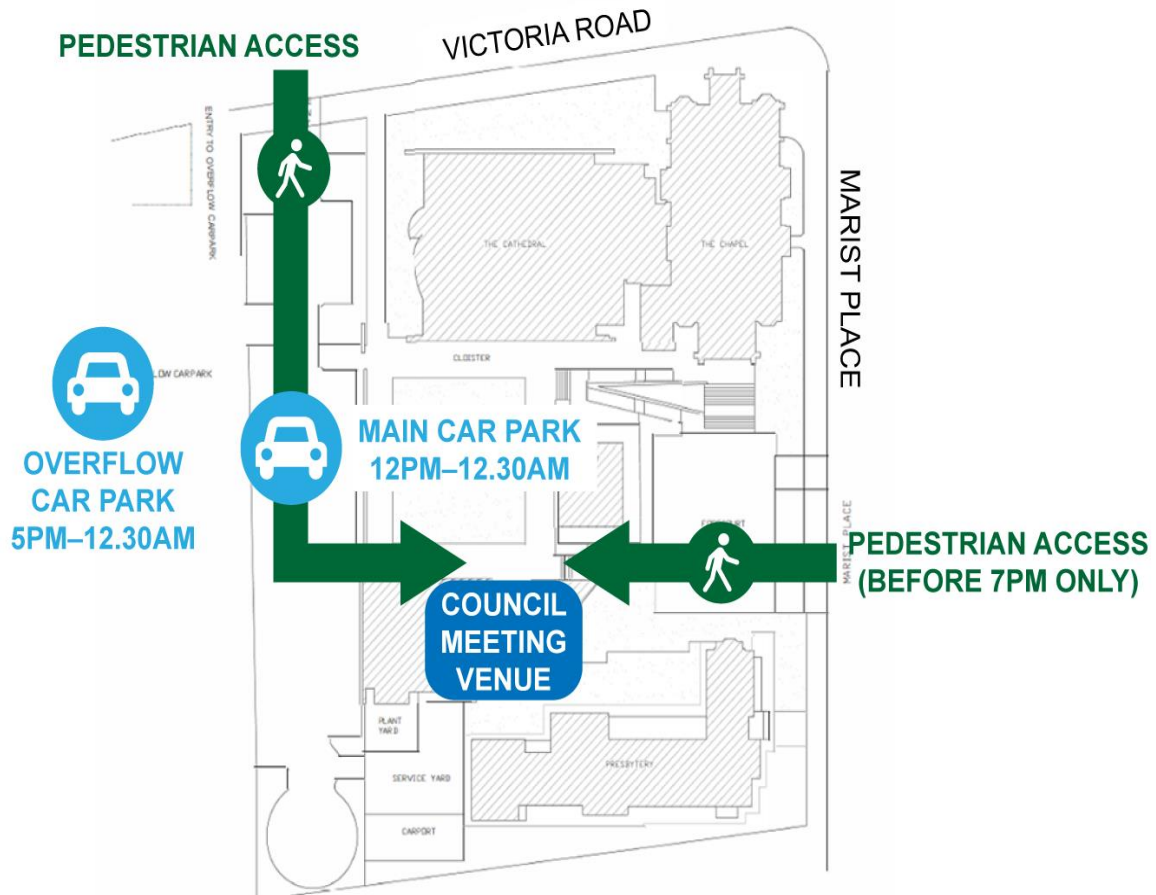


NOTICE OF COUNCIL MEETING

PUBLIC AGENDA

An Ordinary Meeting of City of Parramatta Council will be held in the Cloister Function Rooms, St Patrick's Cathedral, 1 Marist Place, Parramatta on Monday, 21 February 2022 at 6:30pm.

Brett Newman
CHIEF EXECUTIVE OFFICER



Contact us:

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COUNCIL CHAMBERS

Governance
Manager

Lord Mayor
Cr Donna
Davis

Chief
Executive
Officer

Minute Clerk

Cr Phil
Bradley

Cr Sameer
Pandey,
Deputy Lord
Mayor

Cr Paul
Noack

Cr Ange
Humphries

Cr Dr Patricia
Prociv

Cr Pierre
Esber

Cr Cameron
Maclean

Cr Lorraine
Wearne

Cr Donna
Wang

Cr Michelle
Garrard

Cr Dan
Siviero

Cr Henry
Green

Cr Kellie
Darley

Cr Georgina
Valjak

Sound

IT

Executive
Director City
Engagement &
Experience

Executive
Director
Community
Services

Executive
Director City
Planning &
Design

Group Manager
City Strategy

Executive
Director City
Assets &
Operations

Executive
Director
Corporate
Services

Executive
Director
Property and
Place

Press

Press

Public Gallery

STATEMENT OF ETHICAL OBLIGATIONS:

In accordance with clause 3.23 of the Model Code of Meeting Practice, Council is obligated to remind Councillors of the oath or affirmation of office made under section 233A of the Local Government Act 1993, and of their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest – the ethical obligations of which are outlined below:

Obligations	
Oath [Affirmation] of Office by Councillors	I swear [solemnly and sincerely declare and affirm] that I will undertake the duties of the office of Councillor in the best interests of the people of the City of Parramatta Council and the City of Parramatta Council that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.
Code of Conduct Conflict of Interests	
Pecuniary Interests	<p>A Councillor who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council at which the matter is being considered, must disclose the nature of the interest to the meeting.</p> <p>The Councillor must not be present at, or in sight of, the meeting:</p> <ol style="list-style-type: none"> At any time during which the matter is being considered or discussed, or At any time during which the Council is voting on any question in relation to the matter.
Non-Pecuniary Conflict of Interests	A Councillor who has a non-pecuniary conflict of interest in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
Significant Non-Pecuniary Conflict of Interests	A Councillor who has a significant non-pecuniary conflict of interest in relation to a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.
Non-Significant Non-Pecuniary Interests	A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.

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16 CLOSED SESSION**16.1 Legal Status Report as at 31 January 2022**

This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

16.2 Expression of Interest for Vacant Space at 6 Valentine Avenue, Parramatta (Valentine Avenue Substation)

This report is confidential in accordance with section 10A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

16.3 Re-determine Organisation Structure (Senior Staff Positions)

This report is confidential in accordance with section 10A (2) (a) of the Local Government Act 1993 as the report contains personnel matters concerning particular individuals.

17 PUBLIC ANNOUNCEMENT OF RESOLUTIONS PASSED IN CLOSED SESSION**18 CONCLUSION OF MEETING**

After the conclusion of the Council Meeting, and if time permits, Councillors will be provided an opportunity to ask questions of staff.

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE CLOISTER FUNCTION ROOMS, ST PATRICK'S CATHEDRAL 1 MARIST PLACE, PARRAMATTA ON MONDAY, 7 FEBRUARY 2022 AT 6:30PM

These are draft minutes and are subject to confirmation by Council at its next meeting. The confirmed minutes will replace this draft version on the website once confirmed.

PRESENT

The Lord Mayor, Councillor Donna Davis and Councillors Phil Bradley, Kellie Darley, Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Paul Noack, Sameer Pandey, Dr Patricia Prociv, Dan Siviero, Georgina Valjak, Donna Wang and Lorraine Wearne.

1. OPENING MEETING

The Lord Mayor, Councillor Donna Davis, opened the meeting at 6:32pm.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

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

3. WEBCASTING ANNOUNCEMENT

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

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

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

As per Council's Code of Meeting Practice, the recording of the Council Meeting by the public using any device, audio or video, is only permitted with Council permission. Recording a Council Meeting without permission may result in the individual being expelled from the Meeting.

5. CONFIRMATION OF MINUTES

SUBJECT: Minutes of the Council Meeting held on 22 November 2021

3625 RESOLVED (Garrard/Pandey)

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

SUBJECT: Minutes of the Council Meeting held on 10 January 2022

3626 RESOLVED (Esber/Garrard)

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

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

3627 RESOLVED (Garrard/Bradley)

That the request to attend the Ordinary Council Meeting dated 7 February 2022 via remote means submitted by the following Councillors due to personal reasons, be accepted:

- Councillor Lorraine Wearne.

7. DECLARATIONS OF INTEREST

Councillor Darley declared a non-pecuniary and less than significant interest in Item 13.7 – Post Exhibition – Planning Proposal for land at 64 Victoria Road, North Parramatta being that she has visited the Patisserie and posted and shared her experience on social media. She remained in the Chamber during debate and voting on the matter.

Councillor Green declared a non-pecuniary but significant interest in Item 17.1 – Tender 23/2021 Hygiene Services being that he uses the services of this company for one of his properties. He retired from the meeting prior debate and voting on the matter.

8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT Condolence Motion: Arnima Hayat

REFERENCE F2021/02779 - D08406248

REPORT OF Lord Mayor, Councillor Donna Davis

3628 RESOLVED (Davis/Pandey)

(a) **That** Council acknowledge the passing of Arnima Hayat and observe a minute's silence in respect of her passing, and in recognition of all those who have lost their lives due to domestic and family violence.

(b) **Further, that** Council note the Parramatta Cumberland Family and Domestic Violence Prevention Committee is hosting a community candlelight vigil in memory of Arnima on Thursday, 10 February 2022.

Note: Council observed a minute's silence.

8.2 SUBJECT Condolence Motion: Peggy McGovern

REFERENCE F2021/02779 - D08405668

REPORT OF Lord Mayor, Councillor Donna Davis

3629 RESOLVED (Davis/Green)

- (a) **That** Council acknowledge the passing of Peggy McGovern, long time member of and teacher at the City of Parramatta Art Society.
- (b) **Further, that** the Chamber hold a minute's silence as a gesture of respect on Mrs McGovern's passing and in recognition of her contributions to the Parramatta community.

Note: Council observed a minute's silence.

8.3 SUBJECT Condolence Motion: Most Reverend Bishop Joseph Hitti

REFERENCE F2021/02779 - D08407937

REPORT OF Lord Mayor, Councillor Donna Davis

3630 RESOLVED (Davis/Esber)

- (a) **That** Council note the passing of the Most Reverend Bishop Joseph Hitti, Maronite Bishop Emeritus of Australia, on 3 February 2022.
- (b) **That** Council write to Our Lady of Lebanon Co-Cathedral and Bishop Antoine-Charbel Tarabay OLM to pass on our condolences.
- (c) **That** Council note a mass in his memory will be held on Thursday 10 February 2022 at 6pm at Our Lady of Lebanon Co-Cathedral, Harris Park.
- (d) **Further, that** Council observes a minute's silence in respect of his passing.

Note: Council observed a minute's silence.

8.4 SUBJECT 2022 Australia Day Honours

REFERENCE F2021/02779 - D08405422

REPORT OF Lord Mayor, Councillor Donna Davis

3631 RESOLVED (Davis/Pandey)

- (a) **That** Council congratulate the following recipients of the Order of Australia's 2022 Australia Day Honours for their contributions to the Parramatta community, being:
 - a. Member (AM) in the General Division

- i. Ms Sally Ruston AM
- ii. The Very Reverend Father Peter Gregory Williams AM
- b. Medal (OAM) in the General Division
 - i. Clinical Professor Catherine Birman OAM
 - ii. Miss Patricia D'Apice OAM
 - iii. Mr Greg Davies OAM
 - iv. Dr Peter Ellis OAM
 - v. Professor Elizabeth McCusker OAM
 - vi. Dr Rosalie Pockett OAM
 - vii. The late Mr Brian Powyer OAM
- c. Public Service Medal (PSM) – COVID-19 Honour Roll
 - i. Professor Dominic Dwyer, Director of the ICPMR Centre for Infectious Diseases at Westmead Hospital.

- (b) **Further, that** Council congratulate Dr Daniel Nour, founder of Street Side Medics, who was recognised as Australia's Young Australian of the Year in the 2022 Australian of the Year Awards.

8.5 SUBJECT 2021 Higher School Certificate Results

REFERENCE F2021/02779 - D08406527

REPORT OF Lord Mayor, Councillor Donna Davis

3632 RESOLVED (Davis/Bradley)

- (a) **That** Council note the success of local schools in the 2021 NSW Higher School Certificate (HSC), with the following City of Parramatta schools recognised in the top 150 schools Honour Roll:
- a. James Ruse Agricultural High School (1)
 - b. Tara Anglican School for Girls (34)
 - c. The King's School (51)
 - d. Parramatta Marist High School (53)
 - e. Arden Anglican School (71)
 - f. Our Lady of Mercy Parramatta (99)
 - g. Cumberland High School (110)
 - h. Maronite College of the Holy Family – Parramatta (112)
 - i. St Patrick's Marist College (129)
 - j. Carlingford High School (133)
 - k. Redeemer Baptist School (136).
- (b) **That** Council note the following local students achieved first place in an HSC course, and achieved a result in the highest band (Band 6 or Band E4):
- a. Oscar Dong, James Ruse Agricultural High School, in Agriculture
 - b. Piper Stenz, Arden Anglican School, in Industrial Technology
 - c. Kevin Wang, The King's School, in Mathematics Advanced
 - d. Faeza Karimi, Secondary College of Languages Arthur Phillip Campus, in Persian Continuers.

- (c) **Further, that** Council write to these local schools to congratulate them on their success, and to recognise the resilience of their students and teachers as they undertook Years 11 and 12 and the HSC exams in the midst of the COVID-19 pandemic.

8.6 SUBJECT Congratulations Felicity Castagna

REFERENCE F2021/02779 - D08407026

REPORT OF Lord Mayor, Councillor Donna Davis

3633 RESOLVED (Davis/Prociv)

- (a) **That** Council congratulates local author Felicity Castagna for winning the 2022 Victorian Premier's Literary Award for Writing for Young Adults for her novel *Girls in Boys' Cars*.
- (b) **Further, that** Council write to Felicity Castagna congratulating her on this achievement.

MATTER OF URGENCY

3634 RESOLVED (Esber/Pandey)

That a procedural motion be granted to allow consideration of a matter of urgency to permit Councillors to make an inaugural speech at the meeting.

The Lord Mayor ruled the matter urgent.

3635 RESOLVED (Esber/Pandey)

That Councillors be permitted to make an inaugural speech at the meeting.

Note:

1. **Councillor Wearne left the Chamber at 7:08pm and returned at 7:28pm during the consideration of the matter of urgency.**
2. **Councillor Garrard left the Chamber at 7:28pm and returned at 7:28pm during the consideration of the matter of urgency.**
3. **Councillor Darley left the Chamber at 7:36pm and returned at 7:37pm during the consideration of the matter of urgency.**

MATTER OF URGENCY

3636 RESOLVED (Siviero/Garrard)

That a procedural motion be granted to allow consideration of a matter of urgency in relation to the volcano eruption in Tonga.

The Lord Mayor ruled the matter urgent.

MOTION (Siviero/Garrard)

- (a) **That** Council acknowledge the tragic events leading up to and on 15 January 2022 following a volcano explosion and subsequent tsunami resulting in the loss of life, injury and missing persons in the Tongan community.
- (b) **Further, that** Council provide a donation in the amount of \$5,000 to the High Commission of the Kingdom of Tonga – Fakalikutonga Relief Fund, to be funded from the Councillor Support donations budget.

AMENDMENT (Esber/Siviero)

- (a) **That** Council acknowledge the tragic events leading up to and on 15 January 2022 following a volcano explosion and subsequent tsunami resulting in the loss of life, injury and missing persons in the Tongan community.
- (b) **That** the consideration of a donation be deferred until the next Council Meeting for a detailed financial report to be presented from the Chief Executive Officer and Chief Financial Officer.
- (c) **Further, that** Council observe a minute's silence in memory of those who lost their lives in this tragic event.

The amendment moved by Councillor Esber and seconded by Councillor Siviero was WITHDRAWN.

The motion moved by Councillor Siviero and seconded by Councillor Garrard was amended:

MOTION (Siviero/Garrard)

- (a) **That** Council acknowledge the tragic events leading up to and on 15 January 2022 following a volcano explosion and subsequent tsunami resulting in the loss of life, injury and missing persons in the Tongan community.
- (b) **That** Council provide a donation in the amount of \$5,000 to the High Commission of the Kingdom of Tonga – Fakalikutonga Relief Fund, to be funded from the Councillor Support donations budget.
- (c) **Further, that** Council observe a minute's silence in memory of those who lost their lives in this tragic event.

The motion moved by Councillor Siviero and seconded by Councillor Garrard on being put was declared CARRIED.

3637 RESOLVED (Siviero/Garrard)

- (a) **That** Council acknowledge the tragic events leading up to and on 15 January 2022 following a volcano explosion and subsequent

tsunami resulting in the loss of life, injury and missing persons in the Tongan community.

- (b) **That** Council provide a donation in the amount of \$5,000 to the High Commission of the Kingdom of Tonga – Fakalikutonga Relief Fund, to be funded from the Councillor Support donations budget.
- (c) **Further, that** Council observe a minute's silence in memory of those who lost their lives in this tragic event.

Note: Council observed a minute's silence.

9. PUBLIC FORUM

There were no public forums submitted to the meeting.

10. PETITIONS

10.1 SUBJECT 21 Bellevue St, North Parramatta
FROM Michelle Garrard

A petition signed by the public was tabled at the Council Meeting and reads:

We, the undersigned, call on Parramatta Council to DECLINE the Development Application (and any further submissions relating to the site of a similar nature) for DA/1123/2021, Property 21 Bellevue St NORTH PARRAMATTA Lot 16 DP 5211. Applied by ARCHIDROME.

3638 RESOLVED (Garrard/Esber)

That the petition be received and copy of the petition be circulated to all Councillors.

11. RESCISSION MOTIONS

Nil

12. FOR NOTATION

12.1 SUBJECT Investment Report for November 2021
REFERENCE F2021/00521 - D08385786
REPORT OF Tax and Treasury Accountant

3639 RESOLVED (Pandey/Esber)

That Council receive the Investment Report for November 2021.

- 12.2 SUBJECT Minutes of Audit Risk and Improvement Committee Meeting held on 26 August 2021 and 30 September 2021
- REFERENCE F2021/00521 - D08385911
- REPORT OF Coordinator Internal Audit
- 3640 RESOLVED (Garrard/Pandey)
- That** Council notes the minutes of the Audit Risk and Improvement Committee meetings as provided at Attachment 1 and Attachment 2.
- 12.3 SUBJECT Minutes of the Access Advisory Committee Minutes held on 19 October 2021
- REFERENCE F2021/00521 - D08386181
- REPORT OF Community Capacity Building Officer, Community Capacity Building
- 3641 RESOLVED (Bradley/Noack)
- That** Council note the minutes of the Access Advisory Committee meeting held on 19 October 2021 (Attachment 1).
- 12.4 SUBJECT Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013
- REFERENCE F2021/00521 - D08386190
- REPORT OF Group Manager - Development and Traffic Services
- 3642 RESOLVED (Esber/Maclean)
- That** the report be received and noted.

13. FOR COUNCIL DECISION

- 13.1 SUBJECT Chief Executive Officer Delegations
- REFERENCE F2021/00521 - D08385936
- REPORT OF Governance Manager
- MOTION (Pandey/Garrard)
- (a) **That** pursuant to Section 377 of the Local Government Act 1993, Council delegate to Brett Newman the functions of the General Manager (the Chief Executive Officer) to exercise Council's powers, functions, duties and authorities contained in legislation and the functions as specified in:

1. The Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation: and
 2. Any other legislation, regulations or other subordinate legislation under which Council has powers, authorities, duties or functions.
- (b) **That** the delegation be subject to:
1. Any limitation or restrains under the provisions of the Local Government Act 1993 and any other legislation, regulations or other subordinate legislation relevant to this delegation.
 2. Any direction, limitations or restrains under any resolution made by Council relating to the exercise of any delegated power, function, duty or authority;
 3. The General Manager (Chief Executive Officer) must exercise the delegated powers, functions, duties and authorities in accordance with and subject to:
 - A. The provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation; and
 - B. All and every policy adopted by resolution of the Council and current at the time of the exercise of the delegated powers, functions, duties and authorities.
- (c) **That** Council delegate to the Chief Executive Officer the acceptance of tenders to a maximum value of \$500,000 (incl GST) per tender.
- (d) **That** regular reporting on decisions made under delegation be provided by way of quarterly briefing notes to Councillors, reporting on tenders determined under CEO delegation and include copies of the relevant tender reports.
- (e) **That** the delegations provided to Brett Newman at the Council Meeting dated 9 September 2019 be revoked as at the date of this resolution.
- (f) **That** Council approve the change to all relevant policies arising from (c) above.
- (g) **Further, that** a report on the review of the tender limits detailed in paragraph (c) above be brought back to the Council Chamber after 12 months.

AMENDMENT (Wearne/Wang)

- (a) **That** pursuant to Section 377 of the Local Government Act 1993, Council delegate to Brett Newman the functions of the General Manager (the Chief Executive Officer) to exercise Council's powers, functions, duties and authorities contained in legislation and the functions as specified in:

1. The Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation: and
 2. Any other legislation, regulations or other subordinate legislation under which Council has powers, authorities, duties or functions.
- (b) **That** the delegation be subject to:
1. Any limitation or restrains under the provisions of the Local Government Act 1993 and any other legislation, regulations or other subordinate legislation relevant to this delegation.
 2. Any direction, limitations or restrains under any resolution made by Council relating to the exercise of any delegated power, function, duty or authority;
 3. The General Manager (Chief Executive Officer) must exercise the delegated powers, functions, duties and authorities in accordance with and subject to:
 - A. The provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation; and
 - B. All and every policy adopted by resolution of the Council and current at the time of the exercise of the delegated powers, functions, duties and authorities.
- (c) **Further, that** the delegations provided to Brett Newman at the Council Meeting dated 9 September 2019 be revoked as at the date of this resolution.

The amendment moved by Councillor Wearne and seconded by Councillor Wang on being put was declared LOST.

The motion moved by Councillor Pandey and seconded by Councillor Garrard on being put was declared CARRIED.

3643 RESOLVED (Pandey/Garrard)

- (a) **That** pursuant to Section 377 of the Local Government Act 1993, Council delegate to Brett Newman the functions of the General Manager (the Chief Executive Officer) to exercise Council's powers, functions, duties and authorities contained in legislation and the functions as specified in:
1. The Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation: and
 2. Any other legislation, regulations or other subordinate legislation under which Council has powers, authorities, duties or functions.
- (b) **That** the delegation be subject to:
1. Any limitation or restrains under the provisions of the Local Government Act 1993 and any other legislation, regulations or other subordinate legislation relevant to this delegation.

2. Any direction, limitations or restrains under any resolution made by Council relating to the exercise of any delegated power, function, duty or authority;
 3. The General Manager (Chief Executive Officer) must exercise the delegated powers, functions, duties and authorities in accordance with and subject to:
 - A. The provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021 and any other relevant or related subordinate legislation; and
 - B. All and every policy adopted by resolution of the Council and current at the time of the exercise of the delegated powers, functions, duties and authorities.
- (c) **That** Council delegate to the Chief Executive Officer the acceptance of tenders to a maximum value of \$500,000 (incl GST) per tender.
- (d) **That** regular reporting on decisions made under delegation be provided by way of quarterly briefing notes to Councillors, reporting on tenders determined under CEO delegation and include copies of the relevant tender reports.
- (e) **That** the delegations provided to Brett Newman at the Council Meeting dated 9 September 2019 be revoked as at the date of this resolution.
- (f) **That** Council approve the change to all relevant policies arising from (c) above.
- (g) **Further, that** a report on the review of the tender limits detailed in paragraph (c) above be brought back to the Council Chamber after 12 months.

Note: Councillors Bradley and Wearne requested that their names be recorded as having voted against the decision taken in this matter.

13.2 SUBJECT Membership of the City of Parramatta Audit Risk and Improvement Committee

REFERENCE F2021/00521 - D08386176

REPORT OF Coordinator Internal Audit

3644 RESOLVED (Esber/Noack)

- (a) **That** Council thank outgoing members Mark McCoy and Donna Rygate for their commitment to the Committee over the last 2 terms of the Committee.
- (b) **That** Council approves Dr Col Gellatly AO to continue as independent external member on the Committee for a second term of three years commencing 1 March 2022.

- (c) **That** Council approve David Pendleton and Jessie Jo as the new independent external members to the Committee for a term of three years, commencing 1 March 2022.
- (d) **That** Council approves Dr Col Gellatly AO be appointed as Chair of the Committee commencing 1 March 2022.
- (d) **Further, that** Council appoint the following Councillor representatives to the Audit Risk and Improvement Committee for the current term of Council:
 - Deputy Lord Mayor Councillor Pandey
 - Councillor Garrard
 - Councillor Maclean (alternate)
 - Councillor Valjak (alternate).

PROCEDURAL MOTION

3645 RESOLVED (Esber/Garrard)

That the meeting be adjourned for ten (10) minutes.

Note: The meeting was adjourned at 8:35pm for a short recess.

PROCEDURAL MOTION

3646 RESOLVED (Davis/Pandey)

That the meeting resume.

The meeting resumed at 8:47pm with the following Councillors in attendance. The Lord Mayor, Councillor Donna Davis and Councillors Phil Bradley, Kellie Darley, Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Paul Noack, Sameer Pandey (Deputy Lord Mayor), Dr Patricia Prociv, Georgina Valjak, Donna Wang and Lorraine Wearne.

13.3 SUBJECT Local Government NSW Special Conference

REFERENCE F2021/02778 - D08386008

REPORT OF Executive Officer

3647 RESOLVED (Esber/Prociv)

- (a) **That** the following Councillors be nominated as Council's Voting Delegates for Motions at the Local Government NSW (LGNSW) Special Conference:
 - Councillor Davis, Lord Mayor
 - Councillor Bradley
 - Councillor Green
 - Councillor Maclean
 - Councillor Noack
 - Councillor Pandey, Deputy Lord Mayor

- Councillor Prociv
- Councillor Valjak.

- (b) **That** Councillors advise the Chief of Staff by COB Tuesday, 8 February 2022 of their interest in attending the Special Conference as a Voting Delegate.
- (c) **Further, that** Council note the following Motions have been submitted to LGNSW to consider for inclusion in the Special Conference Business Paper, included for reference in Attachment 1:
1. Prevention of Aboriginal Deaths in Custody
 2. Ban Property Developers from running for Council.

Note: Councillor Siviero returned to the Chamber at 8:50pm during the consideration of Item 13.3.

13.4 SUBJECT 12 Grand Avenue Boundary Adjustment (Deferred Item)

REFERENCE DA/671/2020 - D08386010

REPORT OF Property Officer

3648 RESOLVED (Prociv/Noack)

- (a) **That** Council approve in accordance with conditions set out in DA/671/2020:
- i. to transfer the land coloured green in Attachment 1 (A) to the applicant;
 - ii. to acquire the land coloured green in Attachment 1 (B) as consideration of the above land transfer
- (b) **That** Council note the area and value of the land coloured green in Attachment 1 (A) is approximately equivalent to the area and value of the land coloured green in Attachment 1 (B).
- (c) **That** Council approve to classify the portion of land, coloured green on Attachment 1 (B), as operational upon transfer.
- (d) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation, including but not limited to landowner's consent, in connection with this matter.

13.5 SUBJECT Classification of Lot 5 DP1238944 as Operational Land (Deferred Item)

REFERENCE DA/961/2015 - D08386009

REPORT OF Manager Property Plan & Program

MOTION (Prociv/Noack)

- (a) **That** Council in accordance with section 31(2) of the Local Government Act 1993, classify Lot 5 DP1238944 (Attachment 1) as 'Operational' land for the purposes outlined at paragraph 3 and 4 of the report.
- (b) **That** upon dedication of the proposed road, the balance of Lot 5 DP1238944, be classified as 'Community' land as outlined at paragraph 5 of the report.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation in connection with this matter.

AMENDMENT (Garrard/Siviero)

That Council defer consideration of this matter until such time as the additional questions raised at the Council Meeting regarding the access road have been answered.

The amendment moved by Councillor Garrard and seconded by Councillor Siviero on being put was declared LOST.

The motion moved by Councillor Prociv and seconded by Councillor Noack on being put was declared CARRIED.

3649 RESOLVED (Prociv/Noack)

- (a) **That** Council in accordance with section 31(2) of the Local Government Act 1993, classify Lot 5 DP1238944 (Attachment 1) as 'Operational' land for the purposes outlined at paragraph 3 and 4 of the report.
- (b) **That** upon dedication of the proposed road, the balance of Lot 5 DP1238944, be classified as 'Community' land as outlined at paragraph 5 of the report.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation in connection with this matter.

Note: A Notice of Motion of Rescission signed by Councillors Garrard, Wang and Siviero was lodged after the close of the meeting in relation to this matter.

13.6 SUBJECT Post Exhibition - Planning Proposal, Draft Site-Specific Development Control Plan, and Planning Agreement for land at 23-25 Windsor Road, Northmead

REFERENCE F2021/00521 - D08385873

APPLICANT/S Hamptons Property Services Pty Ltd

OWNERS Owners Corporation of Strata Plan 47006

REPORT OF Project Officer, Land Use

3650 RESOLVED (Garrard/Esber)

- (a) **That** Council receives and notes the submissions (summarised in Attachment 2) made during the public exhibition of the Planning Proposal, draft site-specific Development Control Plan (DCP) and draft Planning Agreement for 23-25 Windsor Road, Northmead.
- (b) **That** Council approve for finalisation the Planning Proposal for land at 23-25 Windsor Road, Northmead (provided at Attachment 3), which seeks to amend Parramatta (formerly The Hills) Local Environmental Plan (LEP) 2012 as follows:
 - i) Amend the Maximum Floor Space Ratio (FSR) control that applies to the R4 High Density Residential zoned land from no FSR to 1.8:1.
 - ii) Amend the Maximum Building Height (HOB) control that applies to the R4 High Density Residential zoned land from 16 metres (5 storeys) to 30 metres (9 storeys).
- (c) **That** Council approve the site-specific DCP at Attachment 5 for finalisation and insertion into The Hills Development Control Plan (DCP) 2012.
- (d) **That** Council delegate authority to the Chief Executive Officer to finalise the draft Planning Agreement at Attachment 4, and to sign the Planning Agreement on behalf of Council.
- (e) **That** Council authorise the Chief Executive Officer to exercise the plan-making delegations as granted by the Gateway Determination for this Planning Proposal once the Planning Agreement has been executed by Council.
- (f) **That** Council authorises 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, Development Control Plan and Planning Agreement during the relevant finalisation processes.
- (g) **Further, that Council** note the Local Planning Panel considered and endorsed the Planning Proposal, draft DCP and draft Planning Agreement at its meeting on 16 November 2021 and recommended that Council approve the site-specific DCP for finalisation and insertion into The Hills Development Control Plan (DCP) 2012, subject to refinement of landscaping controls.

DIVISION A division was called, the result being:-

AYES: Councillors Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Siviero, Valjak, Wang and Wearne

NOES: Councillors Bradley and Prociv

13.7	SUBJECT	Post Exhibition - Planning Proposal for land at 64 Victoria Road, North Parramatta
	REFERENCE	F2022/00105 - D08385892
	REPORT OF	Project Officer
3651	RESOLVED	(Garrard/Esber)
	(a)	That Council receives and notes the submissions made during the public exhibition of the Planning Proposal for 64 Victoria Road, North Parramatta.
	(b)	That Council approve the Planning Proposal (at Attachment 2) for land at 64 Victoria Road, North Parramatta for finalisation that seeks to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 (PLEP 2011) to allow 'take away food and drink premises' as an additional permitted use (limited to a maximum gross floor area of 100m ²).
	(c)	That Council authorise the Chief Executive Officer to exercise the plan-making delegations as granted by the Gateway Determination for this Planning Proposal.
	(d)	That Council delegates authority to 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.
	(e)	Further, that Council note the Local Planning Panel considered and endorsed the Planning Proposal at its meeting on 16 November 2021 and recommended that Council approve the planning proposal.
	DIVISION	A division was called, the result being:-
	AYES:	Councillors Bradley, Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Prociv, Siviero, Valjak, Wang and Wearne
	NOES:	Nil
13.8	SUBJECT	Submissions to DPIE and IPART on the Development Contributions Reform
	REFERENCE	F2021/00521 - D08386016
	REPORT OF	Group Manager Infrastructure Planning & Design
	MOTION	(Pandey/Noack)

That Council endorse the submissions to the Independent Regulatory and Regulatory Tribunal (IPART) and the Department of Planning Industry and Environment (DPIE) at Attachments 2 and 3 respectively, noting the following key points:

- i. The combined reforms may reduce development contributions in the City of Parramatta by up to \$626M, significantly impacting the ability of Council to fund necessary infrastructure to support NSW Government and Council agreed growth targets;
- ii. Council's request for the State Government to approve the draft Section 7.12 Parramatta CBD Contributions Plan, with the Parramatta CBD Planning Proposal, as co-dependent documents, to ensure that the contributions in that Plan can be collected and that Council is no worse-off under the reforms;
- iii. Council's position that Community facilities should not be excluded from the Essential Works List; and
- iv. Council's view that infrastructure benchmarks in the IPART report significantly underestimate actual market costs, and the report lacks comprehensive analysis of infrastructure upgrade costs in established urban areas with increasing density.

AMENDMENT (Bradley/Wearne)

(a) **That** Council endorse the submissions to the Independent Regulatory and Regulatory Tribunal (IPART) and the Department of Planning Industry and Environment (DPIE) at Attachments 2 and 3 respectively, noting the following key points:

- i. The combined reforms may reduce development contributions in the City of Parramatta by up to \$626M, significantly impacting the ability of Council to fund necessary infrastructure to support NSW Government and Council agreed growth targets;
- ii. Council's request for the State Government to approve the draft Section 7.12 Parramatta CBD Contributions Plan, with the Parramatta CBD Planning Proposal, as co-dependent documents, to ensure that the contributions in that Plan can be collected and that Council is no worse-off under the reforms;
- iii. Council's position that Community facilities should not be excluded from the Essential Works List; and
- iv. Council's view that infrastructure benchmarks in the IPART report significantly underestimate actual market costs, and the report lacks comprehensive analysis of infrastructure upgrade costs in established urban areas with increasing density.

(b) **That** Council undertake the following advocacy activities:

- i. Write to the Minister for Planning requesting a meeting to discuss Council's submission
- ii. Continue meetings between Executives of Council and the Department of Planning and Environment
- iii. Lord Mayor and Chief Executive Officer continue advocacy for the City of Parramatta and with other councils and LGNSW

iv. Continue media campaign

- (c) **Further, that** Council be advised of the NSW Government's response to submissions made on the reforms.

Councillor Pandey, as mover of the original motion, accepted the amendment as part of the motion.

MOTION (Pandey/Noack)

- (a) **That** Council endorse the submissions to the Independent Regulatory and Regulatory Tribunal (IPART) and the Department of Planning Industry and Environment (DPIE) at Attachments 2 and 3 respectively, noting the following key points:
- i. The combined reforms may reduce development contributions in the City of Parramatta by up to \$626M, significantly impacting the ability of Council to fund necessary infrastructure to support NSW Government and Council agreed growth targets;
 - ii. Council's request for the State Government to approve the draft Section 7.12 Parramatta CBD Contributions Plan, with the Parramatta CBD Planning Proposal, as co-dependent documents, to ensure that the contributions in that Plan can be collected and that Council is no worse-off under the reforms;
 - iii. Council's position that Community facilities should not be excluded from the Essential Works List; and
 - iv. Council's view that infrastructure benchmarks in the IPART report significantly underestimate actual market costs, and the report lacks comprehensive analysis of infrastructure upgrade costs in established urban areas with increasing density.
- (b) **That** Council undertake the following advocacy activities:
- i. Write to the Minister for Planning requesting a meeting to discuss Council's submission
 - ii. Continue meetings between Executives of Council and the Department of Planning and Environment
 - iii. Lord Mayor and Chief Executive Officer continue advocacy for the City of Parramatta and with other councils and LGNSW
 - iv. Continue media campaign
- (c) **Further, that** Council be advised of the NSW Government's response to submissions made on the reforms.

3652 RESOLVED (Pandey/Noack)

- (a) **That** Council endorse the submissions to the Independent Regulatory and Regulatory Tribunal (IPART) and the Department of Planning Industry and Environment (DPIE) at Attachments 2 and 3 respectively, noting the following key points:

- i. The combined reforms may reduce development contributions in the City of Parramatta by up to \$626M, significantly impacting the ability of Council to fund necessary infrastructure to support NSW Government and Council agreed growth targets;
 - ii. Council's request for the State Government to approve the draft Section 7.12 Parramatta CBD Contributions Plan, with the Parramatta CBD Planning Proposal, as co-dependent documents, to ensure that the contributions in that Plan can be collected and that Council is no worse-off under the reforms;
 - iii. Council's position that Community facilities should not be excluded from the Essential Works List; and
 - iv. Council's view that infrastructure benchmarks in the IPART report significantly underestimate actual market costs, and the report lacks comprehensive analysis of infrastructure upgrade costs in established urban areas with increasing density.
- (b) **That** Council undertake the following advocacy activities:
- i. Write to the Minister for Planning requesting a meeting to discuss Council's submission
 - ii. Continue meetings between Executives of Council and the Department of Planning and Environment
 - iii. Lord Mayor and Chief Executive Officer continue advocacy for the City of Parramatta and with other councils and LGNSW
 - iv. Continue media campaign
- (c) **Further, that** Council be advised of the NSW Government's response to submissions made on the reforms.

Note:

1. **Councillor Esber left the Chamber at 9:23pm and returned at 9:25pm during the consideration of Item 13.8.**
2. **Councillor Esber left the Chamber at 9:25pm and returned at 9:27pm during the consideration of Item 13.8.**
3. **Councillor Prociv left the Chamber at 9:38pm and returned at 9:43pm during the consideration of Item 13.8.**

14. NOTICES OF MOTION

14.1 SUBJECT CBD Lighting Project

REFERENCE F2022/00105 - D08396765

FROM Councillor Michelle Garrard
MOTION (Garrard/Siviero)

That Council endorse the ongoing lights in the CBD throughout February and March 2022.

AMENDMENT (Pandey/Esber)

- (a) **That** Council defer consideration of the CBD Lighting Project until the outcome of the grant application is known.
- (b) **That** a report providing an update on the CBD Revitalisation Program Grant be presented to the next Council Meeting.
- (c) **Further, that** Council continue to keep the lights on for the next two (2) weeks, within the Council budget.

The amendment moved by Councillor Pandey and seconded by Councillor Esber on being put was declared CARRIED.

The amendment then became the motion.

The motion moved by Councillor Pandey and seconded by Councillor Esber on being put was declared CARRIED.

3653 RESOLVED (Pandey/Esber)

- (a) **That** Council defer consideration of the CBD Lighting Project until the outcome of the grant application is known.
- (b) **That** a report providing an update on the CBD Revitalisation Program Grant be presented to the next Council Meeting.
- (c) **Further, that** Council continue to keep the lights on for the next two (2) weeks, within the Council budget.

Note:

1. **Councillor Darley left the Chamber at 9:45pm and returned at 9:47pm during the consideration of Item 14.1.**
2. **Councillor Noack left the Chamber at 10.09pm and returned at 10:11pm during the consideration of Item 14.1.**

14.2 SUBJECT Events Budget

REFERENCE F2022/00105 - D08396770

FROM Councillor Michelle Garrard

MOTION (Garrard/Siviero)

- (a) **That** Council endorse the Events Budget be reallocated to the same event the following year or be reallocated to another event with the endorsement of the Chamber.
- (b) **Further, that** Council endorse any events that are postponed or cancelled due to inclement weather.

AMENDMENT (Pandey/Humphries)

That Council defer consideration of this matter to a Councillor Workshop.

The amendment moved by Councillor Pandey and seconded by Councillor Humphries on being put was declared CARRIED.

The amendment then became the motion.

The motion moved by Councillor Pandey and seconded by Councillor Humphries on being put was declared CARRIED.

3654 RESOLVED (Pandey/Humphries)

That Council defer consideration of this matter to a Councillor Workshop.

Note:

1. **Councillor Maclean left the Chamber at 10:14pm and returned at 10:17pm during the consideration of Item 14.2.**
2. **Councillor Esber left the Chamber at 10.26pm and returned at 10:30pm during the consideration of Item 14.2.**

14.3 SUBJECT Traffic Lights at Bennelong Parkway - Hill Road Intersection

REFERENCE F2022/00105 - D08395818

FROM Councillor Paul Noack

3655 RESOLVED (Noack/Siviero)

- (a) **That** Council recognise the importance of the urgent construction of traffic lights at the intersection of Bennelong Parkway and Hill Road at Wentworth Point. The growing traffic congestion and traffic accidents of extreme concern to the resident of Wentworth Point.
- (b) **That** Council calls for the urgent construction of the planned roundabout and street crossing at the corner of Hill Road and Burroway Road
- (c) **Further, that** a full report on the construction of these lights, and roundabout be presented to the 14 March Council Meeting, including costing and where the funds are coming from.

14.4 SUBJECT Acknowledgement of all Faith

REFERENCE F2022/00105 - D08396775

FROM Deputy Lord Mayor

3656 RESOLVED (Pandey/Esber)

- (a) **That** Council defer consideration of this matter for a period of eight (8) weeks until 11 April 2022.
- (b) **Further, that** a Councillor Workshop be held to discuss this matter.

Note: Councillor Green left the Chamber at 10.41pm during the consideration of Item 14.4.

15. QUESTIONS WITH NOTICE

Nil

16. INNOVATIVE

Nil

Note: Prior to moving into Closed Session, the Lord Mayor invited members of the public gallery to make representations as to why any item had been included in Closed Session. No member of the gallery wished to make representations.

17. CLOSED SESSION

3657 RESOLVED (Esber/Pandey)

That members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(s) of the Local Government Act, 1993 as the items listed come within the following provisions:-

17.1 Tender 23/2021 Hygiene Services. (D08385838) - *This report is confidential in accordance with section 10A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

17.2 Horwood Place Compulsory Acquisition by Sydney Metro West. (D08385811) - *This report is confidential in accordance with section 10A (2) (g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

17.1 SUBJECT Tender 23/2021 Hygiene Services

REFERENCE F2021/00521 - D08385838

REPORT OF Business Support Officer

3658 RESOLVED (Humphries/Pandey)

- (a) **That** Council approve the appointment of Rentokil Initial Trading As Initial Hygiene for the costs as outlined in paragraph 12 of this report.
- (b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.
- (c) **That** Council delegate authority to the Chief Executive Officer to finalise and execute all necessary documents.
- (d) **Further, that** a review be undertaken to ensure that Council's tender processes are being rated against Council's sustainability criteria and that a report come back to Council in three months.

Note: Councillor Green returned to the Chamber at 10:51pm after the consideration of Item 17.1.

17.2 SUBJECT Horwood Place Compulsory Acquisition by Sydney Metro West

REFERENCE F2021/00521 - D08385811

REPORT OF Group Manager Property Development

3659 RESOLVED (Garrard/Pandey)

- (a) **That** Council approve the commencement of Class 3 proceedings in the Land and Environment Court objecting to the amount of compensation for the Horwood Place, determined by the Valuer General.
- (b) **That** Council approve the budget and allocation of up to \$1,630,000, from the Property Reserve, for the professional fees and expenses to run the Class 3 proceedings.
- (c) **Further, that** Council delegate to the Chief Executive Officer to negotiate and agree, in consultation with the Lord Mayor, the amount of compensation for the Horwood Place, within the parameters outlined in paragraph 14 of this report.

PROCEDURAL MOTION

3660 RESOLVED (Esber/Bradley)

That the meeting resume into Open Session.

18. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

The Chief Executive Officer read out the resolutions for Items 17.1 to 17.2.

19. CONCLUSION OF MEETING

The meeting terminated at 10:55pm.

THIS PAGE AND THE PRECEDING 21 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 7 FEBRUARY 2022 AND CONFIRMED ON MONDAY, 21 FEBRUARY 2022.

Chairperson

RESCISSION MOTIONS

21 FEBRUARY 2022

11.1	Notice of Motion of Rescission: Item 13.5 - Classification of Lot 5 DP 1238944 as Operational Land (Deferred Item).....	32
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RESCISSION MOTION

ITEM NUMBER	11.1
SUBJECT	Notice of Motion of Rescission: Item 13.5 - Classification of Lot 5 DP 1238944 as Operational Land (Deferred Item)
REFERENCE	F2022/00105 - D08410590
REPORT OF	Councillor Garrard

To be Moved by Councillor Garrard and seconded by Councillors Wang and Siviero as per Rescission Motion form signed and submitted on 7 February 2022 after the close of the meeting.

RECOMMENDATION

That the resolution of the Council held on 7 February 2022 in relation to Item 13.5 – Classification of Lot 5 DP 1238944 as Operational Land (Deferred Item), namely:

- (a) ***That*** Council in accordance with section 31(2) of the Local Government Act 1993, classify Lot 5 DP 1238944 (Attachment 1) as 'Operational' land for the purposes outlined at paragraph 3 and 4 of the report.
- (b) ***That*** upon dedication of the proposed road, the balance of Lot 5 DP1238944, be classified as 'Community' land as outlined at paragraph 5 of the report.
- (c) ***Further, that*** Council delegate authority to the Chief Executive Officer to sign all documentation in connection with this matter.

be and is hereby rescinded.

ATTACHMENTS:

<u>1</u> ↓ Item 13.5 - Classification of Lot 5 DP 1238944 sa Operational Land (Deferred Item)	4 Pages
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Council 7 February 2022

Item 13.5

FOR COUNCIL DECISION

ITEM NUMBER	13.5
SUBJECT	Classification of Lot 5 DP1238944 as Operational Land (Deferred Item)
REFERENCE	DA/961/2015 - D08386009
REPORT OF	Manager Property Plan & Program
CSP THEME:	Fair

WORKSHOP/BRIEFING DATE: Nil

This matter was deferred from the Council Meeting of 22 November 2021 for the consideration by the new term of Council.

PURPOSE:

To classify Lot 5 DP1238944 (**Attachment 1**), as Operational.

RECOMMENDATION

- (a) **That**, Council in accordance with section 31(2) of the Local Government Act 1993, classify Lot 5 DP1238944 (**Attachment 1**) as 'Operational' land for the purposes outlined at paragraph 3 and 4 of the report.
- (b) **That**, upon dedication of the proposed road, the balance of Lot 5 DP1238944, be classified as 'Community' land as outlined at paragraph 5 of the report.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation in connection with this matter.

BACKGROUND

- 1. Through DA/961/2015, a park is to be dedicated to Council adjacent to Cowper Street, Granville (**Attachment 1**), at no cost. It is also required to be embellished at no cost to Council.
- 2. Lot 5 DP1238944 was required to be transferred to Council upon completion of the embellishment works.

ISSUES/OPTIONS/CONSEQUENCES

- 3. A road link is required to be excised from the park at some future stage. A public road cannot be dedicated if the land is classified as 'Community'.
- 4. As such, the park is to be dedicated as Operational to allow for the future road link to be constructed and dedicated as public road. This is shown on **Attachment 1**.
- 5. Upon the future construction and dedication of the through site link road, it is proposed that the remainder of the park will automatically be classified as 'Community', in keeping with the proposed usage.

Council 7 February 2022

Item 13.5

6. Should Council not proceed with the initial classification of the land as 'Operational', Council would not be able to dedicate the future through site link road.

CONSULTATION & TIMING

Stakeholder Consultation

7. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
September 2021	City Planning & Design	Land to be classified as Operational to allow for the future through site link.	Agreed with comment.	Deb Eastment, Team Leader Public Domain

Councillor Consultation

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

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Nil				

LEGAL IMPLICATIONS FOR COUNCIL

9. Lot 5 DP1238944 was transferred to Council on 10 December 2021.
10. Section 31 of the Local Government Act allows for Council to resolve to classify the land within 3 months of the land being transferred to Council.
11. As Council did not resolve to classify Lot 5 as Operational prior to it being transferred to Council, Council is required to advertise the proposal for 28 days to classify the land as Operational.
12. The advertising commenced on 21 December 2021 and was finalised on 18 January 2022. The advertising was done in accordance with section 34 of the Local Government Act. No submissions were received.

FINANCIAL IMPLICATIONS FOR COUNCIL

13. All costs associated with the transfer were borne by the Applicant and was at no expense to Council.
14. The applicant will be required to maintain the land for two years from handover.

Council 7 February 2022

Item 13.5

15. The table below summarises the financial impacts on the budget arising from approval of this report.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	Nil			
Funding Source				
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil			
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil			

Maurice Higgins
Property Plan & Program Manager

Robert Ramsbottom
Group Manager Property, Security, Assets & Services

Maureen Ip
Group Manager Legal Services

Fariha Chowdhury
Acting Chief Financial Officer

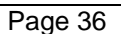
Bryan Hynes
Executive Director Property & Place

Brett Newman
Chief Executive Officer

ATTACHMENTS:

1 Copy of DP1238944 1 Page

REFERENCE MATERIAL



FOR COUNCIL DECISION

21 FEBRUARY 2022

- 13.1 Minutes of Heritage Advisory Committee meetings held on 21 October 2021 and 25 November 2021 38
- 13.2 Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)..... 76
- 13.3 Planning Proposal, draft Development Control Plan and draft Planning Agreement for 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site)..... 278
- 13.4 Submission on the NSW Government's 'A new approach to rezonings' Discussion Paper 438
- 13.5 Naming Proposal for Unnamed Epping Pedestrian Way (Deferred Item)477

FOR COUNCIL DECISION

ITEM NUMBER	13.1
SUBJECT	Minutes of Heritage Advisory Committee meetings held on 21 October 2021 and 25 November 2021
REFERENCE	F2013/00235 - D08392636
REPORT OF	Project Officer Land Use

CSP THEME: INNOVATIVE

WORKSHOP/BRIEFING DATE: NIL

PURPOSE:

To inform Council of key discussion points from the Heritage Advisory Committee meetings on 21 October 2021 and 25 November 2021.

RECOMMENDATION

- (a) **That** Council receive and note the minutes of the Heritage Advisory Committee meetings of 21 October 2021 and 25 November 2021.
- (b) **Further, that** Council approve the Heritage Grants recommendations, as included in Item 12 of **Attachment 2**, as follows:
1. Make a grant of \$2,445 for 180 Windsor Road, Winston Hills
 2. Make a grant of \$3,300 for Madison Gardens, Carlingford
 3. Defer a decision on grant funding for 144 Good Street, Harris Park until the end of the financial year.
 4. Defer a decision on grant funding for 46 Grose Street, North Parramatta until the end of the financial year.
 5. Make a grant of \$3,300 for 50 Marsden Street, Parramatta
 6. Make a grant of \$1,493 for 7 Kent Street, Epping.

BACKGROUND

1. This report summarises, for Council's information, the key discussion points of the ordinary bi-monthly meetings of Council's former Heritage Advisory Committee held on 21 October 2021 and 25 November 2021. The minutes of the meetings are provided at **Attachment 1** and **Attachment 2**.
2. The purpose of the Committee is to advise Council on how best to conserve, promote and manage heritage within the City of Parramatta Local Government Area (LGA) for current and future generations. Council receives periodic reports detailing the minutes of Heritage Advisory Committee meetings, in order to keep Council informed of the advice of the Committee. Council has a decision-making role on Committee membership as well as on applications to the Local Heritage Fund (which are reported to Council via these periodic reports when such applications have been considered).

3. A report regarding the reinstatement of the Heritage Advisory Committee along with other Advisory Committees is intended to be provided to the Council meeting of 28 March 2022.

KEY DISCUSSION POINTS – MEETING 21 OCTOBER 2021

Proposal for Old Parramatta Gaol

4. Representatives of the Deerubbin Local Aboriginal Land Council addressed the Committee on proposals for the Gaol. The former Gaol is to be re-purposed as a cultural facility with provision for activities and events such as; markets, music events and festivals, conferences, recreational facilities, weddings and receptions, education facilities and administration offices.
5. The Land Council representative responded to questions from the Committee on the following issues:
 - Aboriginal artefacts recovered in Parramatta Park being held at the gaol
 - Whether the Land Council has funding to undertake essential maintenance
 - The purpose of proposed openings in the gaol wall on the river side of the gaol
 - Concern on possible loss of open green space area.

Boundary Stone in Alfred Street, Harris Park

6. The Committee was briefed by Council's heritage consultant for the project, who advised that whilst the proposed works for the pedestrian cycle upgrade in Alfred Street (between Alice and Weston Streets) are taking place the boundary stone located in the vicinity of the works will be removed to an off-site location and once completed the boundary stone will be reinstalled as close to its original location as possible. The Committee made suggestions for the repair and protection of the stone that have been referred to the Alfred Street project team to allow this issue to be addressed when the stone is returned.

Introduction to New Heritage Advisor (Item 5)

7. Council's new Heritage Advisor, Andrea Giusa was introduced to the Committee who gave a brief overview of his credentials and history. The Chairperson welcomed the Heritage Advisor's participation on the Committee and encouraged him to use the Committee and its membership as a resource to assist in his work.

Business arising matters (Item 8)

8. In response to Committee information and update requests, advice was provided on the following matters:
 - Council's Group Manager Development and Traffic Services provided information on what triggers advertising in regard to heritage properties and on Council's general notification processes and requirements.

- The Royal Oak site, including stables, is part of residue land that is now with the Transit Asset Holding Entity of New South Wales. The land will be developed at some stage in the future and the heritage listed stables will be retained.

City Planning and Design Directorate Update (Item 14)

9. The outcome of consultation with the Aboriginal and Torres Strait Islander Advisory Committee (ASTI) on the Governor Phillips campsite located at the junction of Toongabbie and Darling Mills Creeks, Parramatta was provided to the Committee.
10. The ASTI Committee considered that the site is significant because it formed part of Governor Phillip's overall expedition and was a prelude to settlement of Parramatta. However, the ASTI Committee considered that the site should not be heritage listed but some recognition should be given to the site through signage and interpretation.
11. The Committee noted the views of the ASTI Committee, but sees the site important from a European heritage viewpoint and seeks that the possibility of listing should be pursued with continued consultation with the ASTI Committee and that Council's Heritage Advisor should be requested to review the previous decision to not list the site.
12. Council's Heritage Advisor has been requested to assess whether the site meets the criteria for listing.
13. After the convenor addressed the Committee in relation to additional information provided on the Ralph Symonds factory site, Wentworth Point the Committee requested that Council's Heritage Advisor review the Council staff recommendation to the Committee on 19 August 2021 that heritage listing not be supported.
14. Council's Heritage Advisor has been requested to assess whether the site meets criteria for listing.

General business (Item 17)

15. Following discussion of a Development Application to add a verandah and glass structure to the southern side of the Parramatta Town Hall the Committee agreed for members to make any comments on the application by 3 November 2021 and also requested comments from Council's Heritage Advisor on this proposal.
16. Council's Heritage Advisor was requested to provide comments on this proposal to the November meeting of the Committee.

KEY DISCUSSION POINTS – MEETING 25 NOVEMBER 2021

Refined interpretation design development – 5 Parramatta Square (Item 5)

17. Staff of the Cultural Heritage and Tourism Unit made a presentation to the Committee on the refined interpretation designs for the proposed showcases and artefact displays for the new Council building at 5 Parramatta Square. Committee members raised a number of questions regarding display subjects that were responded to by Council staff.
18. The Committee's comments have been referred to the Cultural Heritage and Tourism Unit for its information and consideration as appropriate.

Draft Parramatta City Centre Development Control Plan (Item 6)

19. A presentation on this Plan with a particular focus on heritage provisions was provided by Council staff and a heritage consultant. This Plan was on exhibition from 15 November until 13 December 2021. Committee members raised a number of questions and issues on subjects including the following:
- Protection of individual buildings such as St John's Church and Roxy Theatre
 - Impact of developments up to 6 storeys high on heritage properties
 - Provision for archaeological controls
 - The sustainability benefit of retaining heritage buildings (as it minimises wastage in construction)
 - Impact of high-rise buildings on North Parramatta Heritage Conservation Areas
 - Implication of proposed changes for Harris Park West Conservation Area
20. Committee members agreed to lodge any individual submissions by the closing date. In addition, the Committee's comments have been referred to the City Planning and Design directorate for its consideration in the report back to Council on the exhibition outcomes.

Development applications (Item 10)

21. The following Development Applications and proposals were considered:
- 7 Parramatta Square – Parramatta Town Hall: Council's Heritage Advisor noted that his recommendation to reduce the number of openings in the southern part of the auditorium from two rather than four has been accepted.
 - DA/1004/2021 – 21A Caloola Road, Constitution Hill – Construction of Telecommunications Facility: The Committee considered it inappropriate to locate such a facility on the site listed in the State Heritage and that has played an important part in Parramatta's history, namely the 1804 uprising. This comment has been referred to Council's Group Manager Development and Traffic Services for consideration as part of the Development Application assessment.

City Planning and Design Directorate Update (Item 11)

22. The Committee was briefed on a proposed site-specific Development Control Plan for 27 – 31 Argyle Street, Parramatta that is located opposite the State Heritage listed St John's Anglican Cemetery. It was noted that the DCP indicates that the proposed building envelope will partially overshadow the Cemetery. In response, the Committee considered that it would be desirable to ensure that the proposed development complies with the intent of the new draft CBD DCP, it being noted that this DCP includes controls for the solar protection of St John's Cemetery. The Committee's comments have been referred to the City Planning & Design directorate for assessment as part of the Draft DCP preparation.

Local heritage fund (Item 12)

23. Council operates a Local Heritage Fund that provides small grants to owners of heritage items and properties in conservation areas for work that will improve the heritage value of a property. Fund limits are 25% of the value of the work, up to a maximum of \$3,300. Applications for completed works are processed and reported three times a year to the Heritage Advisory Committee and then to Council for endorsement. The budget for the current financial year is \$35,500 including a grant of \$5,500 from Heritage NSW.
24. The Committee recommended that Council endorse the recommendations detailed in Table 1 below relating to applications for funds from Council's Local Heritage Fund as they address relevant funding criteria of the Local Heritage Fund Guidelines for reasons given:

Table 1: Applications for Local Heritage funds

Address	Work undertaken	Recommendation on funding	Reasons for recommendation
180 Windsor Road, Winston Hills	Replace verandah flooring	Make grant of \$2,445	Enhances heritage integrity of item
Madison Gardens, Carlingford	Maintenance of listed trees	Make grant of \$3,300	Well help maintain health of trees and enhance value and appearance of heritage treed Avenue
144 Good Street, Harris Park	Make new chimney pots	Defer decision until end of financial year	Whilst the work is of heritage value, the application exceeds the guideline limit of more than one application lodged per two years. See discussion below
46 Grose Street, North Parramatta	Replacement of roof lead flashing and attachment of leaf guard to guttering	Defer decision until end of financial year	Whilst the work is of heritage value, the application exceeds the guideline limit of more than one application lodged per two years. See discussion below
50 Marsden Street, Parramatta	Internal work, including replastering of walls, new ceilings, new floor and subflooring	Make grant of \$3,300	Enhances heritage value and integrity of item
7 Kent street, Epping	Replacement of electrical wiring and board	Make grant of \$1,493	Enhances heritage integrity of dwelling and electrical board is sensitively placed on side of house

25. It is considered inappropriate to approve funding for the grant applications for 144 Good Street, Harris Park and 46 Grose Street, North Parramatta at this stage as it may deprive other applicants of funding in this financial year that have not made a grant application in the last two years. A decision on this grant application should be deferred until the last meeting of the Committee in the financial year. If at that time the other grant applications that have been received that better address the guidelines do not utilise all the Heritage Grants budget, this application can be reconsidered.

