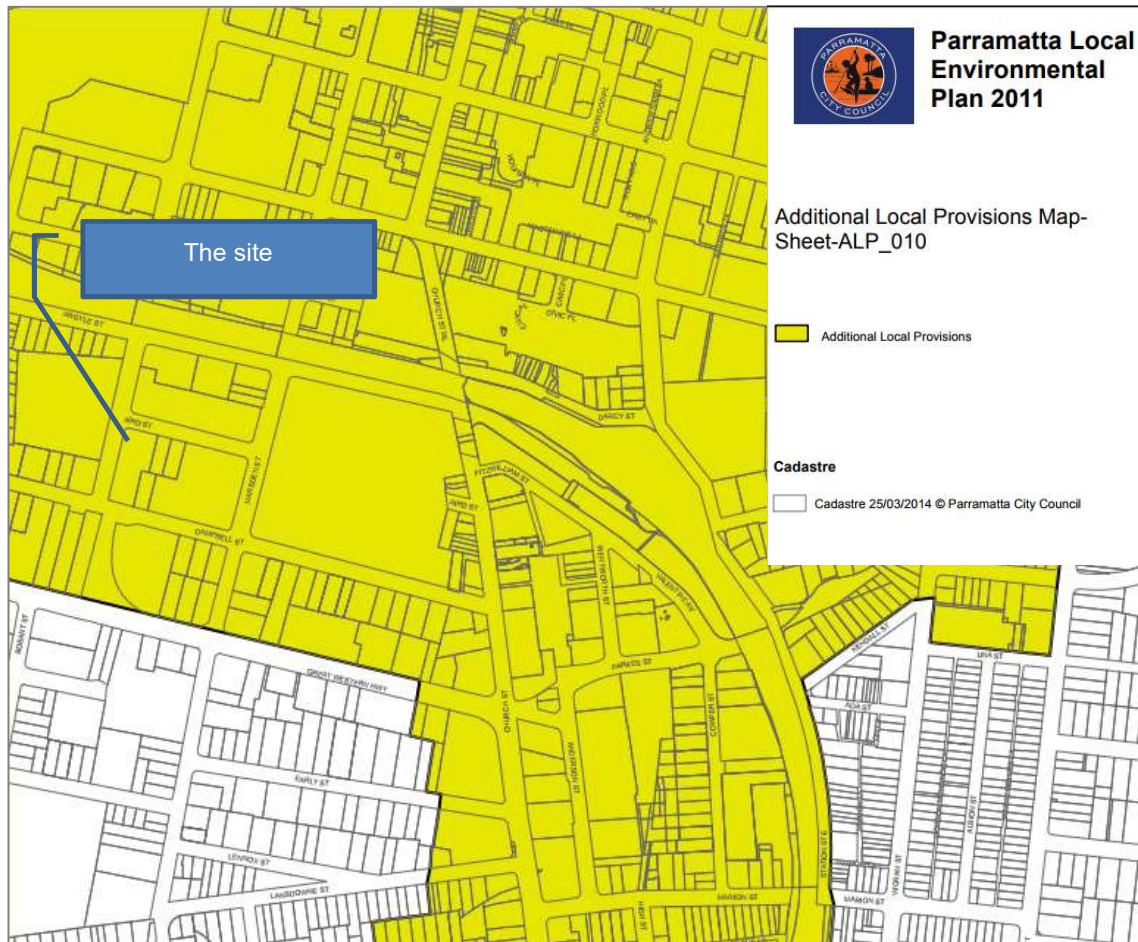


Figure 18 – Additional local provisions map from the *PLEP 2011* Additional Local Provisions Ma

Figure 18 above illustrates the site is subject of additional local provisions.