26. The Committee noted that the total of \$7,568 to be granted is less than the \$11,667 allocated for this assessment period. The balance of \$4,099 will be carried through to the next assessment period.

LEGAL IMPLICATIONS FOR COUNCIL

27. There are no legal implications for Council associated with this report.

FINANCIAL IMPLICATIONS FOR COUNCIL

28. The report recommends that Council endorse the payment of four grants to a total of \$7,568 which is available from Council's Local Heritage Fund. The total remaining in the 2021/22 budget will be \$27,932 after the \$7,568 is allocated. It is noted that there are two further grants to a total value of \$4,972 that have been deferred for consideration to the end of the financial year.

29. There are no other financial implications for Council associated with this report.

	FY 20/21	FY 21/22	FY 22/23	FY 23/24
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil			
Funding Source	NA			
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil			
Funding Source	NA			

Paul Kennedy
Project Officer Land Use

Janelle Scully
Team Leader –Land Use Planning

Robert Cologna
Group Manager, Strategic Land Use Planning

Fariha Chowdhury
Acting Chief Financial Officer

Jennifer Concato
Executive Director City Planning and Design

Brett Newman
Chief Executive Officer

ATTACHMENTS:

- 1 [↓](#) Meeting minutes of 21 October 2021 16 Pages
2 [↓](#) Meeting minutes of 25 November 2021 15 Pages

REFERENCE MATERIAL



MINUTES

Meeting Name	Heritage Advisory Committee – Draft Minutes	F2013/00235
Date	Thursday, 21 October 2021	Time 5:05pm
Venue	Microsoft Teams	Quorum: 8
Attendees	Professor Carol Liston (Chairperson) Jeffrey Allen (Deputy Chairperson) Cheryl Bates (Ex-Officio) Chris Betteridge Gary Carter Ruth Evans Dr Scott Hill David Hoffman Dr Wei Li Stephanie Licciardo Callum Mealey Christine Rigby Dr Terrence Smith	
Present	COUNCILLORS Councillor Phil Bradley Councillor Donna Davis – arrived meeting at 6:12pm and left at 6:38pm CITY OF PARRAMATTA STAFF David Birds, Group Manager City Planning – left 7:43pm Mark Crispin, Senior Project Officer Transport – arrived 5:25pm, left 6:01pm Andrea Giusa, Heritage Advisor Paul Kennedy, Project Officer Land Use Mark Leotta, Group Manager Development & Traffic Services - left 6:59pm Stephen Pearson, Administration Support Officer Robert Sutton, Technical Specialist Manager - left 6:58pm GUESTS FROM DEERUBBIN LOCAL ABORIGINAL LAND COUNCIL Kevin Cavanagh, Chief Executive Officer – left 5:50pm Maisie Cavanagh, Board Member – left 5:50pm Graham Davis-King, Board Member – left 5:50pm Smiley Johnstone, Acting Chief Executive Officer – left 5:50pm Athol Smith, Chairperson – left 5:50pm Steven Wright, Chief Operating Officer – left 5:50pm OTHER GUESTS Dr Naama Blatman-Thomas, University of Sydney – left 5:50pm Kristian Jebbink, Design Collaborative – left 5:50pm James Lidis, Design Collaborative – left 5:50pm	
Chaired by	Carol Liston	

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1. WELCOME AND INTRODUCTIONS

The meeting opened at 5.05pm.

Carol Liston welcomed everyone to the meeting including guests.

2. APOLOGIES

Nil

3. CONFLICT OF INTEREST DECLARATIONS

There were no declarations of interest made at this meeting.

4. PROPOSAL FOR OLD PARRAMATTA GAOL

The following representatives of the Deerubbin Local Aboriginal Land Council were in attendance and they addressed the Committee in relation to proposals for the Old Parramatta Gaol:

- Kevin Cavanagh, Chief Executive Officer
- Maisie Cavanagh, Board Member
- Graham Davis-King, Board Member
- Smiley Johnstone, Acting Chief Executive Officer
- Athol Smith, Chairperson
- Steven Wright, Chief Operating Officer

Dr Naama Blatman-Thomas, University of Sydney, and Kristian Jebbink and James Lidis from Design Collaborative, Planning & Development Consultants, were also present.

James Lidis indicated that Design Collaborative has assisted Deerubbin to put together a development application and a plan prior to that to consider what the options are for the re-use or re-purpose of the former Parramatta Gaol. A decision was made to re-purpose the former gaol as a cultural facility. The real purpose of the development application is to enable the story of both Aboriginal people and what happened after the colonists arrived and that whole history to be told.

Steven Wright spoke of the gaol and the nearly 5 hectares of land outside the gaol to the west, which is owned by the Deerubbin Local Aboriginal Land Council, which was subject to a land claim pursuant to section 36 of the NSW Aboriginal Land Rights Act. The land claim was lodged in 2011-2012 upon the closing of the gaol which was very quickly refused by the Minister administering the Crown Lands Act. An appeal was lodged to the Land and Environment Court against that refusal. The matter went to the Court and prior to the hearing date the Minister administering the Crown Lands Act conceded the matter and consent orders were made by the Court in 2014 for the transfer of the Freehold interests for the gaol and the land outside the gaol to Deerubbin. Title was issued in late 2016-early 2017.

Steven indicated that this is the most significant land claim outcome in the history of the Aboriginal Land Rights Act and the most significant land success in the history of NSW across all areas of the State. Steven concluded by saying that Deerubbin's stewardship of the gaol and its commitment to bringing a strong Aboriginal perspective to the gaol and the land around is a very strong commitment that Deerubbin has made.

Smiley Johnstone referred to the important history of the land before it was a gaol, whilst it was a gaol and after the closure of the gaol and how the opportunity has presented itself to tell the story for Aboriginal people and non-Aboriginal people alike and to make the former gaol a place where everybody can come to and be part of it and learn from its history.

Maisie Cavanagh indicated that Western Sydney has the largest concentration of Aboriginal people in the country. When the gaol became available, Maisie said that the question arose as to what could be done with the gaol. Deerubbin sees the former gaol as a very significant place where Aboriginal people can come together and support their people to grow and a space where they can meet and to recognise each other.

James Lidis outlined that a low-key approach is being taken to the redevelopment of the former gaol. The development application will build on existing businesses, firstly being a lot of film production and use of existing buildings as they are. James indicated that because the sandstone buildings are so sensitive, there is nothing planned to be done to them. James said that there will be a very big opportunity to train people up in heritage specialist work and to put programs in place for Aboriginal and non-Aboriginal people to be trained in methods which have been lost, in particular, stonemasonry. It is hoped to involve the Local State Member and the Minister for the Arts and Heritage in this project.

The Committee noted that the development application provides for the following potential activities and events:

- Markets
- Music Events & Festivals
- Historical & Ghost Tours
- Conferences
- Recreational Activities
- Weddings and Receptions
- Education Facility
- Administration Offices

The Committee also viewed a plan showing the buildings in the gaol that will be used for each of the activities and events.

Steven Wright advised that the activation of the former gaol goes hand in hand with the Westmead Place Strategy that has been put in place by the NSW Government and they have a very close relationship with the Powerhouse Museum.

Committee members were then given the opportunity to make comments and ask questions:

Comment Greater Sydney Parklands Parramatta Park Trust would like to conduct discussions with the Deerubbin Land Council regarding the possibility of the Aboriginal artefacts recovered in Parramatta Park being held in a Keeping Place at the gaol.

Question There does not appear to be any mention made of the mental health history of the site as the land outside of the gaol was part of the Parramatta Lunatic Asylum from 1865. The area was the female division of the Asylum.

Answer There is a second larger development application which will come to Council next year which addresses all of the land outside the gaol which covers these issues and Deerubbin would like to talk about this history.

Question When the gaol was first handed over it was in a poor state and there had been a lot of egress of water. There will be considerable expense in making it watertight. Will the Deerubbin Aboriginal Land Council have the funding to undertake the essential maintenance?

Answer Deerubbin, at the end of 2019, committed \$500,000 a year for the next four years for the urgent repairs and maintenance of the gaol, so some of this money has been used to make the gaol watertight including roofing repairs and checking of toilet cisterns.

Question When looking at the development application on the Council website, there is little information in regard to the openings on the river side of the gaol as to what is happening there and what the purpose is.

Answer The Committee viewed a plan of the openings in the western wall which are intended to re-connect the facility back to the community. The purpose behind the openings is to enable better access and egress to the sports field within the gaol complex. These are the openings that are necessary to access the sports field which can accommodate concerts with up to 2,000 people in attendance. The openings are 5m wide by 4.5m in height.

Question Are there any plans to address the degradation of the sandstone blocks along the bottom of the wall along the O'Connell Street side of the gaol?

Answer This has been identified by the heritage consultants as a very short-term important issue in terms of the sandstone that needs to be rectified.

Question Concern was expressed about the exponential growth of the population in Parramatta and the possible loss of green space in the area.

Answer The gaol is being returned for public use with plenty of open areas in the complex for people to enjoy and sit outside. The places outside the gaol wall are under further consideration. The riparian zone along Darling Mills Creek will not be touched.

All guests present for this item left the meeting at 5:50pm.

5. BOUNDARY STONE IN ALFRED STREET, HARRIS PARK

A Statement of Heritage Impact dated 8 October 2021 prepared by Niche Environment and Heritage was circulated to Committee members prior to the meeting.

Mark Crispin, Senior Project Officer, addressed the Committee in relation to work on the Alfred Street Pedestrian Cycle Upgrade and the original intention to retain the boundary stone (located in Alfred Street between Alice and Weston Streets) in-situ.

Mark referred to advice received from Councillor Patricia Prociv that when renovations were done on the house nearest to the boundary stone in the 1980s, the stone was dug up by an earthmoving machine and moved to accommodate the driveway and building work, and the stone became damaged during the process. Councillor Prociv suggested that some sort of survey be done to ensure the stone is re-instated as close to its original position as possible.

Mark indicated that the advice from Niche Environment and Heritage is that whilst the proposed works in Alfred Street are taking place, that the boundary stone will be removed to an off-site location, and once the works are completed, the stone will be re-installed in a location which is approximately 11m from its current position and as close to its original location as possible. It will also be moved away from the bus stop location and setback further from the road so as to avoid car door damage with appropriate landscaping around it to provide a buffer zone.

The Committee asked as to whether any consideration has been given to repair of the stone itself, including re-carving, due to its poor condition. Mark advised that the recommendation from Niche is to leave the patina of the stone as is, because this is part of the intrinsic value of the stone.

The Committee also asked as to whether there will be any protection surrounding the boundary stone. Mark said that it is intended to keep paths away from the stone with possibly a raised kerb, or ground feature surrounding it, but avoiding a fence.

The Committee suggested that:

- advice be obtained from a material conservation expert to look at the stone to see what can be done to preserve the patina in the future and also to seek advice on the proposed location and siting for re-bedding of the stone;
- any landscaping should not go right up to the stone but that there should be some sort of porous gravel with the planting further out;
- a full archival recording of the stone be made, including a recording of the inscription, before it is moved from its present location.

Mark Crispin left the meeting at this stage, the time being 6:01pm.

6. INTRODUCTION TO COUNCIL'S NEW HERITAGE ADVISOR

Robert Sutton introduced Council's new Heritage Advisor, Andrea Giusa, to the Committee.

Robert indicated that he is very excited to have Andrea commence with Council and that it has been a very busy few weeks for Andrea. He has been working from home since his commencement.

Andrea gave a brief overview of his credentials and history as follows:

- Italian background coming to Australia in 2010
- has worked in private and public sector since coming to Australia
- worked for a few years at an architectural practice in Millers Point for conservation and restoration of terrace houses
- worked for City of Sydney Council for six years across a number of roles including Heritage Architect, Urban Designer and 3D Modeller Architect
- spent 8 months with Heritage NSW Customer Strategy team for the section 60 Standard Exemptions Review
- commenced with City of Parramatta Council about five weeks ago as a full time Heritage Advisor

Chairperson Carol Liston welcomed Andrea's participation on the Heritage Advisory Committee and she encouraged Andrea to use the Committee and its membership as a resource to assist him in his work.

Committee members, Chis Betteridge and David Hoffman, and staff member, David Birds also welcomed Andrea to Council.

7. **CONFIRMATION OF MINUTES OF MEETING HELD ON THURSDAY 19 AUGUST 2021**

RESOLVED (Allen/Carter)

That the Minutes of the meeting of the Heritage Advisory Committee held on Thursday, 19 August 2021 be received and noted as a true record of the meeting.

CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD ON TUESDAY 7 SEPTEMBER 2021

RESOLVED (Betteridge/Rigby)

That the Minutes of the Special Meeting of the Heritage Advisory Committee held on Tuesday, 7 September 2021 be received and noted as a true record of the meeting.

8. **BUSINESS ARISING FROM MEETING HELD ON THURSDAY 19 AUGUST 2021 & TUESDAY 7 SEPTEMBER 2021**

Paul Kennedy, Project Officer Land Use, gave an update on the following items in the Minutes:

Item 5 Meeting 19 August 2021 – Historic Red Gums Walk Sign in Boronia Park, Epping

Committee member, Ruth Evans was advised in August that Council staff will commission new brackets to match the old one.

Item 7 Meeting 19 August 2021 – Development Application Notification Procedures

The Committee requested that it be notified of heritage related development applications by email. The Development Unit has advised that this can be arranged and Paul will provide the Unit with the email addresses of Committee members so this can happen.

The Committee also sought that all heritage related development applications and planning proposals in Heritage Conservation Areas be referred to the Development Unit. Paul advised that in respect of planning proposals, that this fits in with Council's procedures.

In terms of development applications, Paul reported that the Group Manager Development and Traffic Services, has advised that it is not feasible to notify the Committee of all development applications in Heritage Conservation Areas because of the volume of applications. The Group Manager also noted that Council has a new and permanent Heritage Advisor who should be able to have input across a range of heritage matters.

Mark Leotta, Group Manager Development & Traffic Services, added that the timing of processing of development applications in Heritage Conservation Areas is critical in order to get it right from the merit assessment point of view. He also pointed out that the timing of the bi-monthly cycle of the Heritage Advisory Committee does not coincide with a lot of these applications. Significant heritage related development applications will still be notified to the Committee.

Mark advised that individually addressed emails (but sent out on mass) will be sent to Committee members which will refer members to Council's DA Tracker where they can link through to the full applications in their own time.

The Committee enquired as to whether individual owners in Heritage Conservation Areas are required to place a sign at the front of their property when development applications are being advertised. Council staff indicated that Council installs the notification signs for certain development types i.e. for heritage items.

The Committee asked that in the introduction to the email that is to be sent to members if it could be indicated if it is a heritage item, what level it is for and if it is a potential impact on a heritage item or whether it is in a Heritage Conservation Area. Mark responded that this can be done.

ACTION:

Mark Leotta to provide, through Paul Kennedy, an update to the Committee on:

- 1. what triggers advertising in regard to heritage, including what kinds of work can happen in a Heritage Conservation Area without a sign being erected; and**
- 2. Council's general notification process and requirements.**

Item 9 Meeting 19 August 2021 – Governor Phillip's Campsite

An extract from the draft minutes of the Aboriginal and Torres Strait Islander (ASTI) Advisory Committee dealing with Governor Phillip's Campsite at the junction of Toongabbie and Darling Mills Creeks was circulated to Committee members prior to the meeting. An email from Cllr Phil Bradley was also sent, including photos of interpretive signage at this location relating to the campsite and the Samuel Marsden Mill.

The Access Advisory Committee had requested Paul Kennedy to seek feedback from the ASTI Committee on this issue and report back to this meeting of the Committee.

This matter will be further considered at Item 14 of this Agenda – City Planning Update.

Item 12 Meeting 19 August 2021 – Ralph Symonds Factory Site: Wentworth Point

Committee members were to obtain further supporting information on this site for consideration at this Committee meeting, including information from the National Library, Council's Heritage Centre and from Heritage Impact Assessments associated with development applications that have been lodged by Billbergia and other developers at Wentworth Point.

Committee Member Chris Betteridge was to contact Engineers Australia to see if they have any relevant information.

Committee members were also to forward any information on to Committee Convenor, Paul Kennedy for collation and presentation to this meeting.

Paul Kennedy circulated to members prior to the meeting further information compiled from Google searches on the Ralph Symonds factory site.

Chris Betteridge indicated that he has carried out some research on the site which includes discussions with Dr Anne Watson, Philip Nobis and Ralph Symonds grandson in Israel, and as a result, he considers that the site would satisfy at least three of the criteria for listing as a heritage item. Chris said that there was close collaboration between Ralph Symonds and Jørn Utzon (Architect of the Sydney Opera House).

This matter will be further considered at Item 14 of this Agenda – City Planning Update.

Item 13 Meeting 19 August 2021 – Art Deco Relief Sculpture on site of the Holdmark Building

Paul Kennedy was to ascertain if any action has been taken to ensure the preservation of the art deco relief sculpture on the site of the Holdmark Building and was to report back to this Committee meeting.

Paul advised that this is currently being investigated and this will be reported to the November meeting of the Committee.

Item 13 Meeting 19 August 2021 – Royal Oaks Stables

A question was raised at the meeting on 19 August 2021 as to whether there has been any feedback on the Royal Oaks Stable. It was indicated at the meeting that Parramatta Light Rail does have an update which might be able to be provided to this Committee meeting.

Paul Kennedy reported that the Royal Oaks site, including the stables, is part of residue land that is now with the Transport Asset Holding Entity of New South Wales. The land will be developed at some stage and the stables will be retained.

Item 13 Meeting 19 August 2021 – Wistaria Gardens, Cumberland Hospital, Westmead

The Committee, at its meeting on 19 August 2021, asked Council to follow up as to when the transfer of Wistaria Gardens will take place between Western Sydney Health and Parramatta Park Trust.

Paul Kennedy reported that Council has been advised that this land is in the process of being transferred to the Parramatta Park Trust and the Trust will keep Council informed of updates, including an expected transfer date.

Committee member, Stephanie Licciardo (Manager Heritage, Parramatta Park and Western Sydney Parklands) further advised that this is not quite the case, as the Trust is still waiting on NSW Health – there is still a development application condition of consent that needs to be met before the subdivision certificate can be submitted.

9. UPDATE ON FORMER CARLINGFORD PRODUCE STORE – CNR PENNANT HILLS ROAD & JENKINS ROAD, CARLINGFORD

Councillor Donna Davis was asked at the last meeting of the Committee on 19 August 2021 to provide an update to this meeting on the former Carlingford Produce Store.

Cllr Davis reported that the Carlingford Produce Store is now no longer operating as a business and is now part of the Parramatta Light Rail development though not actually owned by Parramatta Light Rail. The site is currently owned by Sydney Trains.

Members of the Ray Park Heritage Group have been very active in seeking that the building is not demolished and is retained for use in some appropriate form into the future. There are concerns around the protection of the agricultural machinery on site, which is quite unique.

Cllr Davis reported on a letter Council received from Sydney Trains indicating that it is managing the vacation of the site by the existing tenant and their heritage team is monitoring the site to ensure that the relevant heritage assets are protected and stay with the site. Sydney Trains proposes to add the building to its asset management program to prepare a longer-term strategy for the building upon the opening of the Parramatta Light Rail.

Cllr Davis advised that a heritage specialist has been appointed, Long Blackledge Architects, to undertake a review of the Conservation Management Plan for the Carlingford Produce Store and the heritage items at the site.

Dominic Hanna from Sydney Trains Transport Heritage team has mentioned there is funding for a photo story to be created which is an initiative of the Sydney Trains Heritage team. Due to COVID restrictions, Long Blackledge Architects have been unable to visit the site to commence the work. Timing to access the site will depend on Transport's road map for returning to work and it will also depend on the works that are being conducted by Parramatta Light Rail.

10. DEVELOPMENT APPLICATION FOR TELOPEA STATE SIGNIFICANT DEVELOPMENT

Paul Kennedy presented one development application for the Committee's consideration: Telopea Concept Plan and Stage 1A Proposal - SSD on Public Exhibition

The State Significant Development application applies to Land and Housing Corporation owned land.

The Telopea Concept proposal comprises:

- a mixed-use development of approx. 4,700 dwellings, including 1,000 social, affordable and market dwellings;
- 7,000sqm retail precinct with a new supermarket, food and beverage, specialty retail and a childcare facility;
- proposed combined library and community centre;
- proposed combined Church, Residential Aged Care Facility and Independent living unit's facility;
- delivery of new public open space, including a new light rail plaza and hill top park, Eyles pedestrian link; and
- road and intersection upgrades and cycle way upgrades.

The detailed proposal for Stage 1A comprises:

- residential flat buildings up to ten storeys in height containing a total of 452 apartments on Lot C9;
- a new public park;
- a new road crossing of the light rail corridor; and
- a new plaza adjacent to Telopea Station.

Heritage Matters

- Redstone, The Winter House - designed by Walter Burley Griffin (State and Local item);
- EIS accompanied Appendix X Heritage Impact Assessment & Appendix W Aboriginal Cultural Heritage Assessment Report; and
- Council Officer preparing draft submission for Council's consideration.

Exhibition Details

- Public Exhibition 13 October – 9 November 2021;
- view hard copies at Dundas Library or Customer Service Centre;
- view on DPIE Major Projects website;
- submissions can be made to Department of Planning (DPIE) online:
www.planningportal.nsw.gov.au/major-projects/projects/on-exhibition

ACTION:

Paul Kennedy to distribute details of the link to this development application to Committee members to enable them to make a submission should they so wish.

11. ST PATRICK'S CEMETERY – CRUSHED STONE PATH AND SANDSTONE KERBS

Committee member, Jeffrey Allen, noted that along Church Street where St Patrick's Cemetery is located, that the sandstone kerbing and crushed gravel between the kerb and the park has been removed to make way for the light rail.

Jeffrey said that the sandstone has now been replaced and he would like to know if the crushed gravel is going to be put back in.

Paul Kennedy advised that having consulted the Parramatta light Rail Program Interface Manager the crushed stone path will become resin-bound aggregate and the sandstone kerbing that was removed would likely be reused elsewhere. Paul had been informed that the crushed sandstone is not a long-lasting material that would meet the scope for contractors.

12. HERITAGE LISTING OF BUS SHELTERS, LOFTUS PARK, EPPING

Ruth Evans referred to a potential heritage listing of several unusual bus shelters located in one of Epping's oldest parks, Loftus Park. Photos of the bus shelters were circulated to Committee members prior to the meeting.

A member of the Loftus Park Committee gave Ruth some information about the history of these two shelters and their installations at the site. Whilst these items are relatively 'new' in an historical time frame (first one installed in 1970s by Council), Ruth believes that their inclusion on Council's heritage register has some merit, especially when one looks at the Heritage Advisory Committee's 'heritage definition'.

The Committee noted that a number of this style of bus shelter have been installed in the ACT, but there are only limited installations outside the ACT.

Paul Kennedy advised on the process that needs to be followed for proposed listing of the bus shelters, which includes undertaking an assessment of the shelters and making sure the NSW Government's criteria are satisfied. Any listing would also have to be looked at comprehensively with other proposals and processed as either housekeeping amendments or in association with a comprehensive heritage review likely to be undertaken at some stage in the future.

RESOLVED (Evans/Betteridge)

That the Committee support further investigation of the bus shelters for possible heritage listing and that listing be pursued if appropriate.

13. CULTURAL HERITAGE VISITOR SERVICES UPDATE

The Cultural Heritage and Visitor Services Update Report for October 2021 was circulated to Committee members prior to the meeting.

The report covered the following matters:

Destination Management Plan (DMP) – Ongoing Implementation

The DMP is a five-year plan and vision to 2024 with a four-year implementation program. A review of the three-year program will commence in December 2021, leading onto the completion of a new two-year implementation program from July 2022 to June 2024.

Research & Collections Services

• Council and Community Archives

Council Archivist, Michelle Goodman, moved on from Council to take up a position with the Museum of Applied Arts & Sciences (MAAS). We now welcome Paige Davis into the role. Paige was recruited and on-boarded virtually, and is now pleased to have physical access to the archive collection with the reopening of the Heritage Centre. One of the priorities for Paige is to progress the Digivol project which will see a selection of Council minutes and community records transcribed and accessible on the [Parramatta History and Heritage website](#).

• Cultural Collections

A cultural collections project has commenced that involves assessing a part of the collection that has been identified as requiring research to determine its significance against our [cultural collections policy](#). A large collection of unprocessed material, and accessioned material with low, or no significance or provenance is housed at the Heritage Centre. This collection mainly comprises civic and ceremonial gifts, artworks obtained through community donations, various PCC Art Award prizes or items acquired by Councillors. There is a small portion of archival and cultural material. The overall

significance and value of the cultural collections will be better understood through this project.

- **Research themes**

The Research and Collections Team continue to collaborate more broadly within Council and with other stakeholders to recognise significant anniversaries and events. Recent content featured:

- **Brislington House Bicentenary 1821 – 2021.** September 2021 marked the 200th anniversary of the construction of Brislington House. Brislington Medical and Nursing Museum is the oldest, and a notably rare, dwelling house in the inner City of Parramatta.

Forthcoming features are:

- **Declaration of Parramatta Municipal Council** – 160 years – 27 November
- **HMS Parramatta II** – 80 years – since she was lost off the coast of Tobruk

Plus there is ongoing research into stories relating specifically to the Parramatta LGA. These stories are themed and compiled into publications. The most recent publication is:

- **Parramatta Gaol** - considered one of Australia's more important historical sites. Constructed 1835-1842; it was, until its closure in 2011, Australia's oldest serving gaol. Ownership of the building was transferred to the Deerubbin Local Aboriginal Land Council in 2015. See our publication [here](#).

Heritage Interpretation

SPS Interpretation Project

The draft interpretive design concepts were presented to the last Heritage Advisory Committee meeting and to Councillors in mid-October and is progressing to a detailed design package to be finalised for the construction in November 2021.

Final content is currently in development for the showcases on Level 1, Level 2 and for decals of historic events and performances at the Town Hall lobby area. Various stakeholders are being consulted including Dharug custodians.

Aquatic and Leisure Centre, Parramatta

The final suite of interpretive devices have been priced and are in the process of being confirmed to progress to next stage.

Blue Plaques Project

Heritage NSW (HNSW) is coordinating a project to add Blue Plaque interpretation to historic sites across NSW. Whilst this is not a Council-run initiative, the Cultural Heritage Team (CHT) has identified that this is a good opportunity to highlight Parramatta's exceptional heritage values as per the criteria of the EOI.

We've noted feedback of suggestions from Heritage Advisory Committee members and Parramatta Heritage Partners Reference Group to avoid duplication of nominations. Parramatta District & Historical Society will be assisting the CHT team with completing the nomination forms.

The CHT team shortlist of potential Blue Plaque sites focuses on the CBD and River Loop, a Destination Management Plan precinct. All nominations are to be provided to MPs and MLCs by 27 October. Due to the short time frame, the CHT team has identified sites that do not require lengthy approval processes. It is proposed to include a further list for subsequent submissions. We are happy to share the list Council will be submitting in the coming week. HNSW has verbally advised there will be other rounds for nominations in 2022.

Paul Kennedy sought advice from Committee members as to whether they have separately submitted any nominations for potential sites for the Blue Plaques Project.

Gary Carter indicated that he has submitted a nomination through Geoffrey Lee, Member for Parramatta, for the Royal Oak Stables.

Stephanie Licciardo advised that the Blue Plaques Project is appropriate for nomination of statues and commemorative seats within Parramatta Park, the park being a UNESCO World Heritage cultural landscape.

David Hoffman emphasised that this project is about people, or events or movements.

14. CITY PLANNING UPDATE

Paul Kennedy, Project Officer Land Use, provided the Committee with a City Planning Update on the following matters:

Governor Phillip's Campsite at the junction of Toongabbie and Darling Mills Creeks

Paul reported that as requested by the Committee, the information on the waterhole was submitted to the Aboriginal & Torres Strait Islander Advisory Committee to seek that Committee's views on issues of interpretation, Aboriginal significance and heritage importance of the site. The extract of the minutes of that meeting were forwarded to Committee members.

The Aboriginal & Torres Strait Islander (ATSI) Advisory Committee considers that the site is significant because it forms part of Governor Phillip's overall expedition, the party having camped there on the third night of the expedition. The site is also significant to the Aboriginal people of Parramatta because it was the prelude to the settlement of Parramatta. The expedition found a continuous supply of fresh water at the site.

The ATSI Advisory Committee felt that the site should not be listed, but there could be some recognition given to the site in the way of signage and interpretation.

Paul also previously circulated photos to members provided by Councillor Phil Bradley showing that there is significant National Trust signage already at this location featuring the Governor Phillip's camp site and the Samuel Marsden Mill.

RESOLVED (Licciardo/Carter)

A. The Committee noted the views of the Aboriginal & Torres Strait Islander Advisory Committee, but nevertheless, it sees the site as important from the European heritage point of view and the possibility of listing should still be pursued, with consultation continuing with the ATSI Advisory Committee.

B. That In light of the recent work that Committee member, Chris Betteridge, has been speaking about, the Committee, through Paul Kennedy, ask Council's Heritage Advisor to review the decision to not list this site.

Ralph Symonds Factory Site: Wentworth Point (also refer to Item 8 on Agenda)

Paul Kennedy addressed the Committee in relation to the information he obtained from Google searches on the Ralph Symonds factory site.

RESOLVED (Betteridge/Smith)

That having regard to the additional material obtained, the Committee, through Paul Kennedy, ask Council's Heritage Advisor to review the Council staff recommendation that heritage listing not be supported.

NOTES:

1. Chris Betteridge indicated that he should be able to submit his report by the end of next week which will include advice from Ralph Symonds grandson in Israel and some 1960 aerial photographs of the factory taken by Milton Kent which are in the State Library collection.
2. David Hoffman asked that Chris Betteridge's and Andrea Giusa's attention be drawn to a book titled 'The House' by Helen Pitt (which is the story of the Sydney Opera House and the people who made it) which contains a section on the involvement of the factory in the building of the Sydney Opera House.

Parramatta CBD Development Control Plan

Paul Kennedy gave notice that a staff member would like to make a presentation to the next Heritage Advisory Committee meeting on 25 November 2021 in relation to the Parramatta CBD Development Control Plan, which is being developed and which contains some important heritage provisions.

15. COUNCIL REPORT – REPORT TO COUNCIL ON 8 NOVEMBER 2021

This matter was deferred for consideration to the next Heritage Advisory Committee meeting on 25 November 2021.

16. REFINED INTERPRETATION DESIGN – 5 PARRAMATTA SQUARE

This matter was deferred for consideration to the next Heritage Advisory Committee meeting on 25 November 2021.

17. GENERAL BUSINESS

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7 Parramatta Square – Amendments to Parramatta Town Hall

Reference was made to the proposed amendments to the Parramatta Town Hall. It was questioned as to whether any alternative community uses have been considered other than food establishments. It was also emphasised that any redevelopment of the site, change of use or alterations and additions should be sympathetic to the significant original fabric of the building and any interpretation should be adequately researched and sensitively applied. Any signage should also be sympathetic to the building.

Committee members also recently received details of a proposal to add a verandah and glass structure on the southern side of the Town Hall.

The Committee noted that it should have adequate time to consider these applications bearing in mind that the Town Hall is one of the primary heritage items in Parramatta.

ACTIONS:

- A. That Committee members consider and comment on the application by 3 November 2021, and if making comments, members should 'reply all' so that other members are aware of the concerns being raised.**
- B. That Council's Heritage Advisor be asked, through Paul Kennedy, to provide comments in relation to the proposal to add a verandah and glass structure on the southern side of the Parramatta Town Hall.**

18. INFORMATION SHARING

Parramatta Mission Site – Leigh Memorial Church

Attention was drawn to a winning design posted on Facebook for the redevelopment of the Parramatta Mission site adjacent to Leigh Memorial Church. Durbach Block Jaggers won the design excellence competition for the new building being chosen by a Jury.

The design is intended to contrast with the high-rise towers surrounding the site with a circular form reminiscent of the banksia pod.

The building will house the staff of the Parramatta Mission and be a place of meeting and a centre for social services. It will also include a rooftop chapel and a reflective garden.

Elizabeth Farm Re-opening

It was reported that Elizabeth Farm is re-opening on 22 October 2021, initially it will be open on Fridays and Saturdays.

NEXT MEETING

The next meeting of the Committee will be held on Thursday 25 November 2021 at 5:00pm.

The meeting closed at 7.52 pm.



- 1. WELCOME AND INTRODUCTIONS**

The meeting opened at 5:05pm.

Carol Liston welcomed everyone to the meeting.
- 2. APOLOGIES**

Apologies were received from Committee Members Jeffrey Allen (Deputy Chairperson), Gary Carter, Ruth Evans, Stephanie Licciardo and Christine Rigby.

3. **CONFLICT OF INTEREST DECLARATIONS**

There were no declarations of interest made at this meeting.

4. **COUNCIL REPORT - REPORT TO COUNCIL ON 8 NOVEMBER 2021**

The report to Council was pre-circulated to the Committee which dealt with matters that were in the Committee's Minutes of 19 August 2021 and 7 September 2021.

The Council received and noted these two sets of Minutes.

A question was raised in regard to the outcome of investigations by Council officers on the action taken, if any, to ensure the preservation of the art deco relief sculpture on the side of the Holdmark Building at 85-97 Macquarie Street, Parramatta. Paul Kennedy advised that this matter will be discussed later in the meeting under Business Arising. He also indicated that a statement has been sent to members regarding this matter.

5. **REFINED INTERPRETATION DESIGN DEVELOPMENT – 5 PARRAMATTA SQUARE**

Justine Dowd, Cultural Heritage & Tourism Manager and Rebecca Hawcroft, Interpretation & Strategy Coordinator, gave a presentation to the Committee on the refined interpretation designs for the proposed showcases and artefact displays for the new Council building at 5 Parramatta Square, which is presently under construction.

Rebecca indicated that the Committee has already seen an earlier iteration of the proposed interpretation of 5 Parramatta Square.

Justine indicated that a revised developed design package from the interpretation consultant has since been prepared and presented to Councillors for feedback and the consultant is now progressing with final designs. The latest design versions are presented to the Committee.

Rebecca referred to the first element on the ground floor area, which is a feature wall map designed to have a World Map on it and to introduce the Waves of People and how people have travelled from around the world to come and live and work in Parramatta. It is proposed to have a series of timeline stories projected onto it which will include an animation between images, dates, figures, numbers and text.

Rebecca said that the next element will be located on Level 1 of the building which is the main Library Level – it is proposed to have two large showcases about one metre wide along the two walls of the entry to the Library depicting the themes of a Fertile Place and a Gathering Place. The showcases will be flexible and the displays can be easily changed giving the Collections Officer the ability to rotate the displays with different objects from the collection or that are on loan.

Rebecca then referred to Level 2 which is the proposed location of the Research Library which is the area to which people wanting to do focused research will come. This area will have a wide lobby with two showcases on either side which will have light boxes and images of Parramatta people with a focus on traditions interpreted on one side and celebrations interpreted on the other side.

Rebecca then spoke of another element at the entry level where the Town Hall has been modified, where the stage has been removed and where there is a single level flow through from 5 Parramatta Square to 7 Parramatta Square. There will be a glazed wall at this location between these two spaces. The designer is working on a concept for this wall focusing on the social significance of the Town Hall through the events and activities that went on there.

It is also proposed to use the front two meeting rooms in the lobby area of the Town Hall for a display of historic images and posters of the Town Hall.

The Committee then raised the following matters:

- With the migration of the various people groups, it is noted that one of the most recent people groups to arrive, namely, African people, are not represented.

Response: This has already been noted with a request to include African people.

- The Committee has previously discussed the possibility of recognition being given to Betty Cuthbert and it was questioned as to whether she is now a placeholder for the display?

Response: There has been a lot of discussion about Betty Cuthbert, both for and against and it has been decided to make the focus more on the parade through Parramatta when she returned as a medal winner i.e., focusing more on the community celebrating her rather than her as an individual.

- As well as the Drama Society and the performances that took place in the Town Hall, is any recognition being given to the bands and orchestras that performed in the Town Hall?

Response: There is some musical material that has been gathered but they are more to do with musical theatre. A lot of work has been done to find promotional materials but there are some areas that are still a bit lacking. The proposals to have the materials on display in the front meeting rooms gives some flexibility and the ability to also include documents and promotional material on bands and orchestras if these can be found at a later date.

- Councillor Phil Bradley enquired whether Baludarri and William (Bill) Hart (aviator) will be included in the displays?

Response: Baludarri will be represented in the Darug display in the showcase on Level 1. William Hart's photo will be in the Level 2 showcase display.

- Is Daniel Moowattin also represented with Baludarri?

Response: No. There will be three Darug people highlighted but not Daniel Moowattin.

- Has any information been obtained for the displays about Murrays Limited?

Response: All of Council's collection items are about Murray Brothers but a connection could possibly be made in the text although it is a bit restricted because the showcases are mainly object focused. There are definitely some photos of Murrays Limited which can be used.

- Parramatta's natural environment has substantially changed over the years due to the construction of a number of buildings and resulting changes to Parramatta's creeks and rivers because of these developments.

Response: This does come up in the showcases on Level 1 because they interpret the archaeology that happened in Parramatta Square including the town drain, the management of water, the history of Parramatta Square and the river at Parramatta Park.

- It was suggested that emphasis should be given to the significance of the river in the settlement of Parramatta and that it was the river that led the settlers to this spot.

Response: There will continue to be opportunities for this. Visitor Services will continue to conduct tours across the LGA and talking about these stories through heritage interpretation and programs.

Justine Dowd, on behalf of the Cultural Heritage & Tourism team, thanked the Committee for its commitment and feedback provided over the last 12 months.

Justine Dowd and Rebecca Hawcroft left the meeting at this stage, the time being 5:35pm.

6. DRAFT PARRAMATTA CITY CENTRE DEVELOPMENT CONTROL PLAN

The following members of the City Planning and Design Unit team were present for this item:

- Jay Ahmed, Project Officer City Design
- Jessica RichardsSmith, Senior Project Officer
- Kelly Van Der Zanden, Group Manager City Design
- Jacky Wilkes, Senior Project Officer Land Use

Kate Higgins, Heritage Consultant engaged by Council to prepare the controls, was also present.

Jay Ahmed indicated that the team will provide a brief overview of the Draft Parramatta City Centre Development Control Plan (DCP).

A presentation was given to the Committee covering:

1. CBD Planning framework context
2. Background
3. What will the Draft City Centre DCP do?
4. Heritage Controls (Kate Higgins, Consultant)
5. Exhibition details
6. Next steps

1. CBD Planning framework context

- The City Centre DCP is a component of the Parramatta CBD Planning Framework Review
- The Parramatta CBD Planning Framework Review comprises:
 - Parramatta City Centre LEP (which includes an Updated Flood Risk Management Plan and Integrated Transport Plan)
 - Parramatta City Centre DCP
 - Parramatta CBD Local Contributions Plan
 - Planning Investigation Areas

2. Background – Preparation of the Draft DCP

- Prepared by an extensive internal team across multiple disciplines of Council , and informed by numerous technical studies and consultant input across:
 - Design Quality
 - Built Form
 - Public Domain
 - Special Areas
 - Heritage
 - Flood Risk Management
 - Environmental Sustainability
 - Vehicular Access and Parking
- Where does the Draft City Centre DCP apply?
 - Area is identical to the area where the Draft City Centre LEP applies

- Special Areas – Special areas of distinct character or prominence requiring tailored controls:
 - City River
 - Civic Link
 - George Street
 - Church Street
 - Marion Street
 - Campbell Street & Great Western Highway
 - Auto Alley
 - Station Street West
 - Creek Corridors
 - Park Edge

3. What will the Draft City Centre DCP do?

- What is the function of the Draft City Centre DCP?
 - To support the LEP (including heritage)
 - Give effect to Council's vision:
 - Lively, high quality public spaces and architecture
 - Tall slender towers, set back from streets
 - Provide the detailed controls needed for the management of development and growth envisaged by the LEP, including Heritage, as part of Council's vision
 - Street Wall Controls - Central Themes
 - Experience of the city from a human perspective at the street and ground level. Use of street walls to define the public realm at a relatable scale. Tall towers (upper stratum of the city) set back to limit environmental impacts.
 - Collective urban form contributing to the architectural and overall urban design quality of the city centre.
 - Being cognisant of the role existing fabric (including heritage), grain, and historic subdivision patterns play in defining street and modulating street walls.
 - Requirements for detailed and thorough analysis to establish the form, scale and articulation of street walls.
 - Controls in the built form section of the DCP apply to all developments in the Parramatta City Centre unless modified by Special Area controls.
- Draft LEP Heritage Clause
 - Clause 7.6(k) Managing heritage impacts in the Draft LEP leads the way to ensure appropriate relationship to heritage items, conservation areas and positive responses towards conservation management is considered within the City Centre.
 - Clause informed by heritage studies as part of the CBD Planning Proposal.
 - The Draft DCP heritage controls reinforce the LEP and provided expanded guidance to support design and assessment processes.

4. Heritage Controls - Presentation by Kate Higgins, Heritage Consultant

- Purpose
 - Supplement existing controls in Parramatta DCP
 - Help to conserve the heritage of Parramatta City Centre with tailored controls
- Approach
 - Heritage protection measures woven into the City Centre controls
 - Specific set of heritage controls

- Heritage Controls
 - An understanding of the heritage values of the place must guide decisions about the place
 - Heritage values must be conserved – including building fabric and setting
 - New development must have a sympathetic relationship with heritage items

5. Exhibition Details

- Public Exhibition commences Monday 15 November 2021 and runs to Monday 13 December 2021 (4 weeks)
- Draft DCP can be viewed at Council's Participate Parramatta website:
<https://participate.cityofparramatta.nsw.gov.au/cbd-DCP>
- Supporting material includes:
 - FAQs
 - Summary Sheet
 - Summary of Amendments
 - Draft City Centre LEP (submitted to DPIE for finalisation)

The Committee was then given the opportunity to make comments/ask questions. The following matters were raised and responded to by Kate Higgins, Consultant:

Question Are the controls different for every item, for example, are there specific controls for the Roxy Theatre?

Answer *There are site specific controls for different parts of the CBD and the area around the Roxy does have site-specific controls which are informed by heritage considerations and the same thing happens with St John's Church. There are no specific sets of heritage controls for different development types or individual buildings but rather they are more general than that.*

Question In regard to the development proposed behind St John's Church, were some of the current considerations of how St John's should be looked at taken into consideration before the church submitted its development proposal for the two towers?

Answer *It is not possible to speak to individual development applications, but the Draft DCP controls do provide good provision for Council's staff to assess the heritage impacts and to require consideration of appropriate matters in any new development.*

Comment In regard to the design principle of walls of developments alongside heritage properties, it is stated that there should be a clear vision of the heritage. It is difficult to understand this principle and making it a control, particularly for buildings alongside heritage properties that are up to 6 storeys high, and doesn't accord with the statement made that every heritage item should be looked at individually.

Comment There is a total lack of reference to archaeology throughout the entire document.

Answer *The existing DCP controls have a whole section on archaeology including a section on Aboriginal heritage. These CBD controls are not standalone but will be integrated into the bigger document and become part of the Parramatta DCP. Something can be added to reference this in the introduction to the overall general heritage controls that currently exist to indicate the requirement to also consider Aboriginal and archaeological aspects.*

Comment The building at 45 Macquarie Street, Parramatta is an exemplar of how to develop within the City and also how to highlight the building's past, but this property remains as an individual point of reference. Everything else has been dug up and destroyed because the DCP gives preference for underground parking resulting in destruction of archaeology.

Comment There is a need to look at the language used when it come to the principles. One of the principles is that new development must be built in a way that will improve heritage values of a place which is a difficult concept to understand. A better wording would be to say it will "enhance heritage values" rather than saying "improve heritage values".

Answer *Agreed. This has been noted.*

Question Why was the Hector Abrahams study accepted and why was it preferred over the GM Urban Design & Architecture (GMU) study with the increased setbacks at higher levels of buildings?

Answer *They were part of a suite of studies that informed the LEP and subsequently the DCP. Jacky Wilkes, Senior Project Officer Land Use, added that the GMU Study was not actually prepared for Council – it was prepared by the Department of Planning as part of its work when it was reviewing the urban design controls that informed the FSRs and height controls.*

Comment There was the Urbis Study that was commissioned by Council which was more sympathetic to individual items of heritage where there was a stepping down to conservation areas and landscape features but there seems to be a preference for the Abrahams solid wall.

Question Why isn't 'design excellence' demanded under the current controls?

Questions Councillor Phil Bradley asked the following three questions:

1. The owner of the site immediately to the east of the Roxy Theatre had requested that the height of their development be increased similar to the height of the building on the corner further east. There is a laneway to separate the two sites. He asked as to whether staff may have changed their view in respect to the density and height of the building immediately to the east of the Roxy?
2. Has there been any feedback from the Department on the issue of a 12m setback along the heritage streetscape of Church Street.
3. Has there been any feedback from the Department on the three planning investigation areas where studies have been carried out including in North Parramatta where 30 storey buildings are proposed next to Sorrell Street?

Carol Liston (Chairperson) also spoke on the issue of the possible impact of high-rise buildings in Church Street going into North Parramatta which will have a dramatic impact on both sides of the street which was largely a 19th Century working class residential area with a number of single storey cottages remaining. There will be differences in scale and the way in which this heritage is respected presents a particular challenge.

Answer *David Birds, Group Manager Major Projects and Precincts, advised that the CBD Planning Proposal is currently with the Department of Planning and to date, no feedback has been received. In regard to the investigation areas, there is nothing further to add other than to say that the work on the north-east area will be brought*

back to Council in the new year which may evolve into seeking advice on what the most appropriate controls should be.

Question In regard to the consequential amendments and the Harris Park West Heritage Conservation Area, it was agreed at a previous meeting to remove the southern side of Kendall Street out of the Heritage Conservation Area but it is noted that the northern side of Ada Street is now within the DCP but there are not the same controls over the tiny cottages in this location as to what there is for the second part of the consequential amendments which is for North Parramatta and Sorrell Street.

Answer *The commercial expanse of the Parramatta CBD is pushing into a small portion of these two Heritage Conservation Areas. This has introduced a commercial zone into these heritage areas that have had non-commercial uses and so, to enable commercial uses to also operate within these areas, the controls have had to be tweaked. In some cases there have been residential controls with some text added so that it appropriately deals with specific commercial development as well, and in other cases, one or two controls were not appropriate, so a new control has had to be added to deal with this commercial land use introduction.*

Question Can the environmental sustainability footprints of heritage buildings be improved when they are proposed for modifications? Sustainability of heritage buildings needs to be recognised as a value.

Answer *There is an inherent sustainability benefit in retaining heritage because embodied energy is retained and there is no need to transport materials and build new things. Good sustainability measures can be built in to heritage buildings but they have to be done in a sensitive, sympathetic and appropriate way to the heritage nature of buildings.*

Question Councillor Phil Bradley stated that embodied energy is becoming an important factor in any new development and there are techniques used now of estimating and calculating the embodied energy with the idea of minimising any additional wastage in construction. This is another good reason to preserve existing heritage buildings. Is there anything about embodied energy incorporated within the DCP?

Answer *This question was taken on notice and will be investigated. This applies not just to heritage within the City Centre but throughout the whole LGA.*

Question Councillor Phil Bradley referred to the new National Construction Code Standards which are an improvement on the previous Code. Have these elements been picked up within the DCP?

Answer *DCP's are not required to pick up elements of the National Construction Code as the Code applies regardless of what Council's DCP may say.*

Question Would like to know how the Draft DCP really deals with the issue of the setting of heritage items and how it respects Article 8 of the Burra Charter? The huge visual impact of large towers in Parramatta has already been seen on heritage items and there is a likely impact of further towers.

Answer *In the submissions, it was suggested that the LEP issues and DCP issues be separated out. Things like height and bulk and scale should be addressed as an LEP matter.*

Question Is there a need to have so many high-rise buildings in Parramatta considering the changes which have taken place arising from the COVID Pandemic and

why have developments gone out on tentacles north and south of the City?
Can't it be contained?

Question Can the exhibition period be extended having regard to absence of a Council during December? If not, can an extension of time be granted to some people to lodge a submission?

Answer *The statutory advertising period for a DCP is 28 days. It has been advertised for 5 weeks instead of for 4 weeks. There was a Council resolution to advertise the DCP for 5 weeks and this concludes on Monday 13 December 2021. It is difficult to advertise over the Christmas/New Year period. The question of an extension of time will be taken on notice. David Birds, Group Manager Major Projects and Precincts, later indicated that if individuals seek an extension of time to make submissions, that this is likely to be granted.*

Comment This being a DCP for the future of Parramatta CBD it has some vast improvements and it is hoped that it can proceed through the Gateway process as quickly as possible to stop a lot of other inappropriate developments taking place on or near heritage sites.

Answer *David Birds, Group Manager Major Projects and Precincts explained that this DCP is not subject to a Gateway process and that the new Council will determine this matter itself in the new year and it will be brought back to the Heritage Advisory Committee as well for further comments.*

Carol Liston (Chairperson) concluded by encouraging members to make their own individual submissions within the time that is still available. Carol thanked Kate Higgins, Consultant and Council staff for their attendance and answering questions.

Consultant Kate Higgins and Council staff, Jay Ahmed, Jessica RichardsSmith, Kelly Van Der Zanden and Jacky Wilkes left the meeting at this stage, the time being 6:24pm.

7. **CONFIRMATION OF MINUTES OF MEETING HELD ON THURSDAY 21 OCTOBER 2021**

RESOLVED (Hoffman/Smith)

That the Minutes of the meeting of the Heritage Advisory Committee held on Thursday, 21 October 2021 be received and noted as a true record of the meeting.

8. **BUSINESS ARISING FROM MEETING HELD ON THURSDAY 21 OCTOBER 2021**

Paul Kennedy, Project Officer Land Use, gave an update on the following items in the Minutes of the Meeting held on Thursday 21 October 2021:

85-97 Macquarie Street, Parramatta

The following advice is provided by Council officers in response to the Committee's request for an update on this issue:

- the Committee enquired on 19 August 2021 if any action had been taken to preserve the art deco relief sculpture on the site of the Holdmark Building located at 85-97

Macquarie Street, Parramatta. Paul Kennedy was asked to ascertain if any action had been taken; and to report back to the next Heritage Committee meeting.

- Paul Kennedy advised at the Heritage Committee Meeting on 21 October 2021 that the outcome of investigations into this matter would be reported to the November meeting of the Committee.
- The origin of this matter was at the Heritage Committee meeting of 27 November 2019 where after being briefed on a number of Development Applications, including the DA for 85 – 97 Macquarie Street for the construction of a multi-storey commercial building (DA/638/2019), the Committee recommended an 'interim heritage order' for the former MLC building and possibly for The Strand Arcade on this site.
- Council officers advise that:
 1. at the date of the Committees earliest consideration of this matter, Council was processing a DA to demolish buildings on the site (DA/611/2019) that was approved shortly after the Committee meeting. The Committee's views had not been sought on this DA;
 2. a detailed Heritage Impact Statement submitted with the DA for new development (DA/638/2019) found that existing buildings on the site did not meet criteria for heritage listing;
 3. in the future, the new Council Heritage Advisor position, which is now located within the Development and Traffic Services Unit, will work closely with the Committee and this Unit to ensure that early consideration is given to Committee comments and recommendations to inform the assessment of DAs;

Heritage Advertising

In response to the Committee's request on 21 October 2021 for an update on Council's notification processes and requirements, Council's Group Manager Development and Traffic Services has provided the following response:

In respect of notification of DAs, this is carried out in accordance with the Community Engagement Strategy – Appendix 1 – Consolidated Notification Requirements.

For all development applications types (including heritage related works) requiring notification, written notification is provided to the 10 closest surrounding properties. Where there is no impact to adjoining properties to the rear of the subject site, written notification is limited to the 5 closest surrounding properties to the side and opposite the subject site. Written notification can be in the form of a physical or electronic letter and provides a description of the works and a reference to Council's DA Tracker where our customers can view the related application documents. Written notification is in addition to applications also being notified on Council's website.

For heritage related applications, including:

- works to heritage listed items and buildings within heritage conservation areas
- tree removal within a HCA or related to a heritage item
- any other works in an HCA

The notification period is 14 days and no sign is placed on site.

For applications proposing demolition or substantial demolition of a heritage item (building, work, relic or place in a heritage conservation area) the notification period is 21 days and a sign is placed on site.

Investigation of Heritage Listings

Paul Kennedy advised that the Committee's requests for further investigations of heritage listings for:

- Bus Shelter, Loftus Park, Epping
- Governor Phillip's Campsite
- Ralph Symonds Factory Site, Wentworth Point

have been referred to Council's Heritage Advisor for him to review as other work priorities allow.

9. CULTURAL HERITAGE VISITOR SERVICES UPDATE – NOVEMBER 2021

It was noted that Justine Dowd, Cultural Heritage & Tourism Manager, had previously left the meeting and that her Cultural Heritage Visitor Services Update for November 2021 will be circulated separately later as an out of session item.

10. DEVELOPMENT APPLICATIONS

7 Parramatta Square – Parramatta Town Hall

Andrea Giusa, Heritage Advisor reported that a development application was submitted to open up five openings in the southern part of the auditorium underneath the windows. After negotiation with the consultant, Andrea's recommendation for the first development application was to reduce the number of openings to two extra openings rather than four. His recommendation was accepted.

Andrea informed the Committee that in regard to the extensions to the Town Hall, he has provided some comments and recommendations and has sought a re-referral to seek alternative options. The Committee asked that it be informed of the outcome.

DA 1004/2021 – 21A Caloola Road, Constitution Hill - Construction of a Telecommunications Facility

This site is listed on the State Heritage Register and the application is Integrated Development pursuant to the Heritage Act 1977.

The Committee expressed a concern that it is inappropriate that a Telecommunications Facility is located on a site listed in the State Heritage Register which area played an important part in Parramatta's unique history, namely, the 1804 uprising.

The notification period concludes on 8 December 2021.

New Email system for Notification of Development Applications to Committee Members

Carol Liston, Chairperson reported that she has received a test email from a Council officer about the new email system to notify Committee members of development applications.

Carol thanked the relevant Council officers for actioning this request from the Committee.

11. CITY PLANNING UPDATE

Paul Kennedy, Project Officer Land Use, provided the Committee with a City Planning Update on the following matter:

Site-Specific Development Control Plan (SSDCP): 27-31 Argyle Street, Parramatta

- **Subject site:** located at the corner of Argyle Street and O'Connell Street, Parramatta, comprising a total site area of 2,525sqm, zoned B3 Commercial Core.
- **Application:** Lodged on 24 September 2021 for A-Grade commercial office building to reinforce the commercial function of the Parramatta CBD. The Applicant's draft site-specific DCP proposes total FSR of 27.61:1 (including Design Excellence Bonus), and consists of a total 69,706m² of GFA.
- **Heritage Listing:** The subject site not a listed heritage item PLEP 2011. However, the site is located in the *vicinity* of a heritage item - St John's Anglican Cemetery (Item no. I00049) – 1 O'Connell Street, Parramatta.
- **Overshadowing:** The site-specific DCP indicates that the proposed building envelope will partially overshadow the St John's Anglican Cemetery.
- **Letter of Heritage Advice:** prepared by Urbis. As noted in this letter, *the Cemetery is listed on the State Heritage Register and as a local heritage item under Schedule 5 of the Parramatta Local Environment Plan 2011. It is Australia's oldest surviving cemetery post European settlement, dating back to 1790. Arguably, the site is the most historic and important cemetery in Australia with graves from the 1788 First Fleet and of well-known pioneers.*
- **Objectives of SSDCP:**
 - Ensure development recognises the archaeological potential of the site and respects the heritage character of the precinct.
 - The controls are provided to inform development and manage the heritage aspects of the site to mitigate potential impacts. These heritage controls are additionally supported by the City Centre DCP, currently on exhibition.
 - The site-specific DCP does not intend to replicate the City Centre controls, rather, identify additional controls for application at this site.

The Committee said that it would be wise to go to the Draft CBD DCP to ensure that this new building complies with the intention of the new DCP. It was noted that this DCP includes controls for the solar protection of St John's Cemetery.

12. APPLICATIONS FOR LOCAL HERITAGE FUND

The following application for grants through the Local Heritage Fund were considered:

180 Windsor Road, Winston Hills

An application to replace the existing wrap-around deck flooring of the veranda with native timber.

RESOLVED (Smith/Betteridge)

That the Committee recommend the approval of a grant of \$2,445.00 for 180 Windsor Road, Winston Hills.

Madison Gardens, Carlingford

An application to remove deadwood from Brush box trees and Lemon Scented Gum from Children's home and treed Avenue accessway.

RESOLVED (Smith/Betteridge)

That the Committee recommend the approval of a grant of \$3,300.00 for Madison Gardens, Carlingford.

144 Good Street, Harris Park

An application to make 8 new chimney pots for installation on the roof of the dwelling.

It was noted that the application has merit but exceeds the guideline limits of one application lodged per two years.

RESOLVED (Hill/Mealey)

That a decision on this application for 144 Good Street, Harris Park be deferred until the end of the current financial year.

46 Grose Street, North Parramatta

An application to replace the roof lead flashing and attach leaf guard to the guttering of dwelling.

It was noted that the application has merit but exceeds the guideline limits of one application lodged per two years.

RESOLVED (Hill/Smith)

That a decision on this application for 46 Grose Street, North Parramatta be deferred until the end of the current financial year.

50 Marsden Street, Parramatta

An application to provide internal walls and re-plaster, instal new kitchen and bathroom ceilings and provide new floor and subflooring.

RESOLVED (Mealey/Smith)

That the Committee recommend the approval of a grant of \$3,300.00 for 50 Marsden Street, Parramatta.

7 Kent Street, Epping

An application to replace electrical wires and electrical board. It was noted that this is the home of one of the Committee members, Ruth Evans (who is absent from this meeting).

RESOLVED (Betteridge/Hoffman)

That the Committee recommend the approval of a grant of \$1,493.00 for 7 Kent street, Epping.

13. GENERAL BUSINESS

Nil

14. INFORMATION SHARING**DA/51/2019/B – Demolition of Portion of Property – 28 Alice Street, Harris Park**

Reference was made to a matter raised at the last meeting in regard to a development consent issued for partial demolition of a property at 28 Alice Street, Harris Park. It was reported that substantial demolition has taken place, much more than was outlined in the development application providing for partial demolition, with only the front veranda remaining.

This matter was taken on notice for further investigation.

Andrea Giusa, Heritage Advisor, reported that he had recently received a phone call from the builder seeking clarification as to what should be retained of the property. Andrea advised that the application was approved but requiring retention of the front of the house, not only the façade. Andrea expects that this matter will become a compliance issue.

Compliance Issues – Heritage Properties

Andrea Giusa, Heritage Advisor, reported that he has done some work with Council's Compliance section in regard to fences and driveways in the Epping Conservation Area including in Epping, Eastwood and Carlingford and he is putting a recommendation to publicise the Guidelines and Fact Sheets on Council's website.

Andrea also indicated that solar panels are becoming an issue associated with heritage properties and there are some good guidelines available from other Councils which he may be able to use.

Ralph Symonds Factory Site, Wentworth Point

Chris Betteridge apologised for not having yet completed his report on the Ralph Symonds Factory at Wentworth Point, but he hopes to submit it before the term of the Committee concludes.

Chris reported that he has found a lot of additional information, but he hasn't yet been able to look at the Helen Pitt book on the Sydney Opera House (titled 'The House') as yet.

Chris does feel that the surviving part of the building does satisfy a number of the criteria for listing at a local level and some at a State level. He said that the level on the exterior intactness of the building is very high and the unusual nature of the roof construction is unique using large timber laminate beams. He is of the view that the building warrants further consideration for listing.

If it doesn't end up being listed, Chris said that there most certainly needs to be site and wider interpretation of the significance of the site.

Carol Liston, Chairperson thanked Chris for his work on this and asked that any further information be passed on to Council staff, Paul Kennedy and Andrea Giusa.

Restructure of Heritage NSW

Committee member, David Hoffman, reported that there has recently been a complete restructure of Heritage NSW with a lot of voluntary redundancies and resignations taking place.

David suggested that for those on the Committee who have direct contact with Heritage NSW to use the generic email address (heritagemailbox@environment.nsw.gov.au) for the time being rather than going to their regular contact because they may not be working in the same field anymore.

Carol Liston, Chairperson concluded the meeting by thanking members for their attendance throughout the term of the Committee and for their participation and engagement.

David Birds, Group Manager Major Projects and Precincts, thanked Committee members for their work, help and advice to the staff of Council over the term of the Committee.

Committee members also conveyed their thanks to Carol Liston, Chairperson for her role in chairing the Committee.

Carol passed on her thanks to Council staff, Paul Kennedy (Convenor) and Stephen Pearson (Minute Taker).

NEXT MEETING

TBA February or March 2022.

The meeting closed at 7:09pm.

FOR COUNCIL DECISION

ITEM NUMBER	13.2
SUBJECT	Planning Proposal, draft Development Control Plan and draft Planning Agreement for 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)
REFERENCE	RZ/5/2018 - D08385712
APPLICANT/S	Jattca Pty Ltd
OWNERS	St John's Parramatta Endowment Fund
REPORT OF	Team Leader –Land Use Planning
CSP THEME:	INNOVATIVE

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil**PURPOSE**

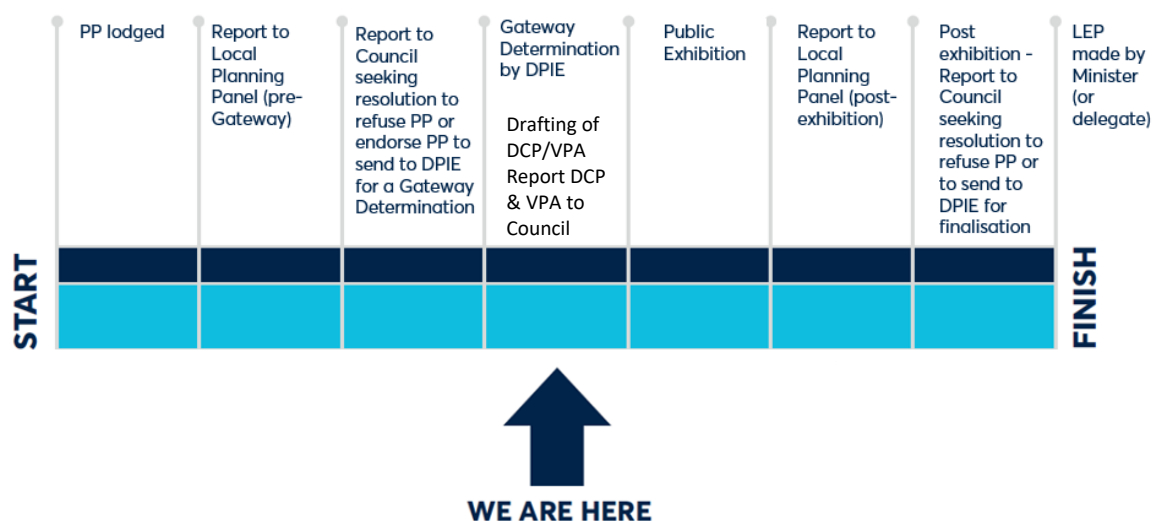
This report seeks Council's direction on a Planning Proposal, draft Development Control Plan and draft Planning Agreement (**Planning Scheme**) for the land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church).

RECOMMENDATION

1. **That IF**, prior to 28th February 2022, the Council and the Applicant agree on a Planning Agreement on terms satisfactory to Council, including the minimum conditions in **Table 2** paragraph 41 of this report; **THEN**
 - a) Council endorse for public exhibition the Planning Scheme (Refer to **Attachments 11 and 12** for the St John's Anglican Church Site acknowledging the Planning Proposal includes amendments as described in 1.b) below).
 - b) The Planning Proposal will be sent to the Department of Planning and Environment seeking endorsement for amendments to the Gateway Determination, being a proposed new clause requiring a staged DA process and a 2 week extension to the required exhibition date (28 February 2022) and finalisation date (30 June 2022).
 - c) The outcome of the public exhibition be reported to Council.
 - d) Council delegate authority to the Chief Executive Officer to complete negotiations of the Planning Agreement on terms referred to in **Table 2** and paragraph 41 and to correct any minor inconsistencies or anomalies of an administrative nature, relating to the Planning Scheme documents, that may arise during the drafting and exhibition processes.
2. **That** should the Planning Scheme proceed to public exhibition, then Council endorse the Chief Executive Officer to:
 - a) Continue negotiations with the Applicant regarding the possible closure and sale of part of Hunter Street as part of the project.
 - b) Continue discussions with the Owners of 181 Church Street, Parramatta regarding their use of alternate vehicle access options.
 - c) Report back to Council the outcomes of these discussions with the report to Council on the outcomes of the planning scheme public exhibition.

3. **Further, that IF** agreement between Council and the Applicant cannot be achieved by 28 February 2022, Council will:
- Write to the Department of Planning and Environment and other relevant public authorities indicating that it will no longer progress the Planning Proposal.
 - No longer pursue any of the Planning Scheme documents
 - Withdraw support for the sale of any portion of Hunter Street to the St John's Anglican Church.
 - Identify land at 41, 43 and 45 Hunter Street, Parramatta on the Land Reservation Acquisition Map to facilitate the creation of a 6 metre wide laneway to provide future vehicle access to these three (3) sites and 181 Church Street, Parramatta, as part of a future housekeeping amendment to Parramatta Local Environment Plan 2011.
 - Write to the St John's Parramatta Endowment Fund confirming that the Deed of Agreement between Council and the Anglican Church Authorities, last signed and amended in 1991, remains in force and continues to secure public access over the Church owned land between Church Street and Hunter Street, notwithstanding that Council withdraws support for the Planning Scheme for the St John's Anglican Church.

PLANNING PROPOSAL TIMELINE



SUMMARY

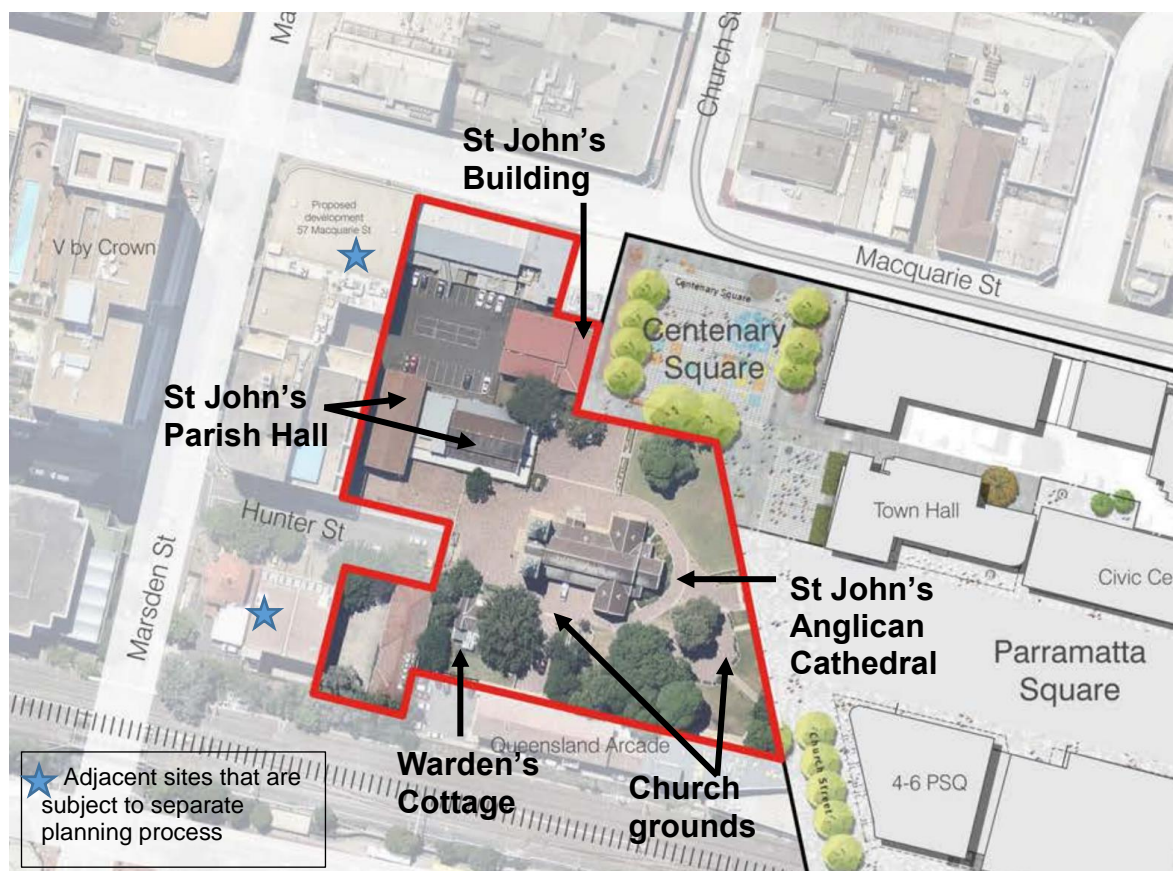
- This report seeks Council's endorsement of a decision making process in relation to the Planning Scheme for the land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Cathedral Anglican Church) noting that for the purpose of this report the Planning Scheme consists of the Planning Proposal, Draft Development Control Plan and any Planning Agreement agreed.
- Progression of the Planning Scheme cannot be recommended because the terms offered by the Applicant in their Planning Agreement Letter of Offer dated 21 January 2022,
 - Do not outweigh the loss of a local heritage item; and

- ii. Are not consistent with the City of Parramatta Council's Planning Agreements Policy (Amendment 1) adopted by Council 26 November 2018; and
 - iii. Do not include compensation for the 25% reduction in the area of the civic space.
3. The recommendation is that Council officers and the Applicant continue negotiations up until 28th February 2022. If prior to this date, the following conditions summarised below and detailed at **Table 2** of this report are agreed, then the Planning Scheme can proceed to public consultation and following this the exhibition outcomes reported to Council:
 - i. Terms within the Planning Agreement to outweigh the loss of a local heritage item; and
 - ii. Terms within the Planning Agreement to ensure alignment with Council's Planning Agreements Policy; and
 - iii. Terms within the Planning Agreement to compensate for the 25% reduction in the area of the civic space.
4. If an agreement between Council and the Applicant cannot be reached by this date (28 February 2022), the Planning Scheme will no longer be progressed.
5. The Council's resolved position as detailed in the 16 December 2019 Council Report (Item 18.4) in relation to key elements of the Applicant's proposal are:
 - i. Additional density on the site is generally appropriate and consistent with the current policy framework for sites in the CBD as set out in the draft Parramatta CBD Planning Proposal
 - ii. Delisting from the Parramatta Local Environment Plan 2011 of St John's Parish Church Hall may be appropriate if the public benefits accruing to the community by the proposal are greater than the loss associated with potential demolition of the heritage listed Parish Hall.
 - iii. Inclusion of a 6 metre wide strip of land on the Land Reservations Acquisitions Map in the Parramatta Local Environment Plan 2011 to facilitate a laneway for vehicle access to 41, 43 and 45 Hunter Street and 181 Church Street, Parramatta.
6. The Applicant and Council officers have worked to progress the preparation of site-specific Development Control Plan controls for the site to support the changes being made under the Planning Proposal, as well as a Planning Agreement. The purpose of the Planning Agreement is to deliver infrastructure and public benefits for the community based on the matters outlined in the 16 December 2019 Council Report and Resolution, and in particular, whether the net public benefit accruing to the community from the new infrastructure and public benefits outweighs the loss the community will experience by having a locally listed heritage item demolished.
7. The Applicant's 'Letter of Offer' (also referred to as a Planning Agreement) dated 21 January 2022 sets out the public benefits offered to the community by the proposal, subject to Development Consent being granted to remove St John's Parish Church Hall being:
 - i. Item No. 1: an enlarged and embellished open space around the Cathedral.

- ii. Item No. 2: contribution of a stratum parcel of land to be formed into a section of a new laneway from Marsden Street to the rear parking area of 181 Church Street.
 - iii. Item No. 3: enabling temporary vehicle access to and from the rear parking area of 181 Church Street over Church-owned land to and from the existing Hunter Street cul-de-sac.
 - iv. Item No. 4: in perpetuity licence that permits members of the public to access and use the open space.
8. Many elements of the Applicant's current 2021 offer remain the same as the original offer in 2019. Elements such as the Church's control of public access to the open space, the request that the applicant be able to halt temporary access arrangements that might be put in place for 181 Church Street are consistent in both offers. However, the changes to the area of open space and consideration of the further detail now provided on maintenance and liability issues, and the implications of the applicant being able to halt temporary access arrangements, mean that the proposal has been re-assessed in its totality to ensure Officers remain convinced that the public benefit from the Planning Agreement outweighs the loss the community would bear if the heritage item was demolished.
9. Despite engagement there remains disagreement between the Applicant and Council officers about the matters to be included in the Planning Agreement and the resulting level of public benefit accruing to the community through the loss of the St John's Harish Church Hall.
10. It is recommended that the Applicant be given a final opportunity to agree to arrangements which satisfy Council that sufficient public benefit will be provided in the Planning Agreement to offset the demolition of the Heritage item. Unless this can occur prior to the Department of Planning and Environment's deadline for public exhibition of the Planning Proposal (which is 28 February 2022), the Planning Scheme in its entirety should not progress.

SITE DESCRIPTION

11. The subject site contains 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta. These properties comprise of twelve (12) allotments currently owned by the Anglican Church Property Trust, Diocese of Sydney, as Trustee for the Parish of Parramatta and the St John's Parramatta Endowment Fund (see Figures 1 and 2). The subject site is irregular in shape and has a total site area of 10,857 square metres.

Figures 1 and 2: The subject site and surrounds

12. In the location shown in **Figure 3**, the subject site contains a State heritage item known as St John's Anglican Cathedral (I011805) and several local listed items including:
- St John's Parish Church Hall (Local Listing I713);

- Warden's (Verger's) Cottage (Local Listing I653); and
- St John's Building (façade included in local listing I651 for Centenary Square and adjoining buildings).

Figure 3: Heritage items within and adjacent to the subject site



- These items as they relate to their respective allotments, contribute to the setting and curtilage of the St John's Anglican Cathedral. The subject site and its surrounds are part of a critical heritage precinct in the Parramatta CBD with a number of heritage items on adjacent sites.
- There is currently one (1) site-specific Planning Proposal being processed for land at 57 Macquarie Street (corner of Marsden Street and Macquarie Street) adjoining the Church site to the west (see **Figure 2**). At the time of writing this report, this application had not yet been reported to Council as part of the pre-Gateway assessment.
- A State Significant Development process is also underway for land at 41-43 Hunter Street, Parramatta (corner of Marsden Street and Hunter Street) and adjoining the Church site to the west (see **Figure 2**). Council provided comments on the Secretary's Environmental Assessment Requirements (SEARs) in February 2021 and a Design Excellence Competition administered by the NSW Government Architect was held in December 2021. At the time of writing this report, an Environmental Impact Statement had yet to be lodged with the Department to assess the State Significant application for a private hospital.

BACKGROUND

16. On 29 May 2018, Jattca Property Solutions (the Applicant) lodged a Planning Proposal to Council on behalf of the landowner (Anglican Church Property Trust Diocese of Sydney, as Trustee for the Parish of Parramatta and the St John's Parramatta Endowment Fund) in relation to land at 195 Church Street and 68-79 Macquarie Street and 45 Hunter Street, Parramatta. The subject site is commonly referred to as the St John's Church site or the Church site.
17. The applicant's Planning Proposal as originally submitted to Council is based on a 100-year plan envisaged for the subject site and includes,
 - A new setting for the state heritage listed St John's Anglican Cathedral through an enhanced and enlarged open space comprised of the provision of a new square (proposed to remain under the ownership of the Church but accessible by the public) requiring the closure of part of Hunter Street;
 - A new northern tower comprised of 45-storeys (approximately 192 metres) which requires the demolition of the existing locally heritage listed Church Hall located immediately north west of the State listed Cathedral;
 - A new southern tower comprised of 43-storeys (approximately 152 metres) containing ground floor active uses with residential accommodation above; and
 - Shared basement car parking extending from the north of the site, to the south of the site with proposed vehicular access off Macquarie Street.
18. The applicant's preference is to remove the existing local heritage item identified as St John's Parish Hall and replace it with an office tower and enlarged open space around the Cathedral, and to provide a better connection of Church facilities within the new office tower and the Cathedral. The applicant is also seeking to provide a basement car park under the enlarged open space connecting the two development sites, with both the basement and enlarged open space dependent on the closure of a portion of Hunter Street.
19. On 16 December 2019, Council resolved to endorse the Planning Proposal for the purpose of requesting a Gateway determination; and to prepare a draft Development Control Plan and draft Planning Agreement to be exhibited concurrently with the Planning Proposal. A link to the 16 December 2019 Council Report and Resolution is provided here: Council Report [Agenda of Council - 16 December 2019 \(nsw.gov.au\)](#) and Council Resolution [Minutes of Council - 16 December 2019 \(nsw.gov.au\)](#).
20. On 8 September 2020, the then Department of Planning, Industry and Environment (the Department) issued a Gateway determination which allowed the Planning Proposal to proceed to public exhibition. The Gateway determination is provided at **Attachment 4**. Condition 1(b) of the Gateway requires all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed, as the LEP requires consideration of heritage issues as part of any development application process
21. Further advice has also been received from Transport for NSW dated in July 2021 confirming that access from Macquarie Street is not encouraged and vehicle access should be provided from Hunter Street as the preferred alternative. A copy of the advice is provided at **Attachment 6**.

22. On 10 November 2021, the Department issued an Alteration to the Gateway Determination (copy provided at **Attachment 5**) which requires the Planning Proposal to commence public exhibition by 28 February 2022; and for the LEP amendment to be finalised by 30 June 2022.

SITE SPECIFIC DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL

23. The draft site-specific Development Control Plan for the subject site sets relevant development controls for:
- heritage conservation,
 - the form of the buildings and public domain,
 - vehicle access,
 - parking and servicing,
 - management of flood and rainwater risks; and
 - environmental sustainability.
24. In drafting these controls, the following policy issues have been considered:
- The site-specific Planning Proposal for the St John's Anglican Cathedral site,
 - Council resolution dated 16 December 2019 which set out criteria to be considered when preparing the DCP,
 - Conditions of the Gateway determination dated 8 September 2020
 - Draft amendments to Parramatta City Centre Development Control Plan dated 11 October 2021 and publicly exhibited at the end of last year.
25. The Applicant and Council officers worked in an iterative manner in mid to late 2021 to progress a site-specific DCP that reconciled the stated commercial imperatives of the Applicant and various public domain, heritage and policy issues. The majority of matters in the site-specific DCP have ultimately been agreed upon by both sides, and the site-specific DCP at **Attachment 11** reflects the outcome of that collaboration.
26. The draft site-specific DCP has been drafted to include controls for the two scenarios for the St John's Parish Hall being, Option A, removal and replacement, and Option B, partial retention of the hall.
27. **Attachment 10** provides the following additional information on the DCP:
- The overall intent of the DCP controls,
 - Background to the Heritage, Public Domain and Built Form DCP controls,
 - Outline of the site-specific DCP controls not consistent with the draft Parramatta City Centre Development Control Plan 2021.
 - The proposed planning pathway that reflects the two re-development options for the site, specifically a Stage 1 DA and relationship to the new site-specific LEP clause discussed below and in **Attachment 12**.
28. The site specific Planning Proposal for the subject site was initially endorsed by Council on 16 December 2019. As a result of the Gateway condition, amendments to the Planning Proposal to remove any reference to de-listing of the Church Halls as a heritage item was necessary. This issue has also led Council Officers to recommend the introduction of an additional clause. In order

to avoid the applicant having to do two design competitions as part of a future approval process – one with the Hall retained, and one without the Hall - the clause will require a staged approval approach where a decision on the removal of the Hall and building envelope is made in a DA first, with the design competition then proceeding as the next step. The design competition would then know whether the design must retain or remove the Hall. Once the design competition is complete, a DA that is more procedural in nature will then approve the final design to allow development to proceed. The introduction of this clause requires the Planning Proposal to be amended and endorsed via an alteration to the Gateway determination by the Department prior to any exhibition.

29. The critical matter is understanding the heritage significance of the St John's Parish Church Hall prior to undertaking a Design Competition to provide certainty regarding the proposed form of development to occur on the site. To achieve this principle, the new site specific clause will require the following matters to be addressed by a Stage 1 DA:
- design principles drawn from an analysis of the site and its context,
 - heritage conservation and interpretation including a Conservation Management Plan.
 - the suitability of the land for the development,
 - impact on, and improvements to open spaces,
 - vehicle access, basement design and pedestrian safety,
 - the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers on neighbouring sites in terms of separation, setbacks, amenity and urban form.
30. Notwithstanding the general support for the site-specific DCP and Planning Proposal, there remains disagreement between the Applicant and Council officers about the matters to be included in the Planning Agreement and the resulting level of public benefit accruing to the community through the loss of the St John's Harish Church Hall.
31. The next steps in relation to the site specific DCP and Planning Proposal are dependent on Council's decision in relation to the Applicant's draft Planning Agreement, which is discussed in the next section of this report.

PLANNING AGREEMENT

32. The 16 December 2019 Council report (Item 18.4) listed the public benefits offered by the Applicant as part of the Planning Proposal for the St John's Church site as,
- i. New civic space and laneway (with public access over both);
 - ii. Immediate temporary vehicle access to 181 Church Street; and
 - iii. Future permanent vehicle access along the rear of 45 Hunter Street.
33. This Council report also outlined the framework for the negotiation and assessment of the public benefits offered by the Applicant being,
- i. The value of the public benefits accruing to the community by the proposal and whether these benefits are greater than the loss associated with potential demolition of the local heritage item.

- ii. Council's policy and procedures relating to Developers and Council entering into Planning Agreements under Section 7.4 of the Environmental Planning and Assessment Act 1979 as set out in the City of Parramatta Council Planning Agreements Policy (Amendment 1) 2018 (Policy).
- 34. Since this time Council officers and the Applicant have worked to progress a Planning Agreement to deliver infrastructure and public benefits for the community based on the matters outlined in the 16 December 2019 Council Report and Resolution, as well as new information being,
 - i. The Department would not support de-listing of the heritage item (see **Attachment 4**), and
 - ii. Transport for NSW advice that makes it highly likely vehicle access will be from Hunter Street which has changed the context for what infrastructure can be delivered (see **Attachment 6**).
- 35. Despite engagement there remains disagreement between the Applicant and Council officers about the terms of the items offered by the Applicant and the resulting level of public benefit accruing to the community through the loss of the Hall. A detailed assessment of the Applicant's offer is provided at **Attachment 1**.
- 36. A copy of the Applicant's original Letter of Offer dated 12 September 2019 is provided at **Attachment 3**, and a copy of the Applicant's latest Letter of Offer dated 21 January 2022 is provided at **Attachment 2**. A comparison of the headline public benefits in each offer is outlined in **Table 1**.
- 37. Many elements of the Applicant's current 2021 offer remain the same as the original offer in 2019. Elements such as the Church's control of public access to the open space, the request that the applicant be able to halt temporary access arrangements that might be put in place for 181 Church Street are consistent in both offers. However, the changes to the area of open space and consideration of the further detail now provided on maintenance and liability issues, and the implications of the applicant being able to halt temporary access arrangements, mean that the proposal has been re-assessed in its totality to ensure Officers remain convinced that the public benefit from the Planning Agreement outweighs the loss the community would bear if the heritage item was demolished.

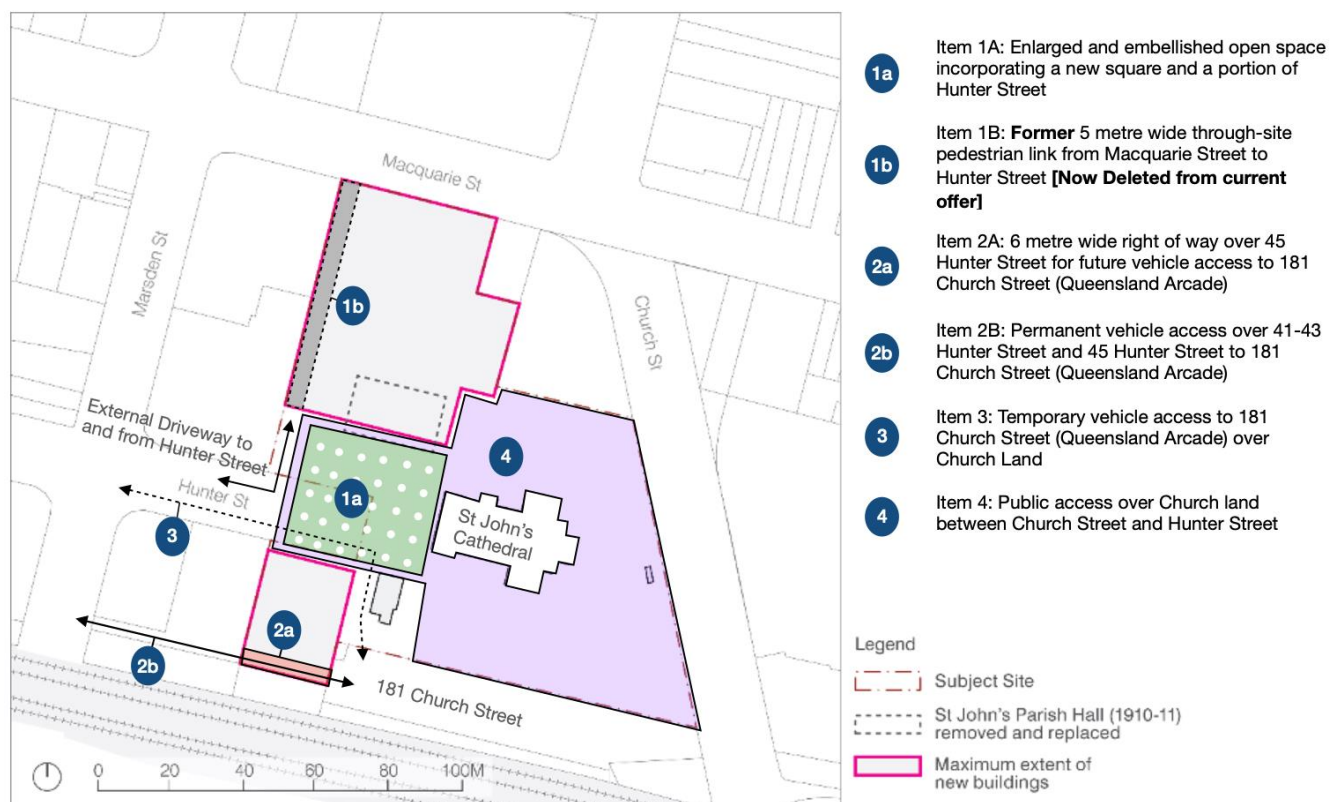
Table 1: Comparison of public benefits offered

Public benefits within the Applicant's Letter of Offer dated 12 September 2019, and reported to Council on 16 December 2019.	Public benefits within the Applicant's Letter of Offer dated 21 January 2022, and the subject of this report to Council.
<p>Subject to development consent granting the right to remove St John's Parish Church Hall, the following public benefits are offered:</p> <ul style="list-style-type: none"> 1. New civic space and pedestrian laneway; 	<p>Subject to development consent granting the right to remove St John's Parish Church Hall, the following public benefits are offered:</p> <ul style="list-style-type: none"> 1. New civic space; 2. Future permanent vehicle access along the rear of 45 Hunter Street

<ol style="list-style-type: none"> 2. Future permanent vehicle access along the rear of 45 Hunter Street. 3. Immediate temporary vehicle access to 181 Church Street; and 4. Access and use of Civic Space Land and laneway 	<ol style="list-style-type: none"> 3. Immediate temporary vehicle access to 181 Church Street; and 4. Access and use of Civic Space Land. <p>Importantly, the conditions within the Applicant's latest planning agreement have reduced the 'value' of the civic space land. This is discussed in this report below and in Attachment 1.</p>
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38. The pedestrian laneway was removed from the Applicant's January 2022 offer because vehicle access to the site, now required by TfNSW to be from Hunter Street, would result in a pedestrian-vehicle conflict point decreasing the value of the laneway. Secondly, the size of the civic area that the applicant could make available to the public is also effectively reduced by the driveway through part of the civic area linking to Hunter Street. The area used for the driveway cannot be considered to provide public benefit for the purpose of this assessment.

Figure 4: Diagrammatic map prepared by Council officers illustrating the proposed public benefits on and adjacent to the St John's Church site as offered by the Applicant in the 21 January 2022 Letter of Offer.



39. Despite the changes to the laneway and civic space because of the TfNSW advice, the public benefits offered by the Applicant have the potential to reduce pedestrian and vehicle conflict in two separate locations thereby enlivening and improving part of the pedestrian network in the Parramatta CBD, and at the same time, providing for passive recreation opportunities in an area adjacent to the active public spaces at Centenary Square and Parramatta Square.

40. However, after considering the issues that have arisen since the previous report to Council and the additional detail provided by the Applicant as part of the continued negotiation of the agreement contained in the 21 January 2022 Letter of Offer, Council officers are no longer satisfied that these public benefits outweigh the loss of a local heritage item for the following reasons:

- i. The extent of the area of the open space for public access has decreased by 25% from approximately 2,750sqm to 2,050sqm (see **Figure 5** below). This is due to the removal of the through site link and introduction of a driveway from Hunter Street, with no additional compensatory offer for the reduced civic space area offered by the Applicant as requested by Council in August 2021.

Figure 5: Comparison of the area of the civic space



- ii. The conditions/ restrictions that the Church proposes to include in the agreement allow the Church to limit any use they choose by the general public and require a significant maintenance contribution from Council, without Council having any proprietary interest. Council currently maintains the open area around the Cathedral between Hunter Street and Church Street (rubbish removal, cleaning, mowing the lawn) at a cost to the Council budget of \$108,600 per annum. It is a reasonable expectation that these costs will increase given the enlargement of the area through the inclusion of a portion of Hunter Street (approximately 530sqm), higher embellishment standard and additional Council responsibilities as outlined in the offer from the Church (removal of graffiti and vandalism, and any repairs for wear and tear and maintenance of the public domain elements). Given the costs

and benefits associated with these conditions, the public benefits previously considered to be accruing from the Church allowing access to this land do not appear as significant as initially understood.

- iii. The Applicant has not provided any supporting documentation outlining the lifecycle costs to Council, including operation or ongoing service delivery, as well as likely maintenance and replacement costs. The additional maintenance costs the Applicant is in the agreement proposing to be borne by Council are an unknown and potentially significant imposition on Council budget.
- iv. Further, the lack of a monetary contribution (or similar) for the maintenance works is inconsistent with other negotiations and planning agreements between Council and developers for similar projects as required by objective (d) in Section 1.5 of Council's Planning Agreements Policy, and also section 2.3 part (h) of Council's Policy in that the impact of the proposed planning agreement contributions on Council's insurance liability and asset management strategy, including the ongoing operational and maintenance costs of unplanned infrastructure, that Council will under this agreement be responsible for, cannot be assessed.
- v. The immediate temporary access to 181 Church Street if achievable would provide a benefit to the community. Currently vehicle access to 181 Church Street (known as the Queensland Arcade site) involves occupants driving over a pedestrianised portion of Church Street near the rail underpass and adjacent to Parramatta Square and Centenary Square. This is not ideal from a pedestrian safety and risk management viewpoint. The Church's offer to allow the vehicles to access the site over their land would assist in resolving this issue. However, the Church requires all costs to be borne by Council and they reserve the right to require the temporary access to cease at any time. Ideally Council would seek an arrangement that gave a guarantee that access for 181 Church Street would never have to occur from Church Street in the future. The fact that there remains a risk that access via Church Street would need to be re-instated if the Church withdrew from the temporary arrangements, compromises the public benefit of this part of the offer.

41. It is proposed to allow time for negotiations to continue until the 28 February 2022. **Table 2** below provides the minimum terms considered by Council Officers to sufficiently demonstrate the public benefit resulting from the loss of the heritage item which will form a critical part of these negotiations.

Table 2: Amendments the Applicant could make to the offer to address issues with the latest offer from the Applicant dated 21 January 2022.

Column 1	Column 2
Reasons why the latest offer from the Applicant is not acceptable	Amendments the Applicant could propose to make the offer acceptable
1. The terms of the latest offer do not outweigh the loss of a local	In addition to the other amendment terms (in the rows below), the Applicant's offer should include

<p>heritage item (St John's Parish Hall)</p>	<p>more favourable and generous terms that would outweigh the loss of a local heritage item, being:</p> <ol style="list-style-type: none"> 1.1 An easement in favour of Council over the open space in perpetuity; and 1.2 Conditions for access and use by the community and Council within the easement (as required at 1.1) that are unfettered; and 1.3 Alternate vehicle access arrangement (not the current access) for 181 Church Street be made available that require the applicant to provide for an alternate access to be available until the permanent access via the new laneway becomes available; and 1.4 Upscaling the planting offer for the civic space to provide 8-10 trees @ 2000 litre pot size .
<p>2. The terms of the latest offer are not consistent with Council's Planning Agreements Policy</p>	<p>In addition to the other amendment terms (in the row above and below), the Applicant's offer should be amended to align with Council's Planning Agreements Policy, being:</p> <ol style="list-style-type: none"> 2.1 Provision of an easement over the open space in perpetuity; and 2.2 Lifecycle costs for the operation and ongoing service delivery, as well as maintenance and replacement costs, of the civic space and and vehicle access for 181 Church Street (temporary, alternate and permanent) to be borne by the Applicant.
<p>3. The terms of the latest offer do not include an alternate offer to compensate for the loss of civic space</p>	<p>In addition to the other amendment terms (in the rows above), the Applicant's offer should include an alternate offer to address the loss of civic space, being:</p> <ol style="list-style-type: none"> 3.1 A monetary contribution to the value of the 25% reduction in civic space land to be expended to fund or part fund infrastructure identified in Council's Draft CBD Contributions Plan schedule of works; and 3.2 Acknowledgement that the civic space embellishment works will be undertaken with a nil value ascribed.

IMPLICATIONS IF THE PLANNING AGREEMENT DOES NOT PROGRESS

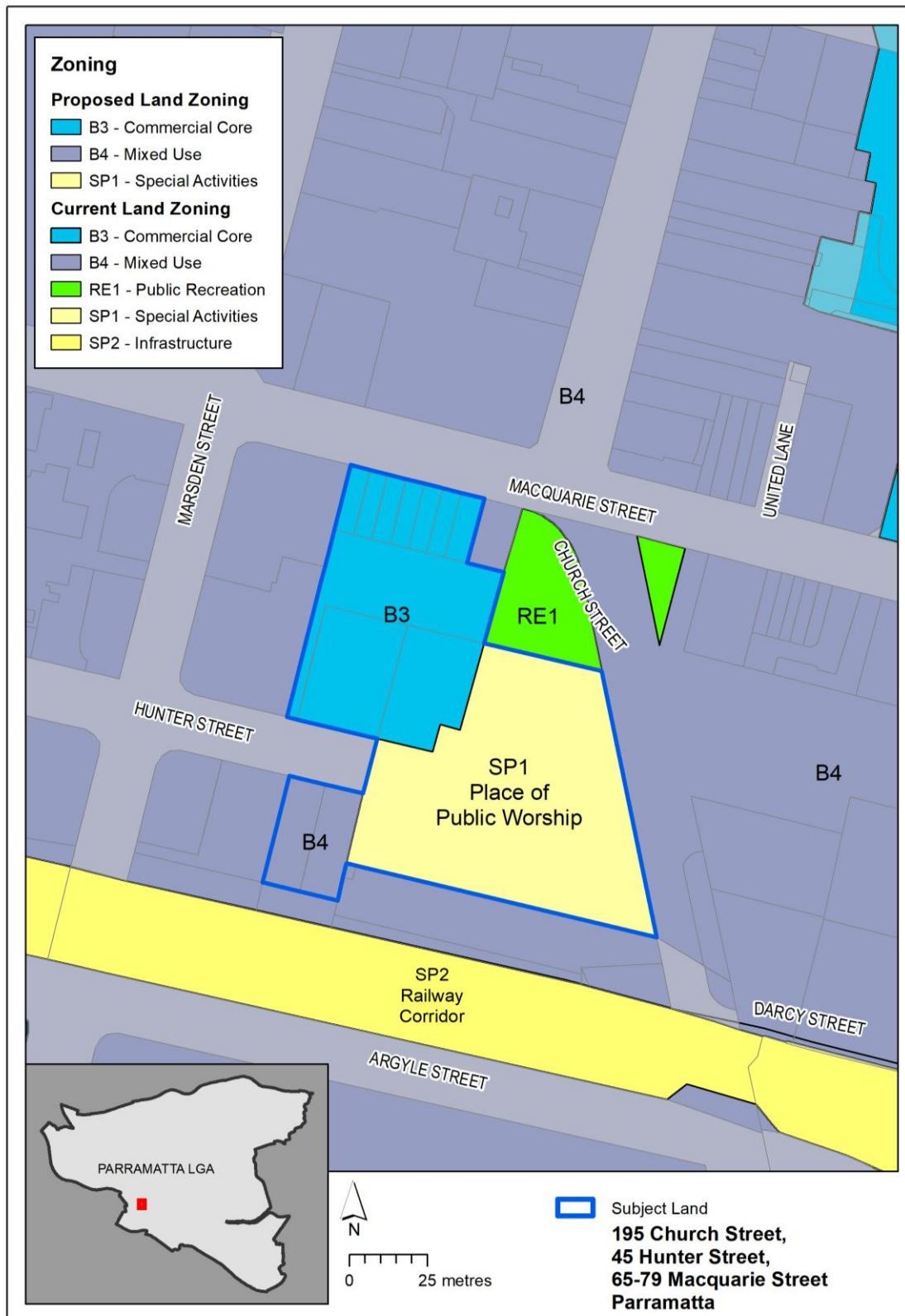
42. A Planning Agreement associated with the Planning Proposal was critical to the 16 December 2019 Report recommendation made by Council officers to de-list the Heritage listed Church Hall. The Department's decision in

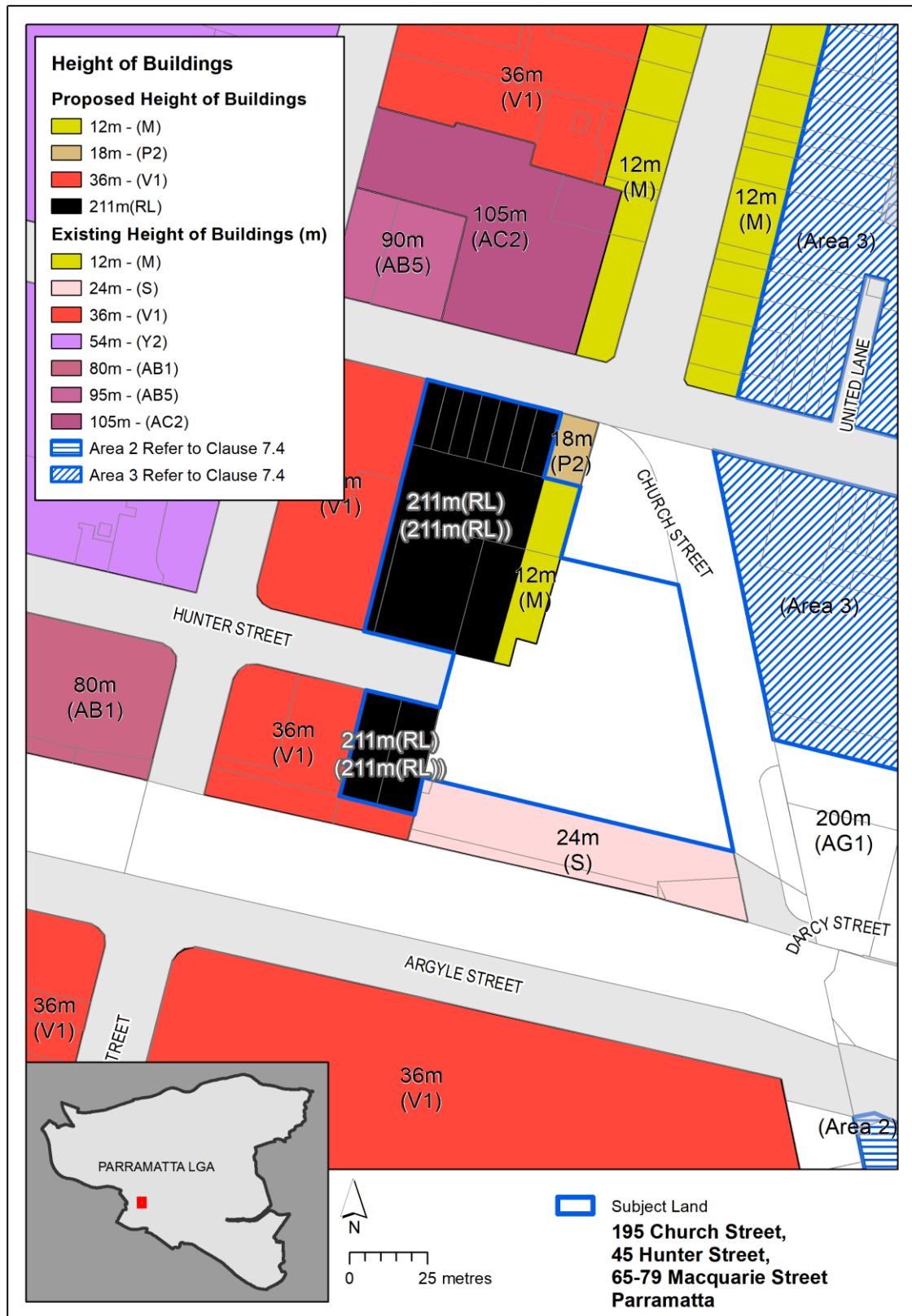
September 2020 to block the de-listing of the Church Hall in the Gateway Determination meant that negotiations and DCP preparations have proceeded on the basis that the site-specific DCP controls and Planning Agreement would include conditions/ requirements that would only apply if the Applicant was able to obtain development consent granted via a future development application for demolition of the Hall despite the heritage listing.

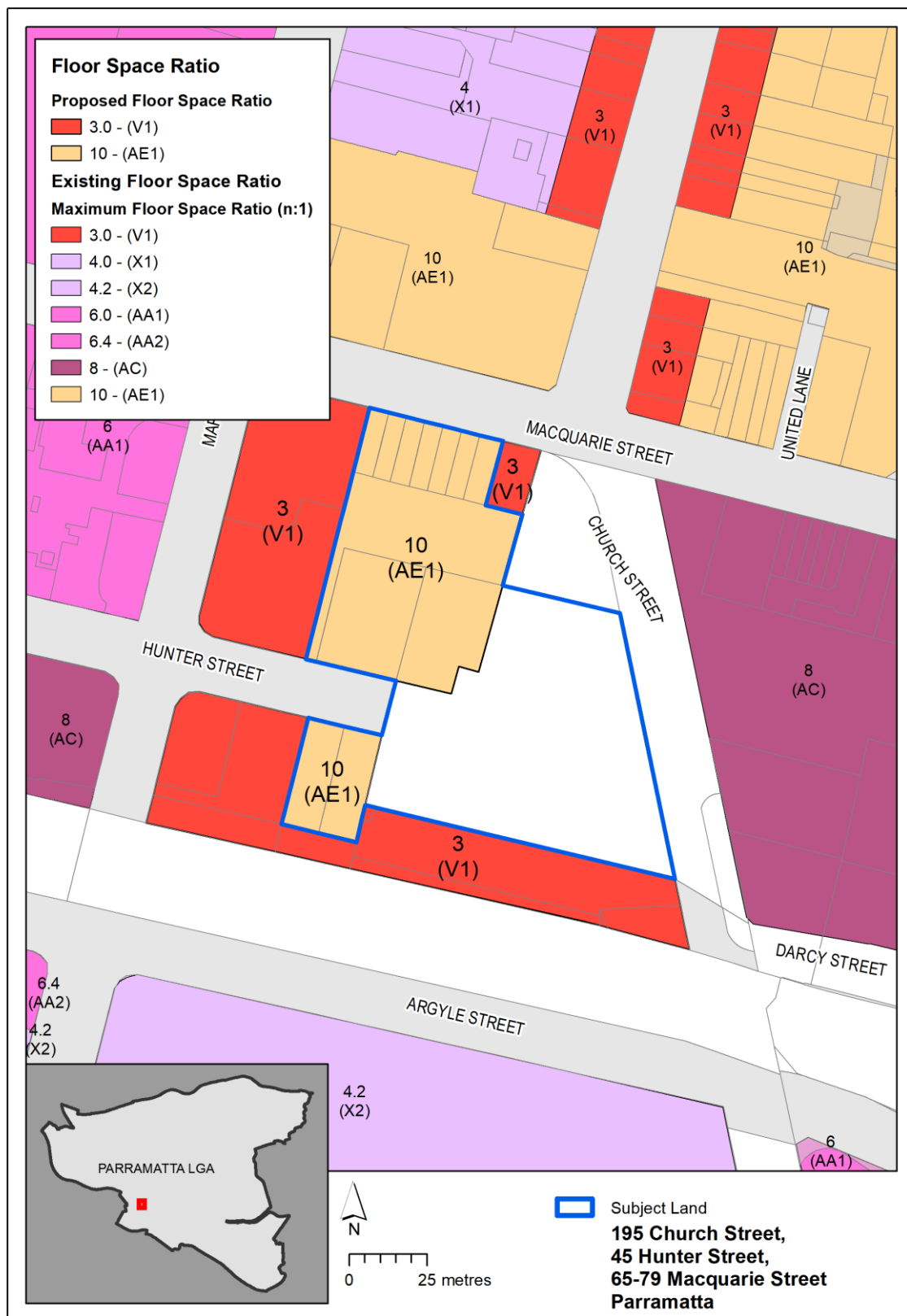
43. The Planning Proposal also involved a change in Zoning of the land and also the Floor Space Ratio (FSR) and Height of Building controls compared to that provided in the Parramatta CBD Planning Proposal that was endorsed by Council in June 2021. **Table 3** outlines the proposed changes to the planning controls. The proposed zoning, FSR and Height of Building controls are shown on the maps in **Figure 6**.

Table 3: Comparison of the planning controls in the Parramatta CBD Planning Proposal as endorsed by Council in June 2021, with the planning controls for the subject site in the Gateway Determination issued by the Department in September 2020.

Column 1	Column 2	Column 3	Column 4
	Existing (Parramatta LEP 2011)	Parramatta CBD Planning Proposal (as endorsed by Council for finalisation in June 2021)	Site-specific Planning Proposal (as per the Gateway Determination issued in September 2020)
Zoning	Part B4 Mixed Use, part SP1 Special Activities.	Part B4 Mixed Use, part SP1 Special Activities.	Part B4 Mixed Use, part B3 Commercial Core, part SP1 Special Activities.
Maximum Height of Building	Part 24m, part 18m, part 36m and part no height control.	Part 24m, part 18m, part 12m, part 36m, part 211RL and part no height control. Refer Clause 7.6 Sun Access Protection, 6 Parramatta Square and Block A.	Part 12m, Part 211RL and part no height control. Refer Clause 7.6 Sun Access Protection, 6 Parramatta Square and Block A.
Maximum FSR	Part 3:1, part 10:1 and part no FSR shown.	Part 3:1, part 10:1 and part no FSR shown.	Part 10:1 and part no FSR shown (refer to special clauses). Note unlimited commercial floor space clause would also apply which would allow an FSR exceeding 10:1 shown on the FSR map
Parramatta CBD Planning Proposal Special Clauses	Sliding-scale applies	Sliding-scale applies Aeronautical investigation clause Refer Clause 7.6F Active Street Frontage. Refer Clause 7.6L Floodplain Risk Management.	Sliding-scale applies Aeronautical investigation clause Refer Clause 7.6F Active Street Frontage. Refer Clause 7.6L Floodplain Risk Management. Unlimited FSR on Proposed B3 Commercial Core fronting Macquarie Street
Site-specific clauses	Nil	Nil	Additional permitted use to allow basement parking on part of SP1 Special Activities zoned land.
Heritage status Church Hall	Listed	Listed	Listed
Land Reservation Acquisition	Nil	Nil	Land Reservation Acquisition Plan, 6m wide laneway.

Figure 6: Maps illustrating the proposed zoning, FSR and Height of Building controls

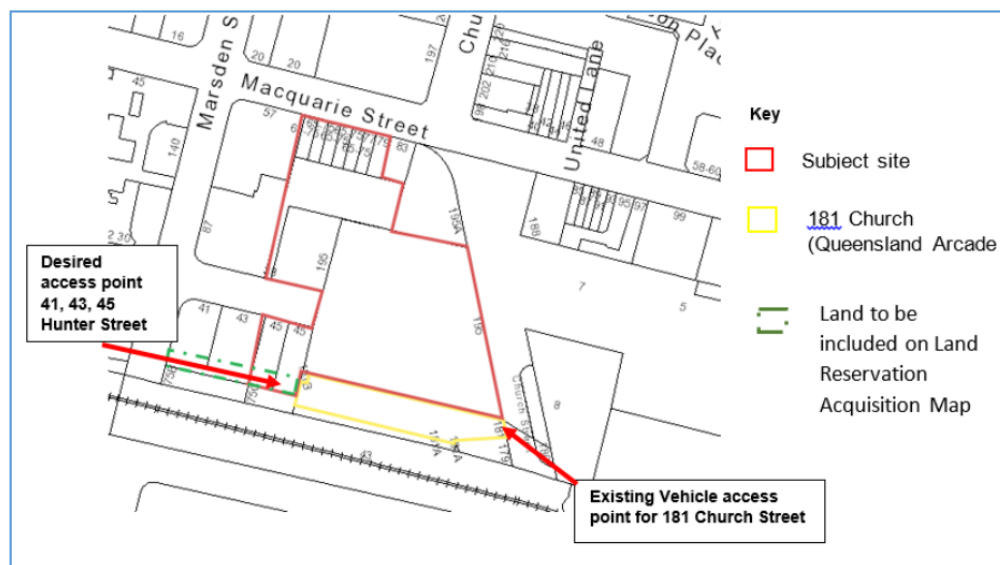




44. If the site specific Planning Proposal does not proceed, the planning controls that will be in place for the site once the Draft Parramatta CBD Planning Proposal comes into force are those in the third column of **Table 3** above. The major differences relate to the area between the Church Hall and Macquarie Street with the land,
- i. remaining zoned B4 Mixed Use rather than B3 Commercial Core, and

- ii. not being able to accommodate a taller tower building as the height is limited to 36 metres (9-11 storeys) rather than 211RL as proposed in the Applicant's site specific PP which would allow towers up to 55-60 storeys depending on the design.
45. Another implication of Council not progressing the Applicant's Planning Proposal as submitted is Council cannot implement the proposed Land Reservation over a 6m wide area of land at the rear of 41, 43 and 45 Hunter Street, as shown in **Figure 6** below. This laneway is proposed as the long term solution to resolving the vehicle access issue for 181 Church Street discussed previously in this report.

Figure 6: Land Reservation Acquisition Plan



46. A State Significant Development (SSD) application has been lodged for 41 and 43 Hunter Street that adjoins the Church site (at 45 Hunter Street) and these sites are also part of the proposal to create a service laneway as shown in **Figure 6**. In discussions with Officers of the Department it appears the SSD application has provision for Council to access the relevant parts of these sites to allow the laneway to be created.
47. Without the Applicant's Planning Proposal to impose the Land Reservation or a Planning Agreement to secure legal access to the relevant part of 45 Hunter Street which is owned by the Church, there is no clear mechanism to acquire the portion of 45 Hunter Street and secure the alternate access for 181 Church Street.
48. Given the importance of planning for and delivering a long term permanent alternate access for 181 Church Street it is recommended that the Land Reservation instead be imposed via the next appropriate Council-initiated Planning Proposal to deal with housekeeping or other site-specific amendments in the Parramatta CBD if the subject Planning Scheme does not proceed.

CONSULTATION AND TIMING

49. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
End 2019 to present.	Multiple	Various comments in relation to finalising the draft DCP and VPA.	Extensive consultation has been undertaken to date with internal sections of Council, the applicant and relevant State agencies, including the DPE and TfNSW in order to progress the planning proposal, draft DCP and planning agreement to this point. This includes numerous meetings and detailed correspondence between all parties.	City Planning & Design / Property & Place

50. Should negotiations result in the draft Planning Agreement between the Church and Council and the draft site-specific DCP being publicly exhibited with the Planning Proposal, consultation is anticipated to be undertaken as follows:

- Consistent with the requirements of the *Environmental Planning and Assessment Act 1979* and the conditions of the Gateway Determination.
- Commencement of the public exhibition of the Planning Proposal by 28 February 2022 or extension provided by the DPE.
- Notification of public exhibition will be published on Council's website and social media platforms.
- Notification via email and or mailout of relevant public authorities and organisations.
- Mail out to landowners within a radius of approximately 1 kilometre of the site.

51. Following the conclusion of any exhibition period, a report will be prepared for the Local Planning Panel's and Council's consideration detailing the submissions received and recommended actions. Should Council resolve to endorse the Planning Proposal, it will be forwarded to the DPE for finalisation, subject to any required changes being made as a result of the exhibition process. In accordance with Condition 6 of the Alteration of Gateway Determination, the LEP must be completed by 30 June 2022.

LEGAL IMPLICATIONS FOR COUNCIL

52. The legal implications associated with this report are discussed as follows.

Draft Planning Agreement:

53. As discussed in this report and in **Attachment 1**, the terms of the Planning Agreement could not be agreed by Council officers and the Applicant and

therefore the Planning Agreement and associated Deeds of Agreement have not been legally drafted.

54. The CEO should be granted delegation to endorse the draft Planning Agreement documentation for the purpose of public exhibition.

Right of pedestrian access over the Church owned land:

55. The draft Planning Agreement was to include revised terms for enduring access by the public over the Church owned land. Currently this right of pedestrian access between Church Street and Hunter Street around the Cathedral is provided for in a Deed of Agreement between Council and the Church, last signed in 1991.
56. Council and the Church first entered into a Deed of Agreement in relation to the Civic Space Land in 1953, with Amendment Deeds signed in 1971 and 1991 (copy provided at **Attachments 7 and 8**).
57. The 1991 Deed granted for a 50-year period, a right for Council to carry out agreed works on the Church land and permits members of the public use of the paved footways. This Deed is due to expire on 19 August 2041, and if not replaced by a new Deed before this date, the Church and Council may at the Church's authority negotiate the continuation of the Deed of Agreement, with or without amendments, for another set period of time.
58. The works on the Church land that Council regularly carries out includes maintenance and repair works (mowing, removing rubbish, cleaning) for the Civic Space Lands at a cost of \$108,600 per year.
59. Should this Planning Agreement not proceed to supersede these agreements this report recommends that Council write to the St John's Parramatta Endowment Fund and affirm that the Deed of Agreement between Council and the Church last signed in 1991 secures public access by the community between Church Street and Hunter Street despite the withdrawal of Council support for the Planning Proposal.

FINANCIAL IMPLICATIONS FOR COUNCIL

60. This report has flagged that if Council is unable to secure the dedication of required land for the vehicle laneway from Marsden Street to the rear parking area of the 181 Church Street, Parramatta through the development of 41, 43 and 45 Hunter Street, Council may also need to acquire the land. An estimate of the cost of acquiring the land would be provided to Council at the time a housekeeping amendment to include this land on the Parramatta LEP 2011 Land Reservation Acquisition Map is reported to Council.
61. Given that 45 Hunter Street is a small site there may still be scope to negotiate arrangements for the relevant strip of land to be accessible to Council and to vehicles from 181 Church Street. If the Church when they develop the site wish to benefit from development rights below or in the airspace above the 6m wide strip of land, there may be scope for further negotiations as part of any future

DA process. However, if an agreement cannot be reached Council would need to acquire the land and fully compensate the owners (the Church).