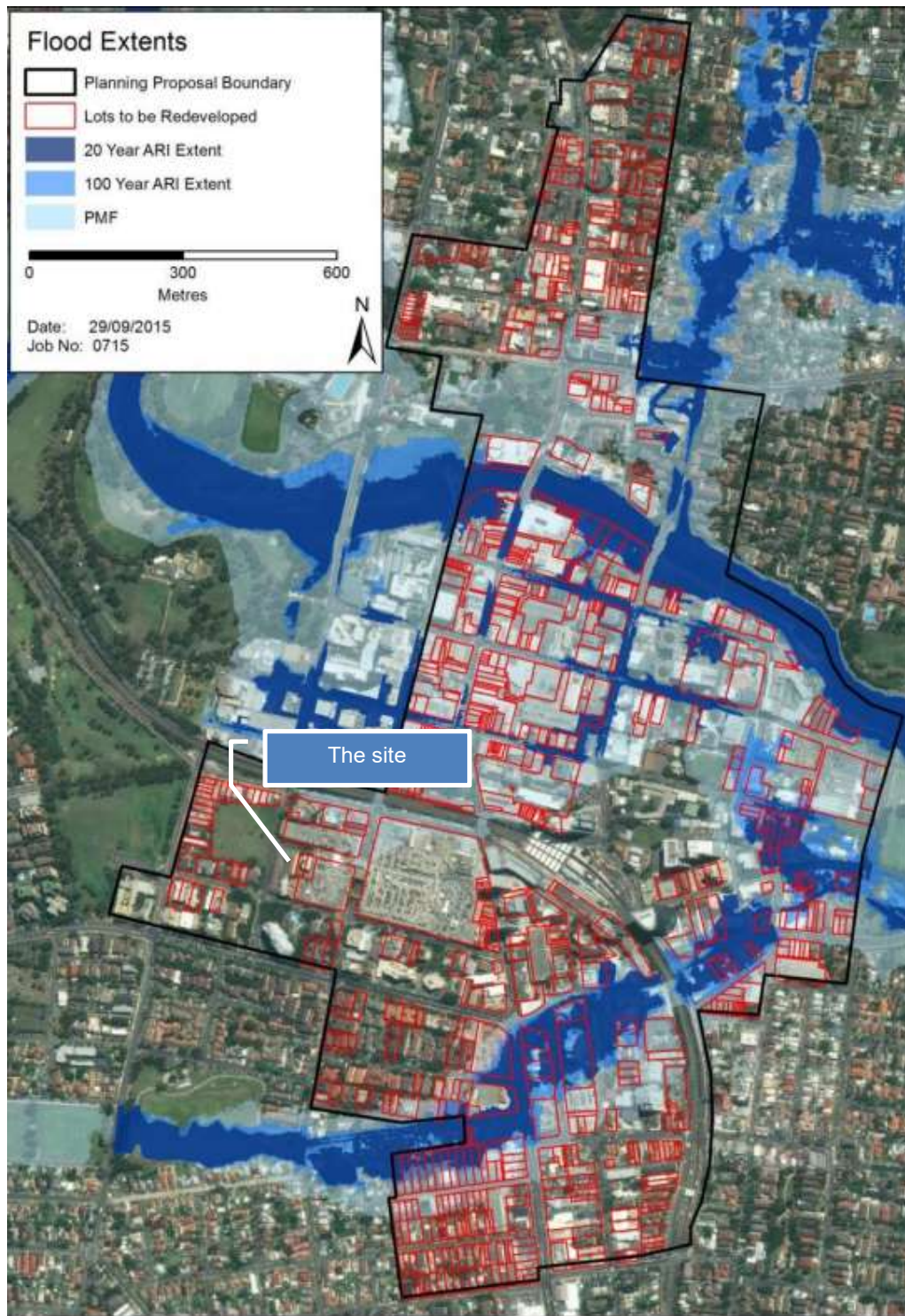


Figure 19 – Existing flooding extant extracted from the Draft Updated Parramatta Flood Risk Management Plans

Figure 19 above illustrates the site is not affected by flooding constraints.

4.2 Proposed controls

The figures in this section (Figures 10 and 11) illustrate the proposed building height and floor space ratio controls sought by this planning proposal.