62. Any on-going negotiations should consider the following:

- i. Council has endorsed a change in approach to infrastructure funding in the Parramatta CBD. At its meeting on 25 October 2021, Council endorsed the Parramatta CBD Local Infrastructure Contributions Plan. Under this Plan, Council is no longer seeking funding for local infrastructure within the CBD by securing monetary contributions through Planning Agreements. Rather, the Plan seeks to increase the percentage rate applicable to development applications in the CBD under Section 7.12 (formerly known as Section 94A contributions) from 3% of the development cost to 4% and 5%, depending on the nature of the development. This case is different however because the contribution is not related to an uplift in development potential but instead to offset the loss of a heritage item. In this context the Planning Agreement remains appropriate.
- ii. It should be noted that Council cannot apply the increased percentage levy until the Minister endorses the Contributions Plan. At the time of the preparation of this report, the Parramatta CBD Local Infrastructure Contributions Plan had been forwarded to the Minister and has yet to be approved.
- iii. The exact value of the Section 7.12 development contribution for the redevelopment of the Church site would be calculated as part of the DA assessment based on a Quantity Survey Report, with the required contribution amount included as a condition of any DA consent.

63. If terms can be agreed preparing the draft Planning Agreement documents will require the engagement of Council's external solicitor. As part of any agreement the cost of this would be billed to the Applicant. Any work by Council officers to progress the draft Planning Agreement as well as the draft site-specific DCP would be within the existing City Planning & Design directorate budget.

64. The decision being made by Council on whether to progress the Planning Proposal and associated Planning Agreement has no direct impact on the budget which is the reason the table below is empty.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	NIL	NIL	NIL	NIL
Funding Source	N/A	N/A	N/A	N/A
CAPEX				
CAPEX				
External				
Internal				

Other				
Total CAPEX	NIL	NIL	NIL	NIL
Funding Source	N/A	N/A	N/A	N/A

RECOMMENDATION TO COUNCIL

65. The recommendation is that Council and the Applicant continue negotiations up until 28th February 2022. If prior to this date, the conditions detailed at **Table 2** of this report can be agreed, then the Planning Scheme can proceed to public consultation and following this, the exhibition outcomes reported to Council. If an agreement cannot be reached by this date, the Planning Scheme will no longer be progressed.

Janelle Scully

Team Leader –Land Use Planning

Robert Cologna

Group Manager, Strategic Land Use Planning

Fariha Chowdhury

Acting Chief Financial Officer

Bryan Hynes

Executive Director Property & Place

Jennifer Concato

Executive Director City Planning and Design

Brett Newman

Chief Executive Officer

ATTACHMENTS:

1 <u>↓</u>	ATTACHMENT 1 - Detailed assessment of the Planning Agreement for St Johns final	15 Pages
2 <u>↓</u>	ATTACHMENT 2 - Applicant Letter of Offer (21 January 2022)	4 Pages
3 <u>↓</u>	ATTACHMENT 3 - Applicant Letter of Offer (12 September 2019)	2 Pages
4 <u>↓</u>	ATTACHMENT 4 - Gateway Determination (8 September 2020)	4 Pages
5 <u>↓</u>	ATTACHMENT 5 - Alteration of Gateway Determination (10 November 2021)	3 Pages
6 <u>↓</u>	ATTACHMENT 6 - Email from Transport for NSW (July 2021)	1 Page
7 <u>↓</u>	ATTACHMENT 7 - Deed of Agreement Council-Church (1953)	5 Pages
8 <u>↓</u>	ATTACHMENT 8 - Deed of Agreement Council-Church (1991)	24 Pages
9 <u>↓</u>	ATTACHMENT 9 - St John's Heritage Advice	26 Pages

- 10** [↓](#) ATTACHMENT 10 - SSDCP Assessment final
- 11** [↓](#) ATTACHMENT 11 - Draft Final DCP controls
- 12** [↓](#) ATTACHMENT 12 - Planning Proposal Document Final

9 Pages
30
Pages
51
Pages

REFERENCE MATERIAL

ATTACHMENT 1**DETAILED ASSESSMENT OF THE DRAFT PLANNING AGREEMENT FOR THE ST JOHNS ANGLICAN CHURCH SITE****Introduction**

1. The Applicant (Jattca) and Council officers have worked to progress a Planning Agreement to deliver infrastructure and public benefits for the community associated with the Planning Proposal for the land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Cathedral Anglican Church).
2. The Applicant's 'Letter of Offer' (also referred to as a Planning Agreement) dated 21 January 2022 sets out the public benefits offered to the community associated with the site-specific Planning Proposal. A copy of the Letter of Offer is provided at **Attachment 2** to the Council Report for this Council Meeting (21 February 2022).
3. This attachment (Attachment 1) contains a detailed assessment of the Applicant's draft Planning Agreement, with the outcome of the assessment being the terms of the public benefits offered by the Applicant do not meet the values and expectations of the public and overall public interest. Specifically, the terms of the public benefits offered by the Applicant in their Letter of Offer dated 21 January 2022 are unsatisfactory for the following reasons:
 - The terms do not outweigh the loss of a local heritage item; and
 - The terms are not consistent with the City of Parramatta Council's Planning Agreements Policy (Amendment 1) adopted by Council 26 November 2018; and
 - The terms do not include compensation for the 25% reduction in the area of the civic space.

Consequently, the Council report recommends that, if, prior to 28th February 2022, the Council and the Applicant agree on a Planning Agreement on terms satisfactory to Council, including the minimum conditions in Table 2 paragraph 41 of the Council Report, then Council endorse for public exhibition the Planning Scheme for St John's Anglican Church. These documents are provided at **Attachments 10, 11 and 12**.

Policy framework for the assessment of planning agreements

4. Council's Planning Agreement Policy 2017 (Policy) provides the framework for procedures relating to Developers and Council entering into planning agreements under Section 7.4 of the Environmental Planning and Assessment Act 1979. Council may enter into a planning agreement with a developer who has sought a change to an environmental planning instrument (such as a Planning Proposal). The Policy sets out in Section 2.4 the planning agreement contributions Council will consider in a planning agreement, which comprise one or more of the following (to Council):

- delivery of infrastructure works free of cost, including any contribution towards ongoing maintenance of those works; and /or
- dedication of land/affordable housing or the like free of cost;
- or a combination of the above.

Previous report to Council on the Applicant's draft Planning Agreement

5. At the Council Meeting on 16 December 2019 (item 18.4) Council resolved to support the Planning Proposal for the purpose of seeking a Gateway determination from the Department of Planning Infrastructure and Environment; and authorised the CEO to negotiate a Planning Agreement with the landowner. A link to the 16 December 2019 Council Report and Resolution is provided here: Council Report [Agenda of Council - 16 December 2019 \(nsw.gov.au\)](#) and Council Resolution [Minutes of Council - 16 December 2019 \(nsw.gov.au\)](#).
6. Despite significant engagement between the Applicant and Council officers there remains disagreement about the matters to be included in the Planning Agreement for the St John's Church site and the resulting level of public benefit accruing to the community through the loss of the Hall. This issue of net public benefit accruing to the community was a key consideration in assessing the Applicant's request to de-list and demolish St John's Parish Church Hall, with the 16 December 2019 Council report at Paragraph 21 stating that,
'The key issue is whether the public benefits accruing from the larger new civic space, the improved level of design and activation of this space and the economic benefits of an A-grade office space outweighs loss the community will experience by having a locally listed heritage item demolished. After considering the issues, Council officers consider that on balance the public benefits accruing to the community by the proposal are greater than the loss associated with potential demolition of the Church Hall, consequently, it is recommended Council support the Applicant's proposal to de-list the Church Hall'.
7. Paragraph 41 of the same Council report outlined the potential public benefits the Applicant offered to include in their Planning Agreement, should Council be supportive of their proposal and in particular the de-listing and demolition of the Church Hall. The Council report listed the public benefits submitted by the Applicant as,
 - New civic space and laneway (with public access over both);
 - Immediate temporary vehicle access to 181 Church Street (known as the Queensland Arcade site); and
 - Future permanent vehicle access along the rear of 45 Hunter Street.
8. The resolution of the Council from the Meeting on 16 December 2019 in relation to the Planning Agreement was,
 - (d) **That** the CEO be authorised to negotiate a Planning Agreement with the landowner that takes into consideration:
 - i. the public benefits offered by the landowner in submissions to Council to date;

- ii. *Council's Planning Agreements Policy and Parramatta CBD Planning Proposal Community Infrastructure Framework acknowledging that the public benefits offered by the landowner are proposed to offset the demolition of the Church Hall. The works proposed to offset the loss of the Church Hall should not be taken into consideration when determining whether any offer from the landowner is consistent with the abovementioned Council Policy and Framework.*
- iii. *that any planning agreement contribution is in addition to the development contributions required under Council's CBD Development Contributions Plan.*

9. In relation to Resolution part (d) i,
- The Applicant submitted potential public benefits as part of their original Planning Proposal in May 2018 with further detail provided in a letter to Council on 12 September 2019.
 - The Applicant's latest terms of the Planning Agreement were submitted to Council on 21 January 2021.
 - **Table 1** within the 21 February 2022 Council report compares these two offers, and **Figures A and B** within this attachment (Attachment 1) illustrates the public benefits offered by the Applicant in their original and amended Letters of Offer.
10. In relation to Resolution part (d) ii,
- Since the St John's Planning Proposal was reported to Council in December 2019 to seek a Gateway determination, Council has endorsed a change in approach to infrastructure funding in the Parramatta CBD. At its meeting on 25 October 2021, Council endorsed the Parramatta CBD Local Infrastructure Contributions Plan.
 - Under this Plan, Council is no longer seeking funding for local infrastructure within the CBD by securing monetary contributions through Planning Agreements. Rather, the Plan seeks to increase the percentage rate applicable to development applications in the CBD under Section 7.12 (formerly known as Section 94A contributions) from 3% of the development cost to 5%.
 - Council cannot apply the increased percentage levy until the Minister endorses the Contributions Plan. At the time of the preparation of this report, the Parramatta CBD Local Infrastructure Contributions Plan had been forwarded to the Minister and has yet to be approved.
 - Council's Planning Agreements Policy 2018 continues to provide the framework for procedures relating to planning agreements under section 7.4 of the of the Environmental Planning and Assessment Act 1979.
11. In relation to Resolution part (d) iii,
- The value of the Applicant's offer will be in addition to the development contributions required under Council's CBD Development Contributions Plan. The exact value of any Section 7.12 development contribution for the redevelopment of the Church site would be calculated as part of the Development Application (DA) assessment based on a Quantity

Survey Report, with the required contribution amount included as a condition of any DA consent.

Public benefits offered by the Applicant as part of the draft Planning Agreement

12. The public benefits offered by the Applicant in their Letter of Offer dated 21 January 2022 are listed here as follows:
 - Item No. 1: an enlarged and embellished open space (also referred as the civic space) around the Cathedral.
 - Item No. 2: contribution of a stratum parcel of land to be formed into a section of the new proposed laneway from Marsden Street to the rear parking area of 181 Church Street (Queensland Arcade site).
 - Item No. 3: enabling temporary vehicle access to and from the rear parking area of 181 Church Street over Church-owned land to and from the existing Hunter Street cul-de-sac.
 - Item No. 4: Perpetual Licence Agreement that permits members of the public to access and use the open space (civic space).
13. The public benefits are shown on Figure 4 in the Council Report and reproduced below at **Figure A**.
14. The public benefits proposed by the Applicant for the St John's Church site are discussed in this document in terms of:
 - Council's understanding of the scope of the offer at the time the matter was reported to Council in December 2019,
 - Changes to the need and or requirements for a public benefit item due to recent public authority determinations or interests,
 - The detailed 'terms' for each item (scope, cost, timing) as outlined in the Applicant's latest offer,
 - The value of the public benefit offered to the community, and
 - Consistency with Council's Planning Agreements Policy 2018 .

Figure A: Diagrammatic map prepared by Council officers illustrating the public benefits offered by the Applicant in the 21 January 2022 Letter of Offer

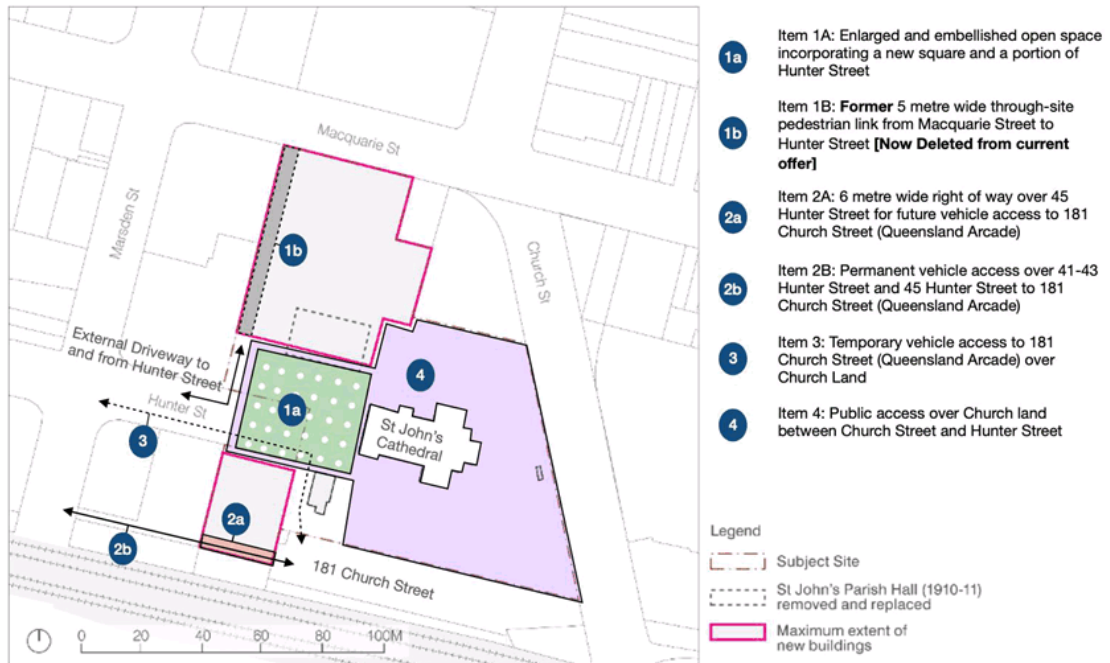
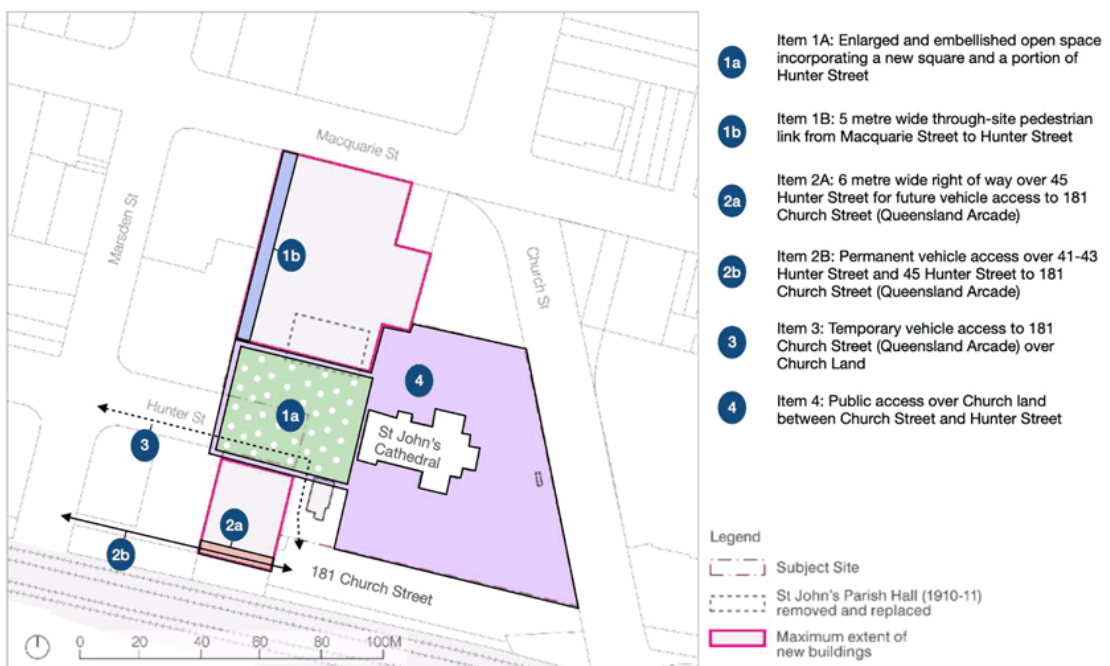


Figure B: Diagrammatic map prepared by Council officers illustrating the public benefits offered by the Applicant in the 12 September 2019 Letter of Offer



Item No. 1 – New Civic space (Figure A Map Reference “1a”)

15. **Figure A** identifies the civic space (or open space) (Map Ref: “1a”) the Applicant offered to construct and embellish, which now excludes the area of the driveway from Hunter Street. **Figure A** also shows the location of the now removed pedestrian laneway (Map Ref: “1b”) that formed part of the original 12 September 2019 Letter of Offer (**Figure B**).
16. The pedestrian laneway was removed from the Applicant’s latest offer at Council’s request following advice from Transport for NSW in July 2021 that the preferred vehicle egress from the subject site was from Hunter Street, and not Macquarie Street (copy provided at **Attachment 6**). This was because vehicle egress from Macquarie Street would direct vehicles into the light rail corridor and would impact pedestrian safety and amenity within the Sydney Metro Precinct and create isolated delays across the Macquarie Street/Church Street intersection, impacting light rail journey time. The implication of this advice was the driveway from Hunter Street to Building 1 (the Northern Development site) would now be through the western end of the new civic space, reducing the useable area of the civic space and conflicting with the location of the proposed pedestrian laneway between Macquarie Street and Hunter Street.
17. Given the reduced public value of the laneway, the Applicant and Council agreed in July/ August 2021 that this item would not form part of the Planning Agreement, and that the Applicant should compensate the community with an alternative offer.
18. The applicant on 10 August 2021 submitted a letter to Council to address the change of access to Hunter Street and public benefits to be delivered. The Applicant noted that the change in vehicular access and removal of the through-site link would result in a 15-20% loss of publicly accessible open space compared to the original offer reported to Council in December 2019. The applicant however in this letter did not provide any offer to offset the loss of public benefits proposed.
19. Based on the amendments described above and excluding Council footpaths, Council officers calculate that the area of the civic space is now reduced by approximately 25% compared to the original offer, as shown in **Table A** below and illustrated in Figure 5 in the Council Report and reproduced in this document at **Figure C**.

Table A: Comparison of the civic space area offered in September 2019 compared to the latest offer in January 2022.

Original area of the civic space	2750sqm
Proposed area of the civic space	2050sqm
Difference	25% reduction in the civic space area

NB: Figures are approximate

Figure C: Comparison of the area of the civic space

20. Council officers consider that an enlarged and embellished civic space (open space) is a worthy public benefit for the community and particularly for people using and moving through the network of open spaces in this part of the Parramatta CBD. However, concerns are raised in relation to the Applicant's latest terms for the embellishment of the civic space.
21. The Applicant is offering to pay for the works to construct the enlarged and embellished civic space consistent with a Schedule of Works appended to the Letter of Offer at **Attachment 2**, and subject to development consent granting the right to remove St John's Parish Church Hall.
22. The works to be delivered by Applicant for the civic space as outlined in the Schedule of Works are generally acceptable, except the pot size of trees. Council is requesting 8-10 trees @ 2000 litre pot size and 6-8 additional boundary trees @ 200-400 litre pot size. The Applicant is proposing 8 trees @ 400 litre pot size and no additional boundary trees.
23. The Applicant is not offering a monetary contribution for the maintenance of the civic space. Council currently maintains the space (rubbish removal, cleaning, mowing the lawn) at a cost to the Council budget of \$108,600 per annum. It is a reasonable expectation that these costs, that the Applicant is proposing are borne by Council, would increase based on an enlarged area, higher embellishment standard and additional Council responsibilities as outlined in

the offer from the Church (copy provided at **Attachment 2**). The lack of a monetary contribution (or similar) for the maintenance works is inconsistent with other negotiations and planning agreements between Council and developers for similar projects as required by objective (d) in Section 1.5 of Council's Policy.

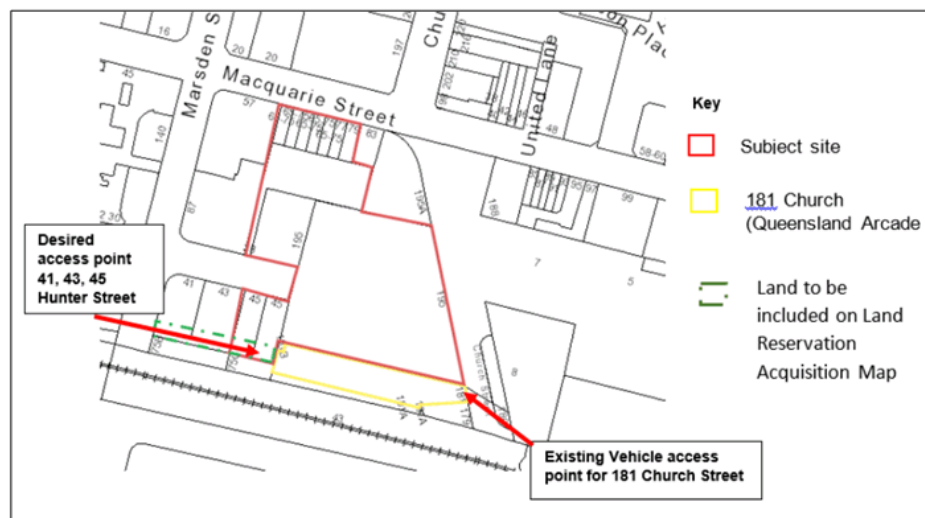
24. The Applicant is also proposing in addition to the current maintenance works undertaken and paid for by Council, that Council be responsible for the removal of graffiti and vandalism, and any repairs for wear and tear and maintenance of the public domain elements. These proposed maintenance obligations under the terms now proposed are more significant, and similar to an open space area that is owned by Council. The Applicant has not provided any supporting documentation outlining the lifecycle costs to Council, including operation or ongoing service delivery, as well as likely maintenance and replacement costs. The additional maintenance costs the Applicant is proposing to be borne by Council are an unknown and potentially significant imposition on Council budget.
25. This is inconsistent with section 2.3 part (h) of Council's Policy in that the impact of the proposed planning agreement contributions on Council's asset management strategy, including the ongoing operational and maintenance costs of unplanned infrastructure, that Council will under this agreement be responsible for, can not be assessed. Consequently, Council does not have the required information to assist in determining whether to accept the planning agreement offer as per section 2.3 of Council's Policy.

Item No. 2 - Future permanent vehicle access along the rear of 45 Hunter Street to service 41, 43 and 45 Hunter Street and 181 Church Street (Queensland Arcade site) (Figure A Map Reference "2a" and "2b").

26. **Figure A** identifies the location of the portion of the laneway that the Applicant is offering as a stratum parcel (Map Ref: "2a"), which would form part of a future permanent vehicle access along the rear of 45 Hunter Street to service 41, 43 and 45 Hunter Street and 181 Church Street (Queensland Arcade site) (Map Ref: "2b").
27. Since the matter was first reported to Council in December 2019, the owner of the land at 41 and 43 Hunter Street has sought to redevelop the site for a private hospital via a State Significant Development (SSD) (see Paragraph 33 in the Council report for further details). It is understood that provision for a 6 metre wide laneway at the rear of this site from Marsden Street adjacent to the railway corridor is proposed as part of the SSD.
28. The Applicant's latest terms for the stratum parcel for the vehicle laneway along the rear of 45 Hunter Street are provided at **Attachment 2** in the Letter of Offer dated 21 January 2022. The Applicant is offering a stratum parcel of land for the laneway access 6m wide by 4.5m high to be either dedicated to Council as a public road, or an easement in gross favour of Council.

29. The 16 December 2019 Council Report referred to the Applicant's land required for this vehicle access as being provided for via a 'right of way'. The report also identified the Church's land (No. 45 Hunter Street) as well as 41 and 43 Hunter Street on a draft Land Reservation Acquisition map illustrated in Figure 6 in the Council Report and reproduced in this document at **Figure D**. The intent was that these three (3) parcels of land would be removed from the Land Reservation Acquisition Map if an alternate agreement is executed between the parties prior to finalisation of the Planning Proposal that secured the access in another way.

Figure D: Land Reservation Acquisition Plan



30. The Applicant is proposing that dedication of the stratum parcel or creation of an easement in favour of Council would be triggered once tenure physically facilitating access from Marsden Street to 181 Church is secured over 41 and 43 Hunter Street.
31. Currently vehicles accessing 181 Church Street drive across the pedestrianised portion of Church Street as there are no other alternative access options. Council officers consider that a laneway to allow vehicles to access this site from Marsden Street thereby minimising pedestrian-vehicle conflict is a worthy public benefit for the community, particularly for people using and moving through the network of open spaces in this part of the Parramatta CBD.
32. The Applicant is proposing in their offer that,
- where it is an easement in gross favour of Council over the stratum parcel, that Council will be responsible for *'maintenance and repair (for example, general maintenance, repair of damage and wear, removal of graffiti, removal of rubbish and conducting reactive cleaning, except to the extent it has been necessitated by the wilful or negligent act or omission of St John's or activities undertaken on the laneway by St John's', or*

- where the stratum parcel is dedicated to Council as a road, *all liability in respect of the Stratum Parcel will pass to Council as the owner of the public road/Stratum Parcel.*
33. Council typically only pays for maintenance works where land is dedicated, not when there is just an easement. The Applicant has not provided any supporting documentation outlining the lifecycle costs to Council, including operation or ongoing service delivery, as well as likely maintenance and replacement costs.
34. As stated above for Item 1, this is inconsistent with section 2.3 part (h) of Council's Policy in that the impact of the proposed planning agreement contributions on Council's asset management strategy, including the ongoing operational and maintenance costs of unplanned infrastructure, that in this case, Council is responsible for despite the infrastructure not being dedicated to Council, can not be assessed. Consequently, Council does not have the required information to assist in determining whether to accept the planning agreement offer as per section 2.6 of Council's Policy.

Item No. 3 - Immediate temporary vehicle access to 181 Church Street (Figure A Map Reference "3")

35. **Figure A** identifies the location of the temporary vehicle access to the rear parking area at 181 Church Street from Hunter Street over Church owned land (Map Ref: "3").
36. Council has sought to engage with the owners of Queensland Arcade site at 181 Church Street but to date no formal agreement has been reached regarding the discontinuation of the vehicle access to the site from Church Street.
37. Council officers consider that removing vehicles from the pedestrianised portion Church Street to 181 Church Street as shown in **Figure E** is a worthy public benefit for the community and particularly for people using and moving through the network of open spaces in this part of the Parramatta CBD.

Figure E: Indicative map showing the vehicle matters discussed in this report:

- the location of the existing vehicle access from the Church Street pedestrianised area to the rear car park of the Queensland Arcade site (181 Church street) [coloured purple]
- the location of the proposed permanent laneway from Marsden Street to the rear parking area for Queensland Arcade [yellow colour]
- the location of the proposed temporary vehicle access from the end of Hunter Street to the rear parking area for Queensland Arcade [blue arrow]



38. The Applicant's latest terms for the 'temporary vehicle access' is provided at **Attachment 2** in the Letter of offer dated 21 January 2022. The applicant is proposing a temporary vehicle access licence for *passenger (not service) vehicle access to and from the rear parking area of 181 Church Street, Parramatta (Queensland Arcade) over Church-owned land to and from the existing Hunter Street dead end along the western side of Verger's Cottage, with all costs for creating, maintaining, insuring and the like to be borne by Council, with the licence to commence once the instrument change (Planning Proposal) becomes effective, and to end on the earlier of: 5 years from commencement, and commencement of construction following the issue of a Construction Certificate for the Civic Space Works.*
39. It is noted that the temporary licence agreement is contingent not only the Construction Certificate for the Civic Space Works, but also development consent granting approval for the demolition of St John's Parish Church.
40. An estimate of the costs for creating, maintaining and insuring the temporary vehicle access to be borne by Council was not provided by the Applicant, nor any solution/ offer to address the issue of how vehicles would access the car parking area at the rear of 181 Church Street during construction of the basement/ civic space.

41. As noted in relation to Items 1 and 2, this is inconsistent with sections of Council's Policy and there is an uncertainty about the arrangement while the Church constructs the basement carpark and civic area up to when a new permanent laneway is in place.
42. Critically the fact that the temporary access arrangements can be ended at any time to allow the Church to proceed with redevelopment of the site without any responsibility for the Church to maintain access means this has minimal value to Council and the Community. If Council was satisfied that the alternate arrangement would be in place until the permanent laneway proposed along the rear of 41-45 Hunter Street was available Council could make changes to the public domain in front of 181 Church Street to install barriers and other mechanisms to resolve potential pedestrian vehicle conflicts that arise from current access arrangements for 181 Church Street. If the arrangements are temporary, then access to 181 Church Street would need to be re-instated should the Applicant or the Church ask for the temporary access arrangements to cease.

Item No. 4 - Access and use of Civic Space Land (Map Reference "4")

43. **Figure A** identifies the location of the civic space area for access and use by the public located between Hunter Street and Church Street (Map Ref: "4").
44. Currently the right of the public to access the land between Church Street and Hunter Street around the Cathedral is provided for in a Deed of Agreement between Council and the Church, last signed in 1991. Council and the Church first entered into a Deed of Agreement in relation to the Civic Space Land in 1953, with Amendment Deeds signed in 1971 and 1991 (copy provided at **Attachments 7 and 8**).
45. The 1991 Deed granted for a 50-year period, a right for Council to carry out agreed works on the Church land and permits members of the public use of the paved footways. This Deed is due to expire on 19 August 2041, and if not replaced by a new Deed before this date, the Church and Council may at the Church's authority negotiate the continuation of the Deed of Agreement, with or without amendments, for another set period of time.
46. The Applicant has maintained since the Planning Proposal was lodged that the Church would not agree to an easement or restriction on use to be registered on title in favour of Council in respect of the Civic Space Land. The reason communicated to Council for this being St John's Church wants the right to eject, move on or prohibit entry of persons using the Civic Space Land in a way which is contrary to the rights referred to in the licence or the status of the land.
47. The Applicant's latest terms for the 'access and use of Civic Space Land' are provided at **Attachment 2** in the Letter of offer dated 21 January 2022. These terms are subject to Development Consent for the Building 1 (North Tower) being grant for the right to remove St John's Parish Church Hall, otherwise the position of the Church is that no licence agreement will be entered into and the

application of the existing Church Curtilage Agreement dated 28 August 1991 entered into with the Council will be extended across the new square.

48. Further, no easement or restriction on use to be registered on title in favour of Council in respect of the Civic Space Land. Instead, and subject to an Perpetual Licence Agreement (not registrable on title) between Council and St John's on terms is to be entered into including:
- *Members of public may pass and repass on foot across those parts of the Civic Space Land designated for pedestrian use*
 - *members of public may temporarily sit in areas of the Civic Space Land designated for such use*
 - *no other activities on the Civic Space Land are to be undertaken by members of the public*
 - *no activities or organised events are to be undertaken by Council or any members of the public without the consent of St John's*
 - *Council obligations around maintenance and repair of the Civic Space Land for example general maintenance, repair of damage and wear, repair of vandalism, removal of graffiti, removal of rubbish and conducting reactive cleaning, except to the extent it has been necessitated by the wilful or negligent act or omission of St John's or activities carried by St John's on the Civic Space Land;*
 - *allocation of liabilities as between Council and St John's, for example St John's not liable for damage to property or personal injury except to the extent it arises from a negligent act or omission of St John's*
 - *obligations of both parties as to insurance*
 - *the licence must acknowledge the status of the Civic Space Land as land owned by and located within the vicinity of St John's Cathedral including:*
 - (A) the right for St John's to eject, move on or prohibit entry of persons using the Civic Space Land in a way which is contrary to the rights referred to in the licence or the status of the land;*
 - (B) St John's retains the right to use parts of the Civic Space Land to the exclusion of others at certain times and for certain purposes (specified in the Letter of Offer)*
49. The Civic Space Land is private Church owned land and without physical barriers (fences) is part of the open space network of public domain spaces accessible to the public. The grounds of the Cathedral and adjacent Centenary Square are the most enduring and arguably most important civic space in Parramatta City Centre. The right of the community to use the Civic Space Land around the Cathedral is an important issue. The current mechanism to achieve this is vaguely described in the current Deed of Agreement (1991) and limited to another 30 years.
50. The offer by the Church to formalise the right of the community to use the Civic Space land by creating an Perpetual Licence Agreement subject to agreed terms offers some benefits to the community. However, based on the proposed terms in the Applicant's Letter of Offer, the following issues of concern are noted,

- The Church seeks to retain all control over access to the open space area, but (on the proposed terms) all liability for that area will lie with Council.
 - Recent practice of Council for similar scale Planning Proposals at Melrose Park North and Wentworth Point (Sekisui) is to require the creation of an easement in gross favour of Council where public access over private land is negotiated as part of a Planning Agreement for the site.
51. In addition, there is some concern that the Church may wish to exclude the public from the civic space adjacent to the church facilities on the ground floor of the commercial building.
52. Objective (d) of Council's Policy (section 1.5) is *to ensure a consistent approach is undertaken in the negotiation and preparation of all planning agreements that is efficient, fair and accountable*. While it is acknowledged that the applicant is offering enduring access for the public with the terms to be included in a Deed of Agreement, this is inconsistent with how other developers for similar scale projects are treated with easements required, and the easement containing the negotiated terms for use.
53. Consequently, the Applicant's latest terms for the use of the civic space by Council, the community and the Church are generally unacceptable.

Conclusion

54. This document has identified a number of issues of concern in relation to the Applicant's Letter of Offer dated 21 January 2022 and the four (4) public benefit items offered, as well as inconsistencies with Council's policy and procedures in relation to planning agreements. The critical issues of concern are the reduced civic space area and access arrangement for the community (Items 1 and 4), and uncertainty about the temporary vehicle access arrangement for 181 Church Street (Item 3), as well as maintenance costs and responsibility risks for Council.
55. It acknowledged that the reduced area of the civic space arises from the needs of a public agency; however, the issue needs to be taken into consideration as part of the assessment of the planning agreement with no offer from the Applicant received to offset the 25% reduced civic space area. A further reduction to the available area may also occur if the Church were to barricade the civic space areas adjacent to the interfaces of the proposed buildings. Enduring access (via a Perpetual Licence Agreement) for the community over the Church land is of value, however the agreement allows the Church to retain all control over this access, limiting any use they choose by the public.
56. The temporary vehicle access arrangements from Hunter Street to the rear parking area of 181 Church Street are unsatisfactory to Council because they can be ended at any time to allow the Church to proceed with redevelopment of the site, without any responsibility for the Church to maintain access. While it is acknowledged that the Church is offering to address an important pedestrian

safety issue in the Parramatta CBD, the lack of an alternate arrangement if the existing access is ended means this offer has minimal value to Council and the Community.

57. The Church wants Council to take on additional maintenance costs and accept all liability (except where due to Church negligence) on land that Council does not have a proprietary interest in, and is not offering any financial contribution towards this, which is inconsistent with Council's Planning Agreements Policy.
58. Given the costs and issues associated with the planning agreement conditions, the public benefits previously considered to be accruing from the Church allowing access to their land do not appear as significant. As such the Applicant's offer as submitted to Council on 21 January 2022 is unsatisfactory in terms of the values and expectations of the public and overall public interest.

Next Steps

59. The Council report seeks Council's endorsement in relation to the St John's Anglican Church, if, prior to 28th February 2022, the Council and the Applicant agree on a Planning Agreement on terms satisfactory to Council, including the minimum conditions in Table 2 paragraph 41 of the Council Report.
60. If Council resolves this approach, it is expected council officers will:
 - Re-engage with the Applicant and seek an amended Planning Agreement that includes all of the minimum conditions detailed in Table 2 of the Council Report, and
 - Subject to Council and the Applicant being able to agree on terms for the Planning Agreement and an extension to the timeframes limiting the exhibition and finalisation of the Planning Agreement the amended Planning Agreement could be exhibited with the other associated documents.

< end >



21 January 2022

Janelle Scully
Team Leader,
City Planning
City of Parramatta Council
126 Church Street
PARRAMATTA NSW 2150

Email: JScully@cityofparramatta.nsw.gov.au

Dear Janelle

Voluntary Planning Agreement Ref: PAR970/169
City of Parramatta Council and Anglican Church Property Trust Diocese of Sydney

We write in relation to the draft Voluntary Planning Agreement (Ref: PAR970/169) (VPA) being finalised between the City of Parramatta Council (Council) and the Anglican Church Property Trust Diocese of Sydney (Developer), and the all parties meeting held 19 January 2022 to discuss the 'public benefits' being offered by the Developer under the VPA. At this meeting Council requested that the Developer provide it with a letter formalising and summarising the 'public benefits' that are to be delivered under the VPA.

Public Benefits of the VPA (cf. clause 6 of VPA)

1. Civic Space Works (cf. clause 6.1 of original VPA)

- 1.1 *Scope:* The public domain works described in Part 1 of Schedule 3 (Civic Space Works – Scope of Works). Developed and finalised in accordance with the Construction Terms, and subject to any Development Consent or Approval for the Civic Space Works. Clause 6.1(a) and Part 1.1 of Schedule 3.
- 1.2 *Timing:* The Works to be completed prior to the issue of an Occupation Certificate for Building 1 (North Tower). Clause 6.1(d) of the original VPA and Part 1.2 of Schedule 3.

2. Vehicle access from Marsden Street to 181 Church Street (cf. clause 6.2 of original VPA)

- 2.1 *Scope:* Creation of a laneway for vehicle access from Marsden Street to 181 Church Street.

A separate stratum parcel of land (**Stratum Parcel**) (approximately 6m wide and limited in height to 4.5m) to be created over the 'desired access point' at Lots 1 & 2 DP 575473 45 Hunter Street.

Two options to create a laneway for vehicle access over the Stratum Parcel:

- (a) dedication of the Stratum Parcel to Council as public road. Ownership of and the right to develop the area above the Stratum Parcel (greater than a height of 4.5m) to be retained by St John's (subject to future planning approvals for that development). This right will need to be documented in a separate agreement between St John's and Council. All liability in respect of the Stratum Parcel will pass to Council as the owner of the public road/Stratum Parcel; or
- (b) easement in gross in favour of the Council (and its Authorised Users including members of the public) over the Stratum Parcel allowing vehicle access from Marsden Street to 181 Church Street. Liability for damage to property or personal injury to pass to Council under the terms of the easement, except to the extent it



arises from a negligent act or omission of St John's. Council to maintain and repair the laneway (for example, general maintenance, repair of damage and wear, removal of graffiti, removal of rubbish and conducting reactive cleaning, except to the extent it has been necessitated by the wilful or negligent act or omission of St John's or activities undertaken on the laneway by St John's). Ownership of and the right to develop the area above the Stratum Parcel (greater than a height of 4.5m) to be retained by St John's.

We note that clause 6.2 of the original VPA contemplates dedication of the laneway to Council. Following our meeting on 19 January 2022, we confirm that St John's will agree to either dedication of the Stratum Parcel or the grant of an easement in gross in favour of Council.

- 2.2 *Timing:* The creation of the Stratum Parcel prior to the issue of an Occupation Certificate for building 2 (south tower). The size and design of the Stratum Parcel will be finalised under a future Development Application for the south tower, and the land the subject of the Stratum Parcel to be used for FSR calculations in any such Development Application.

Dedication of the Stratum Parcel or creation of an easement in gross in favour of Council over the Stratum Parcel is only triggered once tenure physically facilitating access from Marsden Street to 181 Church Street is secured over the 'desired access point' at Lots 1 DP 27310, 41 Hunter Street, and SP 63196, 43 Hunter Street (whether this be by dedication, easement or compulsory acquisition).

3. Temporary Access (cf. clause 6.2 of original VPA)

- 3.1 *Scope:* Temporary passenger (not service) vehicle access licence provided for access to and from the rear parking area of 181 Church Street, QLD Arcade, over the Church grounds (Lot 2 DP 1110057) from the existing Hunter Street dead end along the western side of Verger's Cottage. All costs of creating, maintaining, insuring etc to be borne by the Council. The Licence is to commence once the Instrument Change becomes effective and is to end on the earlier of:

- (a) 5 years from commencement; and
- (b) commencement of construction following the issue of a Construction Certificate for the Civic Space Works.

St John's agrees to act reasonably in considering whether to extend the temporary licence in the event that construction has not commenced at the expiry of 5 years. Owners of 181 Church Street required to be a party to the licence.

- 3.2 *Timing:* To be entered into once the Instrument Change becomes effective. Newly negotiated licence can become a schedule to the VPA.

4. Access and use of Civic Space Land (cf. clause 6.3(a)(i) and 6.3(a)(ii) of original VPA)

- 4.1 *Scope:* No easement or restriction on use to be registered on title in favour of Council in respect of the Civic Space Land.

Instead, an enduring licence agreement (not registrable on title) as between Council and St John's on terms is to be entered into including:

- members of public may pass and repass on foot across those parts of the Civic Space Land designated for pedestrian use
- members of public may temporarily sit in areas of the Civic Space Land designated for such use



- no other activities on the Civic Space Land are to be undertaken by members of the public
- no activities or organised events are to be undertaken by Council or any members of the public without the consent of St John's
- Council obligations around maintenance and repair of the Civic Space Land for example general maintenance, repair of damage and wear, repair of vandalism, removal of graffiti, removal of rubbish and conducting reactive cleaning, except to the extent it has been necessitated by the wilful or negligent act or omission of St John's or activities carried by St John's on the Civic Space Land;
- allocation of liabilities as between Council and St John's, for example St John's not liable for damage to property or personal injury except to the extent it arises from a negligent act or omission of St John's
- obligations of both parties as to insurance
- the licence must acknowledge the status of the Civic Space Land as land owned by and located within the vicinity of St John's Cathedral including:
 - (A) the right for St John's to eject, move on or prohibit entry of persons using the Civic Space Land in a way which is contrary to the rights referred to in the licence or the status of the land;
 - (B) St John's retains the right to use parts of the Civic Space Land to the exclusion of others at certain times and for certain purposes including:
 - (I) for the installation of plant and equipment associated with use of St John's and the land;
 - (II) for the installation of permanent and temporary signage associated with St John's and the activities associated with St John's;
 - (III) amenities, toilets and mothers' room;
 - (IV) the erection of temporary structures related to activities undertaken by or on behalf of St John's on the Civic Space Land;
 - (V) for purposes incidental to St John's and the activities undertaken by or on behalf of St John's or the Anglican Church diocese;
 - (VI) for a specified number of days per year and also during particular periods (for example Easter and Christmas) for organised activities and events of St John's and/or the Anglican Church diocese;
 - (VII) for the erection of buildings or structures for the purpose of enhancing public domain areas;
 - (VIII) for the erection of temporary structures for construction of the Development.



The licence may include a proviso that if the Civic Space Land is used in the manner set out in (B) above, St John's will during the period of use ensure that there is reasonable pedestrian pathways for use by members of the public.

Negotiated terms can become a schedule to the VPA.

- 4.2 *Timing:* Licence agreement to be entered into prior to the issue of an Occupation Certificate for Building 1 (North Tower). Clause 6.3(d) of the original VPA. The Development Consent for the Building 1 (North Tower) must grant the right to remove St John's Parish Church Hall, otherwise no licence agreement will be entered into and the application of the existing Church Curtilage Agreement dated 28 August 1991 entered into with the Council will be extended across the new square.

We trust the above provides clarity for all parties regarding the items discussed to date and look forward to ongoing collaborative discussion to finalise the documents required for the Council meeting on 21 February.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tina Tang'.

Tina Tang
Director



Robert Cologna
Team Leader Land Use Planning
City of Parramatta Council
126 Church Street,
Parramatta. NSW. 2150.

email: rcologna@cityofparramatta.nsw.gov.au

Dear Robert

Re St John's Parramatta – Planning Proposal RZ/5/2018

Thank you for meeting with us on Thursday 5th September 2019 regarding the Planning Proposal for the precinct around St John's at Parramatta. In relation to the matters discussed at the meeting we confirm the following in anticipation of the finalisation of the report to go to the Local Planning Panel on 15th October 2019.

1. St John's Hall

We agree to incorporate as part of the Planning Proposal, the application to have the St John's Hall delisted from the LEP 2011, to avoid any confusion or conflict between the new LEP for St John's the existing CPC LEP and new DCP.

2. Access to the Square and through site link

As discussed at the meeting, we currently have a management plan in place for the curtilage of the Cathedral that integrates and enables access for the city and its residents and visitors. We note that post the redevelopment of the site there will be no carparking at ground level. That said the site would be a shared area, and we would have some vehicular access to the Cathedral certainly on the large ceremonial days such as baptisms, deaths and marriages as well as service access.

We are open to discussing ownership, maintenance and management of the new square and laneway proposal in our submission. We had envisaged that the Parish would have/retain ownership of the new square (incorporating that part of the Hunter St bounded by 43 Hunter St, the Cathedral and 38 Hunter St) and laneway.

We would enter an agreement with Council regarding public access, maintenance, usage, civic events etc in the same manner as the Parish currently has an agreement in place with Council regarding the rest of the lawns and paved area around the Cathedral. Whilst this is our initial view of the ownership arrangements, we do understand that this is subject to final commercial negotiations and discussion with Council through a Voluntary Planning Agreement which includes our mutual approval processes.

3. Access to QLD Arcade.

Subject to approvals from the Parish Council, we would be happy to engage in a discussion that would provide short- and long-term access to the rear of QLD Arcade. We note that any access must not encumber the development of the Parish's property. As we have previously indicated, we believe that



all parties working together for an equitable, beneficial outcome would be a great overall result for the City of Parramatta.

4. Development Control Plan (DCP)

We note that we will provide a detailed draft DCP post the Council meeting.

Should you have any questions or require any further information please don't hesitate to call or email us – Jane Lloyd – 0405131985 jane.lloyd@jattca.com.au or Tina Tang 0411408281 ttang@jattca.com.au.

Our thanks in advance

Kind regards

A handwritten signature in blue ink, appearing to read 'Jane Lloyd'.

Jane Lloyd
jattca property solutions



Planning,
Industry &
Environment

PP_2020_COPAR_001_00 (IRF20/3660)

Brett Newman
Chief Executive Officer
City of Parramatta
PO Box 32
PARRAMATTA NSW 2124

Dear Mr Newman

Planning proposal PP_2020_COPAR_001_00 to amend Parramatta Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the zoning, development standards, land reservation and inclusion of site specific provisions for the St John's Cathedral site.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

In order to protect the solar access to Parramatta Square a condition has been imposed requiring consistency with the CBD Planning Proposal at finalisation. The CBD Planning Proposal requires that a compensatory area of solar access at the eastern end of Parramatta Square at the Spring and Autumn equinox be provided to offset any impacts which may occur at the same time on the western end. This has also been required of this proposal.

There has been no strong evidence provided to allow the proposed removal of St Johns Parish Church Hall from the heritage schedule of Parramatta Local Environmental Plan 2011. Inconsistency between the heritage advice presented within the planning proposal introduced enough uncertainty regarding the merit of delisting these items. The merit of conserving the buildings should be assessed through the development application process when there is greater certainty for the built form and options for a variety of development outcomes can be analysed and considered.

As the site is located within the area proposed to be covered by a Special Infrastructure Contribution plan in the future could Council please request the proponent to initiate discussions with the Department regarding State infrastructure as soon as possible. I would also appreciate if Council could raise the matter of State infrastructure needs generated by the proposal when consulting State Agencies and forward these submissions to the Department to assist in discussions with the proponent.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 3.1 – Residential Zones, 4.1 Acid Sulfate Soils, 4.3 - Flood Prone Land and 6.3 - Site Specific Provisions are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 2.6 Remediation of Contaminated Land, 3.5 Development Near Licensed Aerodromes, 6.2 Reserving Land for Public Purposes and 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan. Council should ensure this occurs prior to the plan being made.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority due to the complex nature of the planning proposal and potential to impact upon the public domain.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Simon Turner to assist you. Mr Turner can be contacted on 8837 6376.

Yours sincerely



08/09/2020

Catherine Van Laeren
Executive Director,
Central River City and Western Parkland City

Encl: Gateway determination



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2020_COPAR_001_00): to amend to the zoning and development standards, inclusion of site specific provisions relating maximum car parking rates, unlimited commercial floor space, carparking as an additional use and overshadowing of Parramatta Square, and identification of land to be reserved.

I, the Executive Director, Central River City & West Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (LEP) 2011 to enable redevelopment of 65-79 Macquarie Street 38 and 41-45 Hunter Street) Parramatta should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal and supporting documentation as follows:
 - (a) amend to ensure protection of compensatory area of solar access at the eastern end of Parramatta Square at the Spring and Autumn equinox;
 - (b) all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed;
 - (c) update the explanation of provisions to identify the site is to be included in the areas specified in Clause 7.6 Airspace Operations;
 - (d) identify the relevant acquisition authority for land reservations where appropriate; and
 - (e) updated to address Direction 2.6 Remediation of Contaminated Land.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW State Emergency Services,
 - DPIE – Environment, Energy and Science,

- NSW Heritage;
- Transport for NSW;
- Civil Aviation Safety Authority;
- Commonwealth Department of Infrastructure and Regional Development; and
- Utility providers.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

Council should raise the possibility of State infrastructure needs generated by the proposal when consulting State Agencies and forward their comments to the Department upon receipt.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Prior to finalisation, the planning proposal is to be consistent with the Parramatta CBD Planning Proposal's position in relation to solar access to Parramatta Square.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 8th day of September 2020.



Catherine Van Laeren
Executive Director, Central River City
and Western Parkland City
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces



Planning,
Industry &
Environment

IRF21/4548

Mr Brett Newman
Chief Executive Officer
City of Parramatta
PO BOX 32
PARRAMATTA NSW 2124


Dear Mr Newman

Planning proposal PP_2020_COPAR_001_00– Alteration of Gateway Determination

I refer to City of Parramatta Council's request for an extension to the timeframe to complete planning proposal PP_2020_COPAR_001_00 to amend the planning controls for the St Johns Cathedral site at 195 Church Street, 65-79 Macquarie Street and 38 and 41-45 Hunter Street, Parramatta.

I note Gateway determination was issued for this proposal on 8 September 2020 which conditioned that the proposal be completed within 12 months. I understand delays to progressing the proposal to public exhibition have occurred while the supporting planning agreement and site specific development control plan have been negotiated. The planning agreement is required to secure the public benefits which support the proposal.

I acknowledge that progress has been made towards resolving these outstanding matters and Council anticipates reporting these matters in the new year, allowing for exhibition to follow. I also understand the proponent has committed to the draft planning agreement to allow for exhibition.

I have therefore determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 8 September 2020 for PP_2020_COPAR_001_00 (since altered). The Alteration of Gateway determination is enclosed.

The NSW Government is committed to reforming the planning system to be more streamlined and simplified in order to help unlock productivity by creating jobs and supporting on-going economic recovery. A key part of the reform program involves reducing the end to end timeframe for rezoning proposals. Successful achievement of target reductions across the state will result in funding towards improving planning outcomes.

In light of this, I have outlined an additional condition requiring Council to commence exhibition by 28 February 2022. Should Council not meet this timeframe, or the proposal be further delayed, consideration will be given for whether it should proceed. I also note that further extensions for this proposal are unlikely to be granted except in exceptional circumstances.

If you have any questions in relation to this matter, I have arranged for Jazmin van Veen to assist you on 9373 2877.

Yours sincerely



10 November 2021

Brett Whitworth
Group Deputy Secretary
Planning Delivery and Local Government

Encl: Alteration of Gateway Determination



Planning,
Industry &
Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2020_COPAR_001_00)

I, the Group Deputy Secretary, Planning Delivery and Local Government, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 8 September 2020 (since altered) for the proposed amendment to the Parramatta Local Environmental Plan 2011 as follows:

1. Delete "condition 6"

Replace with a new condition 6: "The LEP shall be completed by 30 June 2022."

2. Insert "condition 7":

"The planning proposal must commence public exhibition by 28 February 2022."

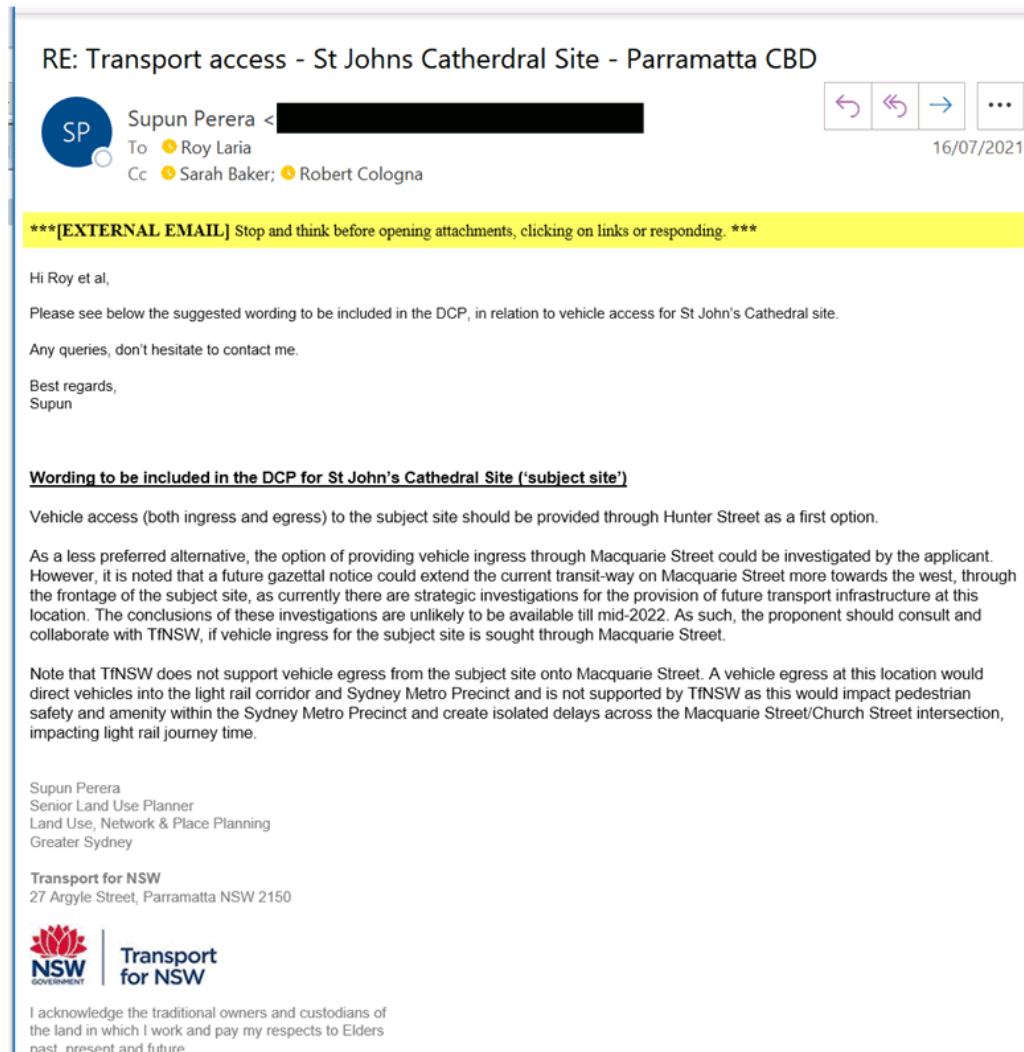
Dated 10 day of November 2021.

A handwritten signature in blue ink, appearing to read "Brett Whitworth".


Brett Whitworth
Group Deputy Secretary
Planning Delivery and Local
Government
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning
and Public Spaces**

PP_2020_COPAR_001_00 (IRF21/4548)



197 1953-S-
STAMP DUTIES



THIS DEED made this 1st day of July One thousand nine hundred and fifty three B E T W E E N CHURCH OF ENGLAND PROPERTY TRUST DIOCESE OF SYDNEY (hereinafter called "the Church Authorities") of the one part AND THE COUNCIL OF THE CITY OF PARRAMATTA (hereinafter called "the Council") of the other part WHEREAS the Council is desirous of utilising the grounds of St. John's Church Parramatta (being the area shown on the Sketch Plan annexed hereto and therein edged green and hereinafter referred to as "the Church Grounds") for the purpose of beautifying embellishing and improving the same (hereinafter referred to as "the improvement project") and has requested the Church Authorities to grant to it such licence as is hereinafter contained and the Church Authorities have agreed to grant the same upon the terms and in manner hereinafter appearing. NOW THEREFORE IT IS HEREBY WITNESSED AND AGREED as follows : -

1. The Church Authorities hereby grant unto the Council for the term of Twenty years from the 1st day of July One thousand nine hundred and fifty three leave and licence subject to the conditions hereinafter mentioned to utilise the Church Grounds for the purposes of the improvement project and in particular (without in any way limiting or restricting the general leave and licence hereby granted) the Church Authorities hereby authorise and permit the Council to execute carry out and do or cause to be executed carried out and done on the Church Grounds the following works that is to say: -

(a) Removal of Fig Trees.

This work will include grubbing cutting up and removal from the site of the existing fig trees.

(b) Supply and Planting of Claret Ash Trees

These trees will be supplied by the Council and planted in such locations as the Church Authorities and the Council after joint inspection shall previously have agreed upon.

(c) Removal of Iron Fence and Footings

The existing fence and footings will be removed and in lieu thereof there will be constructed a 6" high concrete kerb which (i) will clearly delineate the Church boundaries along Church Street and along the side boundary with St. John's Park and (ii) will provide a neat finish to the grass. After the existing fence and footings have been removed the Church Authorities shall be at liberty to dispose of same in such manner as they may think fit.

(d) Construction of Dwarf Wall

This item will provide for the carrying out of the 6" high concrete

kerb to a sound and neat standard between Council property and the Church property.

(e) Supply of Topsoil and Grass etc.

This work will be carried out to the same high standards as obtain in areas maintained in the Council's parks.

(f) Seating

The seating required will be provided by the Council and located in such positions adjacent to the Church Street frontage as the Church Authorities and the Council shall mutually agree upon.

(g) Trees on Railway Side Boundary.

The Council will supply and plant along the Railway side boundary a double line of trees consisting of (i) a first line of tall gums or other approved trees (ii) a staggered line of trees of lower habit adjacent to it.

2. All the aforesaid works (with such modifications (if any) as may from time to time be mutually agreed upon) will be executed and carried out by the Council at its own expense and the Council will likewise at its own expense from time to time and at all times during the said term attend to the proper care maintenance and repair of the same.

3. The Council hereby covenants and agrees as follows : -

(a) That the Council by reason of the execution of this document or any work act or thing done pursuant to this document shall not acquire any easement or right in respect thereof other than the leave and licence hereby expressly granted and further that there shall be deemed to be no dedication to the public in respect of the Church grounds by reason of the execution of this document or any work act or thing done pursuant to this document.

(b) That in the event of the Church grounds becoming rateable by the Council by virtue of the execution of this document or any work act or thing done pursuant to this document the Council shall indemnify and shall keep indemnified the Church Authorities in respect of the rates thereby charged.

4. Nothing herein contained shall prejudicially affect the rights (if any and without admitting any such rights) of the public to use as a footway the existing pathway shown on the said sketch plan and therein coloured red and further in consideration of the premises the Council covenants and agrees that it will not raise any objection or claim any right or easement on behalf of the public in the event of the Church Authorities applying to bring the said property under the provisions of the Real Property Act.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED BY the
said CHURCH OF ENGLAND PROPERTY TRUST

DIOCESE OF SYDNEY in the presence of;

SIGNED SEALED AND DELIVERED by the

COUNCIL OF THE CITY OF BARRAMATTA

in the presence of: MIN 7338(4)
15TH JUNE 1953.

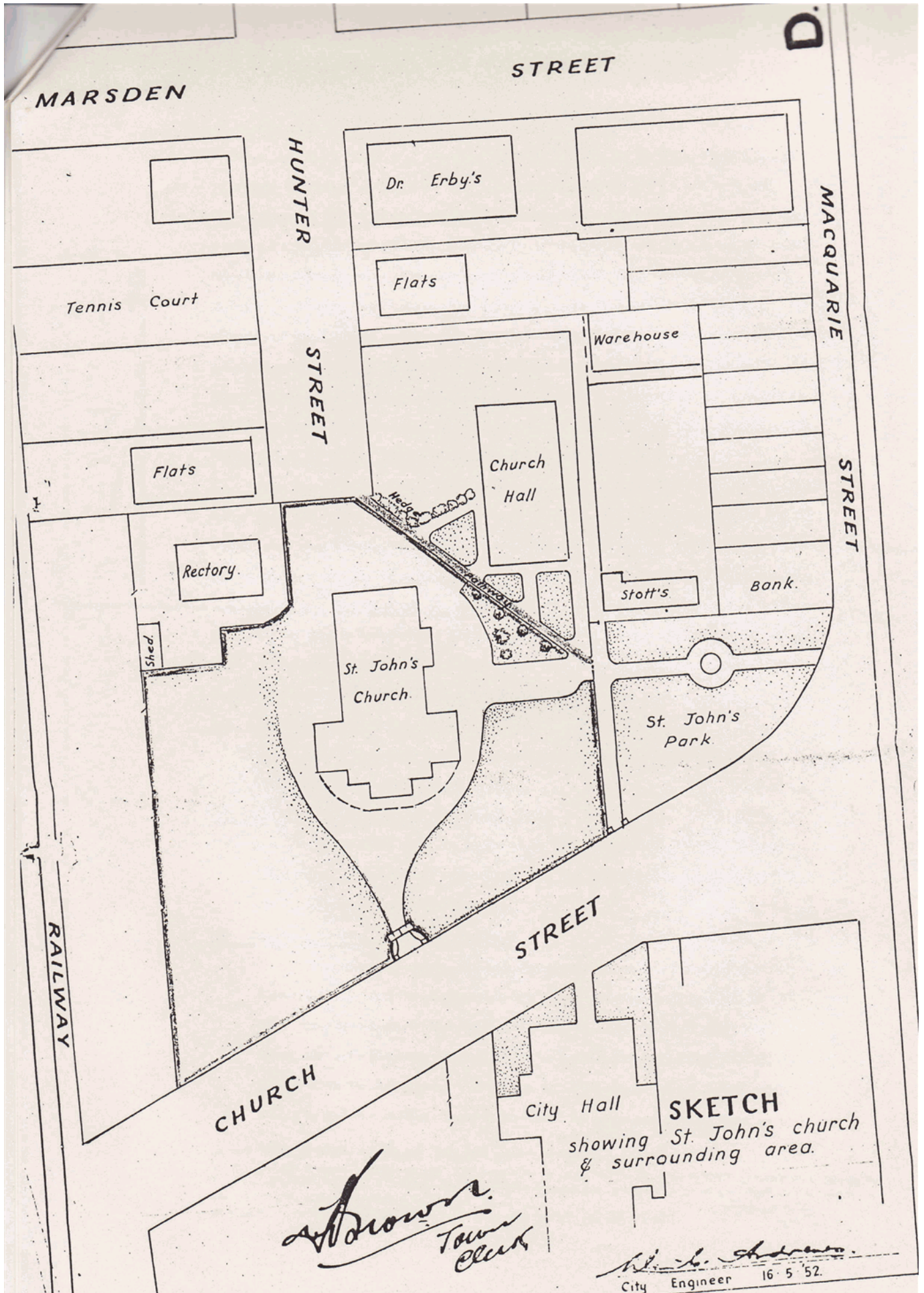
[Signature]
TOWN CLERK

[Signature]
V. Stairfat



[Signature]

MAYOR.



124

DATED _____ 1953.

BETWEEN:

CHURCH OF ENGLAND PROPERTY TRUST
DIOCESE OF SYDNEY

AND

THE COUNCIL OF THE CITY OF PARRAMATTA

DEED OF
LEAVE AND LICENCE

W.S. Kay, Davies & Co.,
Solicitors,
16 George Street,
PARRAMATTA.

RECEIVED into the Registration of Deeds Office at Sydney this _____ day of _____
One thousand nine hundred and fifty three at _____ minutes past _____
o'clock in the _____ noon from William MacFarlan Coffey, Clerk to W.S. Kay & Davies,
of 16 George Street, Parramatta, Solicitors, a true copy of the within Conveyance verified
by the said William MacFarlan Coffey, No. _____ Book _____

DEPUTY REGISTRAR.

124

885

6437

DATED August 28 1991

BETWEEN

ANGLICAN CHURCH PROPERTY TRUST
DIOCESE OF SYDNEY

"The Church
Authorities"

AND

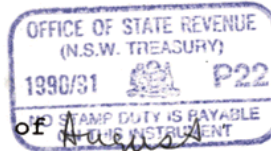
THE COUNCIL OF THE CITY OF
PARRAMATTA

"The Council"

DEED

CHAMPION & PARTNERS
Solicitors
9 George Street
PARRAMATTA NSW 2150
DX 8220 PARRAMATTA
TEL: 635-8266
REF: 177dc7.3p
Mr Champion





THIS DEED made the 28th day of August One Thousand Nine Hundred and Ninety One

BETWEEN ANGLICAN CHURCH PROPERTY TRUST DIOCESE OF SYDNEY
(hereinafter called "the Church Authorities") of the
one part

AND THE COUNCIL OF THE CITY OF PARRAMATTA (hereinafter
called "the Council") of the other part

WHEREAS

1. By Deed of Licence dated 1st day of July 1953 (hereinafter called "the Original Deed") the Church Authorities granted to the Council for a term of twenty (20) years the right to use the land described upon a sketch plan annexed thereto and called the Church Grounds for the purpose of beautifying embellishing and improving the same.
2. By Deed of Amendment dated 31st August 1971 the parties to the original Deed agreed to extend the term of the Licence from twenty (20) years to forty (40) years and further it was acknowledged that the work referred to in Clause 1(a)(g) inclusive in the Original Deed had been complied with and further it was agreed that the Council had agreed to carry out a certain further work on the Church Grounds (hereinafter called "the New Works") and it was further acknowledged that the terms and conditions of the Original Deed were confirmed.
3. It is further acknowledged that the Council has closed Church Street and created a Mall fronting the Church Grounds including a strip of land being formerly a part of Church Street and adjacent to the area maintained by the Council under the Original Deed.
4. It is further acknowledged that the creation of the Mall has caused a change of flow of pedestrian traffic thereby causing damage to the Church Grounds.
5. It is agreed that the problem be resolved by the execution of a new plan (hereinafter called "the New Plan") and the Council has requested the Church Authorities to grant to it such licence as is hereinafter contained and the Church Authorities have agreed to grant the same upon the terms and conditions hereinafter appearing.

-2-

NOW THEREFORE IT IS HEREBY WITNESSED AND AGREED AS FOLLOWS:

1. The Church Authorities hereby grant unto the Council for the term of fifty (50) years from the date hereof leave and licence subject to the conditions hereinafter mentioned for the purpose of implementing the New Plan and in particular (without in any way limiting or restricting the general leave and licence hereby granted) the Church Authorities hereby authorise and permit the Council to execute carry out and do or cause to be executed carried out and done on the Church Grounds the works (hereinafter called "the said Works") generally described in the New Plan annexed hereto and marked "New Plan".
2. The said Works (with such modifications (if any) as may from time to time be mutually agreed upon) will be executed by the Council or such contractors nominated by the Council and approved by the Church Authorities and at the expense of the Council.
3. The Church Authorities shall from time to time during the execution of the said Works make progress payments to the Council up to the total sum of \$225,000.00. Such progress payments may be made when reasonably requested by the Council having regard to the progress of the said works.
4. The Council shall at its own expense from time to time and at all times during the said term attend to the proper care maintenance and repair of the said works.
5. It is agreed that in order to facilitate the execution of the said Works and subsequent care maintenance and repair of the Church Grounds the Engineer of the Council shall from time to time confer with the Church Wardens for the time being of the Pro-Cathedral Church of St. Johns Parramatta.
6. The Parties hereby covenant and agree as follows:
 - (a) That the Council by reason of execution of this document or any work act or thing done pursuant to this document shall not acquire any easement or right in respect thereof other than the leave and licence hereby expressly granted and further that there shall

-3-

be deemed to be no dedication to the public in respect of the Church Grounds or any part thereof by reason of the execution of this document or any work act or thing done pursuant to this document.

- (b) That in the event of the Church Grounds becoming rateable by the Council by virtue of the execution of this document or any work act or thing done pursuant to this document the Council shall indemnify and keep indemnified the Church Authorities in respect of the rates thereby charged.

7. The Church Authorities covenant with the Council to permit during the period of the licence hereby granted members of the public to use as a footway the areas to be paved but without thereby creating any easement or other legally enforceable right to use the pathway either in favour of the public or the Council.

In witness whereof the parties have hereunto set their hands and seals on the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED

by the said

ANGLICAN CHURCH PROPERTY TRUST

DIOCESE OF SYDNEY

in the presence of:-

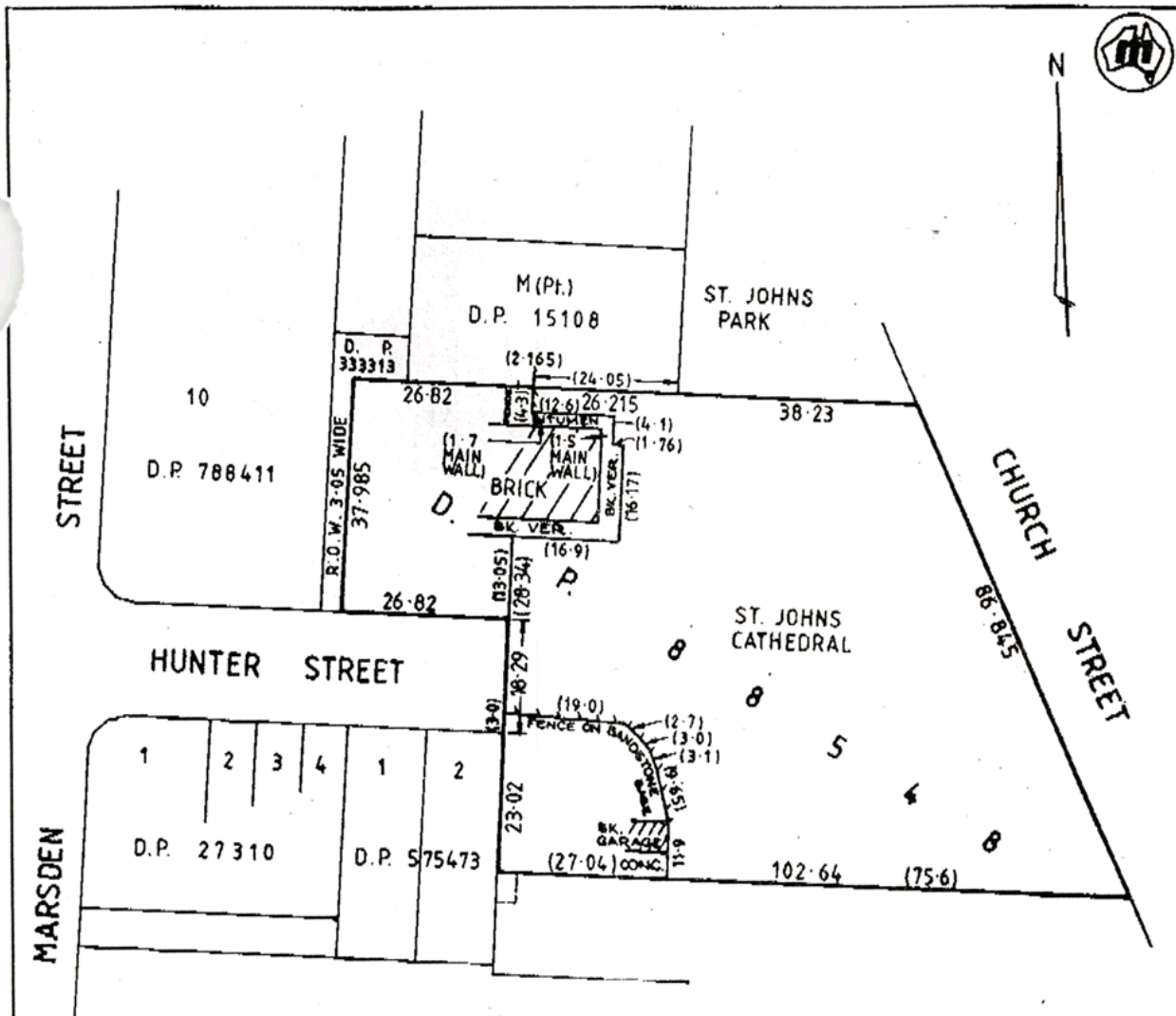
THE COMMON SEAL of ANGLICAN CHURCH
PROPERTY TRUST DIOCESE OF SYDNEY, was
hereunto affixed pursuant to a resolution passed
at a duly constituted meeting of the said Trust
in the presence of

MB Morris
SECRETARY

THE COMMON SEAL of
THE COUNCIL OF THE CITY OF
PARRAMATTA was hereunto affixed
pursuant to a resolution of Council
passed at its meeting held on the
19th day of August 1991:

John
Lord Mayor

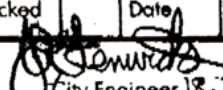
MB Morris
Town Clerk



AMENDED 17.7.91

BOUNDARY REAR OF BRICK GARAGE
S.W. CORNER ST. JOHNS, ADJACENT
TO LOT 2, D.P. 575473

FILE REF: L91/10836/48/20

Drawn	E.G.M.	Surveyed	E.G.M.	THE PARRAMATTA CITY COUNCIL	PLAN No.
Traced	2	Level Book No.			13049
Checked		Date	18.7.91		
 City Engineer 18.7.91			Scale 1:1000		
SKETCH PLAN SHOWING THE LAND IN D.P. 88548 AND DELINIATING THAT EASTERN PART TO BE UTILISED BY THE PARRAMATTA CITY COUNCIL (NOTE: THIS PLAN FOR LEASE PURPOSES ONLY)					

BOX: 13 / REQ: G518710 / DLG: E633926 / STS: OK.OK / PRT: 21/01/1999 07:34 / PGS: A11 / SEQ: 4 of 13

B

SIGNED SEALED AND DELIVERED
by the said ALLAN GORDON EZZY
in the presence of:

.....
Church Warden

.....
THE COMMON SEAL of
THE BODY CORPORATE OF STRATA
TITLE NO.
was hereunto affixed by
authority of the Board
in the presence of:

.....
Secretary

.....
Director

REQ: 0010/10 / DEL: E033920 / SIS: UK.UK / PRI: 21/01/1999 07:34 / PGS: A11 / SEQ: 3 of 13



H. The Body Corporate has agreed to contribute the sum of \$25,000.00 towards the cost of implementing the Plan and in consideration therefor the Church has agreed not to procure during the time of the leave and licence referred to in the Deed any change or alteration to the said Plan in relation to the access over the Church Grounds to the Queensland Arcade.

NOW THIS DEED WITNESSES that in consideration of the sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) paid by the Body Corporate to the Church (the receipt whereof is hereby acknowledged)

1. The Church shall apply the said sum towards the cost of implementing the Plan.
2. The Church shall not during the term of the leave and licence granted under the Deed procure or do anything to procure any alteration or change to the Plan in respect to the access over the Church Grounds to the Queensland Arcade as shown on the Plan.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED
by the said PETER SCOTT KEMP
in the presence of:

.....
Rector

.....
SIGNED SEALED AND DELIVERED
by the said HILDA HUGHES
in the presence of:

.....
Church Warden

.....
SIGNED SEALED AND DELIVERED
by the said CHRISTOPHER GEORGE ALLEN
in the presence of:

.....
Church Warden

BOX: 13 / REQ: G518710 / DLG: E633926 / STS: OK .OK / PRT: 21/01/1999 07:34 / PGS: A11 / SEQ: 2 of 13

40

*File w/
E 633926*

THIS DEED made the day of One thousand nine hundred and ninety two

BETWEEN PETER SCOTT KEMP, Rector, HILDA HUGHES, CHRISTOPHER GEORGE ALLEN and ALLAN GORDON EZZY, Church Wardens being Rector and Church Wardens respectively of St. Johns Pro Cathedral Parramatta (called "the Church") of the one part

AND THE BODY CORPORATE OF STRATA TITLE NO. 16446 (called "the Body Corporate") of the building known as The Queensland Arcade of the other part.

WHEREAS:

- A. The Church has procured the passing of an Ordinance by the Standing Committee of the Synod of the Anglican Church of Australia in the Diocese of Sydney to permit the granting of a Deed of Leave and Licence to the Parramatta City Council (called "the Council") in the terms of the Deed (called "the Deed") a copy of which is annexed hereunto and marked "A".
- B. The Deed granted to the Council for a term of 50 years from the 28th August, 1991 leave and licence to carry out certain work on the Church Grounds described in the Plan now referred to Council Plan No. 13276 Sheet No. 2 (called "the Plan") annexed hereto and marked "B1".
- C. The Plan was approved by the Parramatta City Council as referred to in the communication from the Council to Champion & Partners dated the 4th March, 1992 a copy of which letter is annexed hereto and marked "B2" (called "the Development Application").
- D. The Development Application provides for the "removal of brick wall to allow access to the Queensland Arcade".
- E. The Church procured the passing of the aforesaid Ordinance and the execution of the Deed in order better to preserve and protect the Church Grounds by diverting the pedestrian traffic flow from Hunter Street to the Mall through the Queensland Arcade as shown on the Plan.
- F. The work referred to in the said Deed includes Drainage facilities shown in the copy of plans numbered 90081/04 and 13285 and marked "C1" and "C2" respectively.
- G. The occupants of The Queensland Arcade will benefit from the said changed pedestrian traffic flow.

REQ: 0010/10 / DEL: E033920 / SIS: UK JK / PRT: 21/01/1999 07:34 / PGS: A11 / SEQ: 1 of 13

OFFICE USE ONLY

633926 J

CHANGE OF BY-LAWS
SECTIONS 38 (2), 38 (1), OR CLAUSE 13 OF
SCHEDULE 4, STRATA TITLES ACT, 1973
REAL PROPERTY ACT, 1900
(See Instructions for Completion on back of form)

REFERENCE TO
TITLE OF
COMMON
PROPERTY
Note (a)

NUMBER OF
STRATA PLAN
Note (b)

NOTE (c)

ADDED BY-LAW
Note (d)

Torrens Title Reference

VOLUME 14371 Folio 159 Strata Plan 16446

NOW BEING 1/4 OF LAND COMPRISED
IN FOLIO CPI SP 16446

THE PROPRIETORS—STRATA PLAN No. 16446 the registered proprietor of the common property comprised in the Certificate of Title above

referred to, certifies that, by a resolution duly passed on 15 JUNE 1992 in accordance with the provisions of sections 38 (7) and 66 (3),
Strata Titles Act, 1973, it changed the by-laws as follows:

ADDED BY-LAW No. 35, 36 and 37
as fully set out below.

OFFICE USE ONLY

Note (e)

35) The Body Corporate shall be empowered to enter into and shall enter into a Deed of Agreement in the form annexed hereto and the common seal shall be affixed thereto and the sum of \$25,000 being the total paid by all proprietors in proportion to their unit entitlements and hitherto held in trust for this purpose shall be paid in accordance with the terms of such Deed.

36) Every member for the time being of the Council of the Body Corporate shall be indemnified by the Body Corporate out of its funds and assets against personal liability for the acts, receipts, neglects or defaults of any member of the Council or for any loss or any liability occasioned to the Body Corporate by any error of judgement or oversight on their part or for any other loss, damage or misfortune whatever which shall happen during the course of the execution of the duties of their office or in relation thereto and shall be further indemnified in similar manner against any liability incurred by them in defending any proceedings, whether criminal or civil, in respect of any such act, receipt, neglect, default, error or oversight.

37) Part of the Common Property consisting of a brick wall at the western end of the Arcade in the Strata Plan, shall be removed to cater for ingress and egress into the grounds of the St Johns Church at the point a little more or less depicted in the annexures to the aforesaid Deed of Agreement.

The common seal of The Proprietors—Strata Plan No. 16446
was hereunto affixed on 15 June 1992 in the presence of
Dominic Votano
(BLOCK LETTERS)
being the person(s) authorised by section 55 of the Strata Titles Act, 1973, to attest the affixing of the seal.

TO BE COMPLETED
BY LODGING PARTY
Notes (f)
and (g)

OFFICE USE ONLY

LODGED BY
Dominic Votano
17 Dixon Street
Parramatta 2150

Rel.
Delivery Box Number /W

Checked Regis Passed
Signed Extra Fee

REGISTERED - -19

LOCATION OF DOCUMENTS

CT OTHER

Herewith

In L.T.O. with


Produced by

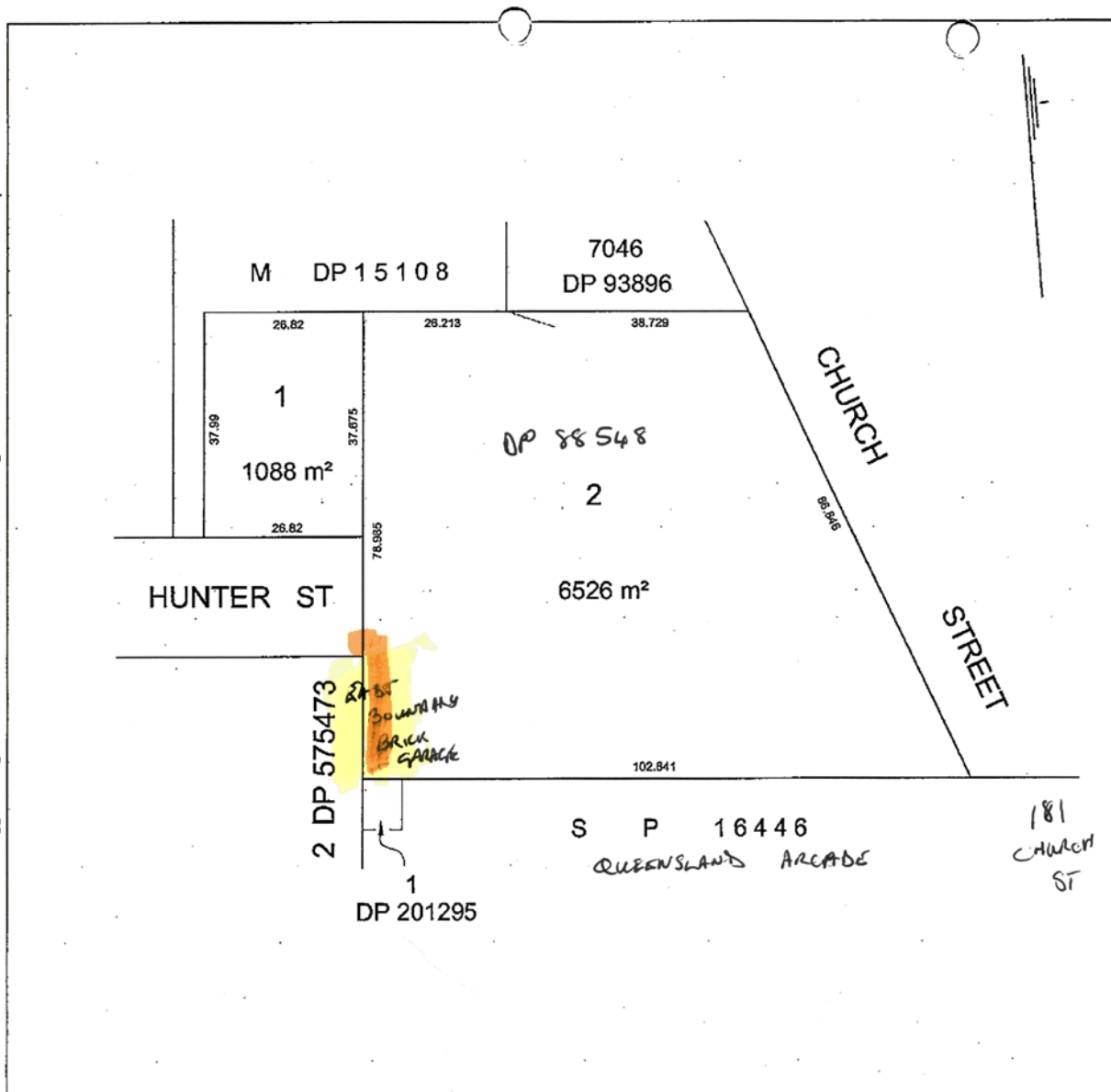
Secondary
Directions

Delivery
Directions

THE PROPRIETORS — STRATA PLAN NO. 16446
COMMON SEAL

Box: e-IDS /Doc:DP 1110057 P /Rev:13-Mar-2007 /Sts:SC:OK /Frt:14-Mar-2007 02:07 /Pgs:ALL /Seq:1 of 1
 WARNING : Electronic Document supplied by LPI NSW for Your Internal Use Only.

e-departmental	
DP 1110057	
Registered :	 07.03.2007
Title System :	TORRENS
Purpose :	DEPARTMENTAL
Ref. Map :	U0052-413
Last Plan :	DP 88548
PLAN OF PART OF ALLOTMENT 22 SEC 8 AND THE WHOLE OF 1 ACRE 2 RODS 18 PERCHES (6526 m ²) GRANT COMPRISED IN VOL 6874 FOL 134 Lengths are in metres. Reduction Ratio - NTS LPI Ref. : TCB47/45	
Sheet 1 of 1 sheet	
L.G.A. : PARRAMATTA LOCALITY: PARRAMATTA PARISH: ST JOHN COUNTY: CUMBERLAND	
LOT	PRIOR IDENTITY
1	PART ALLOT 22 SEC 8
2	WHOLE OF 1 AC 2 RD. 18 PER. GRANT
THIS PLAN HAS BEEN PREPARED TO PROVIDE AN UNIQUE IDENTITY FOR THE LAND IN THE CERTIFICATE OF TITLE REFERRED TO ABOVE. IT IS NOT A CURRENT PLAN IN THE TERMS OF 7A OF THE CONVEYANCING ACT, 1919.	



BOX: 13 / REQ: G518710 / DLG: E633926 / STS: OK.OK / PRT: 21/01/1999 07:34 / PGS: A11 / SEQ: 6 of 13

THIS DEED made the 28th day of August 1991 One Thousand
Nine Hundred and Ninety One

BETWEEN ANGLICAN CHURCH PROPERTY TRUST DIOCESE OF SYDNEY
(hereinafter called "the Church Authorities") of the
one part

AND THE COUNCIL OF THE CITY OF PARRAMATTA (hereinafter
called "the Council") of the other part

WHEREAS

1. By Deed of Licence dated 1st day of July 1953 (hereinafter called "the Original Deed") the Church Authorities granted to the Council for a term of twenty (20) years the right to use the land described upon a sketch plan annexed thereto and called the Church Grounds for the purpose of beautifying embellishing and improving the same.
2. By Deed of Amendment dated 31st August 1971 the parties to the original Deed agreed to extend the term of the Licence from twenty (20) years to forty (40) years and further it was acknowledged that the work referred to in Clause 1(a)(g) inclusive in the Original Deed had been complied with and further it was agreed that the Council had agreed to carry out a certain further work on the Church Grounds (hereinafter called "the New Works") and it was further acknowledged that the terms and conditions of the Original Deed were confirmed.
3. It is further acknowledged that the Council has closed Church Street and created a Mall fronting the Church Grounds including a strip of land being formerly a part of Church Street and adjacent to the area maintained by the Council under the Original Deed.
4. It is further acknowledged that the creation of the Mall has caused a change of flow of pedestrian traffic thereby causing damage to the Church Grounds.
5. It is agreed that the problem be resolved by the execution of a new plan (hereinafter called "the New Plan") and the Council has requested the Church Authorities to grant to it such licence as is hereinafter contained and the Church Authorities have agreed to grant the same upon the terms and conditions hereinafter appearing.

REQ: 0310/10 / DLG: E033920 / SIS: UK .UK / PRI: 21/01/1999 07:34 / PGS: A11 / SEQ: 5 of 13

"A"

B

DATED August 28 1991

BETWEEN

ANGLICAN CHURCH PROPERTY TRUST
DIOCESE OF SYDNEY

Authorities" "The Church

AND

THE COUNCIL OF THE CITY OF
PARRAMATTA

"The Council"

DEED

CHAMPION & PARTNERS
Solicitors
9 George Street
PARRAMATTA NSW 2150
DX 8220 PARRAMATTA
TEL: 635-8266
REF: 177dc7.3p
Mr Champion

[Signature]

OX: 13 / REQ: G518710 / DLG: E633926 / STS: OK .OK / PRT: 21/01/1999 07:34 / PGS: A11 / SEQ: 8 of 13

-3-

be deemed to be no dedication to the public in respect of the Church Grounds or any part thereof by reason of the execution of this document or any work act or thing done pursuant to this document.

- (b) That in the event of the Church Grounds becoming rateable by the Council by virtue of the execution of this document or any work act or thing done pursuant to this document the Council shall indemnify and keep indemnified the Church Authorities in respect of the rates thereby charged.

7. The Church Authorities covenant with the Council to permit during the period of the licence hereby granted members of the public to use as a footway the areas to be paved but without thereby creating any easement or other legally enforceable right to use the pathway either in favour of the public or the Council.

In witness whereof the parties have hereunto set their hands and seals on the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED

by the said

ANGLICAN CHURCH PROPERTY TRUST
DIOCESE OF SYDNEY

in the presence of:-

THE COMMON SEAL of ANGLICAN CHURCH
PROPERTY TRUST DIOCESE OF SYDNEY, was
hereunto affixed pursuant to a resolution passed
at a duly constituted meeting of the said Trust
in the presence of

SECRETARY

THE COMMON SEAL of
THE COUNCIL OF THE CITY OF
PARRAMATTA was hereunto affixed
pursuant to a resolution of Council
passed at its meeting held on the
19th day of August 1991:

Lord Mayor

Town Clerk

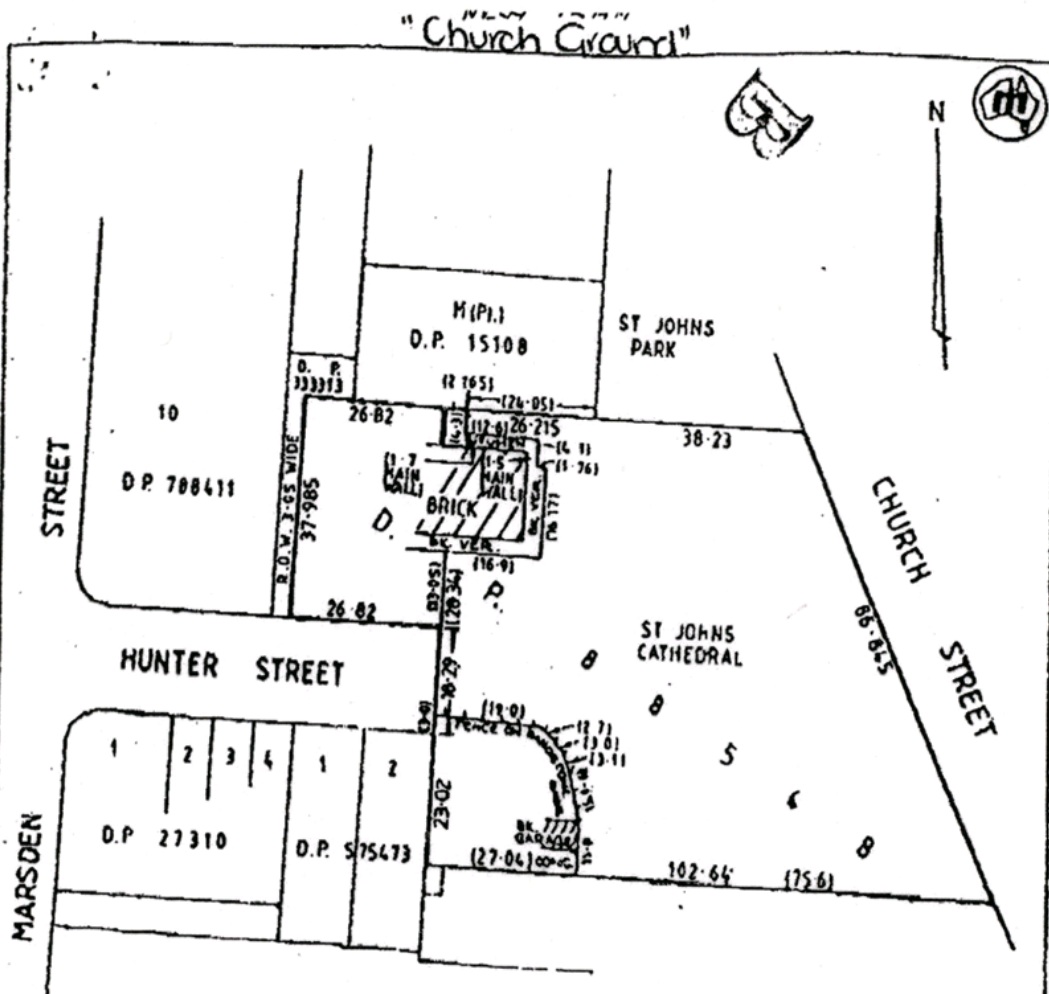
MA: 13 / REQ: 0310/10 / DLG: E033920 / SIS: UK.UK / PRT: 21/01/1999 07:34 / PGS: A11 / SEQ: 7 of 13

-2-

NOW THEREFORE IT IS HEREBY WITNESSED AND AGREED AS FOLLOWS:

1. The Church Authorities hereby grant unto the Council for the term of fifty (50) years from the date hereof leave and licence subject to the conditions hereinafter mentioned for the purpose of implementing the New Plan and in particular (without in any way limiting or restricting the general leave and licence hereby granted) the Church Authorities hereby authorise and permit the Council to execute carry out and do or cause to be executed carried out and done on the Church Grounds the works (hereinafter called "the said Works") generally described in the New Plan annexed hereto and marked "New Plan".
2. The said Works (with such modifications (if any) as may from time to time be mutually agreed upon) will be executed by the Council or such contractors nominated by the Council and approved by the Church Authorities and at the expense of the Council.
3. The Church Authorities shall from time to time during the execution of the said Works make progress payments to the Council up to the total sum of \$225,000.00. Such progress payments may be made when reasonably requested by the Council having regard to the progress of the said works.
4. The Council shall at its own expense from time to time and at all times during the said term attend to the proper care maintenance and repair of the said works.
5. It is agreed that in order to facilitate the execution of the said Works and subsequent care maintenance and repair of the Church Grounds the Engineer of the Council shall from time to time confer with the Church Wardens for the time being of the Pro-Cathedral Church of St. Johns Parramatta.
6. The Parties hereby covenant and agree as follows:
 - (a) That the Council by reason of execution of this document or any work act or thing done pursuant to this document shall not acquire any easement or right in respect thereof other than the leave and licence hereby expressly granted and further that there shall

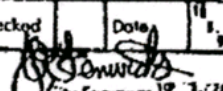
NOX: 13 / REQ: G518710 / DLG: E633926 / STS: OK .OK / PRT: 21/01/1999 07:34 / PGS: A11 / SEQ: 9 of 13



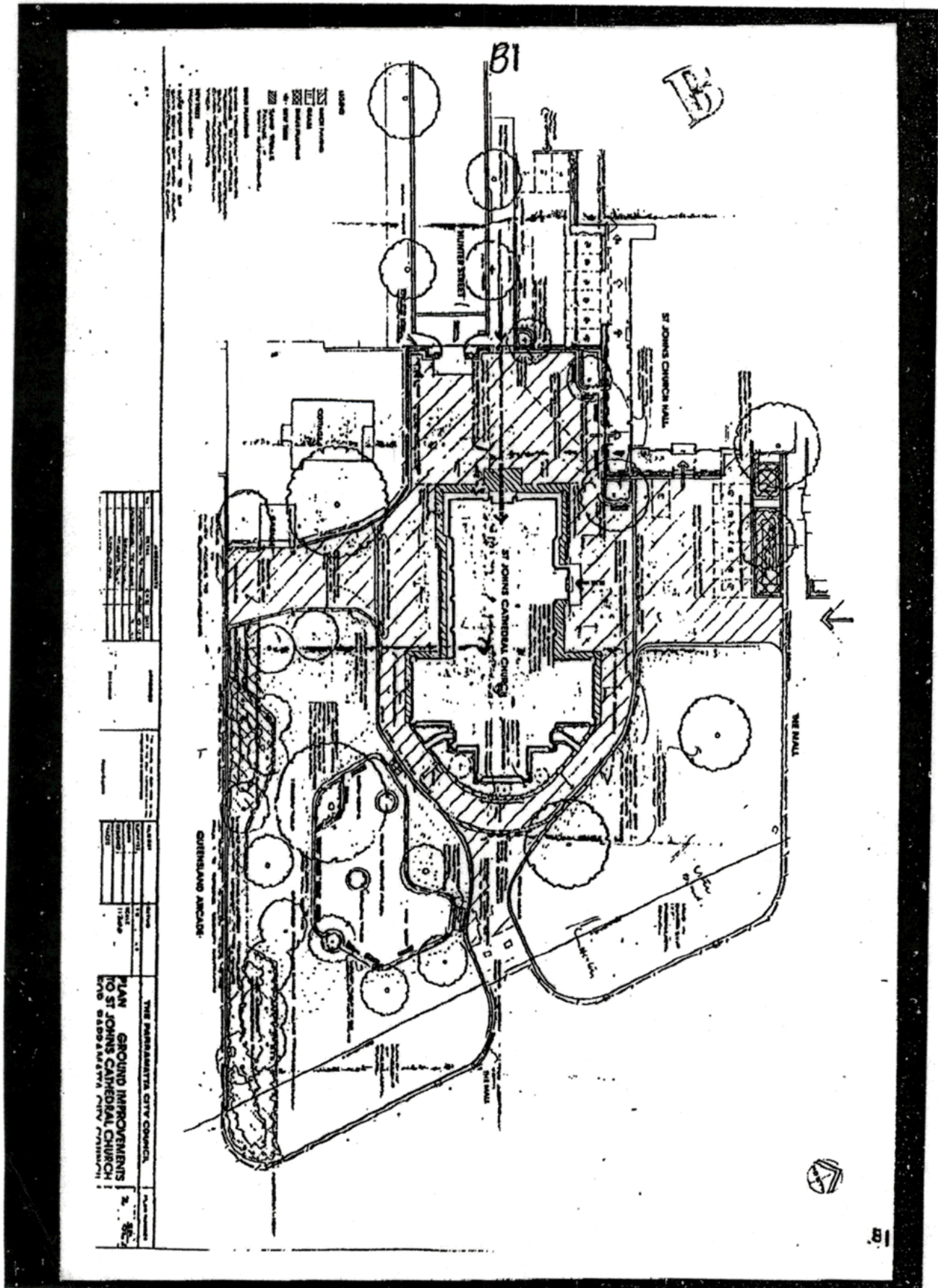
* Annexure to Deed dated 28th August, 1991 between Anglican Church Property Trust Diocese of Sydney And The Council of the City of Parramatta.

AMENDED 17.7.91
BOUNDARY REAR OF BRICK GARAGE
S.W. CORNER ST. JOHNS. ADJACENT
TO LOT 2, D.P. 575473

FILE REF: L91/10836/48/20

Drawn	EGM	Surveyed	EGM	THE PARRAMATTA CITY COUNCIL	PLAN No. 13049
Traced	P	Level Book No.			
Checked		Date	18.7.91		
 City Engineer 18.7.91				SKETCH PLAN SHOWING THE LAND IN D.P. 88548 AND DELINEATING THAT EASTERN PART TO BE UTILISED BY THE PARRAMATTA CITY COUNCIL. (NOTE: THIS PLAN FOR LEASE PURPOSES ONLY)	
				Scale 1:1000	

IOX: 13 / REQ: G518710 / DLG: E633926 / STS: OK.OK / PRT: 21/01/1999 07:34 / PGS: A11 / SEQ: 10 of 13



04/03 '92 16:08 261 2 6889470 PHTTA CCL CE DPT 001

"B2"



**THE
PARRAMATTA
CITY COUNCIL**

Council Chambers, Civic Place, Parramatta N.S.W
All communications to be addressed to
The City Manager, P.O.Box 32, Parramatta N.S.W 2124
Telephone 689 9333
Fax No. (02) 891 1320
P.O. Box 2770 Parramatta

CITY ENGINEER'S DEPT FAX (02) 689 9470

DATE: March 4, 1992

TO: Champion & Partners

ATTENTION: Mr Don Champion

CITY: Parramatta

STATE: N S W

COUNTRY: Australia

RECEIVER'S FAX NO. 635 8923

FROM: Mr J R Fenwick, City Engineer

MESSAGE:

Dear Don,

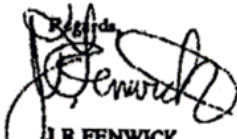
In relation to your request for a copy of the Development Approval in relation to this development, as the application was an application by Council and as all the works were basically works on the ground not building works, the development was approved in accordance with Council Plan No. 13276 Sheet 2 without any particular reference to matters such as access in writing.

In relation to Plan No. 13276 Sheet 2 it should be noted that the approved plan contains a notation as follows:-

"Remove brick wall to allow access to the Queensland Arcade".

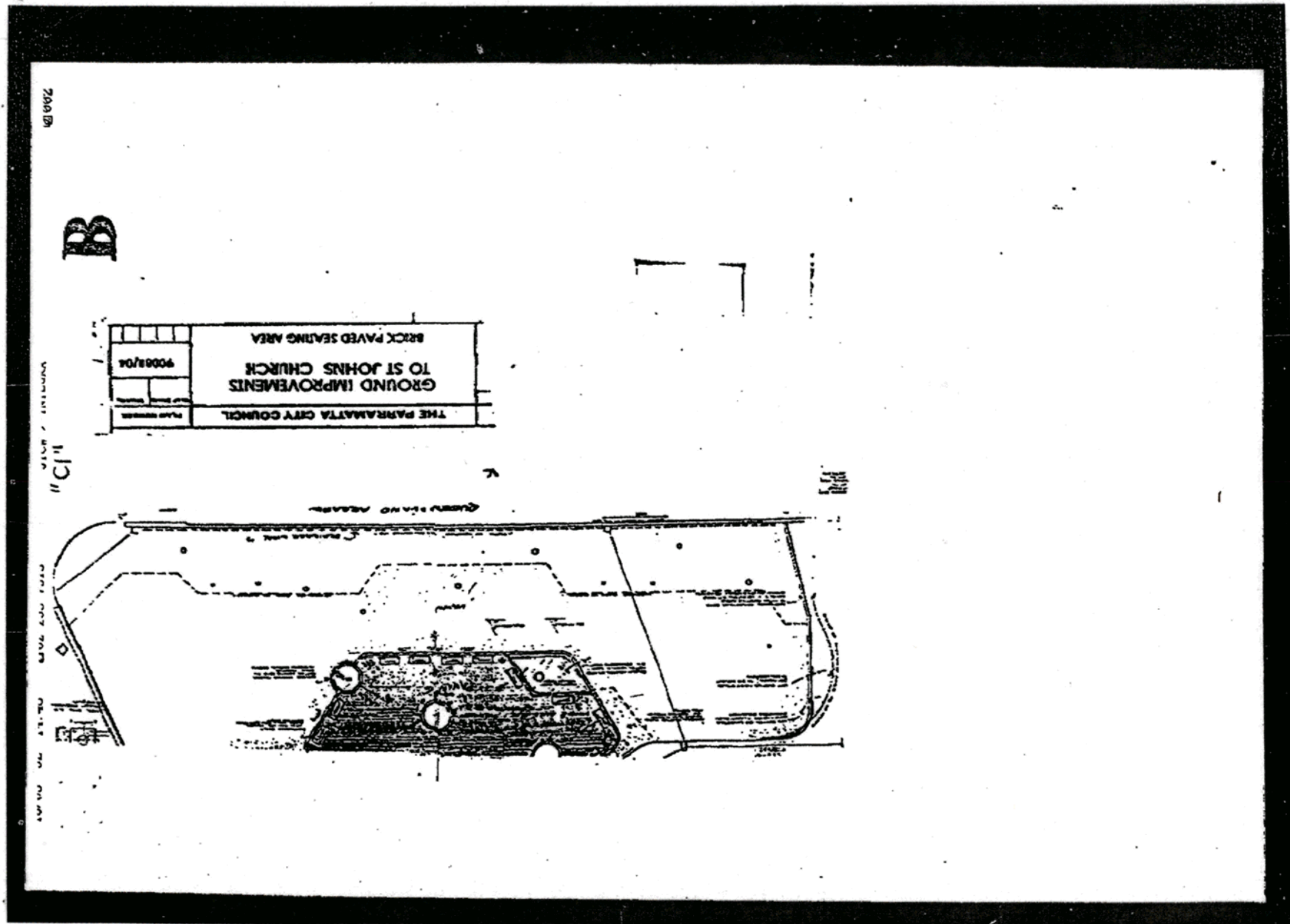
It is not unusual for Council to obtain a Development Approval in this particular form as distinct from the normal form of Development Approval which lists a large number of conditions, as many of the conditions are to Council's own requirements anyway.

It is considered that the fact that this notation is on the approved plan will place a requirement on Council to comply with that particular condition.


J R FENWICK
City Engineer

IF YOU DO NOT RECEIVE ONE PAGES (INCLUDING THIS PAGE)
PLEASE TELEPHONE IMMEDIATELY

OX: 13 / REQ: G518710 / DLG: E633926 / STS: OK.OK / PRT: 21/01/1999 07:34 / PGS: ATT / SEQ: 12 of 13



UX: 13 / REQ: G518/U5 / DLG: 1143601 / STS: QA.OK / PRT: 21/01/1999 07:33 / PGS: A11 / SEQ: 2 of 2

RP46
1979

INSTRUCTIONS FOR COMPLETION

This form is appropriate for a change of by-laws pursuant to sections 58 (2), 58 (11) or clause 15 of Schedule 4 of the Strata Titles Act, 1973.

A change of by-laws pursuant to section 58 (2) of the Act is one which does not create rights of exclusive use and enjoyment of, or special privileges in respect of, common property.

A change of by-laws pursuant to section 58 (11) of the Act is one which changes the terms of an order of a Strata Titles Board having the effect of a by-law and must accordingly be made pursuant to a unanimous resolution.

The Registrar General does not require the lodgment of a plan for the purpose of the allocation of rights of exclusive use and enjoyment of, or special privileges in respect of, common property unless it is referred to as an annexure in the by-law, in which case the plan must comply with regulation 37 (2) (d), (e) and (f) of the Real Property Act Regulations, 1970.

A change of by-laws pursuant to clause 15 of Schedule 4 of the Act is one which confirms rights of exclusive use and enjoyment of, or special privileges in respect of, common property where such rights were in existence (either pursuant to a resolution of the body corporate or a former by-law) prior to 1st July 1974. The new by-law must indicate how it may be amended, added to or repealed. In such cases, the Registrar General will, on payment of a service charge, provide a copy of any plan which accompanied a notification of change of by-laws registered under the Conveyancing (Strata Titles) Act, 1961, for identification as an annexure to this instrument.

By-laws additional to those already operating should be numbered consecutively commencing with the number next after the number allotted to the last by-law.

Amendment of a by-law should be effected by fully repealing the existing by-law, and by substituting the new by-law in the terms required. For example, in order to implement a special resolution by a body corporate, that a rotica-board should not be affixed in accordance with by-law 3 but should be maintained in the secretary's office, and should be available for inspection between 9 a.m. and 5 p.m., the following would be appropriate:

REPEALED BY-LAW No. 3

INSERTED/ADDED BY-LAW No. 3.

.. as fully set out below.

BY-LAW 3. A council shall cause a notice-board to be affixed to some part of the building occupied by the secretary and there to be available for inspection by authorized persons between the hours of nine in the forenoon and five in the afternoon.

Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the signatories to the deal ng.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the body corporate.

This Instrument and the Certificate of Title for the common property should be lodged by hand at the lodgment counter in the Office of the Registrar General located on the second floor of the Centrepoint Building, Market Street, Sydney, and the prescribed fee paid.

The following instructions relate to the aides on the form.

- (a) Reference to title of common property—TORRENTS TITLE REFERENCE—Insert the current Folio Identifier or Volume and Folio of the Certificate of Title, e.g., CP/SP12345 or Vol. 8514 Fol. 126.
- (b) Insert the number of the Strata Plan upon which the strata scheme is based.
- (c) Insert the date on which the resolution was passed.
- (d) Insert reference to the appropriate provision of the Strata Titles Act.
- (e) Indicate by number the by-laws affected.
- (f) Set out in full the terms of the inserted/added by-law.
- (g) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.
- (h) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. Use, in an abbreviated form, other document titles lodged, e.g., str. dec. for statutory declaration.

OFFICE USE ONLY

SECOND SCHEDULE AND OTHER DIRECTIONS				
(J) FOLIO IDENTIFIER FOR REQ'D. DEALING & FOLIO IDENTIFIERS	(G) DIRECTION	(H) NOTFN TYPE	(I) DEALING NUMBER	(K) DETAILS

HP 878 D. WEST, GOVERNMENT PRINTER

BOX: 13 / REQ: G518706 / DLG: T143602 / STS: OK .OK / PRT: 21/01/1999 07:33 / PGS: A11 / SEQ: 2 of 2

RP46
1379

INSTRUCTIONS FOR COMPLETION

This form is appropriate for a change of by-law pursuant to section 58 (2), 58 (1) or clause 15 of Schedule 4 of the Strata Titles Act, 1973.

A change of by-laws pursuant to section 58 (2) of the Act is one which does not create rights of exclusive use and enjoyment of, or special privileges in respect of, common property.

A change of by-laws pursuant to section 58 (1) of the Act is one which changes the terms of an order of a Strata Titles Board having the effect of a by-law and must accordingly be made pursuant to a unanimous resolution.

The Registrar General does not require the lodgment of a plan for the purpose of the allocation of rights of exclusive use and enjoyment of, or special privileges in respect of, common property unless it is referred to as an annexure in the by-law, in which case the plan must comply with regulation 37 (2) (d), (e) and (f) of the Real Property Act Regulations, 1990.

A change of by-laws pursuant to clause 15 of Schedule 4 of the Act is one which confirms rights of exclusive use and enjoyment of, or special privileges in respect of, common property where such rights were in existence (either pursuant to a resolution of the body corporate or a former by-law) prior to 1st July, 1974. The new by-law must indicate how it may be amended, added to or repealed. In such cases the Registrar General will, on payment of a service charge, provide a copy of any plan which accompanied a notification of change of by-laws registered under the Conveyancing (Strata Titles) Act, 1961, for identification as an annexure to this instrument.

By-laws additional to those already operating should be numbered consecutively commencing with the number next after the number allotted to the last by-law.

Amendment of a by-law should be effected by fully repealing the existing by-law, and by substituting the new by-law in the terms required. For example, in order to implement a special resolution by a body corporate that a notice-board should not be affixed in accordance with by-law 3 but should be maintained in the secretary's office, and should be available for inspection between 9 a.m. and 5 p.m., the following would be appropriate:

REPEALED BY-LAW No. 3

INSERTED/ADDED BY-LAW No. 3

as fully set out below.

BY-LAW 3. A council shall cause a notice-board to be affixed to some part of the building occupied by the secretary and there to be available for inspection by authorised persons between the hours of nine in the forenoon and five in the afternoon.

Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the signatories to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the body corporate.

This instrument and the Certificate of Title for the common property should be lodged by hand at the lodgment counter in the Office of the Registrar General located on the second floor of the Centrepoint Building, Market Street, Sydney, and the prescribed fee paid.

The following instructions relate to the sidenotes on the form.

- Reference to title of common property—TORRENS TITLE REFERENCE—Insert the current Folio Identifier or Volume and Folio of the Certificate of Title, e.g., CP/5P12345 or Vol. 8514 Fol. 126.
- Insert the number of the Strata Plan upon which the strata scheme is based.
- Insert the date on which the resolution was passed.
- Insert reference to the appropriate provision of the Strata Titles Act.
- Indicate by number the by-laws affected.
- Set out in full the terms of the inserted/added by-law.
- Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.
- The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration.

OFFICE USE ONLY

SECOND SCHEDULE AND OTHER DIRECTIONS				
(1) FOLIO IDENTIFIER AND RECD. DEALING & FOLIO IDENTIFIER	(2) DIRECTION	(3) NOTFN TYPE	(4) DEALING NUMBER	(5) DETAILS

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This form is appropriate for a change of by-laws pursuant to sections 58 (2), 58 (11) or clause 15 of Schedule 4 of the Strata Titles Act, 1973.

A change of by-laws pursuant to section 58 (2) of the Act is one which does not create rights of exclusive use and enjoyment of, or special privileges in respect of, common property.

A change of by-laws pursuant to section 38 (11) of the Act is one which changes the terms of an order of a Strata Titles Board having the effect of a by-law and must accordingly be made pursuant to a unanimous resolution.

The Registrar General does not require the lodgment of a plan for the purpose of the allocation of rights of exclusive use and enjoyment of, or special privileges in respect of, common property unless it is referred to as an *sanctuary* in the by-law, in which case the plan must comply with regulation 37 (2) (d), (e) and (f) of the Real Property Act Regulations, 1970.

A change of by-laws pursuant to clause 15 of sub-section 4 of the Act is one which confirms rights of exclusive use and enjoyment of, or special privileges in respect of, common property where such rights were in existence (either pursuant to a resolution of the body corporate or otherwise by-law) prior to 1st July 1974. The new by-laws must indicate how it may be amended, altered or repealed. In such cases, the Registrar General will, on payment of a service charge, provide a copy of any plan which accompanied a notification of change of by-laws registered under the Conveyancing (Strata Titles) Act, 1961, for identification as an annexure to this instrument.

By-laws additional to those already operating should be numbered consecutively commencing with the number next after the number allotted to the last by-law.

Amendment of a by-law should be effected by fully repealing the existing by-law, and by substituting the new by-law in the terms required. For example, in order to implement a special resolution by a body corporate that a notice-board should not be affixed in accordance with by-law 3 but should be maintained in the secretary's office, and should be available for inspection between 9 a.m. and 5 p.m., the following would be appropriate:

REPEALED BY-LAW No. 3

INSERTED/~~ADDED~~ BY-LAW No. 3...

as fully set out below.

BY-LAW 3. A council shall cause a notice-board to be affixed to some part of the building occupied by the secretary and there to be available for inspection by authorised persons between the hours of nine in the forenoon and five in the afternoon.

Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialled by the signatories to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the body corporate.

This instrument and the Certificate of Title for the common property should be lodged by hand at the lodgment counter in the Office of the Registrar General located on the second floor of the Centrepont Building, Market Street Sydney, and the prescribed fee paid.

The following instructions relate to the sidenote: on the form.

- (a) Reference to title of common property—TORRENS TITLE REFERENCE—Insert the current Folio Identifier or Volume and Folio of the Certificate of Title, e.g., CP/SP12345 or Vol. 6514 Fol. 126.
- (b) Insert the number of the Strata Plan upon which the strata scheme is based.
- (c) Insert the date on which the resolution was passed.
- (d) Insert reference to the appropriate provision of the Strata Titles Act.
- (e) Indicate by number the by-laws affected.
- (f) Set out in full the terms of the Inserted/added by-law.
- (g) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.
- (h) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration.

OFFICE USE ONLY

OFFICE USE ONLY				
SECOND SCHEDULE AND OTHER DIRECTIONS				
(F) FOLIO IDENTIFIER (OR REG. SERIAL & FOLIO IDENTIFIER)	(G) DIRECTION	(H) NOTES TYPE	(I) DEALING NUMBER	(K) DETAILS

RP 47

This form is appropriate to a change of by-law pursuant to section 58 (7) of the Strata Acts, 1973, where the initial period, as defined by the Act, has expired in respect of the strata scheme. The subsection allows a body corporate with the consent in writing of a proprietor and pursuant to a unanimous resolution to make a by-law conferring on the proprietor the exclusive use and enjoyment of, or special privileges in respect of, common property, or by unanimous resolution to make a by-law amending, adding to or repealing any by-law previously made under the subsection.

The Registrar General does not require the lodgment of a plan for the purpose of the allocation of rights of exclusive use and enjoyment of, or special privileges in respect of common property unless it is referred to as an annexure in the by-law, in which case the plan must comply with regulation 37 (2) (d), (e) and (f) of the Real Property Act Regulations, 1979.

Amendment of a by-law should be effected by fully repealing the existing by-law, and by substituting the new by-law in the terms required. For example, if an existing by-law gives the proprietor or occupier of a specified strata lot the exclusive use and enjoyment of a specified car-port, and the body corporate has subsequently effectively resolved to change the by-law to cast on that proprietor or occupier the duty of maintaining and repairing the car-port, the following would be appropriate.