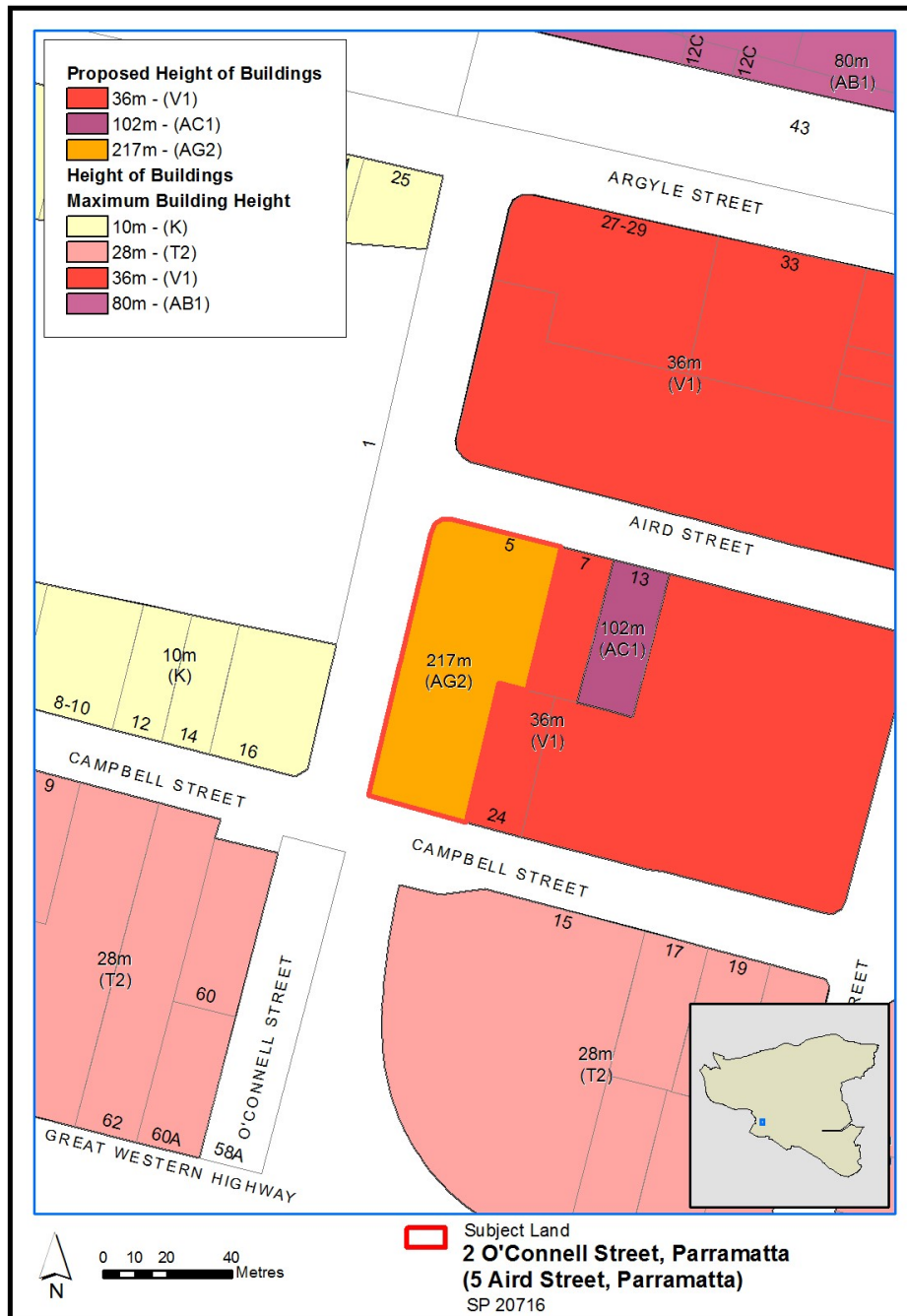


Figure 20 – Proposed amendment to the PLEP 2011 Height of Building Map

Figure 20 above illustrates the proposed 217m maximum building height.