INSERTED/ADDED BY-LAW No. 31

... as fully set out below.

BY-LAW 31. The proprietor for the time being of lot 7, or other the occupier of that lot, shall have the exclusive right to occupy the car-port erected on the common property and bearing the painted number "7" for so long as that car-port is kept in a good and proper state of maintenance and repair at the expense of that proprietor.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the signatories to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the body corporate.

This instrument and the Certificate of Title for the common property should be lodged by hand at the lodgment counter in the Office of the Registrar General located on the second floor of the Centrepont Building, Market Street, Sydney, and the prescribed fee paid.

(x) **Reference to title of common property—TORRENS TITLE REFERENCE**—Insert the current Folio Identifier or Volume and Folio of the Certificate of Title, e.g., CP,SP12345 or Vol. 8514 Fol. 126.

- (b) Insert the number of the Strata Plan upon which the strata scheme is based.
- (c) Insert the date on which the resolution was passed.
- (d) Indicate by number the by-laws affected.
- (e) Set out in full the terms of the inserted/added by-law.
- (f) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.
- (g) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration.

SECOND SCHEDULE AND OTHER DIRECTIONS

(F) FOLIO IDENTIFIER SER REGD. DEALING & FOLIO IDENTIFIER	(G) DELECTION	(H) NOTFN TYPE	(I) DEALING NUMBER	(K) DETAILS

54332 B LO 545 D. WEST. GOVERNMENT PRINTER ..

This form is appropriate to a change of 29-l.p.p. pursuant to section 58 (7) of the Statutes Act, 1972, where the initial period, as defined by the Act, has expired in respect of a strata scheme. The subsection allows a body corporate with the consent in writing of a proprietor and pursuant to a unanimous resolution to make a by-law conferring on that proprietor the exclusive use and enjoyment of, or special privileges in respect of, common property, or by unanimous resolution to make a by-law amending, adding to or repealing any by-law previously made under the subsection.

The Registrar General does not require the lodgment of a plan for the purpose of the allocation of rights of exclusive use and enjoyment of, or special privileges in respect of common property unless it is referred to as an annexure in the by-law, in which case the plan must comply with regulation 37 (2) (d), (e) and (f) of the Real Property Act Regulations, 1970.

Amendment of a by-law should be effected by fully repealing the existing by-law, and by substituting the new by-law in the terms required. For example, if an existing by-law gives the proprietor or occupier of a specified strata lot the exclusive use and enjoyment of a specified car-port, and the body corporate has subsequently effectively resolved to change the by-law to cast on that proprietor or occupier the duty of maintaining and repairing the car-port, the following would be appropriate.

INSERTED/ADDED BY LAW No. 31

as fully set out below.

BY-LAW 31. The proprietor for the time being of lot 7, or other the occupier of that lot, shall have the exclusive right to occupy the car-port erected on the common property and bearing the painted number "7" for so long as that car-port is kept in a good and proper state of maintenance and repair at the expense of that proprietor.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the signatories to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the body corporate.

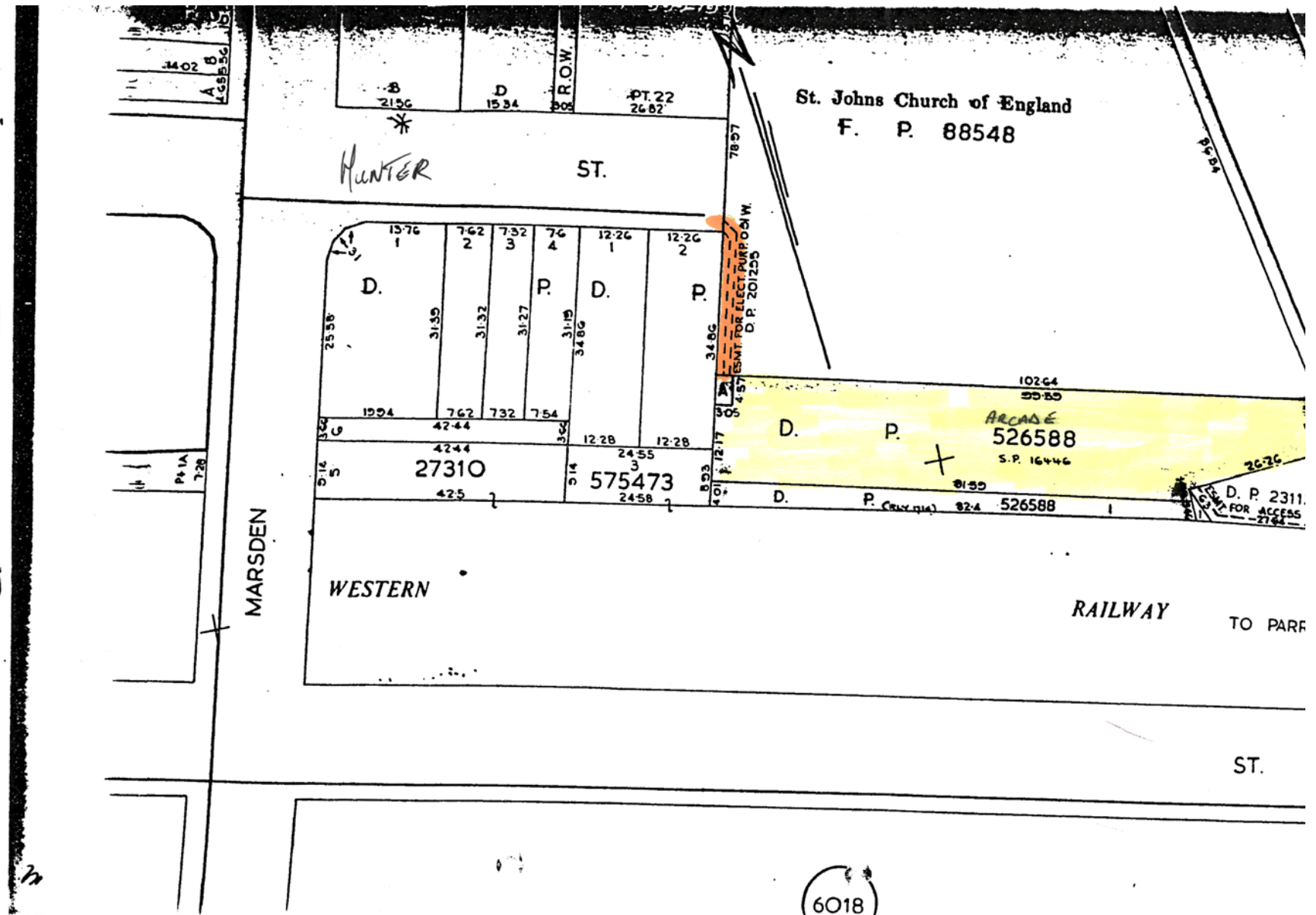
This instrument and the Certificate of Title for the common property should be lodged by hand at the lodgment counter in the Office of the Registrar General located on the second floor of the Centrepont Building, Market Street, Sydney, and the prescribed fee paid.

(a) Reference to title of common property—TORRENS TITLE REFERENCE—Insert the current Folio Identifier or Volume and Folio of the Certificate of Title, e.g., CP,SP12345 or Vol. 8514 Fol. 126.

- (b) Insert the number of the Strata Plan upon which the strata scheme is based.
- (c) Insert the date on which the resolution was passed.
- (d) Indicate by number the by-laws affected.
- (e) Set out in full the terms of the inserted/added by-law.
- (f) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.
- (g) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration.

SECOND SCHEDULE AND OTHER DIRECTIONS

(F) FOLIO IDENTIFIER <small>FOR BARS: DEALING & FOLIO IDENTIFIERS</small>	(G) DIRECTION	(H) NOTFN TYPE	(I) DEALING NUMBER	(K) DETAILS



St John's Cathedral 195 Church Street Parramatta [RZ/5/2018] – Attachment 9

ATTACHMENT 9

Attachment 9a – Project Brief for Independent Heritage Advice on the Planning Proposal for St John's Cathedral Site [June 2018]

The project brief included three options for redevelopment. The options are summarised as follows:

- *Option 1 contemplates retention of the Hall with a new commercial building adjacent to the Hall.*
- *Option 2 contemplates modification / partial retention of the Hall with a new commercial building partially cantilevered over the Hall.*
- *Option 3 contemplates removal of the Hall and partial inclusion of the Hall site in the footprint of a new commercial building (Applicant-preferred option).*

In all three options, St John's Cathedral, the Warden's Cottage, and the façade/front portion of the St. John's Building are proposed to be retained, whilst the rear of the St John's Building is proposed to be demolished.

The brief included a series of questions for consideration by Hector Abrahams Architects.

Attachment 9b – Independent Heritage Advice prepared for City of Parramatta by Hector Abrahams Architects for St John's Cathedral [12 December 2018]

The Hector Abrahams Architects report supported Option 1, the retention of St John's Hall with a new commercial building developed adjacent to the hall. The findings of this report did not support Option 2 and Option 3 in heritage terms.

Attachment 9c – Re-engagement with Hector Abrahams Architects Seeking Clarification on Original Independent Heritage Advice [3 November 2021]

Council Officers sought confirmation that Hector Abrahams Architects supported the proposed demolition of the rear portion, and undercover walkway (dating from after the Second World War), of St John's Hall building in the context of the redevelopment proposal.

Attachment 9d – Letter from Hector Abrahams Architects Confirming Original Advice Relating to St John's Heritage Hall [15 November 2021]

Hector Abrahams Architects confirmed that the original advice, dated 12 December 2018, pertained to the original fabric. The heritage advice did not apply to the pipe colonnade or rear additions dating from after the Second World War.

Project Brief

Independent Heritage Advice on Planning Proposal for St. John's Cathedral site, Parramatta June 2018

Project Summary

City of Parramatta Council (Council) is seeking to engage an independent heritage consultant to provide advice on a site-specific Planning Proposal for the St. John's Cathedral site in Parramatta CBD. The site contains several Heritage-listed items. The project will involve reviewing the Planning Proposal and supporting studies in the context of Council's ongoing strategic project to update planning controls throughout the Parramatta CBD (including the draft Parramatta CBD Planning Proposal, endorsed by Parramatta City Council in April 2016 and currently with Department of Planning and Environment for Gateway assessment).

The Planning Proposal proposes three options for redevelopment of the site, and the main distinguishing feature amongst these options is the treatment of the Heritage-listed church hall (i.e. retention, modification/partial retention, and removal). The scope of work will be to review the options involving modification/partial retention and removal, provide advice as to whether these options are acceptable from a heritage perspective, and (if acceptable) to present recommendations for Local Environmental Plan (LEP) and Development Control Plan (DCP) controls for the site.

Project Background

Council has recently received a site-specific Planning Proposal for the St. John's Cathedral Site in Parramatta. The Planning Proposal (Council reference number RZ/5/2018) was lodged by Jattca Property Solutions on behalf of landowners (a) the Anglican Church Property Trust Diocese of Sydney as Trustee for the Parish of Parramatta (ACPT) and (b) the St. John's Parramatta Endowment Fund.

The Planning Proposal contemplates redevelopment of several properties adjacent / in close proximity to St. John's Cathedral, and covers the site area (10,857sqm) illustrated in **Figure 1**.

There are several heritage items on site, as illustrated in **Figure 2**. These items are as follows (numbering corresponds to Figure 2):

1. St. Johns Anglican Cathedral (State listing I01805)
2. St John's Parish Hall (Local listing I713)
3. Warden's (Verger's) Cottage (Local listing I653)
4. St John's Building (facade included in Local listing I651 for Bicentennial Square and adjoining buildings)

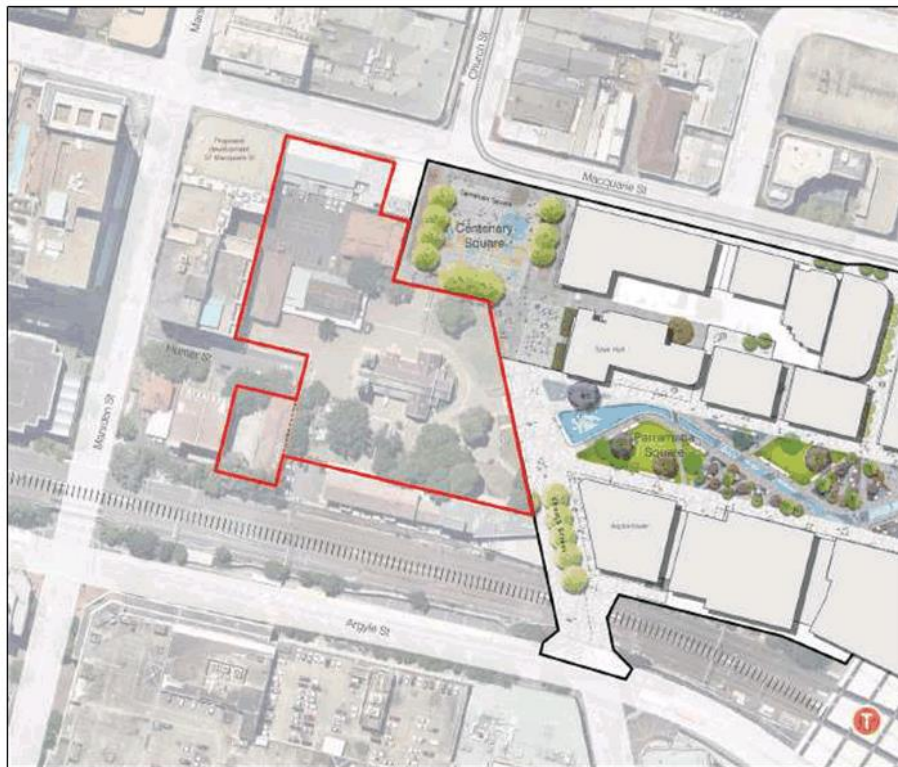


Figure 1: Illustration of Site Area (pg. 9, Applicant's Urban Design Report)

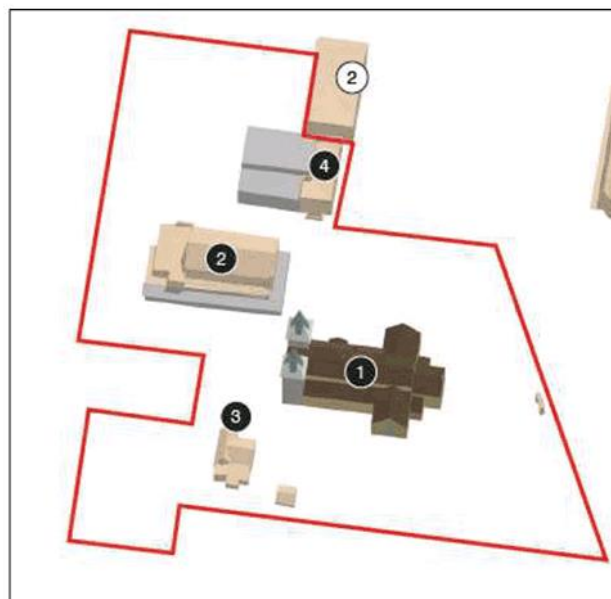


Figure 2: Illustration of Heritage Items on site (p. 10, Applicant's Urban Design Report)

The Planning Proposal sets out three options for redevelopment, as shown in **Figures 3, 4 and 5**. The main distinguishing feature amongst these options is the treatment of the Heritage-listed St. John's Parish Hall (#2 in Figure 2, above). The options are summarised as follows:

- Option 1 contemplates retention of the Hall with a new commercial building adjacent to the Hall.
- Option 2 contemplates modification/partial retention of the Hall with a new commercial building partially cantilevered over the Hall.
- Option 3 contemplates removal of the Hall and partial inclusion of the Hall site in the footprint of a new commercial building (Applicant-preferred option).

In all three options, St. John's Cathedral, the Warden's Cottage, and the façade/front portion of the St. John's Building are proposed to be retained, whilst the rear of the St John's Building is proposed to be demolished.



Figure 3: Option 1



Figure 4: Option 2



Figure 5: Option 3

(Pages 50-51, Applicant's Urban Design Report)

As the first stage in its assessment of this site-specific Planning Proposal, Council is seeking independent heritage advice on the presented options, particularly in relation to the existing strategic planning context for the Parramatta CBD.

Strategic Context - Overview

Since 2014, Council has been undertaking a major project to review the planning framework of the Parramatta CBD to facilitate development of a world-class city centre. Now recognised across all levels of the strategic planning framework, Parramatta CBD is Sydney's "second CBD" positioned at the centre of Sydney's "Central City".

In April 2015, Council endorsed the *Parramatta CBD Planning Strategy*. This strategy established a vision for growth, principles and actions to guide a new planning framework and

an implementation plan for delivery. This strategy, along with additional technical studies, informed the preparation of the draft *Parramatta CBD Planning Proposal*, which was endorsed by Parramatta City Council in April 2016.

One of the additional technical studies underpinning the draft *Parramatta CBD Planning Proposal* was the *Heritage Study - CBD Planning Controls* (Urbis, 2015). This study made both general recommendations for heritage throughout the city centre, as well as specific recommendations for key heritage sites, including St John's Cathedral.

The project outlined in this brief to review the site-specific Planning Proposal for St. John's Cathedral is to be undertaken with a view to the above strategic context, and with specific reference to the *Parramatta CBD Planning Strategy*, draft *Parramatta CBD Planning Proposal*, and the supporting study *Heritage Study - CBD Planning Controls*.

Project Objectives/Scope

Council is seeking independent heritage advice on the options presented in the Planning Proposal, with a specific view to addressing the following questions:

1. Is Option 1 (retention of the Hall) supportable / not supportable in heritage terms?
 - 1a. If supportable, what are recommended LEP controls for the site in this case?*
 - 1b. If supportable, what are recommended DCP controls for the site in this case?**
2. Is Option 2 (modification/partial retention of the Hall) supportable / not supportable in heritage terms?
 - 2a. If supportable, what are recommended LEP controls for the site in this case?*
 - 2b. If supportable, what are recommended DCP controls for the site in this case?**
3. Is Option 3 (demolition of the Hall) supportable / not supportable in heritage terms?
 - 3a. If supportable, what are recommended LEP controls for the site in this case?*
 - 3b. If supportable, what are recommended DCP controls for the site in this case?**
4. A comparison of any option(s) supported in 1, 2 and 3 above to the scenario presented in the draft CBD Planning Proposal (i.e. "Option 4 – draft CBD Planning Proposal").
5. A clearly justified recommendation amongst the options presented and the LEP scenario presented in the draft CBD Planning Proposal.
6. Commentary on any other relevant matters that arose during review.

*Specifically (but not necessarily limited to) zoning, height and FSR.

**Specifically (but not necessarily limited to) podium/street wall height and setbacks.

The conclusions in answer to the questions above are to be supported by a review of the site-specific Planning Proposal and supporting studies, as well as the relevant strategic and statutory context.

Deliverables and Timeframe

The key deliverable is a written report answering the questions outlined above, with clear explanation and justification as to how conclusions were reached. It is envisioned that this work will take approximately 6 weeks, with suggested weekly tasks/milestones below:

Meeting #1 (inception, including site visit if required)	Project inception
Initial review	Week 1
Meeting #2 (progress update and clarifications)	Week 2
Finalising review	Week 3
Preparation of report	Week 4
Submission of draft report	Week 5
Submission of final report	Week 6

Resources and Background Materials

Site-specific Planning Proposal for St. John's Cathedral site and attachments as follows:

- Attachment A - Urban Design Strategy
- Attachment B - Draft Conservation Management Plan
- Attachment C - Heritage Impact Statement
- Attachment D - Landscape Masterplan
- Attachment E - Archaeological Report
- Attachment F - Traffic Assessment

Parramatta Local Environmental Plan 2011

Parramatta Development Control Plan 2011

(particularly Section 4.3.3 Parramatta City Centre)

Parramatta CBD Planning Strategy 2015

Draft Parramatta CBD Planning Proposal 2016 and related materials

(particularly *Heritage Study - CBD Planning Controls*)

Expertise

The successful consultant will have:

1. Relevant project experience on similar projects
2. Thorough understanding of Heritage management, particularly in urban infill settings
3. Sufficient understanding of the NSW Planning System and LEP/DCP controls, so as to be able to make appropriate recommendations
4. Familiarity with heritage context of Parramatta CBD

Response

The response to this brief should include a brief response to each of the 4 items listed in the above section entitled "Expertise", as well as the following:

1. A brief CV, including relevant experience in performing similar assignments and listing referees who have recently used your services for similar projects.
2. Proposed approach and methodology to achieve the outcomes described in the brief.
3. Timing of the project including a breakdown of individual tasks and milestones.
4. Cost of work - a price schedule should be included showing an hourly rate, a breakdown of costs of the various components of work, and total cost including out-of-pocket expenses and GST.

5. Your capacity to carry out the project within the required timeframe.
6. Details of your company's public liability, professional indemnity, and workers' compensation insurances.
7. Indication of willingness to accept Council's standard contract attached to this brief.

A response should be emailed to Sarah Baker (sbaker@cityofparramatta.nsw.gov.au) by 4pm on 18 July 2018.

Project Management

The project manager for the project will be:

Sarah Baker, Project Officer, Land Use Planning
City of Parramatta Council
9806 5321 sbaker@cityofparramatta.nsw.gov.au

Standard Contract

The successful candidate will be required to enter into a standard contract with Council, as per the Standard Contract attached to this brief.

Attachments

1. Standard Contract

St John's Cathedral, Parramatta Planning Proposal

Independent Heritage Advice

Version V2.0 Final Submission
12th December 2018



prepared for
The City of Parramatta Council
by
Hector Abrahams Architects

St John's Cathedral, Parramatta
Planning Proposal Heritage Assessment

5 December 2018

This report was written by
Hector Abrahams Architects Pty Ltd
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T: +61 2 9299 7959
E: mailbox@haarchitects.com.au

Version #	Author	Date
V1.0 Draft	Hector Abrahams Architects	5/12/2018
V2.0 Final Submission	Hector Abrahams Architects	12/12/2018

Abbreviations used in this report

CMP	Conservation Management Plan
HAA	Hector Abrahams Architects
PCC	Parramatta City Council
SLNSW	State Library of NSW

Summary

A Heritage Review

1. This is a heritage review of a planning proposal to redevelop part of land held by St John's Cathedral.
2. The proposal is to erect two high rise towers, to close Hunter Street at its eastern end to make an urban square, and to remove existing buildings.
3. Three iterations of the proposal are made. They differ in the extent of demolition.
4. The proponent announces the proposal as the creation of a new setting for the cathedral in the form of an urban square and the provision of future accommodation for its work.

Summary of Findings

5. The first finding, which comes from an analysis of the history of the site, is that the church building does not need a new setting. The fundamentals of its historic setting are in place in its historic site. What it needs therefore is the reinterpretation of the historic setting, in particular the definition on the Western side and the removal of car parking on ground. This is also the view of the draft Conservation Management Plan policies 6.7-6.15.
6. The second finding is that the Church Hall building does possess the heritage significance sufficient to justify local listing as an Item of Environmental Heritage in the Parramatta Local Environmental Plan. It should be conserved.
7. These findings about the retention of the hall and the reinstatement of the western setting do not preclude the resumption of Hunter Street for the creation of an urban square, however it is proposed that an independent planning study into the need for the square be undertaken, since Parramatta has two squares nearby. Also, the success of a square in this location is open to question, as it would be fully shaded in winter between two high rise towers and exposed to westerly winds. Retrofitted urban squares are notoriously difficult to make successful. The precedent mentioned in the heritage impact statement of Saint Andrews Cathedral and Sydney Square is a case in point, as it does not attract many people or events. The square proposed shares many of the same features as Queens Square in Sydney which also is not successful as a place where people go.
8. The above advice does not preclude the erection of high-rise towers on the land which the church owns. Of course, such towers would have to address the urban design objectives for Parramatta CBD. In the authors view, the height of new towers is not a heritage issue if the church yard has its historic integrity. This view is formed in the recognition that towers are the norm in Parramatta, as are small heritage sites nearby. However, towers are not allowed in the current LEP.
9. One of the iterations proposes a tower that overhangs a heritage building. This is not acceptable in Parramatta, a position arrived at in the recent past at 2 Phillip Street. The simple principle behind this stance is that roofs should have sky above them.

1. Introduction

This review was commissioned by Parramatta City Council on 19 September 2018. The terms of the review are to examine a planning proposal for the lands of and adjacent to St John's Cathedral, Parramatta, and to address specific questions about the proposal.

The proposal reviewed is that described in the following documents:

- St John's Anglican Cathedral, Parramatta, Planning Proposal by Architectus
- Urban Design Report (by Architectus)
- Conservation Management Plan Draft #1 (prepared by Design 5)
- Heritage Impact Statement (prepared by Paul Davies Pty Ltd)
- Concept Landscape Master Plan (prepared by Aspect Studios)

Specifically, we have referred to the Conservation Management Plan (Draft #1) dated May 2018 for the site prepared by Design 5 – Architects Pty Ltd.

This review was undertaken by Hector Abrahams and Tristan Ryan of this office.

2. Nature of the site

Synopsis of the history of the Site

The documents provided in the application maps a chronology of the buildings on and around the site but not the design of its site, being the church yard or grounds. Since the proposal concerns the site, to provide a base for our review, we set out the following overview history of the church site in plan and illustration. It is aligned to the history of the place to see how its development relates to the history of the parish. The stages we have identified relate to the four discernible configurations of the site as a church. For each stage a plan and key illustration is given.

Up to 1823 a Church Yard

St John's Cathedral is a foundational Christian site in Australia, having been set up as a place of established ministry and public worship in about 1798. It was sited at the centre of the planned town, heading the cross street halfway between Government House and the Military Barracks and adjacent to the marketplace. As a mark of its civic importance, its towers were added by Governor Macquarie in part as a landmark, visible from Government House.

Main attributes:

- Known as church and yard
- Sited at terminus of Church Street, off a square
- Site defined as an allotment and fenced
- Constructed visual relationship to Government House
- Functional relationship to Burying Ground
- Tree planting in this period or soon after, in the church yard

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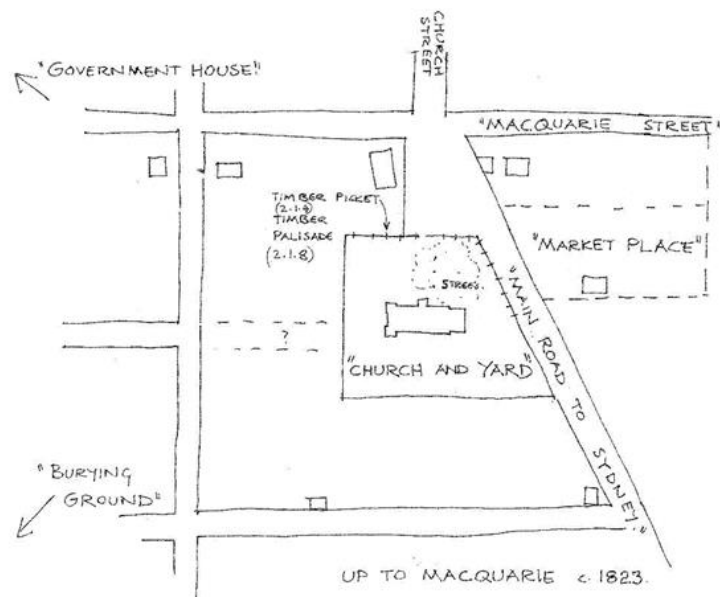


Figure 1: Plan showing siting of St John's Cathedral up to c.1823. (Source: HAA) The trees may have been planted later, but are shown as mature in photographs of the 1870s. Names shown in inverted commas, are quotations from Lachlan Macquarie in his plan of 1814.



Figure 2: Painting of Parramatta 1820 by Joseph Lycett (Source: State Library of Victoria, Image No. 30328102131561/12) This shows the church building and its yard.

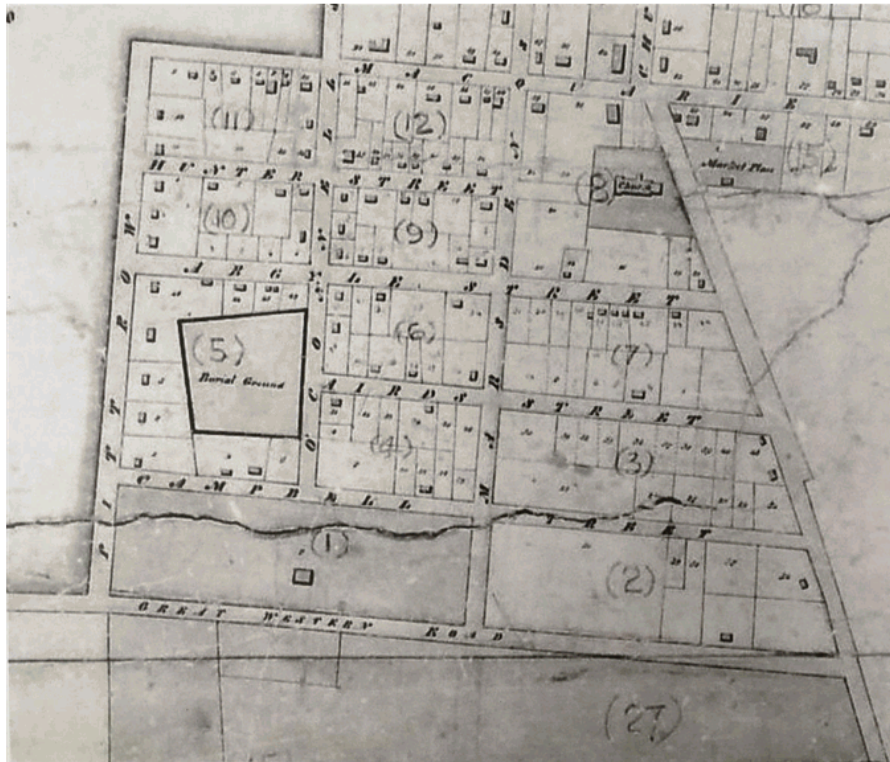


Figure 3: Detail of 1823 Plan of Township of Parramatta showing location of the church (Source: State Archives AO Map 4907 as shown in CMP). The church yard is defined as an allotment. The burial ground is to come into the control of the church in 1826. Hunter Street was extended to the church about this time to allow access from the western gates of the yard to the ground.

c.1856-1926 A fully developed and expanded church yard

The ministry of the parish and its site were largely reconstructed in the remarkably long incumbency of Archdeacon Gunther, from 1868-1909, and the decades around it. The extent of the current land parcel, most of the key fabric and the landscape spaces of the site date from his vision. It is taken that the church hall, opened in 1910, is part of this vision.

Main Attributes

- Development of church yard with fencing, paths, tree plantings
- Formal entry to Hunter Street with fine wrought gates
- Ceremonial entrance from Church Street, with its War Memorial Gate
- Creation of St Johns Park to the north of the yard
- Creation of Church hall, Vergers Cottage which address the yard
- Purchase of adjacent land as source of funds to endow the parish

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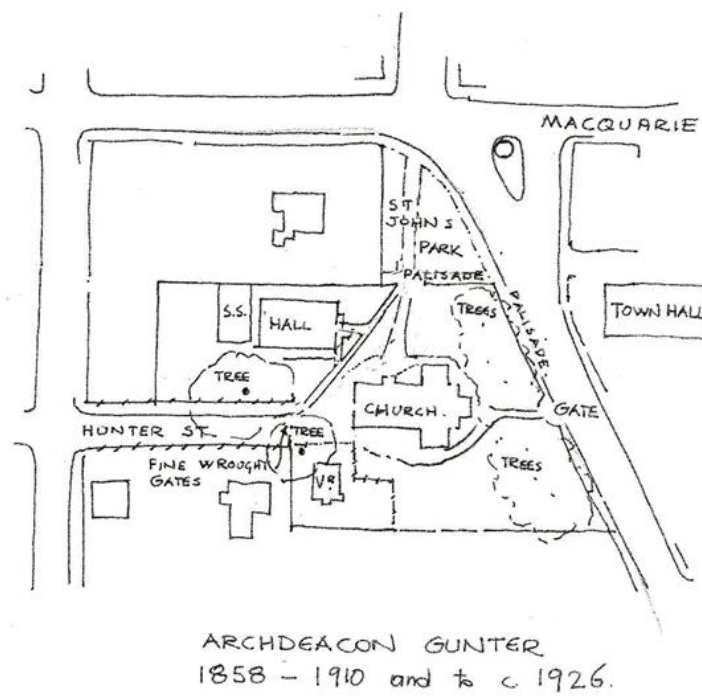


Figure 4: Plan of the St John's site showing the extent and layout up to 1926. (Source: HAA) The design of paths around the church building is based on photographic evidence.

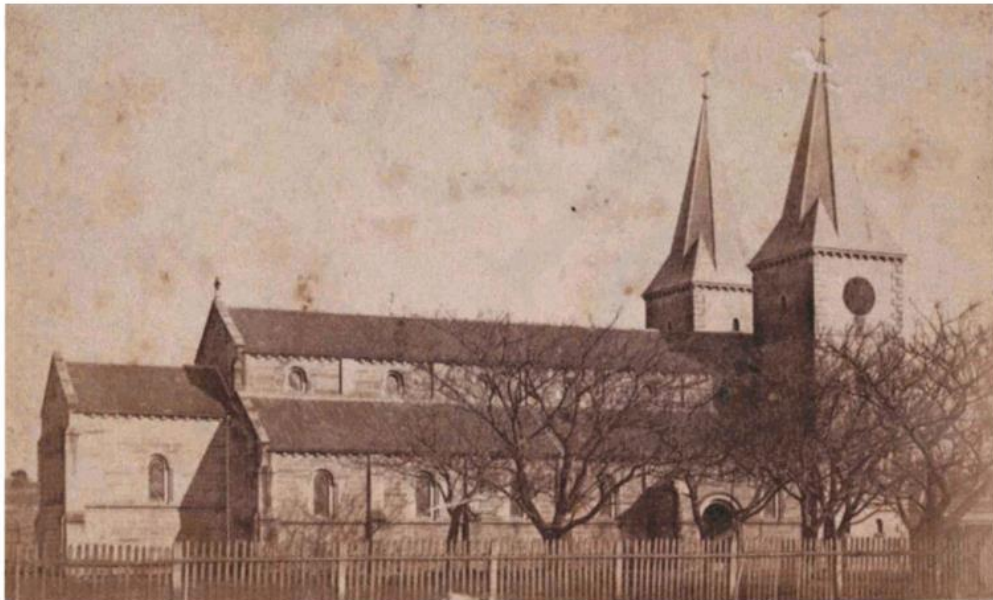


Figure 5: St John's c1860 (Source: St John's Archives as shown in CMP) or St John's in 1870 (Source: SLNSW as shown in the CMP) This shows the trees that are part of the colonial church yard.



Figure 6: 1934 aerial photo of St John's and surrounds (Source: St John's Archives as shown in CMP) This aerial view shows all the components of the second development of the church yard.

c.1953- c.2000 a Civic Park

The site has been accorded a civic eminence throughout its long history, but has been particularly brought to the fore since 1953, when the grounds were replanted and fences removed in the style of a public park, whilst retaining and extending the ordering of paths. The design of the Queensland Arcade in 1959 introduced a continuous colonnade to address the southern part of the grounds, and make entry possible on that side.

Main Attributes

- Low wall on edges
- Formalising of old path system into Gravel drive on both sides of church leading to court on west side
- New trees
- Retention of paths and planting in St Johns Park
- Additional access and address along Queensland Arcade

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Figure 7: Plan showing layout of site in the latter half of the 20th century (Source: HAA)

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Figure 8: Aerial photo of St John's, c.1953 (Source: St John's Archive as shown in the CMP)

c.2000 to near future: Adapted to carpark and new setting

In about 2000, when church street was closed to traffic and became a mall, very extensive areas of brick paving were introduced into the grounds and many cars parked on it. The fences of the Town Hall opposite were removed about this time as well. Currently the prominence of the site is being extended by the construction of the Parramatta Square, which is axially aligned to the colonial towers of St John's.

Main Attributes

- Introduction of large areas of brick paving and car parking, which have blurred the historic scale of the spaces around the western side of the cathedral.
- Lifted exposure of spires at terminus of Parramatta Square
- Removal of some trees
- Closing in of side of Hall

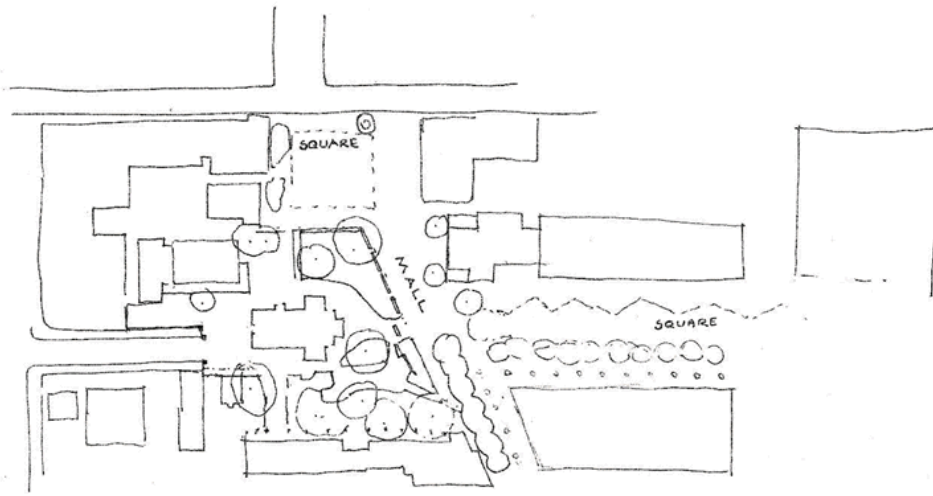


Figure 9: Plan showing the church and its location within Parramatta Square (Source: HAA)

Summary of the integrity of the church yard.

The above analysis shows that, despite the enormity of late-20th century and current development around it, the site of St John's Cathedral has largely retained its civic urban relationships and eminence, and the landscape order of the 1950s landscaped grounds which were developed out of the site as brought about in the time of Archdeacon Gunter. The Cathedral is settled in a park which arose from and recalls the historic vegetated character of the churchyard for which there is important relationships and evidence from the colonial period.

Summary of the Setting of the Site.

A strong visual relationship to the Parramatta Town Hall and Macquarie Street, the Cathedral is still located in the approximate centre of the town plan. It retains a strong visual relationship to Parramatta Town Hall and the low-rise buildings around Centenary Square. The immediate setting has been diminished by the creation of Centenary Square, the form and installations in which has obscured the relationship of the cathedral with Macquarie and Church Streets.

Though no longer visible from Government House, the Cathedral retains its landmark status within the City of Parramatta. Long views south down Church Street and east down Hunter Street culminate in the Cathedral. The centrality of the Cathedral within the cityscape is enhanced in the creation of Parramatta Square, the long pedestrian mall, which has its western terminus at the Cathedral.

The existing buildings near to the Cathedral, including the 1910 Parish Hall, the 1939 office building next door to it, and the Queensland Arcade to the south are of a sympathetic scale to

and setback from the Cathedral. The plentiful vegetation, and particularly the mature trees planted within the park and at Centenary Square, contribute positively to this setting.

3. Key Issues

3.1 Setting of the church site in the town centre

Though it was conceived as occupying a central place in the Parramatta townscape, the church building has always been surrounded by a churchyard as well. The yard was established at the latest by 1810, developed greatly in the period 1853 - 1926 and later was amended and landscaped as a public park.

The church in its yard has a strong relationship to the urban plan of Parramatta, and the vegetated landscape surrounding the Cathedral is equally important to its character. For most of its history until the 1953¹, the church and churchyard were enclosed by a paling or picket fence, and in one period by a high wall. The open public park that currently surrounds the Cathedral was also established in 1953², altering the relationship of the Cathedral to the surrounding townscape. This intervention nevertheless preserved historic entrances to the Cathedral and churchyard in the form of defined paths, as well as the general vegetated character that had existed in the churchyard. New trees were planted to the east and north of the Cathedral at this time.

All of the proposed development options disrupt this historic setting by removing the defined churchyard to the west of the Cathedral. The proposal is to lay out a paving extending from the western side of the transepts of the Church building, running west about one hundred metres. The historic space of the church yard is removed. In its place is a major paved open space at the west, and the remaining church grounds to the rear. It is true, the setting is presently least defined on this part of the site, due to the paving works of the 2000s, but this is not a reason to remove altogether the integrity of the church site.

A proposal that interprets the historic space within which the church building was set is warranted. Such a proposal would recognise

- the historic boundary of the allotment established by Macquarie, or before.
- the amount of space historically defined in front of the western towers, which is in proportion to the towers
- the integrity of a church yard or grounds that have a considered network of paths, based on the network designed in the Gunther period, and reinterpreted in the 1953 redesign.
- Planting of appropriate trees in all parts of the grounds

This advice accords with policies 6.7-6.15 of the CMP by Design 5.

¹ Date given for the removal of the fence and establishment of a public park in the chronology of the Cathedral given in Design 5 – Architects, *St John's Cathedral Conservation Management Plan*, Draft #1, 2018, p. 49.

² Ibid.

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This is not to say the urban setting of the church and grounds could site would not be augmented by a square outside its western boundary by closing Hunter Street to vehicles. However, amenity is key. Few urban squares are successful in Sydney, particularly those related to major churches; Sydney Square and Queens Square in the City of Sydney, both of which have low amenity due to being shaded, windy and without focus. They are only sometimes used for events, and are principally pedestrian thoroughfares.

The design of the proposed square presents the church on a uniform paved platform shared with two Highrise buildings. When placed together on a shared platform, the scale difference between the high rise and the church building most apparent and no reconcilable. The result is to render the church a mere small object. In other words, the church building is a cup on a tray. In scheme 1 the hall is placed on the same tray, which provides some relatable scale, however this is no real difference, and the historic buildings should not have their context removed in this abstract way.

The square as proposed is shown to be fully shaded in winter. It is also exposed to the natural winds from the west, and may be further impacted by wind generated by high rise forms. These factors point to poor amenity of outdoor space, and are the same as found in the Sydney and Queens Squares in the City of Sydney.

3.2 Church Hall

The hall has statutory protection as an item of environmental heritage.

The first reason put forward for the removal of the hall is based on an erroneous assessment that it is of representative value, being criteria (g) in NSW State Heritage Assessment Criteria) This means it represents to a better of lesser extent a class of buildings.

The 1910 Memorial Church Hall was a definite part of the planned development of the parish and its eminence as a centre of the arch-deanery under the long incumbency of Archdeacon Gunther (1865-1909). In this period the church building was rebuilt, the grounds landscaped and replanted, a verger's house erected in the gardened church yard and the temporary hall planned to be replaced with this hall building. In addition, in this period the parish set up a trust to see to the endowment of the parish, and went on to acquire the lands along Macquarie Street. Clearly, the hall has an important status in the history of the ministry of the parish, and its site

Architecturally, the hall is no ordinary church hall either. Most church halls are a single space, of large or small size. This hall is not only large in size, it has a full aisle, a cast iron arcade, and a clerestory. It is in fact conceived like a large church. For this attribute it cannot be said to be representative of most church halls, with their simpler order.



Figure 10: Interior of the parish hall (Source: CMP by Design 5) showing clerestory, arcade and aisles.

Its siting with respect to the main church building is not representative. Church halls are often placed to the rear of a church building, and sometimes in a side street. St John's Hall is prominently placed with its entry adjacent to the north part of the church grounds, and its entry paths integrated into the landscape of this most prominent part of the grounds, the path that connected its two entrances, that from St John's Park and from Hunter Street).

In light of this, its significance is a rare example of a large church hall conceived as part of a landscape of a major church building. It is also a major building in Parramatta, and worthy of listing as a local item notwithstanding its relation to other church halls in other Local Government Areas.

The second argument for its removal is that it is necessary for the greater good. In short, that a new and better setting for the cathedral is preferred. This overlooks the evidence that the church has a historic setting. Of more concern, it creates a precedence for the removal of any heritage item, if an option, which is considered better, is proposed instead.

3.3 Sun access and shading

The church yard and church building rely on sun for the health of its vegetation, the amenity for people, and the rendering of the architectural form in light.

The amount of sun in the proposal is not sufficient we believe to sustain these values.

4. Answers to Questions posed by Council

1. Is Option 1 (retention of the Hall) supportable / not supportable in heritage terms? Yes

1a. If supportable, what are recommended LEP/DCP controls for the site in this case? *

Historic Site to be retained and its landscape design reinterpreted from the Gunther period design with a Civic intent. This includes

- *Retention of hall*
- *Retention of path system on site*
- *Retention of trees and plantings from 1953*
- *Retention of Verger's cottage and palisade fence*
- *Removal of brick paving and parking lot use*
- *Redefinition of western boundary*
- *Square must be beyond, focussed on church is good, but not so as to place church building and Highrise on same platform.*
- *Protection from natural wind*
- *No introduction of wind from high rise*
- *Sun on western side of the church towers to a certain extent (to be defined)*
- *Sun on western elevation of church to a certain extent (to be defined)*

No heritage issue with respect to FSR and Height.

1b. If supportable, what are recommended DCP controls for the site in this case? **

See above answer. If a square is to be allowed on the end of Hunter Street then a similar special character area study is required to support it., as was the case in Parramatta Square and the World Heritage Curtilage area. The writer is not a planner, and has no view on the role of DCP controls in a special area.

2. Is Option 2 (modification/partial retention of the Hall) supportable / not supportable in heritage terms?

2a. If supportable, what are recommended LEP controls for the site in this case? *

The option is not supportable in heritage terms. We refer to the discussion in 3.1

2b. If supportable, what are recommended DCP controls for the site in this case? **

3. Is Option 3 (demolition of the Hall) supportable / not supportable in heritage terms?

3a. If supportable, what are recommended LEP controls for the site in this case? *

The option is not supportable in heritage terms. We refer to the discussion in 3.1

3b. If supportable, what are recommended DCP controls for the site in this case? **

4. A comparison of any option(s) supported in 1, 2 and 3 above to the scenario presented in the draft CBD Planning Proposal (i.e. "Option 4 – draft CBD Planning Proposal").

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The current planning frame work for the sites of the proposed towers is for a development of several heights up to 28 metres. The planning proposal for the CBD with its vision of slim towers, and strategy of incentives and design excellence, the placing of development rights on heritage sites, is clearly relevant to the future of these two sites which occupy the edge of the business zone.

The sites of the proposed towers are an area that is between two special planning areas in the LEP: the CBD Parramatta Square and the Park Edge. For this reason alone, it seems warranted that the area between the two special planning areas be studied and given future desirable form statements. The study should examine the appropriateness of the existing LEP controls that control bulk.

The proposal of a new square in Hunter Street could be a valuable addition to the area, depending on its amenity and successful urban relationship to the site of the church. But an extra public square here may not be warranted, as Hunter Street currently performs the role of a backstreet, providing garbage, loading and car access, and this may be its best use. Such a study would come to terms with the impact on the church yard of pedestrian traffic. The church is called a cathedral, but its functioning role is that of a regional parish church with many congregational meetings. A key question is one of balance between civic role and normal church operations.

5. **A clearly justified recommendation amongst the options presented and the LEP scenario presented in the draft CBD Planning Proposal.**

Refer to our identification and discussion of key issues in Section 3.

6. **Commentary on any other relevant matters that arose during review.**

The review has identified that the next steps should be

- *the incorporation of the findings of the church site analysis into the heritage planning of the site of the church*
- *if a new square is intended in Hunter Street then a process to define a special area be put in place, which would mean a study leading to a LEP amendment*
- *that the design of Centenary Square be amended to restore visual relationships between the church. This would mean reconsideration of the light structures, trees, etc.*
- *that the amenity of the colonnade of the Queensland Arcade adjoining the site immediately to the south be maintained as a good southern boundary to the site, through which people can move along and enter the cathedral grounds.*



Our Reference	RZ/5/2018
Contact	Grace Haydon
Telephone	9806 8438
Email	ghaydon@cityofparramatta.nsw.gov.au

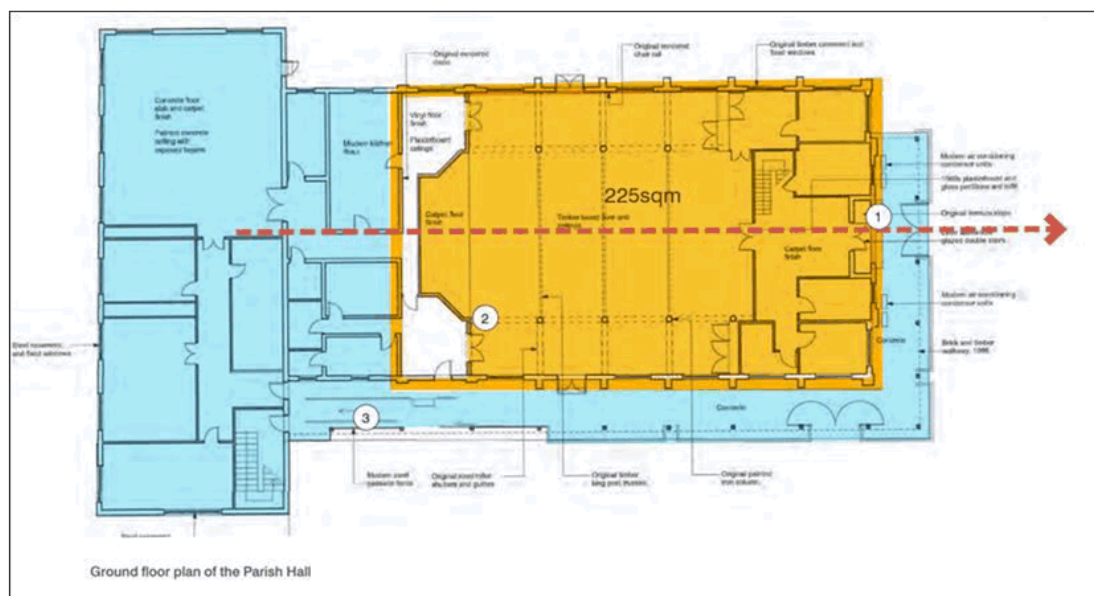
3 November 2021

Re-engagement with Hector Abrahams Architects for Independent Heritage Advice for the Planning Proposal relating to St John's Cathedral Site

Dear Hector,

City of Parramatta Council is seeking to clarify Hector Abrahams Architects' (HAA) advice to Council in the *Independent Heritage Advice for the Planning Proposal relating to the St John's Cathedral site* prepared by your firm in December 2018.

Specifically, Council Officers are seeking confirmation that the advice to Council was made with the clear understanding that the rear part of St John's Hall, including the apparent later additions and walkway (highlighted in blue in the image below) was not being retained under the three options that Council asked HAA to comment on. It is noted that the rear part of St John's Hall, including the covered walkway, appears to be a later addition to the original hall building, constructed c.1910 (highlighted in orange in the image below).



Parish Hall Ground Floor Plan: St John's Anglican Cathedral Urban Design Study, Architectus, Page 29.

Contact us:

council@cityofparramatta.nsw.gov.au | 02 9806 5050
@cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | cityofparramatta.nsw.gov.au



For your reference, Council officers have attached a copy of the June 2018 original Council brief and December 2018 HAA advice.

The brief provided by City of Parramatta Council in 2018 outlined the three development options for consideration. The three options were summarised in the brief as follows:

- **Option 1** contemplated retention of the Hall with a new commercial building adjacent to the Hall.
- **Option 2** contemplated modification/partial retention of the Hall with a new commercial building partially cantilevered over the Hall.
- **Option 3** contemplated removal of the Hall and partial inclusion of the Hall site in the footprint of a new commercial building (Applicant-preferred option).

Additionally, and as outlined in the brief, *"in all three options, St. John's Cathedral, the Warden's Cottage, and the façade/front portion of the St. John's Building [highlighted in orange in the image above] are proposed to be retained, whilst the rear of the St John's Building [highlighted in blue in the image above] is proposed to be demolished."* The three proposed development options can be found within the attached brief on page 3.

On 12 December 2018, HAA submitted their Independent Heritage Advice regarding the St John's Cathedral Planning Proposal, prepared for City of Parramatta Council. The HAA report supported Option 1, the retention of St John's Hall with a new commercial building developed adjacent to the hall. The findings of this report did not support Option 2 and Option 3 in heritage terms.

Council officers are seeking clarification on the original heritage position provided by HAA in regard to the demolition of the rear portion of the St John's Church Hall building including the covered walkway. Whilst the report provided a heritage analysis of the St John's Hall building, the report did not provide specific comments on the proposed demolition of the rear portion and covered walkway. Council officers assume that HAA in supporting Option 1 at the time, also supported the proposed demolition of the rear portion and undercover walkway of the St John's Hall building. This is what Council officers are specifically seeking HAA to clarify in contacting you now in relation to this matter.

Letter of Heritage Advice

In order to confirm the original heritage position provided by HAA in your December 2018 report, Council officers are now seeking a written letter confirming HAA's support for the proposed demolition of the rear portion, and undercover walkway, of the St John's Hall building in the context of the redevelopment proposal. Prior to commencing drafting this letter of heritage advice, it would be greatly appreciated if HAA could please provide a quotation for undertaking this work. Further, in order to progress this Planning Proposal for reporting purposes, it would be appreciated if HAA could please provide this letter of heritage advice by COB, Monday, 15 November 2021.

If you have any questions regarding the above, please contact Grace Haydon (Project Officer) in the first instance at GHaydon@cityofparramatta.nsw.gov.au and cc Janelle Scully (Team Leader) at jscully@cityofparramatta.nsw.gov.au.

Regards,

Janelle Scully
Team Leader
City Planning



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Level 2, 1 Barrack Street
Sydney NSW 2000

15th November 2021

The Chief Executive Officer
Parramatta City Council

Attention:
Ms Janelle Scully
Team Leader
Planning

Email: ghaydon@cityofparramatta.nsw.gov.au

Dear Sir

RE: St Johns Anglican Cathedral Parramatta, Planning Proposal, confirmation of advice re Hall fabric

Your Ref: RZ/5/2018

With respect to your letter of 3rd November 2021, having re-examined our advice, this is to confirm that our advice with respect to the Hall pertains to the original fabric, shaded ochre on the diagram in your letter. It does not apply to the pipe colonnade or rear additions dating from after the Second World War, shaded blue on the diagram.

If we can be of any further assistance, please do ring

Sincerely

Hector Abrahams



Hector Abrahams Architects Pty. Ltd.
ABN: 95 160 116 030
Nominated Architect:
Hector Abrahams, Reg No. 5245

ATTACHMENT 10**DETAILED ASSESSMENT OF THE DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN FOR THE ST JOHNS ANGLICAN CHURCH SITE**

The Council Report that this attachment relates to recommends that, if, prior to 28th February 2022, the Council and the Applicant agree on a Planning Agreement on terms satisfactory to Council, including the minimum conditions in Table 2 paragraph 41 of the Council Report, then Council endorse for public exhibition the Planning Scheme for St John's Anglican Church.

This attachment (Attachment 10) provides Council with a detailed assessment of the site specific DCP controls for the St John's Anglican Church site

Overview and structure of the site specific DCP

1. The draft site-specific Development Control Plan sets relevant development controls that take into account the anticipated amendments to PLEP 2011 via the site-specific Planning Proposal for the St John's Anglican Cathedral complex site, Council resolution dated 16 December 2019, conditions of the Gateway determination dated 8 September 2020 and draft amendments to Parramatta City Centre Development Control Plan dated 11 October 2021 and publicly exhibited at the end of last year.
2. The draft site-specific Development Control Plan has been drafted to include DCP controls for the two scenarios for the St John's Parish Hall being, Option A, removal and replacement, and Option B, partial retention of the hall. The site-specific Development Control Plan, as provided at **Attachment 11**, seeks to:
 - Include a structure and framework for the site specific DCP controls that reflects the draft City Centre DCP; and responds to the two options in relation to St Johns Parish Hall with two sets of controls for heritage, public domain and built form outcomes on the site.
 - Facilitate a planning pathway to resolve positions on key matters through a Stage 1 DA process, which will then inform a Design Excellence Competition, and then DA.
 - Sets relevant development controls for heritage conservation, the form of the buildings and public domain, vehicle access, parking and servicing, management of flood and rainwater risks and environmental sustainability.
 - Provide a setting for St John's Cathedral and the associated public domain that is sensitive to the heritage significance of the site.
 - Deliver a civic response through the provision of public access and open space upgrades.
 - Facilitate the continued use of the site for religious worship supported by contemporary spaces for the Parish of Parramatta.

- Deliver employment uses within the City Centre that contribute to Parramatta's employment objectives.
- Provide housing, possibly Build-to-Rent
- Provide options for vehicular access to the basement and deliver vehicular access to 181 Church Street (Queensland Arcade).

Heritage, Public Domain and Built Form DCP controls

3. The "draft heritage DCP controls" respond to the two options in relation to St John's Parish Hall as shown in **Figure 1** and the need for tailored heritage controls for the City Centre which require more considered development in the vicinity of heritage items and their settings, and the need for detailed heritage analysis as a result of increased growth anticipated in the CBD Planning Proposal and additional density sought on the St John's Anglican Cathedral complex in the site specific Planning Proposal.

Figure 1: These figures prepared by the Applicant are taken from the Heritage DCP controls and reflect the two options in relation to St John's Parish Hall.



4. The draft "public domain DCP controls" respond to the two options in relation to St John's Parish Hall as shown in **Figure 2** and require Design Submission Requirements to be prepared in accordance the Parramatta Public Design Guidelines 2017.
5. The draft public domain controls recognise that the re-development of the site presents the opportunity to deliver new and upgraded open spaces that form part of the public domain network in the city as shown in **Figure 3**, including Centenary Square and Parramatta Square to the east and along Church Street

towards Parramatta River to the north. For the purposes of this DCP the 'open space' on the site includes the paved and grassed areas surrounding the Cathedral between Church Street and Hunter Street, that are available for public use whilst also providing for the requirements of St John's Anglican Cathedral.

Figure 2: These figures prepared by the Applicant are taken from the Public Domain DCP controls and reflect the two options in relation to St John's Parish Hall.