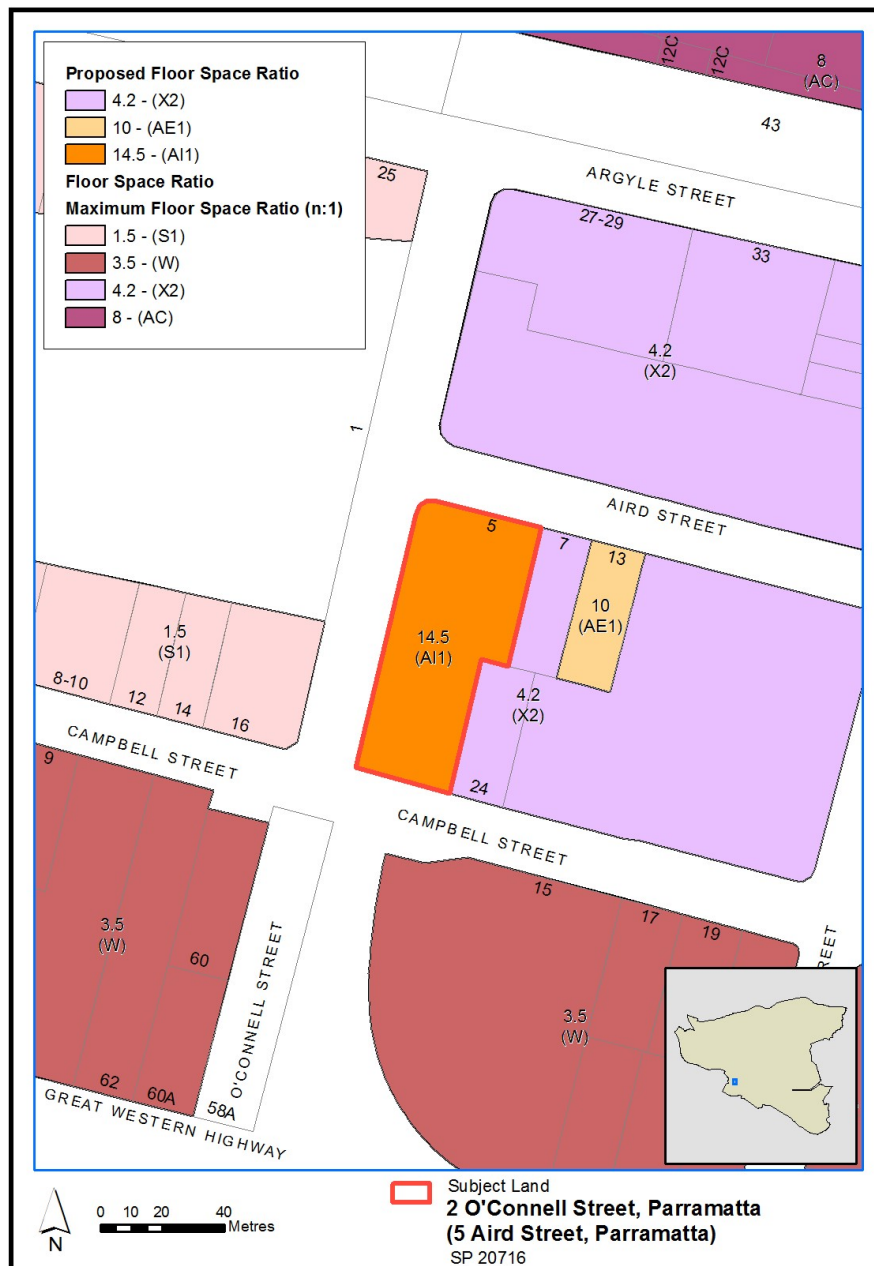


Figure 21 – Proposed amendment to the PLEP 2011 Floor Space Ratio Map
 Figure 21 above illustrates the proposed 14.5:1 FSR over the site.

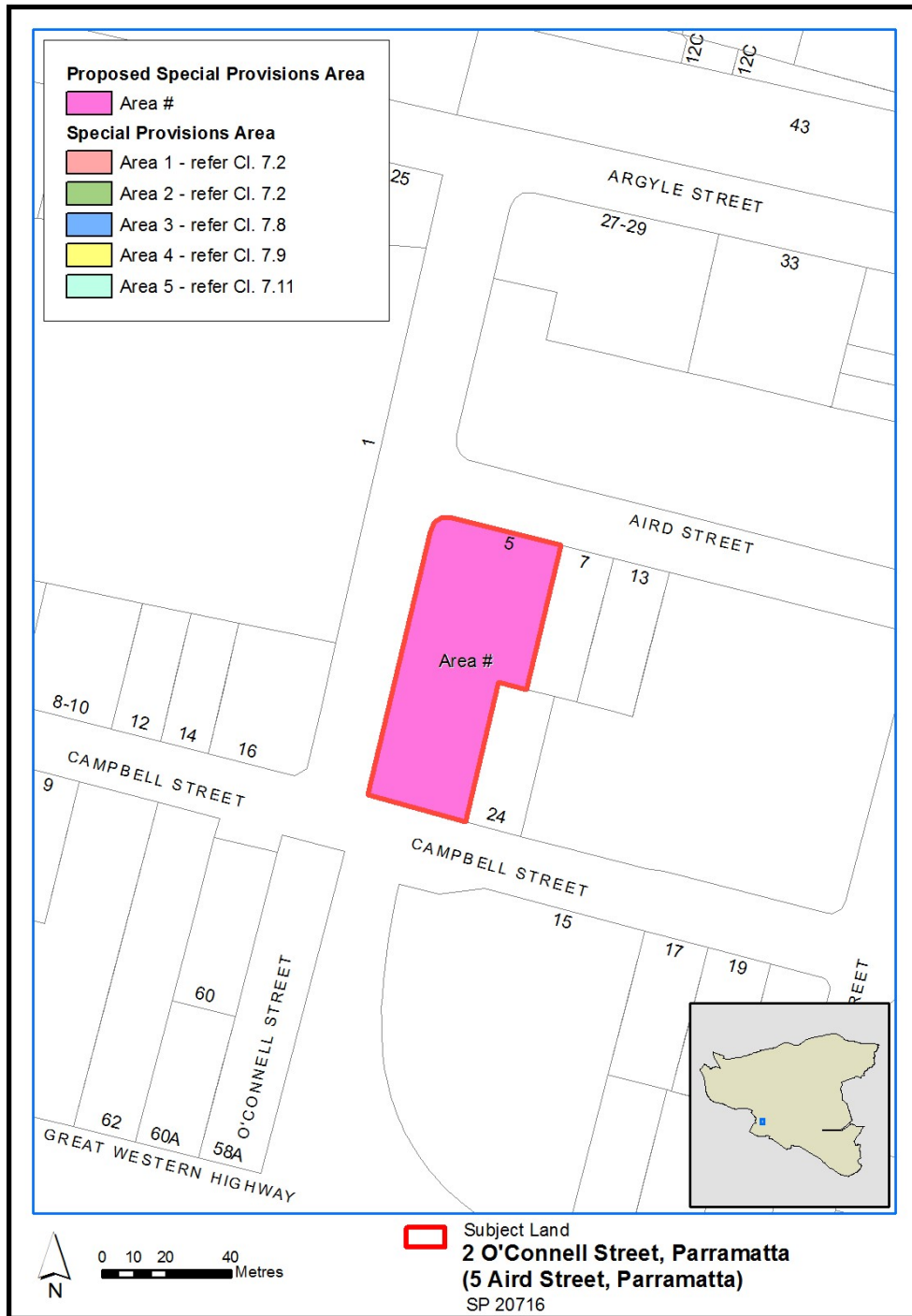


Figure 22 – Proposed amendment to the PLEP 2011 Special Provisions Map

Figure 22 above illustrates the proposed addition of “Area #” to the Special Provisions Map, to which a new site specific “Clause 7.#”¹ will apply.

¹ The Clause number will be determined prior to the gazettal of the amendment to PLEP 2011.

PART 5 – COMMUNITY CONSULTATION

In accordance with Section 57(2) of the *EP&A Act 1979*, the planning proposal (as revised to comply with the determination under section 3.34(1) and in a form approved by the Secretary) is to be made publicly available during the period of community consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

The gateway determination specifies the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

PART 6 – PROJECT TIMELINE

The detail around the project timeline is expected to be prepared following the referral to the Minister for a Gateway Determination.

The following steps are anticipated:

- Referral to Minister for a Gateway determination (September 2017)
- Resubmission to Department of Planning and Environment (March 2018)
- Referral to the Minister for review of the Gateway Determination (April 2018)
- Gateway Determination Issued (May 2018)
- Exhibition and referral (January/February 2020)
- Consideration of submissions (March 2020)
- Consideration of proposal post exhibition and reporting to Council (April 2020)
- Submission to the Department to finalise the LEP (May 2020)
- Notification of instrument (June 2020)

Appendix 1 – Draft Site-specific clause

Potential Draft Clauses to be included in the Parramatta LEP.

Note: The clauses are draft only to demonstrate the intent of the clauses and may be amended post-exhibition as part of the legal drafting process and prior to this amendment coming into force.

Clause 7.14 (1)(#) SP 20716, 2 O'Connell Street, Parramatta

(Note: the effect of the above clause would be to apply the existing car parking provisions within Clause 7.14 to the site. The rates within the existing clause are included below for information purposes).