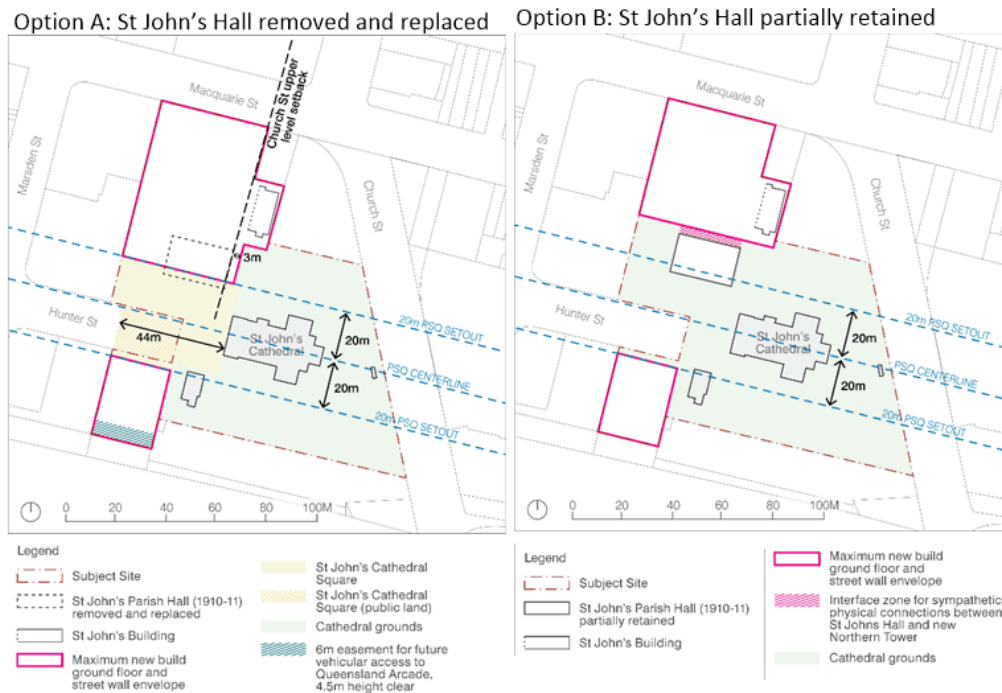
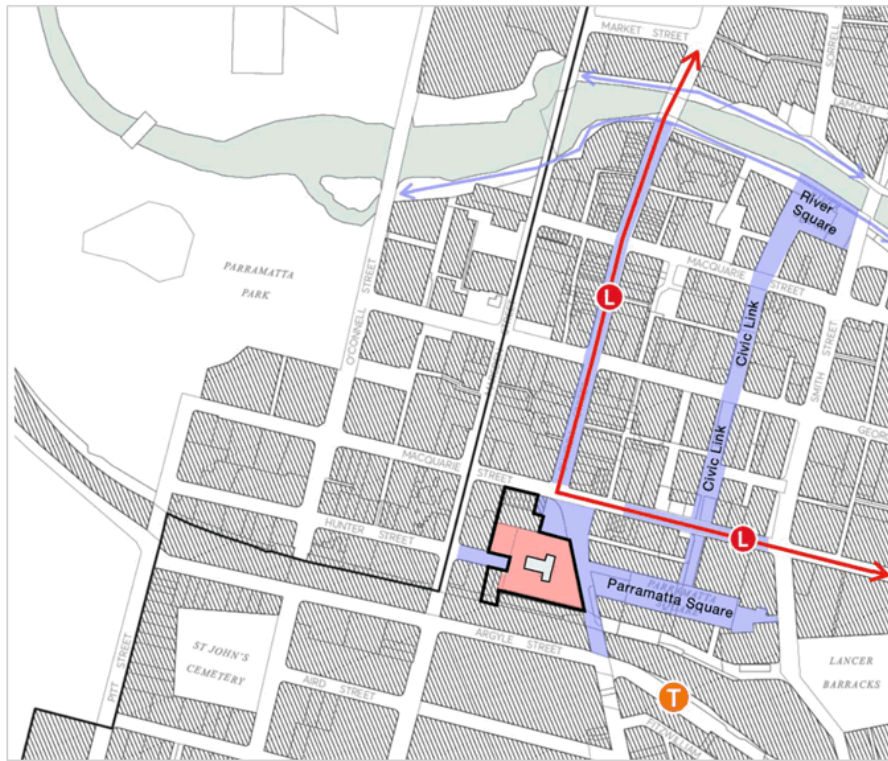


Figure 3: This figure prepared by Council shows how the Church grounds/open spaces form part of the public domain network in the city



6. The draft “built form DCP controls” respond to the two options in relation to St John’s Parish Hall as shown in **Figure 4** and support the objectives and vision of the Parramatta CBD Planning Proposal for tall and slender towers that are setback to allow daylight, views and circulation of air to the streets and public spaces below. This mitigates some of the impact of large towers and makes streets and public and civic spaces as well scaled and comfortable as possible for people. The setback controls also aim to ensure equitable development between sites and are considerate of the collective impact of the collection of buildings and towers within the city centre.

Figure 4: These figures prepared by the Applicant are taken from the Built Form DCP controls and reflect the two options in relation to St John's Parish Hall.

Option A: St John's Hall removed and replaced

Option B: St John's Hall partially retained

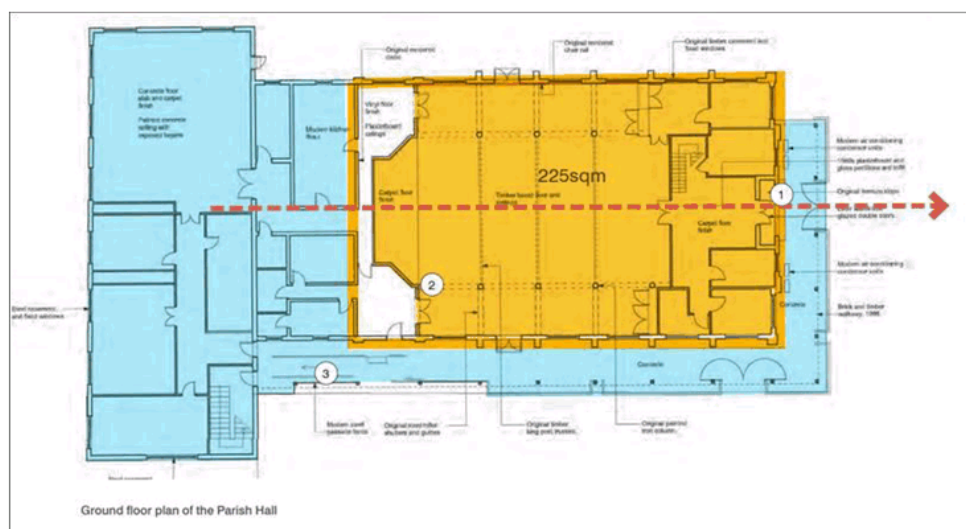


7. The draft site-specific Development Control Plan is consistent with the endorsed principles in the 16 December 2019 Council resolution, part (c) and reproduced below, with the exception of (c) i. relating to the Church Hall, and (c) ii. relating to the pedestrian through link. These are discussed below.
- (c) That a site-specific DCP be prepared and reported to Council prior to exhibition, in accordance with the following principles:
- Significant heritage interpretation of the Church Hall recommended above for delisting and potential future demolition;
 - A minimum 5 metre width for the new pedestrian through link (laneway) with no building overhangs and activation of the laneway;
 - Requirements for the new civic square including scale, treatment, tree planting and deep soil;
 - Controls consistent with the Parramatta CBD Planning Proposal flood requirements, basement design (flood-proofing), requirement for an overland flow study, water sensitive urban design requirements, no habitable floor space to be provided below the ground level;
 - Vehicular access and servicing arrangements for the site; and
 - Built form controls relating to the tower forms on the site including but not limited to tower setbacks from adjoining properties, and setbacks from retained heritage items.

St John's Parish Hall

8. As resolved on 16 December 2019, Council supported demolition of St John's Parish Hall, provided that the public benefits accruing to the community by the proposal was greater than the loss associated with potential demolition of the local heritage item. On 8 September 2020 the Department of Planning, Industry and Environment (the Department) determined that the Planning Proposal may proceed subject to conditions, with condition 1(b) requiring that all references regarding the removal of St John's Parish Hall as an item of local significance are to be removed. Further, the Department requested that the merit of conserving the buildings should be assessed through the development application process when there is greater certainty for the built form and options for a variety of development outcomes.
9. On 3 November 2021, Council officers re-engaged with Hector Abrahams Architects (HAA) to seek clarification on the part of the St John's Parish Hall to be retained, as addressed in the *Independent Heritage Advice for the Planning Proposal relating to the St John's Cathedral site* that Council commissioned from this heritage consultant in December 2019. The original recommendation prepared by HAA in December 2019 supported partial retention of the Hall with a new commercial building adjacent to the Hall. Further detail on the scope of the heritage assessment and report recommendations are provided at **Attachment 9**. On 15 November 2021, and as indicated in **Figure 5**, HAA confirmed that the heritage advice supporting retention of St John's Parish Hall pertained to the original fabric constructed c. 1910. Further, the heritage advice supported the proposed demolition of the rear portion of St John's Parish Hall, including the pipe colonnade and latter additions dating from after the Second World War.

Figure 5: St John's Parish Church Hall with the original fabric constructed c. 1910 and shown coloured orange; and the later additions dating from after the Second World War are shown coloured blue.



10. Therefore, the DCP controls in Option B – St John's Parish Hall partially retained relate to the original fabric constructed c.1910 and shown in the above diagram as orange.
11. Responding to the Gateway Determination, and Principle 'i' in the 16 December 2019 Council resolution, the draft site-specific Development Control Plan has been prepared to include two options relating to St John's Parish Hall: Option A – St John's Parish Hall removed and replaced, and Option B – St John's Parish Hall partially retained.

Vehicular Access and Pedestrian Through Link

12. The 12 December 2019 Council report indicated that vehicular access for the site would be provided from Macquarie Street, and DCP Principle 'ii' specified the provision of a new pedestrian through-site link between Hunter Street and Macquarie Street. Updated advice in relation to the vehicle access has implications for the pedestrian laneway on the western boundary of the site.
13. TfNSW in July 2022 have advised that access (both ingress and egress) to the subject site should be provided through Hunter Street as a first option. As a less preferred alternative, the option of providing vehicle ingress through Macquarie Street could be investigated by the applicant, however, it is noted that there are currently strategic investigations for the provision of future transport infrastructure at this location. TfNSW does not support vehicle egress from the subject site onto Macquarie Street, as a vehicle egress at this location would direct vehicles into the light rail corridor and would impact pedestrian safety and amenity.
14. As the preferred vehicular access for the site is to be provided from Hunter Street and adjacent to western boundary of the site, Council officers have determined that the public benefit of the pedestrian through-site link is of limited value and poses potential safety risks to pedestrians. This would be due to limited sightlines, length of the driveway over Church land and expected meandering pedestrian desire lines. Consequently, the provision of a through site link between Hunter Street and Macquarie Street is no longer recommended at the site.

Application of the City Centre Development Control Plan

15. The draft site-specific Development Control Plan establishes site-specific objectives and controls to be interpreted during the preparation and assessment of Design Competitions and Development Applications (DAs) and supports the objectives of the LEP.
16. The draft site-specific DCP controls are structured to align with the Parramatta City Centre Development Control Plan as endorsed by Council on 11 October 2021 and publicly exhibited between 15 November 2021 and 13 December 2021. The draft site-specific Development Control Plan is to be read in

conjunction with the Draft Parramatta City Centre DCP 2021 and the Parramatta Local Environmental Plan (LEP) 2011 (as amended).

17. Should there are inconsistencies between the site-specific DCP, the Draft Parramatta City Centre DCP 2021, the site-specific DCP will prevail. Where there are no site-specific development controls, reference should be made to other sections of the DCP, including the Draft Parramatta City Centre DCP 2021 and the Parramatta DCP 2011.
18. The draft site specific Development Control Plan is generally consistent with the Draft Parramatta City Centre Development Controls. Where the controls do vary, they are generally more stringent than the controls in the City Centre DCP to address heritage or other site specific issues. The controls in the City Centre DCP are written to apply to all sites and so are more generic than the variations proposed in the site specific DCP which seek to address issues particular to this site.

Options for Development and Planning Pathway

19. The structure of the site-specific Development Control Plan reflects two re-development options for the site, relating to the partial retention and demolition of St John's Parish Hall. To enable a Design Competition process to deliver Design Excellence, the preferred planning pathway is a three-step staged Development Application Process. The requirement for a Stage 1 Development Application will determine the planning outcome for the partial retention or demolition of St John's Parish Hall. Undertaking an assessment of the St John's Parish Hall at Stage 1 is considered best practice to provide certainty regarding the heritage significance of the Hall.
20. Based on approval of the Stage 1 Development Application, the Design Excellence Competition would require a single design scenario and removes the requirement for competitors to submit two design scenarios for consideration. Following the outcome of the Design Excellence Competition, a Stage 2 Detailed Development Application would be submitted based on the winning Design Competition entry.

Supporting site specific LEP clause

21. It is intended that the requirement in the DCP for a Stage 1 DA is supported by a new site-specific LEP clause. If Council resolves to continue with the site specific Planning Proposal, this report includes a recommendation that Council seek from the Department of Planning, Infrastructure and Environment an alteration to the Gateway determination to include a new site specific LEP clause.
22. The new clause would require a DCP to be prepared that addresses matters specified in the clause. The requirement to prepare a DCP before any particular or kind of development is carried out on any land can be satisfied by the making and approval of a concept development application as described in

Section 4.23 of the Environmental Planning and Assessment Act 1979. The proposed matters required to be satisfied would include:

- design principles drawn from an analysis of the site and its context,
- heritage conservation and interpretation including a Conservation Management Plan
- the suitability of the land for the development,
- impact on, and improvements to open spaces,
- vehicle access, basement design and pedestrian safety
- the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers on neighbouring sites in terms of separation, setbacks, amenity and urban form.

< end >

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65-79 Macquarie Street, 38 Hunter Street, 195 Church Street and 45 Hunter Street, Parramatta (St John's Anglican Cathedral complex site)

General Notes

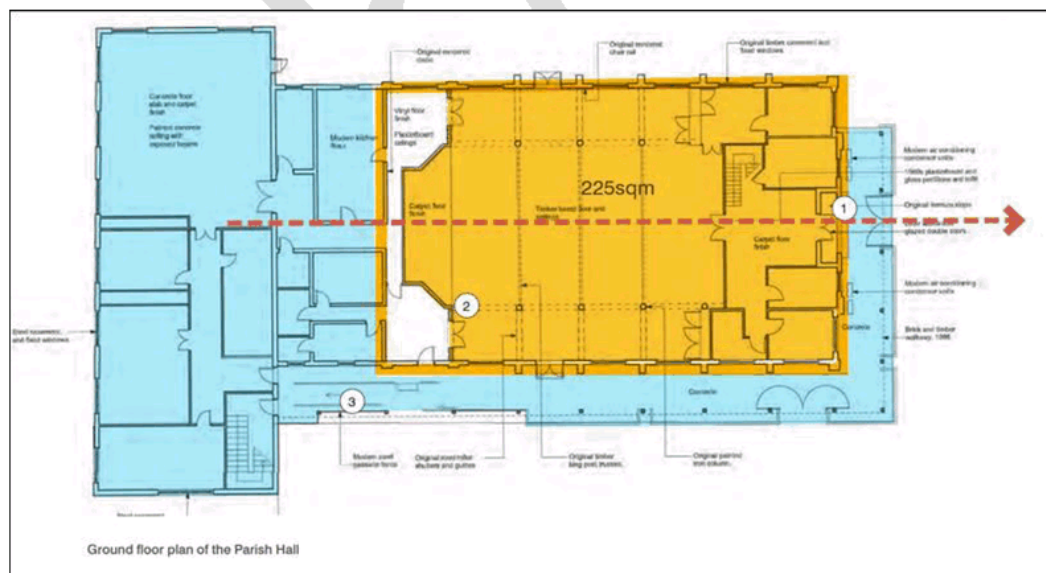
On 16 December 2019 the City of Parramatta Council resolved to endorse the St John's Planning Proposal for the purpose of forwarding it to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination; and to prepare a site-specific Development Control Plan, progress a Planning Agreement, and investigate and consult with the applicant and landowners on potential road closure and changes to way sites are accessed by vehicles in the precinct.

Broadly, the St John's Planning Proposal seeks amendments to Parramatta Local Environmental Plan (LEP) 2011 for land at 65-79 Macquarie Street, 38 Hunter Street, 195 Church Street and 45 Hunter Street, Parramatta to amend land zonings, floor space ratio (FSR) and height of building controls, and to de-list and remove an existing heritage item identified as St John's Parish Hall.

The council's position as detailed in the December 2019 report is that demolition of St John's Parish Hall may be appropriate if the public benefits accruing to the community by the proposal are greater than the loss associated with potential demolition of the Parish Hall.

On 8 September 2020 the DPIE determined that an amendment to PLEP 2011 to enable redevelopment of the St John's Anglican Cathedral complex site should proceed subject to conditions, with condition 1(b) requiring that all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed as the LEP requires consideration of heritage issues as part of any development application process. Further advice has also been received from Transport for New South Wales confirming that access from Macquarie Street is not encouraged and vehicle access should be provided from Hunter Street as the preferred alternative.

Consequently, this site specific Development Control Plan contains controls for alternatives for vehicle access and two options in relation to the St John's Parish Hall. The controls in Option A relate specifically to the removal and replacement of St John's Parish Hall, and the controls in Option B relate to the partial retention of the St John's Parish Hall being the original c1910 structure (shown orange), with the 1950s elements shown in blue to be removed.



The following DCP controls are designed to fit in Parramatta City Centre Development Control Plan Section 4.3.3.7 "City Centre Special Areas" as 4.3.3.7(X) or similar.

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A proposed Planning Agreement for the site sets out further detail on some issues including the proposed St John's New Square and should be read in conjunction with these DCP controls.

Land to which this plan applies

This part of the DCP applies to 65-79 Macquarie Street (Lot E-K, DP15108), 38 Hunter Street (Lot M, DP15108), 195 Church Street (Lot 1-2, DP1110057) and 45 Hunter Street (Lot 1-2, DP575473), Parramatta as shown in figure 4.3.3.7.x (the Subject Site).

The Subject Site is owned by the Anglican Church Diocese of Sydney Property Trust. The Anglican Church Diocese of Sydney Property Trust has sought to facilitate the re-development of the site for the purposes of providing two towers and a publicly accessible square in-line with the 100-year master plan envisaged for the site as a key part of the fabric of Parramatta CBD.

This DCP sets relevant development controls for heritage conservation, the form of the buildings and public domain, vehicle access, parking and servicing, management of flood and rainwater risks and environmental sustainability, taking into account the anticipated amendments to PLEP 2011 via the site-specific Planning Proposal for the St John's Anglican Cathedral complex site, Council resolution dated 16 December 2019, conditions of the Gateway determination dated 8 September 2020 and draft amendments to Parramatta City Centre Development Control Plan dated 11 October 2021.



Figure 4.3.3.7.xx Land covered by this section

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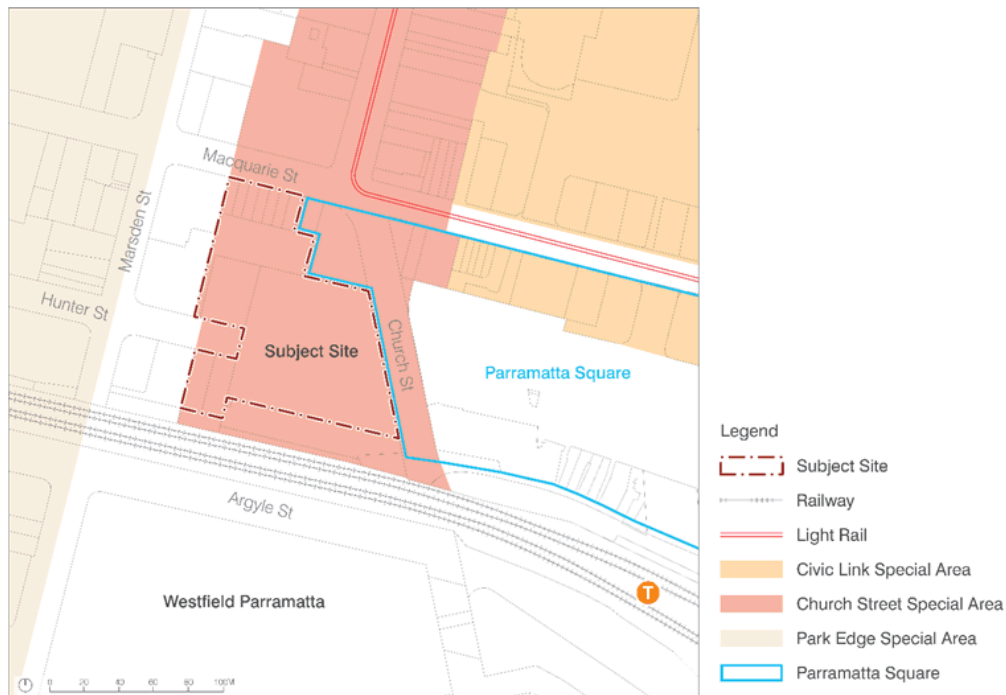


Figure 4.3.3.x The subject site and immediate surrounds.

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Relationship to other parts of this DCP

This Development Control Plan (DCP) is to be read in conjunction with the Draft Parramatta City Centre DCP 2021, the Parramatta DCP 2011, and the Parramatta Local Environmental Plan (LEP) 2011 (as amended).

The [Draft Parramatta City Centre DCP 2021](#), exhibited from 15 November until 13 December 2021, proposes amendments to Section 4.3.3 Parramatta City Centre DCP 2011. Supporting the Draft Parramatta City Centre DCP 2021, the broader controls as outlined in the Parramatta DCP 2011 will apply to the site. Where there are inconsistencies between the Draft Parramatta City Centre DCP 2021, and the Parramatta DCP 2011, the Draft Parramatta City Centre DCP 2021 will prevail. Following finalisation of the Draft Parramatta City Centre DCP 2021, the current Section 4.3.3 Parramatta City Centre DCP 2011 will be superseded.

The Parramatta LEP 2011, including the [Draft LEP Provisions](#) for the Parramatta CBD, endorsed by Council for finalisation on 15 June 2021, is to be considered in conjunction with this DCP.

If there are any inconsistencies between this site-specific DCP, the Draft Parramatta City Centre DCP 2021, and the Parramatta DCP 2011, this part of the DCP will prevail. This DCP establishes site-specific objectives and controls to be interpreted during the preparation and assessment of Design Competitions and Development Applications (DAs) and supports the objectives of the LEP. Where there are no site-specific development controls in this section, reference should be made to other sections of the DCP.

Options for Development and Planning Pathway

The structure of these DCP controls reflects the two re-development options for the land owned by the Anglican Church Diocese of Sydney Property Trust and referred to as the St John's Church site or St John's Anglican Cathedral complex site. The options include:

- **Option A** – for the redevelopment of the St John's Church site for a new commercial building, new residential building and associated public domain works including expansion of the open space area to incorporate part of Hunter Street located on the western side of the Cathedral and removal of the St Johns Parish Hall building as shown in Figure 4.3.3.x, and replacement with new Parish facilities in the podium of the new commercial building and hereafter referred to as “**Option A - St Johns Parish Hall removed and replaced**”.
- **Option B** – for the redevelopment of the St John's Church site for a new commercial building, new residential building and associated public domain works that includes the retention of the original part of the St Johns Parish Hall building as shown in Figure 4.3.3.x, and hereafter referred to as “**Option B - St Johns Parish Hall partially retained**”.

The first part contains specific controls for Option A under the headings: Desired Future Character; Site Objectives; Heritage; Public Domain; and Built Form. The second part contains specific controls for Option B under the same headings. The third part contains controls that apply to both Option A and B under the headings: Vehicle Access, Parking, and Servicing; Flood Risk and Rainwater Management; and Environmental Sustainability.

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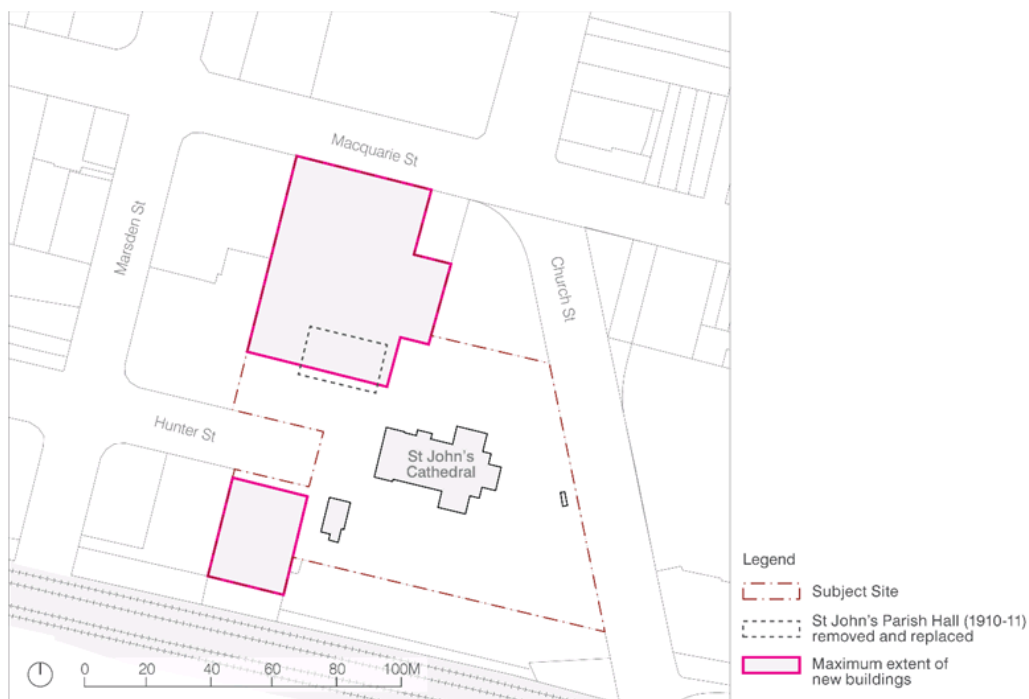


Figure 4.3.3.x St John's Parish Hall under Option A

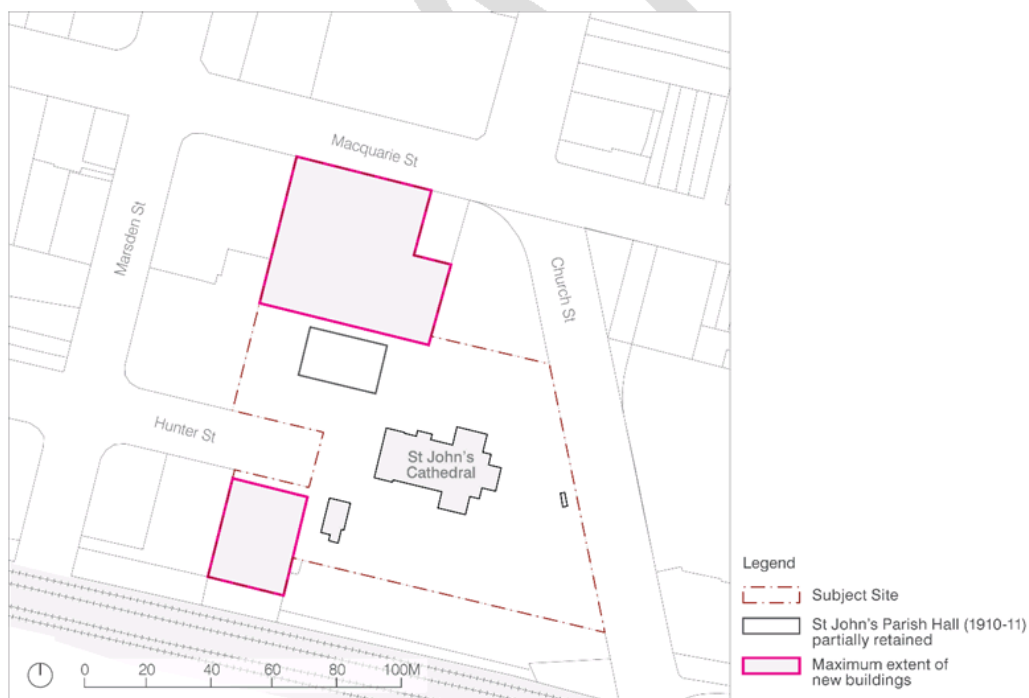


Figure 4.3.3.x St John's Parish Hall under Option B

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Council's Design Excellence Process requires a successful Architectural Design Competition Process to be undertaken before a Development Application can be lodged with Council. To enable a Design Competition process to deliver Design Excellence, the preferred planning pathway is a staged Development Application process comprising of the following three key steps:

1. Stage 1 Development Application for the proponent's building envelopes, proposed removal and replacement or partial retention of the St John's Parish Church Hall, public domain design and vehicle access and basement design. Supporting the assessment, the following documents must be submitted:
 - a. Conservation Management Plan
 - b. Structural Report (assessing impacts of underground car parking on heritage items).
 - c. Acoustic Report (assessing noise and vibration impacts from underground car parking on heritage items).
 - d. Interpretation Strategy (finalised Interpretation Plan will be lodged at Stage 2).
 - e. Concept Landscape Plan.
 - f. Arborist Report
 - g. Heritage Impact Statement.
2. Design Excellence Competition for a single design scenario based on approval of the Stage 1 DA.
3. Stage 2 Detailed Development Application based on winning Design Competition entry.

Where a Stage 1 Development Application determined that the St Johns Parish Hall should be partially retained, the DCP controls for "Option A - St Johns Parish Hall removed and replaced" and the controls for "OPTION A and B – St Johns Parish Hall partially retained or removed and replaced" would be used to assess a Stage 2 Development Application. Conversely, where a Stage 1 Development Application determined that St Johns Parish Hall should be removed and replaced, the DCP controls for "Option B - St Johns Parish Hall partially retained" and the controls for "OPTION A and B – St Johns Parish Hall partially retained or removed and replaced" would be used to assess a Stage 2 Development Application.

The preferred planning pathway outlined above is considered the most appropriate pathway, providing certainty regarding the proposed form of development to occur on the site. As the primary objective of a Design Excellence Competition is to deliver the highest standard of architectural, urban and landscape design, understanding the heritage significance of the St John's Parish Church Hall prior to undertaking the Design Competition is considered best practice. Further, the above process requiring a Stage 1 Development Application, would remove the requirement for competitors to submit two design scenarios for consideration.

Before lodging a Development Application, including a Stage 1 Development Application, early consultation with Council is encouraged to formulate an agreed public domain design brief and public domain design, as well as an Interpretation Strategy.

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OPTION A – St Johns Parish Hall removed and replaced

Desired Future Character

St John's Anglican Cathedral occupies a prominent site in the heart of the City of Parramatta. It is the oldest Church site and continuous place of Christian worship in Australia dating from 1803. Development of the site is to be congruent with the Cathedral's State heritage significance. This DCP supports the on-going role and heritage significance of St John's Anglican Cathedral, as a landmark site in the City of Parramatta.

The DCP controls seek to enhance the heritage values associated with the St John's Anglican Cathedral site, and the immediate surrounds. The site will extend the public spaces created by Parramatta Square and Centenary Square, framed by built form around the Cathedral with buildings positioned to maintain solar access to the key public open spaces. St John's Anglican Cathedral is to be reinforced as the focal point for key views following the alignment of Church Street and Parramatta Square. The design of new open space is to accommodate the use of the St John's Anglican Cathedral as a place of Anglican worship and to provide for general movement and public uses.

Building design is to achieve elegant, contextually responsive forms that contributes to the significance of the area, and reinforce the character of Parramatta as a centre for employment, business and living. New buildings are to enhance activation of the publicly accessible spaces around St John's Anglican Cathedral connecting with new Parish facilities of the Church and the Southern development site to comprise of an amalgamation with number 41 and 43 Hunter Street in order for any future development to achieve good amenity and appropriate relationships to the heritage context of the Cathedral complex.

The DCP controls seek to provide for an enlarged open space to be publicly accessible to the west of St John's Anglican Cathedral once St John's Parish Hall is removed.

Site objectives

The site offers opportunities to contribute to its surrounds and create a series of new open spaces that are publicly accessible in the heart of the Parramatta City Centre. This can enhance the heritage significance of St John's Anglican Cathedral.

- O.1 Provide a setting for St John's Anglican Cathedral and the associated public domain that is sensitive to the heritage significance of the site and its significant elements.
 - O.2 Deliver employment uses within the City Centre that contribute to Parramatta's employment objectives.
 - O.3 Deliver a civic response through the provision of public access, additional open space and public domain upgrades.
- Note for Public Exhibition version of SSDCP: Nature of the public access to the open space to be determined by the Voluntary Planning Agreement that supports the site-specific Planning Proposal and this site-specific DCP for the St John's Anglican Cathedral redevelopment proposal.
- O.4 Facilitate the continued use of the site for Anglican worship supported by contemporary spaces for the Parish of Parramatta to support their ongoing use of the place.
 - O.5 Balance active street frontages and flood mitigation requirements.
 - O.6 Enhance the heritage significance of the Warden cottage (verger's cottage), St John's Building and the Bicentennial Square heritage listing, to communicate the historical evolution of the landmark site between St John's Anglican Cathedral and contemporary development.

Heritage

This section of the DCP should be read in conjunction with:

- Draft Clause 7.6K Managing heritage impacts in Parramatta LEP 2011.
- Part 6 'Heritage' in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.
- Part 3.5 Heritage (including Part 3.5.3 which addresses Aboriginal cultural heritage) in Parramatta DCP 2011.

The heritage controls in this section of the DCP respond to the tailored heritage controls for the City Centre which require more considered development in the vicinity of heritage items and their settings, and the need for detailed

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heritage analysis as a result of increased growth anticipated in the CBD Planning Proposal and additional density sought on the St John's Anglican Cathedral complex in the site specific Planning Proposal.

Where there is an inconsistency between the heritage controls and objectives in this section and other parts of the DCP, this section prevails.

A. Heritage Listings

State heritage listing

- The subject site contains a State heritage item known as St John's Anglican Cathedral (SHR ID 01805)

Local heritage listing

- St John's Anglican Cathedral (item no. 01805)
- St John's Parish Hall (item no.713)
- Warden's cottage (verger's cottage) (item no.653)
- Bicentennial Square and adjoining buildings (item no.651)
- St John's Building at 38 Hunter Street (included in the Bicentennial Square heritage listing)

The subject site is in the vicinity of several state and locally listed heritage items, including:

- Centenary Square and adjoining buildings (item no.651).
- Murray's Building (and potential archaeological site) (item no.652)
- Centennial Memorial Clock (item no.654)
- Parramatta Town Hall (and potential archaeological site) (item no.650)
- Shop (and potential archaeological site) (item no.655)
- Two-storey residence, No. 41 Hunter Street (item no.714)

The Parramatta LEP 2011 sets out the controls for development within the vicinity of heritage items.



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Figure 4.3.3.7.xx State and local heritage items in the vicinity of St John's Anglican Cathedral, Parramatta

A. General Principles

St John's Anglican Cathedral, the oldest Church site and continuous place of Christian worship in Australia (dating from 1803), is a landmark building in the City of Parramatta. The Cathedral is the primary component of a complex of historic church buildings that together with the land encompassing the complex, form an historic site in the heart of Parramatta. The historic site is part of a broader area of land owned by the Anglican Church which is the subject of these site-specific development controls.

- P.1. Any new development of the land owned by the Anglican Church is congruent with the heritage values of the Cathedral complex and appropriate in the context of the heritage items located within the vicinity of the site.
- P.2. The Cathedral complex retains its preeminent status in the city centre. New development does not reduce the importance of the Cathedral complex in its immediate context, or the landmark quality of the Cathedral.
- P.3. New development retains the relationships between the Cathedral complex and the historic buildings of Centenary Square as well as broader relationships within the city centre.
- P.4. An appropriate setting for St John's Anglican Cathedral, the former Warden's cottage (verger's cottage) and St John's Building is provided on the site in any new development. This includes the retention of existing significant trees, an enhancement of the existing setting by the removal of at-grade car parking, and the ongoing incorporation of the land around the Cathedral complex into the public domain of Centenary Square.
- P.5. New development responds appropriately to its historic context, including the historic street pattern.

B. Understanding the Place

Objectives

- O.1. Ensure the heritage values of St John's Anglican Cathedral complex, including the Warden's cottage (verger's cottage), the St John's Building and the existing grounds are well understood to inform any future redevelopment.
- O.2. Ensure the important relationships between St John's Anglican Cathedral complex and Parramatta City Centre, including heritage listed places and the historic street pattern, are well understood to inform any future redevelopment.

Controls

- C.1. The relationship between the St John's Anglican Cathedral complex, the adjacent heritage items and broader city centre must be set out within a heritage impact statement submitted with the Development application and Council-supported Conservation Management Plan prepared for the St John's Anglican Cathedral complex. This explanation must include a views analysis as well as an analysis of relationships with Centenary Square and the new Parramatta Square.

C. Heritage Relationships

Objectives

- O.1. A detailed curtilage (setting) should be retained around Cathedral complex, in particular the St John's Anglican Cathedral, such that the building can continue to be a dominant civic element. The St John's Anglican Cathedral should not be "crowded" by new development.
- O.2. The site of St John's Anglican Cathedral complex should continue to provide open pedestrian access within the subject site and enhancing permeability through the city centre. In particular, development should encourage pedestrian access around heritage buildings and features.
- O.3. Retain and enhance the important relationships between St John's Anglican Cathedral complex and Parramatta City Centre, including the retention and enhancement of publicly accessible grounds around the Cathedral.

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- O.4. Create appropriate relationships between new development (northern and southern towers, public domain and Hunter Street) and heritage items, in a way that retains and enhances the heritage value of the place and the Parramatta City Centre.

Controls

- C.1. A defined curtilage (setting) must be retained around St John's Anglican Cathedral complex, in particular the Cathedral so that the building can continue to be a dominant element. The Cathedral must not be "crowded" by new development.
- C.2. The site of St John's Anglican Cathedral complex must continue to provide open pedestrian access within the subject site. In particular, development must encourage pedestrian access around heritage buildings and features.
- C.3. The Warden's cottage (verger's cottage) should be set in its own fenced garden, the extent to match the historical extent. The existing faux heritage fence must be replaced with one to match the original.
- C.4. If that the eastern end of Hunter Street is incorporated into the open space around the Cathedral complex, this space should be publicly accessible and designed in response to and to enhance the setting of adjacent heritage buildings, in particular, St John's Anglican Cathedral. The public domain design should ensure that the enlarged public space has a primary relationship with St John's Anglican Cathedral.
- C.5. Development on the subject site must maintain historical views to and from heritage buildings, where they still exist.
- C.6. Setbacks and landscaping are to be designed to protect and enhance key views to St John's Anglican Cathedral. Setbacks should reinforce key views of St John's Anglican Cathedral along the alignment of Church Street, Parramatta Square and Hunter Street.
- C.7. Vehicular parking should not be provided at ground level. On grade vehicular access and temporary parking can be provided for Parish activities (such as weddings and funerals). Vehicle access is to have minimal visual impact.
- C.8. If a driveway is required from Hunter Street to access either the Northern or Southern tower buildings, it should be located on that part of the site furthest from St John's Anglican Cathedral.
- C.9. The podium level facades of future development fronting the Cathedral, Cathedral open spaces and Centennial Square should be of restrained design so that the facades are not visually intrusive in the setting of the historic buildings on the site or in relation to the landscape of the complex, in particular, the Cathedral and the Hunter Street forecourt. The design must incorporate (but not be limited to) the following measures to manage potential visual impact:
- a. The podium must have a regular form, a regular pattern of openings and limited decorative details.
 - b. The parapet of the podium must have a horizontal top without any stepping.
 - c. The eastern façade must have a high proportion of solid to opening.
 - d. Materials and colours must be limited in range, and carefully selected to help ensure a restrained ("quiet") facade.
 - e. The eastern and southern facades of the podium must not have awnings.
 - f. The eastern façade of the podium must not have an active frontage.
 - g. Active uses such as outdoor dining and the like, if desired near the southern façade must not be located such that they would face into the area of the existing western forecourt of the Cathedral. They must instead be located in that part of the site facing into Hunter Street, or in the case that the eastern end of Hunter Street is incorporated into a public space, where Hunter Street was previously located.
 - h. Signage must be restrained and restricted to the ground floor. There must be few, if any, signs on the eastern and southern façades.
- C.10. Any changes in ground level must occur within the building footprint, not in the public domain or external spaces. If the ground level needs to be raised for flood reasons, this must be within the

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building footprint. The existing relationship of heritage buildings to existing ground levels must not be altered.

- C.11. New development must be undertaken in accordance with the conservation policies of a Conservation Management Plan that has been accepted by Council
- C.12. New signage should be restrained and designed contextually in relation to the heritage values, should be consistent across the development and should not be visually intrusive.
- C.13. Future development of the St John's Building should involve retaining the whole of the parapeted section of the building as a minimum. The junction between the retained section of the building and new development should be a single storey visually recessive element that does not directly adjoin a new tower building. No new openings are to be made in the retained facades of the existing building and awning must not be added.

D. Archival Recording

Objectives

- O.1. Undertake an archival recording of the site and buildings to ensure that a record of the whole of the place is undertaken prior to any works commencing.

Controls

- C.1. Prepare an archival recording of the site.

E. Amalgamation of Lots and Landscape Setting

Objectives

- O.1. Retain the setting and relationship of the heritage items on the site irrespective of possible site amalgamation.

Controls

- C.1. Irrespective of lot amalgamations or adjustments, the setting of the heritage buildings on the site is to be managed to retain the place as an integrated group of elements with new development responding to the heritage setting and form of the site. Essential to this concept is ensuring that the public spaces principally are designed in relation to the cathedral building, then to the other heritage elements and finally in response to the new built elements on the site.
The St John's Anglican Cathedral Building should retain primacy in future development.
- C.2. A detailed design is to be submitted for the public domain around the St John's Anglican Cathedral. The public domain must include deep soil planted areas and vegetated areas in order to reflect the historic landscape setting of the St John's Anglican Cathedral. Existing significant trees should be retained. New tree plantings and landscape elements are to first reinforce the Cathedral in its setting and secondarily integrate with new built form and open spaces.
- C.3. Excavation should not adversely impact the structural stability or heritage fabric of heritage items, nor adversely affect the health of existing significant trees. A report from a suitably qualified and experienced structural engineer must be submitted attesting that excavation work will not impact the built and decorative elements of heritage items. An arborist's report should be submitted attesting that the excavation will not affect the health of retained trees.
- C.4. Ventilation structures must not be located in outdoor areas that are public spaces or accessible to the public.
- C.5. Any proposed underground car park and associated driveway must be acoustically isolated from St John's Anglican Cathedral, such that the use of the carpark and driveways cannot be heard or felt in

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the St John's Anglican Cathedral, Warden's Cottage, St John's Parish Hall or in any new publicly accessible space to the western side of the Cathedral.

F. Development to Benefit a Heritage Item

Objectives

- O.1. Conserve heritage items through appropriate conservation works.
- O.2. Set out and undertake appropriate conservation works to ensure the future of heritage elements.
- O.3. Develop a long-term conservation program for the site and its heritage elements that is adequately funded.

Controls

- C.1. A detailed schedule of conservation works including detail drawings, is to be submitted as a component of the Stage 2 DA for the retained heritage buildings and elements, including St John's Building, Warden's Cottage and memorial gateway.
- C.2. The conservation works must be overseen and signed-off as acceptable by a heritage architect. The name, qualifications and experience of the heritage architect who will oversee and sign-off on the conservation works must be submitted. The methodology for exactly how the heritage architect will oversee the works must be submitted.

G. Interpretation

Objectives

- O.1. Interpretation of the heritage values of the place is to be undertaken through the process of a Heritage Strategy and Heritage Interpretation Plan. Key values include understanding the heritage significance of St John's Anglican Cathedral as the oldest Church site and continuous place of Christian worship in Australia.

Controls

- C.1. Interpret the heritage values of the St John's Anglican Cathedral complex in a way that does not adversely impact the heritage items or their setting. Any heritage interpretation that is part of proposed new buildings should be integrated into the design of the site and any new buildings.
- C.2. A Heritage Interpretation Strategy as well as a detailed draft Heritage Interpretation Plan must be submitted. They are to be derived from the heritage values of the site, and prepared in accordance with relevant guidelines and policy, as follows:
 - A Conservation Management Plan that has been determined by Council's Heritage Officer as being suitable for the St John's Cathedral complex.
 - NSW Heritage Manual;
 - NSW Heritage Branch Interpreting Heritage Places and Items: Guidelines (August 2005);
 - NSW Heritage Branch Heritage Interpretation Policy (endorsed by the Heritage Council August 2005); and
 - Australia ICOMOS Burra Charter 2013.

The formalisation of the Heritage Interpretation Plan will be undertaken during the development assessment process in consultation with Council. The final design of the interpretation would be subject to detailed design development so to integrate interpretation within the future development of the site in

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a way that respects the heritage value of the place, is appropriate to its context, and is not visually intrusive.

- C.3 In the case that the eastern end of Hunter Street is incorporated into new public space, the former location of Hunter Street must be interpreted in a subtle way in the new public space.

Public Domain

This section of the DCP should be read in conjunction with the Parramatta Public Domain Guidelines 2017 and Part 4 Public Domain in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.

The draft controls in Part 4 Public Domain consolidate and update the public domain controls for the City Centre and, where there is an inconsistency between the public domain controls and objectives in this section and other parts of the DCP, this section prevails.

Before lodging a Development Application early consultation with Council is encouraged to formulate an agreed design brief and public domain design. Design Submission Requirements are to be prepared in accordance the Parramatta Public Design Guidelines.

The re-development of the site presents the opportunity to deliver new and upgraded open spaces that form part of the public domain network in the city, including Centenary Square and Parramatta Square to the east and along Church Street towards Parramatta River to the north. For the purposes of this DCP the 'open space' on the site includes the paved and grassed areas surrounding the Cathedral between Church Street and Hunter Street, that are available for public use whilst also providing for the requirements of St John's Anglican Cathedral. The 'open space' includes the Cathedral grounds, St Johns Cathedral Square, St Johns Cathedral Square (public land) as indicated in Figure 4.3.3.7.XX. Note: The ownership of the grounds will remain with Anglican Church Diocese of Sydney Property Trust.

Note for Public Exhibition version of SSDCP: Nature of the public access to the open space to be determined by the Voluntary Planning Agreement that supports the site-specific Planning Proposal and this site-specific DCP for the St John's Anglican Cathedral redevelopment proposal.

Objectives

- O.1. Provide open spaces that are designed in relation to and which provide for a liturgical, parish and functional needs of St John's Anglican Cathedral.
- O.2. Provide open spaces that are publicly accessible and are complementary to the existing Parramatta Square and Centenary Square.
- O.3. Contribute to connectivity and legibility within the Parramatta City Centre including reinforcement of the historic pattern of development in the city centre and ensuring that development is integrated with Parramatta's urban structure.
- O.4. Provide activation of publicly accessible spaces through church use and a diverse mix of others uses.
- O.5. Provide a comfortable microclimate within the open spaces.
- O.6. Provide safe, at-grade vehicle access across pedestrian areas to the existing and proposed buildings.
- O.7. Engage with Council regarding the open space design on the Western side of St John's Anglican Cathedral prior to lodgment of the Development Application.

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Controls

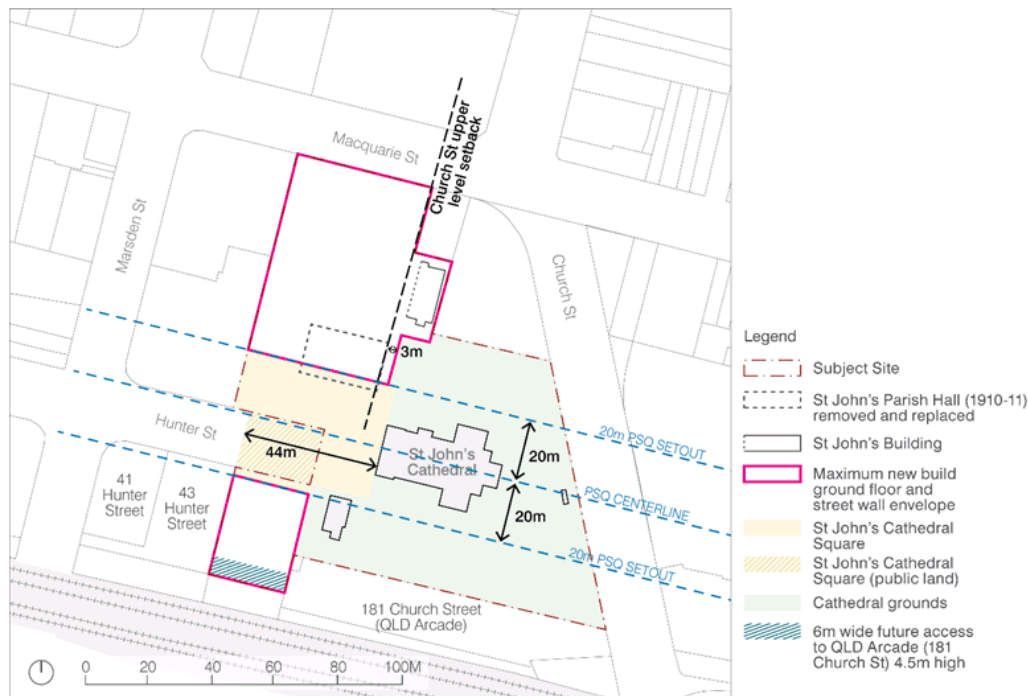


Figure 4.3.3.7.XX Public domain setout plan for Option A

- C.1. Council approval of an agreed detailed design brief and public domain design must be achieved before submission of a Development Application. The Applicant is to liaise with Council at 50% and 90% completion of the public domain design prior to lodgment of the Development Application.
- C.2. The setout of public domain and new built form at ground level shall be consistent with Figure 4.3.3.7.xx. The new St John's public domain shall be framed by new buildings set back 20 metres from the centreline of St John's Anglican Cathedral and Parramatta Square.
- C.3. Pedestrian access through the open space between Church Street and Hunter Street shall be open to the public 24/7, where possible, whilst providing for the requirements of St John's Anglican Cathedral.

Note for Public Exhibition version of SSDCP: Nature of the public access to the open space to be determined by the Voluntary Planning Agreement that supports the site-specific Planning Proposal and this site-specific DCP for the St John's Anglican Cathedral redevelopment proposal.
- C.4. Large tree planting shall be provided within the public domain that is appropriate to its role, respectful of sight lines including from Hunter Street facing St John's Anglican Cathedral and at a scale that is appropriate to a setting for the St John's Anglican Cathedral. Trees shall be planted at natural (pre new development maximum) ground level, not in raised planters.
- C.5. A minimum soil depth of 1m (excluding structural, drainage and mulch layers) above any basement structure shall be provided for all trees, in contiguous planting pits. Minimum soil volumes for trees on podiums over basements are to be provided according to the Apartment Design Guideline.
- C.6. Spaces for public seating shall be provided in a range of locations and to suit different users.
- C.7. Designs shall demonstrate the ability to accommodate a range of uses and activities including servicing requirements in the new public domain, including Parish of Parramatta events such as weddings and funerals and public events.

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Built form

This section of the DCP should be read in conjunction with,

- Part 3 Built Form in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011, and
- Draft Clause 7.2 Floor space ratio, Clause 7.4 Sun access protection, Clause 7.6E End of journey facilities and Clause 7.6F Active frontages in Parramatta LEP 2011.

The built form controls in this DCP support the objectives and vision of the Parramatta CBD Planning Proposal for tall and slender towers that are setback to allow daylight, views and circulation of air to the streets and public spaces below. This mitigates some of the impact of large towers and makes streets and public and civic spaces as well scaled and comfortable as possible for people. The setback controls also aim to ensure equitable development between sites and are considerate of the collective impact of the collection of buildings and towers within the city centre.

The objectives in this section of the DCP are intended to encourage buildings that respond to the heritage significance of the site, additional density sought on the St John's Anglican Cathedral complex in the site specific Planning Proposal and consistency with the draft Parramatta City Centre DCP controls in Section 3 Built Form.

Where there is an inconsistency between the built form controls and objectives in this section and other parts of the DCP, this section prevails.

The requirements of relevant State legislation should also be considered including (but not limited to):

- State Environmental Planning Policy (Infrastructure) 2007, and specifically Clause 87 Impact of rail noise or vibration on non-rail development
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Housing) 2021, Part 4 Build-to-rent housing

Objectives

- O.1. Ensure built form outcomes respond to the heritage significant of the site.
- O.2. Ensure built form outcomes that respond to the human scale around St John's Anglican Cathedral, the associated public domain, other heritage items, existing buildings and any proposed street walls.
- O.3. Ensure that street walls of new buildings frame the public domain through appropriate design, scale, and materiality to reflect the primacy of St John's Anglican Cathedral within the overall site..
- O.4. Respond to view corridors including those towards St John's Anglican Cathedral along Church Street, Parramatta Square and Hunter Street.
- O.5. Provide appropriate solar access to the public domain compliant with the Parramatta LEP 2011.
- O.6. The built form is to provide for flexible and efficient commercial floorplates, whilst satisfying the heritage objectives of the DCP.
- O.7. Provide appropriate building separation to neighbouring sites.
- O.8. Provide weather and wind protection to the open spaces.
- O.9. Ensure architectural responses make a high-quality contribution to the setting and urban design of the area consistent with design excellence policies of the City of Parramatta.
- O.10. Ensure built form outcomes respond to any adjacent buildings or likely future envelopes on neighbouring sites to enable informed consideration of suitable setbacks, built form, access and public domain outcomes as well as amenity impacts.

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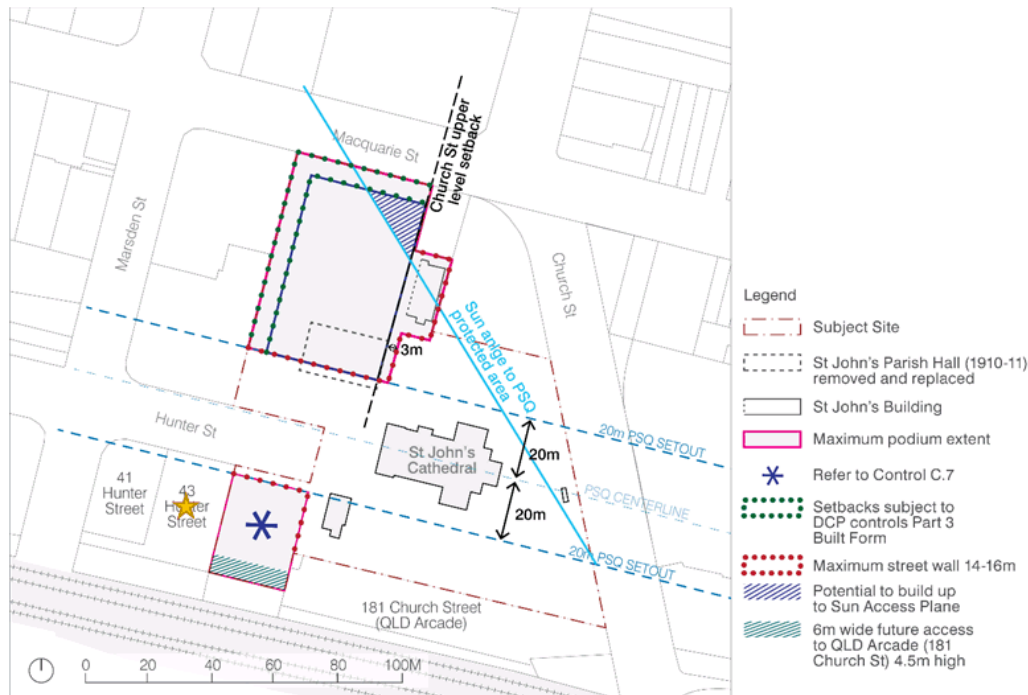


Figure 4.3.3.7.XX Built Form setout plan for Option A

Controls

- C.1. Development Applications for new buildings within the St John's Anglican Cathedral complex site must comply with the DCP controls in Section 3 Built Form unless adjusted by the controls below.
- C.2. Street wall or podium interfaces of new development must comply with the following:
 - a) Street wall heights to the public domain areas in front of St John's Anglican Cathedral should be in the range of 14-16m in height. The exact height of street walls is to be underpinned by detailed heritage, urban design, and architectural analysis.
 - b) DCP controls in Section 3 Built Form must be applied to determine the outcomes for the Macquarie Street and the western boundary interface of the podium at the Northern development site, including analysis requirements found in Section 3.4 The Street Wall.
 - c) Resolution of the eastern podium interface at the Northern development site is subject to the Heritage section of this Site Specific DCP.
- C.3. The southern setback of the Northern development site tower must be a minimum of 6m.
- C.4. The eastern setback of the Northern development site tower must not encroach the Church Street upper level setback line in Parramatta LEP 2011.
- C.5. The eastern setback of the Northern development site tower must ensure compliance with the solar access requirement for Parramatta Square set out in Clause 7.4 Sun access protection in Parramatta LEP 2011.
- C.6. The design of basement entry and exit points including any ramps to access lower levels must be contained within the building envelope where possible. No dive structures are permitted within Council owned land and within the open space areas around the Cathedral.
- C.7. If site amalgamation of 41, 43 and 45 Hunter Street can not be achieved, additional massing up to one (1) storey above the specified street wall may be considered for the Southern development site where amenity and heritage impacts can be satisfied and the additional storey is setback a minimum 6 metres from Hunter Street, and the eastern, southern and western setbacks are established through detailed

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urban design and architectural analysis taking into consideration potential development at 41-43 Hunter Street and the surrounding heritage context.

Any upper level addition above the specified street wall should apply construction methods and materiality which reinforce a lightweight and recessive appearance to the architecture above the street wall.

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OPTION B - St Johns Parish Hall partially retained

Desired Future Character

St John's Anglican Cathedral occupies a prominent site in the heart of the City of Parramatta. It is the oldest Church site and continuous place of Christian worship in Australia dating from 1803. Development of the site is to be congruent with the Cathedral's State heritage significance. This DCP supports the on-going role and heritage significance of St John's Anglican Cathedral, as a landmark site in the City of Parramatta.

The DCP controls seek to enhance the heritage values associated with the St John's Anglican Cathedral site, and the immediate surrounds. The site will extend the public spaces created by Parramatta Square and Centenary Square, framed by built form around the Cathedral with buildings positioned to maintain solar access to the key public open spaces. St John's Anglican Cathedral is to be reinforced as the focal point for key views following the alignment of Church Street and Parramatta Square. The open space around the Cathedral is to accommodate the use of the Cathedral as a place of Anglican worship and to provide for general movement.