- (1) The maximum parking rates for any development proposed under this clause are as follows:*
- a. The maximum parking rates which apply to any part of the building used as a dwelling are:*
 - i. For each studio dwelling – 0.1 spaces, and*
 - ii. For each 1 bedroom dwelling – 0.3 spaces, and*
 - iii. For each 2 bedroom dwelling – 0.7 spaces, and*
 - iv. For each 3 or more bedroom dwelling – 1 space.*
 - b. The maximum parking rates for any part of a building used for the purposes of commercial or community uses is established by the following formula:*

$$M = (G \times A) / (50 \times T)$$

Where:

M is the maximum number of parking spaces,

G is the gross floor area of all commercial and community uses in the building in square metres, and

A is the site area in square metres, and

T is the total gross floor area of all buildings on the site in square metres.

Clause 7.# Development on land at 2 O'Connell Street, Parramatta

- (2) This clause applies to land at 2 O'Connell Street, Parramatta, Parramatta, legally known as SP 20716 and identified as "Area #" on the Special Provisions Area map.
- (3) Any development involving the construction of a new building proposed under this clause must include:

 - a. Commercial floor space of at least 1:1 floor space ratio **within the 14.5:1 floor space ratio provision**; and
 - b. The development is able to demonstrate an appropriate transition to any heritage items or conservation areas.
- (4) Despite Clause 7.10(8):

 - a. the maximum FSR outlined on the Floor Space Ratio map is inclusive of any Design Excellence incentive floor space.
 - b. The maximum height outlined on the Height of Buildings maps is inclusive of any Design Excellence incentive height
- (5) Nothing in Clause (4) above exempts the development from the requirements of Clause 7.10 relating to the Design Excellence process**

- (6) The consent authority may grant consent to a development including additional 0.5:1 FSR beyond the maximum FSR outlined on the Floor Space Ratio map provided that the following High Performing Buildings standards are met:
- a. Any part of the building used for office premises must comply with the following standards:
 - i. The energy target is a maximum 140 kg/m² per year.
 - ii. The water target is a maximum 0.65 kL/m² per year.
 - b. Any part of a mixed use development which is used for commercial premises must comply with the following standards:
 - i. The energy target is a maximum 140 kg/m² per year.
 - ii. The water target is a maximum 0.65 kL/m² per year.
 - c. Any part of the building used for retail premises (if the total retail premises gross floor area of the development is 5,000 square metres or greater) must comply with the following standards:
 - i. The energy target is a maximum 100 kg/m² per year
 - ii. The water target is a maximum 0.95 kL/m² per year
 - d. Any part of the building used for a dwelling must comply with the following standards:
 - i. The energy target is a minimum 10-point increase in the BASIX score compared to current requirements.
 - ii. The water target is a minimum 10-point increase in the BASIX score compared to current requirements.
 - e. A report prepared by a qualified consultant is provided to the satisfaction of the Council which verifies that, if all of the commitments relating to the building design (namely the building form and layout) listed in the report are fulfilled, the development will comply with all of the targets which apply to the development under subclause 7.xx(4), as the case may require.
- (7) The consent authority may grant consent to a development including additional 1.2 non-residential floorspace (beyond the 1:1 minimum commercial floorspace required in 7.xx(2)(a)) which may be excluded from the maximum floorspace otherwise described on the FSR map and in this clause, and
- (8) The additional floor space referred to in sub-clauses 7.xx(4) and 7.xx(5) above are not subject to a Design Excellence incentive floor space or height as outlined in Clause 7.10(8)
- (9) Notwithstanding the provisions of Clause 2.3, the land uses that are permissible within the non-residential component of the building are limited to commercial premises.

Note: As required by condition no. 1(e)(iv) of the Gateway determination, the site will be subject to Clause 7.6 Airspace Operations.

Note: As required by condition no. 1(f) of the Gateway determination, it is intended to include a clause that requires the application of a satisfactory arrangements clause to enable contributions towards the funding of state infrastructure. A similar clause for other sites exists within the Parramatta Local Environmental Plan 2011 under Clause 8.1 and 8.1A.

Appendix 2 – Heritage Study

Refer to separate attachment.

Appendix 3 – Urban Design Report and Reference Designs

Refer to separate attachment.

Appendix 4 – Submissions from federal Department of Infrastructure, Transport, Cities and Regional Development and Sydney Metro Airports

Refer to separate attachment.



Prepared by City of Parramatta

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