Building design is to achieve elegant, contextually responsive forms that contribute to the significance of the area and reinforce the character of Parramatta as a centre for employment, business and living. New buildings are to enhance activation of the publicly accessible spaces around St John's Anglican Cathedral connecting with the Parish facilities of the Church, with the southern development site to comprise of an amalgamation with number 41 and 43 Hunter Street in order for any future development to achieve adequate amenity and appropriate relationships to the heritage context of the Cathedral complex.

The DCP controls seek to enhance the heritage values of the site as a whole and the significant built elements including the Cathedral Building, St John's Parish Hall, the St John's Building and the former Vergers Cottage.

Site objectives

The site offers an opportunity to contribute to its surrounds and create a series of open spaces that are publicly accessible in the heart of the Parramatta City Centre that enhances the heritage significance of St John's Anglican Cathedral.

- O.1. Provide an enhanced and recovered setting for St John's Anglican Cathedral and the associated public domain that is sensitive to the heritage significance of the site and its significant elements.
- O.2. Deliver employment uses within the City Centre that contribute to Parramatta's employment objectives.
- O.3. Deliver a civic response through the provision of public access and public domain upgrades.

Note for Public Exhibition version of SSDCP: Nature of the public access to the open space to be determined by the Voluntary Planning Agreement that supports the site-specific Planning Proposal and this site-specific DCP for the St John's Anglican Cathedral redevelopment proposal.

- O.4. Facilitate the continued use of the site for religious Anglican worship supported by contemporary spaces for the Parish of Parramatta to support their ongoing use of the place.
- O.5. Balance active street frontages and flood mitigation requirements.
- O.6. Enhance the heritage significance of St John's Parish Hall, Warden cottage (verger's cottage), St John's Building and the Bicentennial Square heritage listing, to communicate the historical evolution of the landmark site between St John's Anglican Cathedral and contemporary development.

Heritage

This section of the DCP should be read in conjunction with:

- Draft Clause 7.6K Managing heritage impacts in Parramatta LEP 2011.
- Part 6 'Heritage' in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.
- Part 3.5 Heritage (including Part 3.5.3 which addresses Aboriginal cultural heritage) in Parramatta DCP 2011.

The heritage controls in this section of the DCP respond to the tailored heritage controls for the City Centre which require more considered development in the vicinity of heritage items and their settings, and the need for detailed

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heritage analysis as a result of the scale of the increased growth anticipated in the CBD Planning Proposal and additional density sought on the St John's Anglican Cathedral complex in the site-specific Planning Proposal.

Where there is an inconsistency between the heritage controls and objectives in this section and other parts of the DCP, this section prevails.

A. Heritage Listings

State heritage listing

- The subject site contains a State heritage item known as St John's Anglican Cathedral (SHR ID 01805)

Local heritage listing

- St John's Anglican Cathedral (item no. 01805)
- St John's Parish Hall (item no.713)
- Warden's Cottage (verger's cottage) (item no.653)
- Bicentennial Square and adjoining buildings (item no.651)
- St John's Building at 38 Hunter Street (included in the Bicentennial Square heritage listing)

The subject site is in the vicinity of several state and locally listed heritage items, including:

- Centenary Square and adjoining buildings (item no.651).
- Murray's Building (and potential archaeological site) (item no.652)
- Centennial Memorial Clock (item no.654)
- Parramatta Town Hall (and potential archaeological site) (item no.650)
- Shop (and potential archaeological site) (item no.655)
- Two-storey residence, No. 41 Hunter Street (item no.714)

The Parramatta LEP 2011 sets out the controls for development within the vicinity of heritage items.



Figure 4.3.3.7.xx State and local heritage items in the vicinity of St John's Anglican Cathedral, Parramatta

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B. General Principles

St John's Anglican Cathedral, the oldest Church site and continuous place of Christian worship in Australia (dating from 1803), is a landmark building in the City of Parramatta. The Cathedral is the primary component of a complex of historic church buildings that together with the land encompassing the complex, form an historic site in the heart of Parramatta. The historic site is part of a broader area of land owned by the Anglican Church which is the subject of these site-specific development controls.

- P.1. Any new development of the land owned by the Anglican Church is congruent with the heritage values of the Cathedral complex and appropriate in the context of the heritage items located within the vicinity of the site.
- P.1. The Cathedral complex retains its preeminent status in the city centre. New development does not reduce the importance of the St John's Anglican Cathedral complex in its immediate context, or the landmark quality of the Cathedral.
- P.3. New development retains the relationships between the St John's Anglican Cathedral complex and the historic buildings of Centenary Square as well as broader relationships within the city centre.
- P.4. An appropriate setting for St John's Anglican Cathedral, St John's Parish Hall, the former Warden's Cottage (verger's cottage) and the St John's Building is provided in any new development. This includes the retention of existing significant trees, an enhancement of the existing setting by the removal of at-grade car parking, and the usage of the land around the Cathedral complex for pedestrian access into the public domain of Centenary Square.
- P.5. New development responds appropriately to its historic context, including the historic street pattern.

C. Understanding the Place

Objectives

- O.1. Ensure the heritage values of St John's Anglican Cathedral complex, including the Warden's Cottage (verger's cottage), the St John's Parish Hall, the St John's Building and the existing grounds are well understood to inform any future redevelopment.
- O.2. Ensure the important relationships between St John's Anglican Cathedral complex and Parramatta City Centre, including heritage listed places and the historic street pattern, are well understood to inform any future development.

Controls

- C.1. The relationship between the St John's Anglican Cathedral complex, the adjacent heritage items and the broader city centre must be set out within a heritage impact statement submitted with the Development application and Council-supported Conservation Management Plan prepared for the St John's Anglican Cathedral complex. This explanation must include a views analysis as well as an analysis of relationships with Centenary Square and the new Parramatta Square.

D. Heritage Relationships

Objectives

- O.1. Ensure the retention and enhancement of the landmark quality of St John's Anglican Cathedral and the preeminent status of the Cathedral complex in the Parramatta City Centre.
- O.2. Retain and enhance the relationship between the different components of St John's Anglican Cathedral complex, and the contribution they make to the heritage values of the place.
- O.3. Retain and enhance the important relationships between St John's Anglican Cathedral complex and Parramatta City Centre, including the retention and enhancement of publicly accessible grounds around the Cathedral.

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- O.4. Create appropriate relationships between new development (northern and southern towers, public domain and Hunter Street) and heritage items, in a way that retains and enhances the heritage value of the place and the Parramatta City Centre.

Controls

- C.1. A detailed curtilage (setting) should be retained around Cathedral complex, in particular the St John's Anglican Cathedral, such that the building can continue to be a dominant element. The St John's Anglican Cathedral must not be "crowded" by new development.
- C.2. The site of St John's Anglican Cathedral complex must continue to provide open pedestrian access within the subject site. In particular, development must encourage pedestrian access around heritage buildings and features.
- C.3. The Warden's cottage (verger's cottage) should be set in its own fenced garden, the extent to match the historical extent. The existing faux heritage fence must be replaced with one to match the original.
- C.4. If that the eastern end of Hunter Street is incorporated into the open space around the Cathedral complex, this space should be publicly accessible and designed in response to and to enhance the setting of adjacent heritage buildings, in particular, St John's Anglican Cathedral. The public domain design should ensure that the enlarged public space has a primary relationship with St John's Anglican Cathedral.
- C.5. Development on the subject site must maintain historical views to and from heritage buildings, where they still exist.
- C.6. Setbacks and landscaping are to be designed to protect and enhance key views to St John's Anglican Cathedral. Setbacks should reinforce key views of St John's Anglican Cathedral along the alignment of Church Street, Parramatta Square and Hunter Street.
- C.7. Vehicular parking should not be provided at ground level. On grade vehicular access and temporary parking can be provided for Parish activities (such as weddings and funerals). Vehicle access is to have minimal visual impact.
- C.8. If a driveway is required from Hunter Street to access either the Northern or Southern tower buildings, it should be located on that part of the site furthest from St John's Anglican Cathedral.
- C.9. The podium level facades of future development fronting the Cathedral, Cathedral open spaces and Centenary Square should be of restrained design so that the facades are not visually intrusive in the setting of the historic buildings on the site or in relation to the landscape of the complex, in particular, the Cathedral and the Hunter Street forecourt. The design must incorporate (but not be limited to) the following measures to manage potential visual impact:
- The podium must have a regular form, a regular pattern of openings and limited decorative details.
 - The parapet of the podium should have a horizontal top without any stepping.
 - The eastern façade of the podium must not have an active frontage.
 - Materials and colours should be limited in range, and carefully selected to help ensure a restrained (quiet) design of the facade.
 - Signage must be restrained and restricted to the ground floor. There must be few, if any, signs on the eastern and southern façades
- C.10. The St John's Parish Hall and new podium/tower interface is to be designed to ensure that the hall building retains its integrity and form. Potential connections between these elements are to be designed to ensure that the hall building retains its setting within the overall open space of the site, and does not butt up hard against the new tower building but must be separated by at least 3 metres, and may include a link formed between the two buildings that is visually recessive, preferably glazed.
- C.11. Future development of the St John's Building should involve retaining the whole of the parapeted section of the building as a minimum. The junction between the retained section of the building and new development should be a single storey visually recessive element that does not directly adjoin a new tower building. No new openings are to be made in the retained facades of the existing building.

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- C.12. Changes in ground level should occur within the building footprint, not in the public domain or external spaces. If the ground level needs to be raised for flood reasons, this is to be designed within the building footprint. The existing relationship of heritage buildings to existing ground is to be generally retained.
- C.13. New development should be undertaken in accordance with the conservation policies of the Conservation Management Plan that has been accepted by Council as being suitable for the St John's Anglican Cathedral complex.
- C.14. Existing unsympathetic alterations to St John's Hall as detailed in a schedule of conservation works must be reversed.
- C.15. In the case that the historic part (c.1910) of St John's Parish Hall is retained, active uses are not appropriate, in particular, outdoor dining or noisy venues.
- C.16. In the case that the latter additions to St John's Parish Hall are removed, the new wall to enclose the hall should respect the heritage values of the hall.
- C.17. New signage must be restrained and restricted. It must not be visually intrusive in the setting of the historic buildings. Drawings of all signage must be submitted. Existing signage, including interpretation signage, must be removed if it is inconsistent with a new signage approach or if it detracts from the setting of a heritage item.

E. Archival Recording

Objectives

- O.1. Undertake an archival recording of the site and buildings to ensure that a record of the whole of the place is undertaken prior to any works commencing.

Controls

- C.1. Prepare an archival recording of the site.

F. Amalgamation of Lots and Landscape Setting

- O.1. Retain the setting and relationship of the heritage items on the site irrespective of possible site amalgamation

Controls

- C.1. Irrespective of lot amalgamations or adjustments, the setting of the heritage buildings on the site is to be managed to retain the place as an integrated group of elements with new development responding to the heritage setting and form of the site. Essential to this concept is ensuring that the public spaces principally are designed in relation to the St John's Anglican Cathedral building, then to the other heritage elements and finally in response to the new built elements on the site.
- C.2. The St John's Anglican Cathedral building is to retain primacy in future development
- C.3. A detailed design is to be submitted for the public domain around the St John's Anglican Cathedral. The public domain must include deep soil planted areas and vegetated areas that reflect the historic landscape setting of the Cathedral. Existing significant trees are to be retained. New tree plantings and landscape elements are to first reinforce the Cathedral in its setting and secondarily integrate with new built form and open spaces.
- C.4. Excavation should not adversely impact the structural stability or heritage fabric of heritage items, nor adversely affect the health of existing significant trees. A report from a suitably qualified and experienced structural engineer should be submitted attesting that excavation work will not impact the built and decorative elements of heritage items. An arborist's report should be submitted attesting that the excavation will not affect the health of retained trees.
- C.5. Ventilation structures must not be located in outdoor areas that are public spaces or accessible to the public.
- C.6. Any proposed underground car park and associated driveway must be acoustically isolated from St John's Anglican Cathedral, such that the use of the carpark and driveways cannot be heard or felt in the

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St John's Anglican Cathedral, Warden's Cottage, St John's Parish Hall or in any new publicly accessible space to the western side of the Cathedral.

G. Development to Benefit a Heritage Item

Objectives

- O.1. Conserve heritage items through appropriate conservation works.
- O.2. Set out and undertake appropriate conservation works to ensure the future of heritage elements.
- O.3. Develop a long-term conservation program for the site and its heritage elements that is adequately funded.

Controls

- C.1. A detailed schedule of conservation works including detail drawings, is to be submitted as a component of the Stage 2 DA for the retained heritage buildings and elements, including St John's Parish Hall, St John's Building, Warden's Cottage and memorial gateway.
- C.2. The conservation works must be overseen and signed-off as acceptable by a heritage architect. The name, qualifications and experience of the heritage architect who will oversee and sign-off on the conservation works must be submitted. The methodology for exactly how the heritage architect will oversee the works must be submitted.

H. Interpretation

Objectives

- O.1. Interpretation of the heritage values of the place is to be undertaken through the process of a Heritage Strategy and Heritage Interpretation Plan. Key values include understanding the heritage significance of St John's Anglican Cathedral as the oldest Church site and continuous place of Christian worship in Australia.

Controls

- C.1. Interpret the heritage values of the St John's Anglican Cathedral complex in a way that does not adversely impact the heritage items or their setting. Any heritage interpretation that is part of proposed new buildings should be integrated into the design of the site and any new buildings.
- C.2. A Heritage Interpretation Strategy is to be prepared to inform the architectural design competition.
- C.3. A Heritage Interpretation Plan is to be developed and provided as part of the Stage 2 DA arising from the architectural design competition.
- C.4. The documents are to be derived from the heritage values of the site, and prepared in accordance with relevant guidelines and policy, as follows:
 - A Conservation Management Plan that is accepted by Council;
 - NSW Heritage Manual;
 - NSW Heritage Branch Interpreting Heritage Places and Items: Guidelines (August 2005);
 - NSW Heritage Branch Heritage Interpretation Policy (endorsed by the Heritage Council August 2005); and
 - Australia ICOMOS Burra Charter 2013.

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Public Domain

This section of the DCP should be read in conjunction with the Parramatta Public Domain Guidelines 2017 and Part 4 Public Domain in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.

The draft controls in Part 4 Public Domain consolidate and update the public domain controls for the City Centre and, where there is an inconsistency between the public domain controls and objectives in this section and other parts of the DCP, this section prevails.

Before lodging a Development Application early consultation with Council is encouraged to formulate an agreed design brief and public domain design. Design Submission Requirements are to be prepared in accordance the Parramatta Public Design Guidelines.

The re-development of the site presents the opportunity to deliver new and upgraded open spaces that form part of the public domain network in the city, including Centenary Square and Parramatta Square to the east and along Church Street towards Parramatta River to the north. For the purposes of this DCP the 'open space' on the site includes the paved and grassed areas surrounding the Cathedral between Church Street and Hunter Street, that are available for public use whilst also providing for the requirements of St John's Anglican Cathedral.

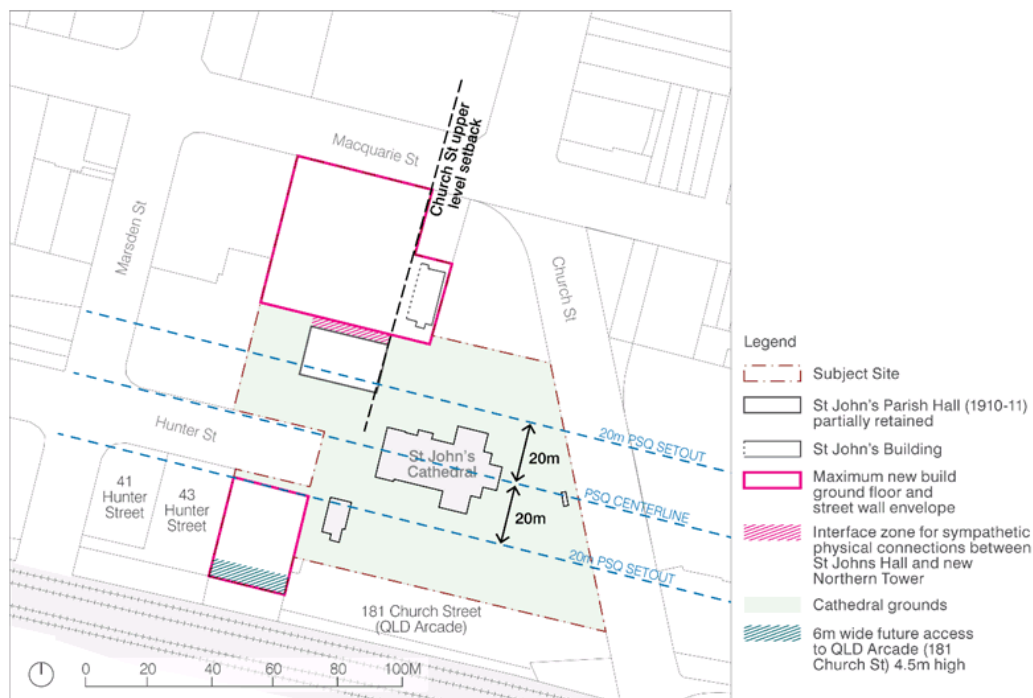
Note for Public Exhibition version of SSDCP: Nature of the public access to the open space to be determined by the Voluntary Planning Agreement that supports the site-specific Planning Proposal and this site-specific DCP for the St John's Anglican Cathedral redevelopment proposal.

Objectives

- O.1. Provide open spaces that are designed in relation to and which provide for a liturgical, parish and functional needs of St John's Anglican Cathedral.
- O.2. Provide open spaces that are publicly accessible and are complementary to the existing Parramatta Square and Centenary Square.
- O.3. Contribute to connectivity and legibility within the Parramatta City Centre including reinforcement of the city's historic pattern of development and ensuring that development is integrated with Parramatta's urban structure.
- O.4. Provide activation of publicly accessible spaces through church use and a diverse mix of others uses.
- O.5. Provide a comfortable microclimate within the open spaces.
- O.6. Provide safe, at-grade vehicle access across pedestrian areas to the existing and proposed buildings.
- O.7. Engage with Council regarding the open space design on the western side of St John's Anglican Cathedral prior to lodgment of the Development Application.

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Controls



- C.1. Council approval of an agreed detailed design brief and public domain design should be achieved before submission of a Development Application. The Applicant is to liaise with Council at 50% and 90% completion of the public domain design prior to lodgment of the Development Application.
- C.2. The setout of public domain and new built form at ground level shall be consistent with Figure 4.3.3.7.xx. The new St John's public domain shall be framed by new buildings set back 20 metres from the centreline of St John's Anglican Cathedral and Parramatta Square.
- C.3. Pedestrian access through the open space between Church Street and Hunter Street shall be open to the public 24/7, where possible, whilst providing for the requirements of St John's Anglican Cathedral.
- Note for Public Exhibition version of SSDCP: Nature of the public access to the open space to be determined by the Voluntary Planning Agreement that supports the site-specific Planning Proposal and this site-specific DCP for the St John's Anglican Cathedral redevelopment proposal.
- C.4. Large tree planting shall be provided within the public domain that is appropriate to its role, respectful of sight lines including from Hunter Street facing St John's Anglican Cathedral and at a scale that is appropriate to a setting for the St John's Anglican Cathedral. Trees shall be planted at natural (pre new development maximum) ground level, not in raised planters.
- C.5. A minimum soil depth of 1m (excluding structural, drainage and mulch layers) above any basement structure shall be provided for all trees, in contiguous planting pits. Minimum soil volumes for trees on podiums over basements are to be provided according to the Apartment Design Guideline.
- C.6. Spaces for public seating shall be provided in a range of locations and to suit different users.
- C.7. Designs shall demonstrate the ability to accommodate a range of uses and activities including servicing requirements in the new public domain, including Parish of Parramatta events such as weddings and funerals and public events.

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Built form

This section of the DCP should be read in conjunction with,

- Part 3 Built Form in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011, and
- Draft Clause 7.2 Floor space ratio, Clause 7.4 Sun access protection, Clause 7.6E End of journey facilities and Clause 7.6F Active frontages in Parramatta LEP 2011.

The built form controls in this DCP support the objectives and vision of the Parramatta CBD Planning Proposal for tall and slender towers that are setback to allow daylight, views and circulation of air to the streets and public spaces below. This mitigates some of the impact of large towers and makes streets and public and civic spaces as well scaled and comfortable as possible for people. The setback controls also aim to ensure equitable development between sites and are considerate of the collective impact of the collection of buildings and towers within the city centre.

The objectives in this section of the DCP are intended to encourage buildings that respond to the heritage significance of the site, additional density sought on the St John's Anglican Cathedral complex in the site specific Planning Proposal and consistency with the draft Parramatta City Centre DCP controls in Section 3 Built Form.

Where there is an inconsistency between the built form controls and objectives in this section and other parts of the DCP, this section prevails.

The requirements of relevant State legislation should also be considered including (but not limited to):

- State Environmental Planning Policy (Infrastructure) 2007, and specifically Clause 87 Impact of rail noise or vibration on non-rail development
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Housing) 2021, Part 4 Build-to-rent housing

This section of the DCP should be read in conjunction with,

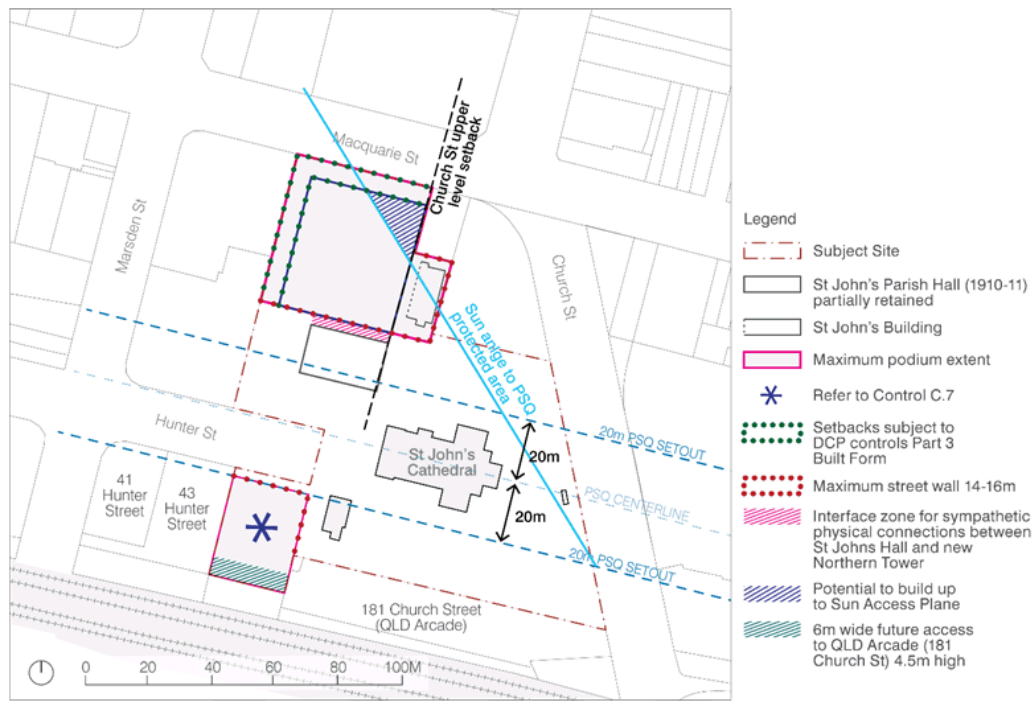
- Part 3 Built Form in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011, and
- Draft Clause 7.2 Floor space ratio, Clause 7.4 Sun access protection, Clause 7.6E End of journey facilities and Clause 7.6F Active frontages in Parramatta LEP 2011.

Objectives

- O.1. Ensure built form outcomes respond to the heritage significant of the site.
- O.2. Ensure built form outcomes that respond to the human scale around St John's Anglican Cathedral, the associated public domain, other heritage items, existing buildings and any proposed street walls.
- O.3. Ensure that street walls of new buildings frame the public domain through appropriate design, scale, and materiality to reflect the primacy of St John's Anglican Cathedral within the overall site..
- O.4. Respond to view corridors including those towards St John's Anglican Cathedral along Church Street, Parramatta Square and Hunter Street.
- O.5. Provide appropriate solar access to the public domain compliant with the Parramatta LEP 2011.
- O.6. The built form is to provide for flexible and efficient commercial floorplates, whilst satisfying the heritage objectives of the DCP.
- O.7. Provide appropriate building separation to neighbouring sites.
- O.8. Provide weather and wind protection to the open spaces.
- O.9. Ensure architectural responses make a high-quality contribution to the setting and urban design of the area consistent with design excellence policies of the City of Parramatta.

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- O.10. Ensure built form outcomes respond to any adjacent buildings or likely future envelopes on neighbouring sites to enable informed consideration of suitable setbacks, built form, access and public domain outcomes as well as amenity impacts.



Controls

- C.1. Development Applications for new buildings within the St John's Anglican Cathedral complex site must comply with the DCP controls in Section 3 Built Form unless adjusted by the controls below.
- C.2. Street wall or podium interfaces of new development must comply with the following:
- d) Street wall heights to the public domain areas in front of St John's Anglican Cathedral should be in the range of 14-16m in height. The exact height of street walls is to be underpinned by detailed heritage, urban design, and architectural analysis.
 - e) DCP controls in Section 3 Built Form must be applied to determine the outcomes for the Macquarie Street and the western boundary interface of the podium at the Northern development site, including analysis requirements found in Section 3.4 The Street Wall.
 - f) Resolution of the eastern podium interface at the Northern development site is subject to the Heritage section of this Site Specific DCP.
- C.3. The southern setback of the Northern development site tower must be a minimum of 6m.
- C.4. The eastern setback of the Northern development site tower must not encroach the Church Street upper level setback line in Parramatta LEP 2011.
- C.5. The eastern setback of the Northern development site tower must ensure compliance with the solar access requirement for Parramatta Square set out in Clause 7.4 Sun access protection in Parramatta LEP 2011.

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- C.6. The design of basement entry and exit points including any ramps to access lower levels must be contained within the building envelope where possible. No dive structures are permitted within Council owned land and within the open space areas around the Cathedral.
- C.7. If site amalgamation of 41, 43 and 45 Hunter Street can not be achieved, additional massing up to one (1) storey above the specified street wall may be considered for the Southern development site where amenity and heritage impacts can be satisfied and the additional storey is setback a minimum 6 metres from Hunter Street, and the eastern, southern and western setbacks are established through detailed urban design and architectural analysis taking into consideration potential development at 41-43 Hunter St and the surrounding heritage context.

Any upper level addition above the specified street wall should apply construction methods and materiality which reinforce a lightweight and recessive appearance to the architecture above the street wall.

DRAFT

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Vehicle access, parking, and servicing

This section of the DCP should be read in conjunction with,

- Part 9 in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011,
- Part 3 and 4.3.3 of the Parramatta City Centre in Parramatta DCP 2011,
- Draft Clause 7.3 Car parking in Parramatta LEP 2011

Where there is an inconsistency between the vehicular access, parking and servicing controls and objectives in this section of the DCP and other parts of the DCP, this section prevails.

Before lodging a Development Application early consultation with Transport for NSW and Council is encouraged to formulate an agreed access point for ingress and egress to the subject site

Objectives

- O.1. Minimise the impact of basement facilities on heritage structures and minimise the size and quantity of vehicular access points and driveway crossovers on streetscape amenity, pedestrian safety and the quality of the public domain to be delivered on site.
- O.2. Ensure vehicular access points, driveway crossovers and dive points to basements do not detract the heritage value of the St John's Anglican Cathedral complex.
- O.3. Minimise the vehicle and service crossings to reinforce a high quality public domain along Macquarie Street, Hunter Street, and the broader St John's Anglican Cathedral complex.

Controls

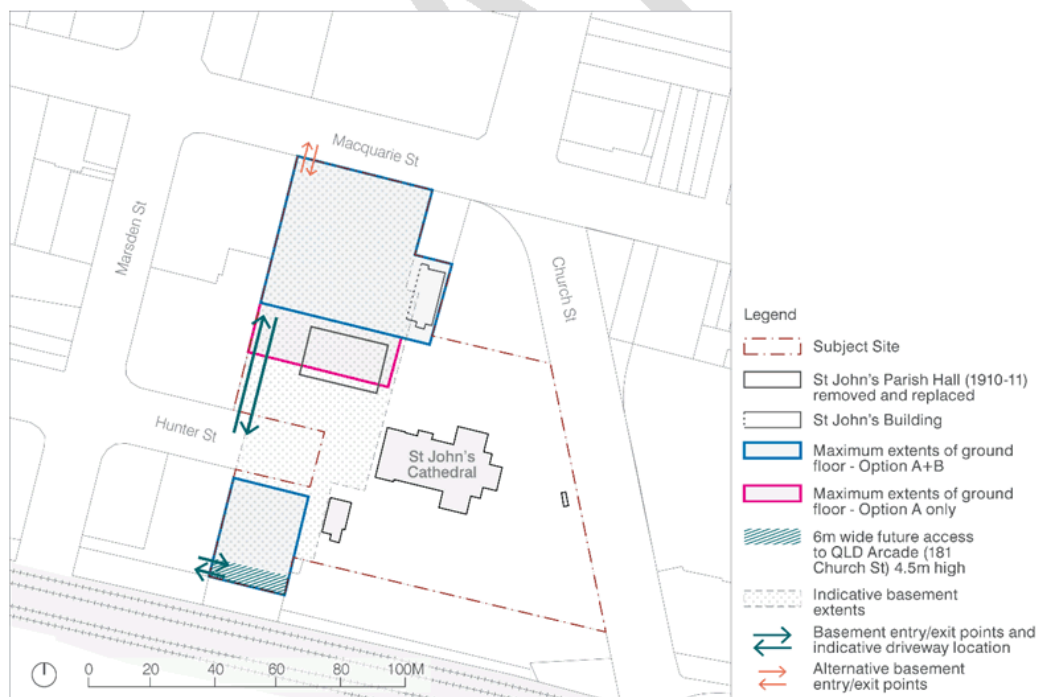


Figure 4.3.3.7.xx Vehicular access

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- C.1. The preferred parking/service access for the St John's Anglican Cathedral complex is to be designed in consultation with Transport for NSW to ensure the safe and efficient operation of the Parramatta Light Rail. Interface between new development and the Parramatta Light Rail Corridor is to be designed in consultation with Council and Transport for NSW to ensure safety for pedestrians, accessibility and visual amenity.
- C.2. Where a vehicular driveway to the site is permitted from Macquarie Street, the driveway should be located nearest to the Western site boundary. The vehicular driveway should not interfere with traffic signals and high pedestrian activity occurring nearby in Church Street and Centenary Square. The vehicular driveway should be a minimum of 10 metres from the perpendicular of any intersection of any two streets.
- C.3. In the case that a connected basement can not be accommodated on the site, access for servicing, waste and loading vehicles for the Southern development is to be provided from the new Southern laneway to the rear of the properties. Vehicle access for residents is to be provided from Hunter Street.
- C.4. A 6 metre wide access shall be provided along the southern site boundary of the 45 Hunter Street property, with the intent of providing future alternative vehicular access to the Queensland Arcade site via Marsden Street.
- C.5. The access to be delivered along the southern site boundary can be clear to sky or within a building overhang / tunnel. The access should allow for a minimum height of 4.5 metres to ensure access for servicing, waste and loading vehicles.
- C.6. In the case that vehicular access is required from Hunter Street to access either the northern or southern buildings, it should be located on that part of the site furthest from St John's Anglican Cathedral and should not interfere with this heritage item.
- C.7. Vehicular driveways located hard against the property boundary are acceptable, provided pedestrian sightlines are consistent with the relevant Australian Standard.
- C.8. For any development with a residential component, ramping to a basement will need to comply with the 4.5 metre clearance height to accommodate for waste vehicles. Ramping to a basement that is solely used for residential vehicles (no waste vehicles) will need to comply with the minimum 2.1 metre clearance height.
- C.9. Ramping to a basement will be subject to flooding requirements.
- C.10. Basement vehicular parking is to be provided on site to minimise the visual impact of car parking as viewed from the public domain and enhance pedestrian safety at ground level.
- C.11. Vehicular parking should not be provided at ground level. If on grade vehicular access and temporary parking is required for weddings and funerals, it should only be for access to the Cathedral entrances and should have minimal visual impact.
- C.12. In the case where the eastern end of Hunter Street is incorporated in the development site, the road width and cul-de-sac at the end of Hunter Street is to be designed to accommodate the largest vehicle that is expected to access this street (e.g. garbage truck or loading vehicle) and this is to be demonstrated using swept path plans and templates from Austroads Guidelines. Standard road surfaces and kerb and gutter is to be provided in accordance with Council's standards and specifications.
- C.13. Car parking rates provided on site must comply with the rates outlined in the Parramatta Local Environment Plan 2011.

Flood Risk and Rainwater Management

This section of the DCP should be read in conjunction with (but not limited to):

- Draft Clause 7.6L Floodplain risk management in Parramatta LEP 2011
- Section 2.4.2.1 'Flooding' in Parramatta DCP 2011, and Section 3.5.2 'Flood Affected Sites' and Part 7 'Flood Risk Management' in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.

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Where there is an inconsistency between the flooding and rainwater management objectives and the controls in this section of the DCP and other parts of the DCP, this section prevails.

Proponents are also encouraged to refer to Council's Floodplain Risk Management Policy and Plan which have been created as required by the NSW Flood Policy and NSW Floodplain Development Manual.

Note: A word or expression used in this Section of the DCP has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in Parramatta DCP 2011.

Objectives

- O.1. Appropriately address the level of flood affectation on the site and manage flood risks and stormwater flows on the site and immediate surrounds.
- O.2. Achieve sustainable environmental management of rainwater
- O.3. Integrate flood planning and risk management with urban design and active street frontages to minimise impacts associated with flood inundation.
- O.4. Deep soil and permeability of surfaces is to be provided to minimise rainwater runoff.

Controls

- C.1. The interaction between flooding and built form for redevelopment on the St John's Anglican Cathedral complex site should be modelled, planned and designed consistent with draft Clause 7.6L Floodplain risk management in Parramatta LEP 2011 and draft DCP controls in Section 7 Flood Risk Management in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.
- C.2. Future redevelopment of the St John's Anglican Cathedral complex site as a whole and for the individual buildings should be designed to respond to the flooding environment both from Parramatta River and from local overland flow.
- C.3. The Flood Planning Level is currently defined as the higher of the 1% Annual Exceedance Probability (AEP) riverine flood level plus 0.5m freeboard or the 1% AEP overland flow flood level plus 0.5m freeboard. Council reserves the right to increase the Flood Planning Level to account for Climate Change. Flood Planning Levels may vary around the precinct according to adjacent flood levels.
- C.4. Parramatta River (riverine) flooding which must be addressed includes 5% AEP, 1% AEP, a Climate Change scenario (1% AEP+ 20% increased rainfall intensity) and the Probable Maximum Flood (PMF). These levels and flood extents may be obtained from Council.
- C.5. Local overland flow flooding which must be addressed includes 5% AEP, 1% AEP and a Climate Change scenario (1% AEP+ 20% increased rainfall intensity) (PMF is not required.) These levels extents and flood properties are to be obtained from the overland flow flood study in consultation with Council.
- C.6. A 2D overland flow study is to be submitted with all future development applications and must be consistent with:
 - Council requirements including modelling local overland flow flooding assuming no benefit from the network of piped drainage (100% blockage).
 - the 'Overland Flow Flood Study' prepared for Parramatta Square by BG&E Consultants on behalf of Council and Walker Corporation; and when it becomes available, reference Council's amended Flood Study now in preparation. (Note: Council officers will assist in reconciling these studies if necessary).
- C.7. Local stormwater must be managed by providing underground piped reticulation of stormwater to Council and Australian Standards for 5% AEP design storms designed in accordance with Australian Rainfall and Runoff 2019.
- C.8. Built form and public domain designs need to allow for overland flow paths between and around buildings

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- C.9. On site detention is required to:
- be provided and operated for all private land in accordance with the Upper Parramatta River Catchment Trust Handbook Edition 4. Land that is to be public land is exempt from this unless Council advises otherwise.
 - include rainfall on all horizontal surfaces, including roofing and at ground, and also significant vertical surfaces subject to wind-driven rain.
- C.10. Rainwater must be captured to the maximum extent possible and used on-site as a substitute water supply to reduce the demand for drinking water, particularly for landscape irrigation. This may be integrated with, or be an alternative to, the OSD system.
- C.11. Deep soil and permeability of surfaces must be maximised to minimise rainwater runoff.
- C.12. Where horizontal evacuation is not feasible, Shelter In Place or vertical evacuation must be provided for all building occupants (residents, workers and visitors) consistent with:
- Draft Clause 7.6L Floodplain risk management in Parramatta LEP 2011, and
 - Section 7.4 Flood Warning and Emergency Response Planning in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.
- C.13. Building Management Systems and Plans for the development are required and must include all necessary measures to maintain, test and operate the flood protection devices including flood gates, doors and barriers, flood sensors, flood refuges and Flood Emergency Response Plans (FERPs).
- C.14. Tanked (waterproof) basement construction is required, and groundwater must not be extracted, drained or pumped from the basement surrounds and underfloor into Council's drainage system at any time.
- C.15. Built form and public domain designs need to allow for overland flow paths between and around buildings
- C.16. Water Sensitive Urban Design (WSUD) must be integrated into the overall precinct and individual building designs, particularly as part of the landscape design. Water management and quality treatment must primarily be achieved in the landscape and 'end of pipe' proprietary treatment devices must not be the primary means of achieving water quality targets. WSUD systems must be conceptualised as treatment trains and networks and assessed using MUSIC software modelling (or equivalent). Water quality targets must be in accordance with DCP 2011 unless otherwise advised by Council.
- C.17. Commercial and retail development within a basement below the Flood Planning Level is, in general, not permitted within a building that occupies land subject to flooding in a PMF event.

Environmental Sustainability

This section of the DCP should be read in conjunction with (but not limited to):

- Draft Clause 7.6A High performing buildings and draft Clause 7.6B Dual water systems in Parramatta LEP 2011.
- Part 8 'Environmental Sustainability' in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.

The new controls respond to increasing demands on energy, water and sewerage infrastructure as well as in response to improve sustainable building technologies, and aim to deliver high performing buildings in the City Centre and limit environmental impacts from increased growth and the additional density sought on the St John's Anglican Cathedral complex in the site specific Planning Proposal.

Where there is an inconsistency between the environmental sustainability objectives and the controls in this section of the DCP and other parts of the DCP, this section prevails.

Objectives

- O.1. Incorporate building services that reduces the demand for energy and water resources.

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- O.2. Minimise the use of natural resources through resource recovery and waste avoidance measures.
- O.3. Ensure that buildings are designed to inhibit wind funnelling and that the major public spaces are screened from winter winds and open to cooling summer breezes.
- O.4. Ensure built form provides a comfortable pedestrian environment and public domain
- O.5. Residential flat buildings are to minimise reliance on mechanical ventilation and reliance on artificial lighting by implementing passive design measures.
- O.6. Use landscape design to modify summer and winter climatic conditions and improve amenity for people using the open space.
- O.7. Maximise energy efficiency in building design, orientation, and siting.

Controls

- C.1. Development Applications for new buildings within the St John's Anglican Cathedral complex site must comply with:
 - Draft Clause 7.6A High performing buildings and draft Clause 7.6B Dual water systems in Parramatta LEP 2011, and
 - Section 8 'Environmental Sustainability' in the draft amendments to Section 4.3.3 Parramatta City Centre in Parramatta DCP 2011.

... end ...



PLANNING PROPOSAL

St John's Cathedral

195 Church Street, 38 and 41-45 Hunter Street,
and 65-79 Macquarie Street

February 2022

NOTE: This attachment (Attachment 12) provides Council with the site-specific Planning Proposal document for the St John's Anglican Church site. This document will be updated if required following the resolution by Council on 21 February 2022 in relation to the Council Report on this matter.

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PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

Planning Proposal drafts

Proponent version:

No.	Author	Version
1.	Architectus	29 May 2018

Council versions:

No.	Author	Version
1.	City of Parramatta Council	Dec 2019 - Report to Local Planning Panel and Council on the assessment of planning proposal
2.	City of Parramatta Council	Jan 2020 - Amendments following Council's resolution of 16 December 2019 and forwarding to DPIE for Gateway determination
3.	City of Parramatta Council	February 2022 – Report to Council.

PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011*. It has been prepared in accordance with section 3.31 of the *Environmental Planning and Assessment Act 1979* (the EPA Act), the *Standard Instrument – Principal Local Environmental Plan* (Standard Instrument) and guidelines published by the Department of Planning, Industry and Environment, including A guide to preparing planning proposals and A guide to preparing local environmental plans.

Background and Context

On 29 May 2018, Council received a planning proposal and supporting documents from Jattca Property Solutions (the Applicant) on behalf of the landowner (the Anglican Church Property Trust Diocese of Sydney as Trustee for the Parish of Parramatta (ACPT) and the St. John's Parramatta Endowment Fund) affecting the land at 195 Church Street, 38 and 45 Hunter Street, and 65-79 Macquarie Street, Parramatta (St John Anglican Cathedral). Prior to its lodgement, several preliminary planning proposal workshops were held with Council officers.

The Site

The Planning Proposal contemplates redevelopment of several properties adjacent to or in close proximity to St John's Cathedral and cover the site area of 10,857 square metres as illustrated in **Figure 1**.

Figure 1. Site Area (outlined in red) subject to the Planning Proposal



The subject site is irregularly shaped and comprises land centrally located within the Parramatta City Centre with direct frontages to Macquarie Street to the north of approximately 44 metres, Church Street to the east of approximately 86 metres, the rail corridor to the south of approximately 24 metre and Hunter Street cul-de-sac to the west.

PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

Adjoining the western boundary of the subject site is a site-specific planning proposal at 57 Macquarie Street, currently under assessment by Council officers. A State Significant Development process is also underway for land at 41-43 Hunter Street, Parramatta (corner of Marden Street and Hunter Street) and adjoining the Church site to the west (see Figure 2). Council provided comments on the Secretary's Environmental Assessment Requirements (SEARs) in February 2021 and a Design Excellence Competition administered by the NSW Government Architect was held in December 2021. At the time of writing this report, an Environmental Impact Statement had yet to be lodged with the Department to assess the State Significant application for a private hospital.

The subject site is within 100 metres of Parramatta Railway Station and the future Stage 1 Light Rail, and is adjacent to Parramatta Square, a key destination commercial and cultural precinct within the Parramatta CBD.

The subject site comprises twelve (12) allotments which contain various existing buildings on-site as identified in Table 1. These items as they relate to their respective allotments, contribute to the setting and curtilage of the St. John's Anglican Cathedral.

Table 1. Site description and land ownership

Address	Legal Description	Existing (with heritage items highlighted in bold)	Heritage listed	Owners
65-75 Macquarie Street	Lots E - I, DP 15108	Astra Chambers (two-storey Art Deco commercial building)	N/A	St John's Parramatta Endowment Fund
77 Macquarie Street	Lot J, DP 15108	Interwar period two-storey commercial building	N/A	St John's Parramatta Endowment Fund
79 Macquarie Street	Lot K, DP 15108			
38 Hunter Street	Lot M, DP 15108	St John's Building (two-storey commercial building)	Local (I651)	St John's Parramatta Endowment Fund
45 Hunter Street	Lots 1 & 2, DP 575473	Interwar Anglican Home Mission Society (two-storey commercial building) and associated car parking	N/A	St John's Parramatta Endowment Fund
195 Church Street	Lots 1 & 2, DP 1110057	St John's Anglican Cathedral	State (I011805)	Anglican Church Property Trust
		St John's Parish Hall and attached Youth Centre	Local (I713)	
		Warden's Cottage (also known as Verger's Cottage)	Local (I653)	

Notes

The Parramatta LEP 2011 defines the environmental heritage of Centenary Square as 'Bicentennial Square and adjoining buildings'. The St John's Building is therefore only identified as heritage to the extent that it frames and defines Centenary Square.

Under *Parramatta Local Environmental Plan 2011*, the subject site:

- is zoned SP1 Place of Public Worship and B4 Mixed use;

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- has a maximum building height of 36 metres, 24 metres and 18 metres;
- has a maximum floor space ratio (FSR) of 3:1 in the zoned B4 Mixed Use area and no maximum FSR applicable to the land zoned SP1;
- contains four (4) listed heritage items:
 - St John's Anglican Cathedral (State)
 - St John's Parish Hall (Local)
 - St John's Building (Local)
 - Warden's Cottage (Local);
- is subject to Clause 7.4 - Sun Access to protect the adjacent Parramatta Square;
- is subject to the Probable Maximum Flood (PMF) level.

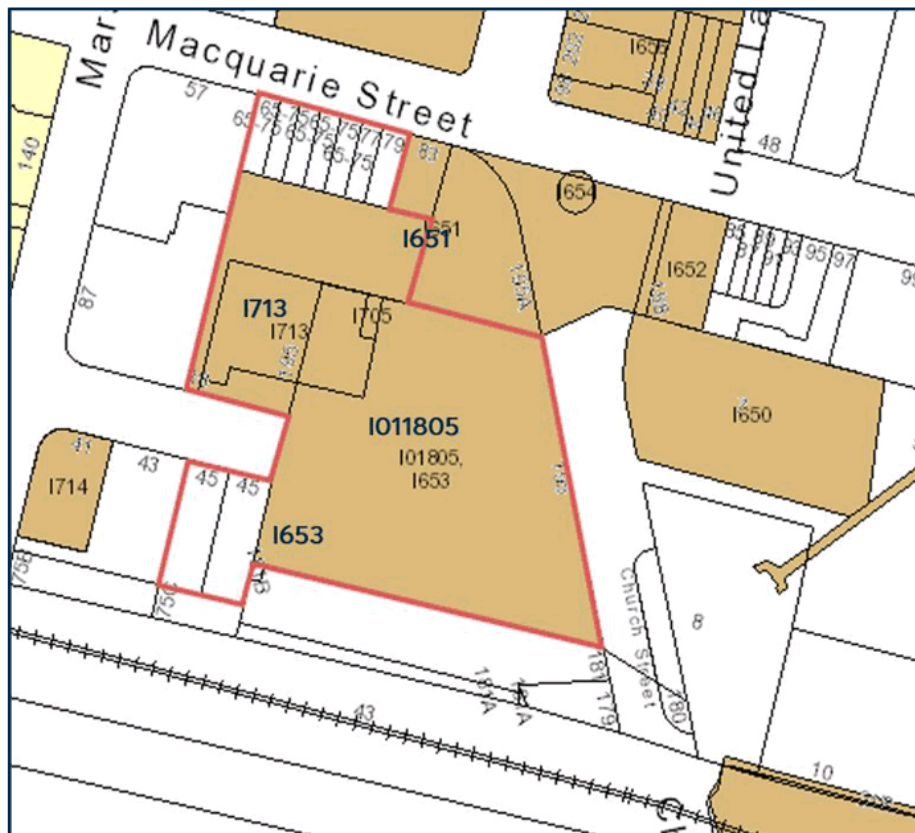
Heritage context and site surrounds

The surrounds of the site are characterised by a diversity of land uses including low-rise heritage buildings and medium to high-rise mixed use and commercial buildings including the following:

- the broader Bicentennial Square and adjoining buildings (I651),
- Centennial Memorial Clock (I654),
- Parramatta Town Hall (I650),
- Murray's Building (I652),
- Leigh Memorial Uniting Church (I719), and
- a two-storey residence (I714) west of the site.

Figure 2 below provides an overview of the locations of heritage items both within and outside of the site.

Figure 2. Key heritage buildings in and surrounding the site outlined in red



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41 and 43 Hunter Street

During the assessment of this Planning Proposal application, an assessment of the access issues has resulted in a recommendation that part of 41 and 43 Hunter Street are included as part of the Planning Proposal.

The proposed changes to the Parramatta LEP 2011 that will apply to these two sites are discussed in further detail in this report.

A two storey strata subdivided commercial building containing four units is located on 43 Hunter Street. A heritage cottage (1714 on Figure 2) is located on 41 Hunter Street.

Additional background to this Planning Proposal is within the attached Council Reports and Resolutions dated 16 December 2019 and 21 February 2022.

On 8 September 2020, the Department of Planning, Industry and Environment (the Department) issued a Gateway determination which allowed the Planning Proposal to proceed to public exhibition. Gateway determination Condition 1(b) requires all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed, as the LEP requires consideration of heritage issues as part of any development application process.

Another critical condition of the Gateway determination is condition 1(a) which requires protection of a compensatory area of solar access at the eastern end of Parramatta Square at the Spring and Autumn equinox. The Parramatta CBD Planning Proposal as endorsed by Council in June 2021 for submission to the Department for finalisation now includes a clause to address this issue with the specific sites affected shown on the associated map, including the St Anglican Church site.

Further advice has also been received from Transport for NSW dated in July 2021 confirming that access from Macquarie Street is not encouraged and vehicle access should be provided from Hunter Street as the preferred alternative.

Consequently, the associated site specific Development Control Plan contains controls for alternatives for vehicle access and two options in relation to the St John's Parish Hall.

On 10 November 2021, the Department issued an Alteration to the Gateway Determination (copy provided at Attachment 5) which requires the Planning Proposal to commence public exhibition by 28 February 2022; and for the LEP amendment to be finalised by 30 June 2022.

Council resolved in relation to the 21 February 2022 Council report as follows:

[To be inserted]

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

This Planning Proposal seeks to changes to Parramatta Local Environmental Plan (LEP) 2011 to rezone land, apply a 'no height' limit and increase Floor Space Ratio (FSR) controls to facilitate the redevelopment of the site.

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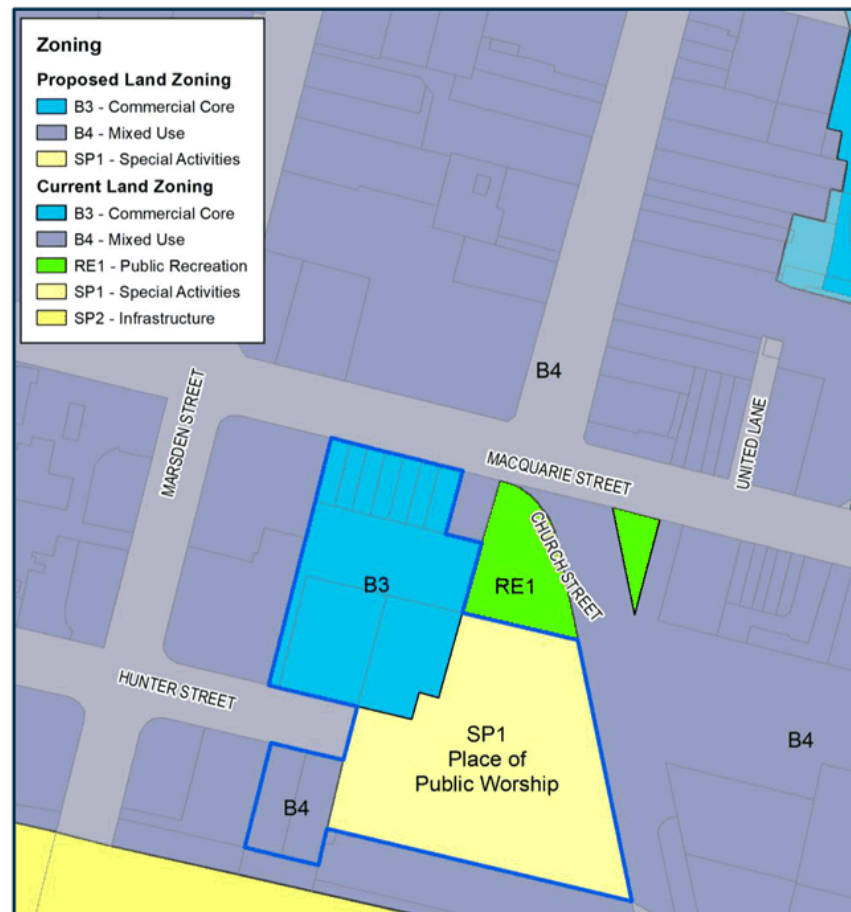
PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta LEP 2011* (*Parramatta LEP 2011*) in relation to the zoning, height and floor space ratio controls.

In order to achieve the desired objectives, Council officers recommended the following amendments be made to the Parramatta LEP 2011 to achieve the intended outcome of the proposed plan.

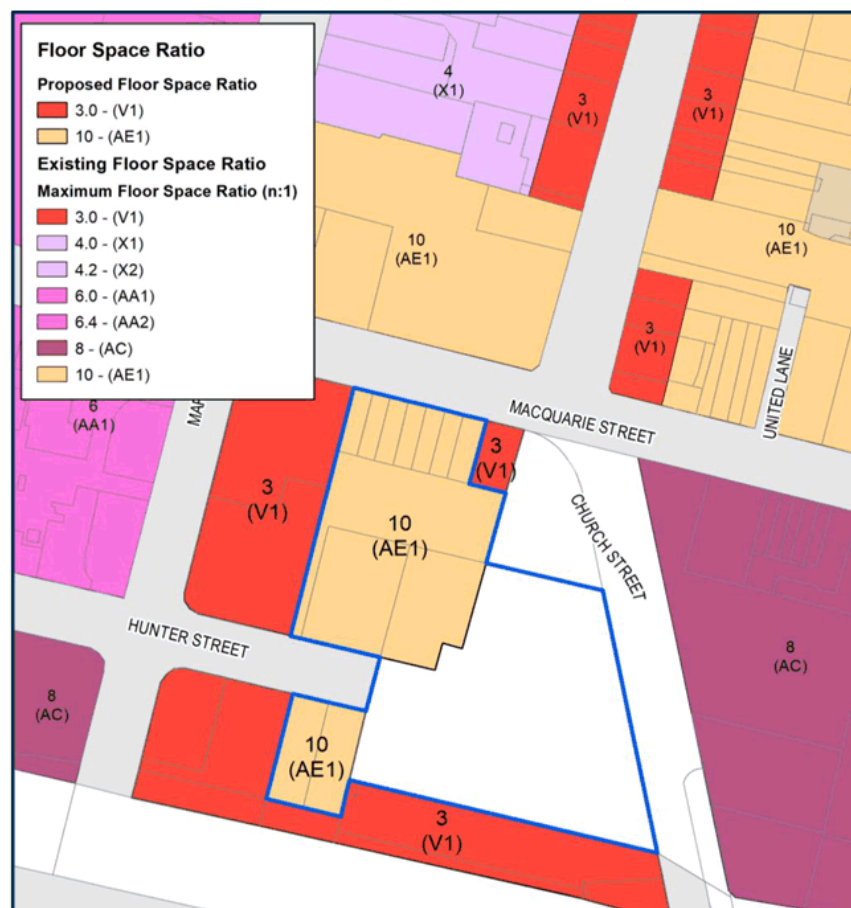
- i. The land be rezoned from part B4 - Mixed Use and SP1 – Special Activities (Place of Public Worship) to part B3 - Commercial Core, part B4 Mixed Use and part SP1 Special Activities (Place of Public Worship) as shown Figure 6.

Figure 6 – Proposed Land Use Zoning



- ii. The Floor Space Ratio (FSR) map be amended to apply a maximum incentive FSR of 10:1 in the location shown in Figure 7 with no FSR being applied to the portion containing the Cathedral, also mapped in Figure 7.

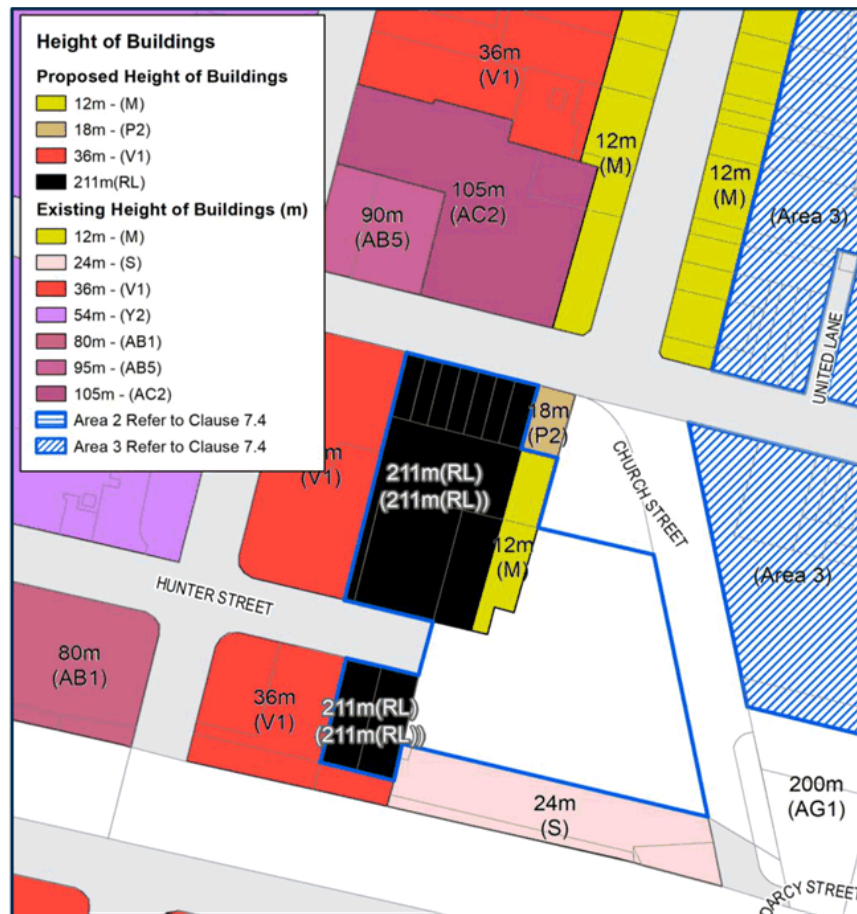
Figure 7 – Proposed Floor Space Ratio



- iii. An additional site-specific local provision be included, which allows unlimited FSR for commercial development on the portion of the site labelled 10:1* in Figure 7.
- iv. The sliding-scale provisions contained within Parramatta LEP 2011 remain applied to the subject site.
- v. The Height of Building Map be amended to apply a maximum building height controls of 211 metres Reduced Level and 12 metres in the locations shown in Figure 8 (Recommended - Building Height) of this report with no building height being applied to the portion containing the Cathedral, also mapped in Figure 8 (Recommended - Building Height) of this report.

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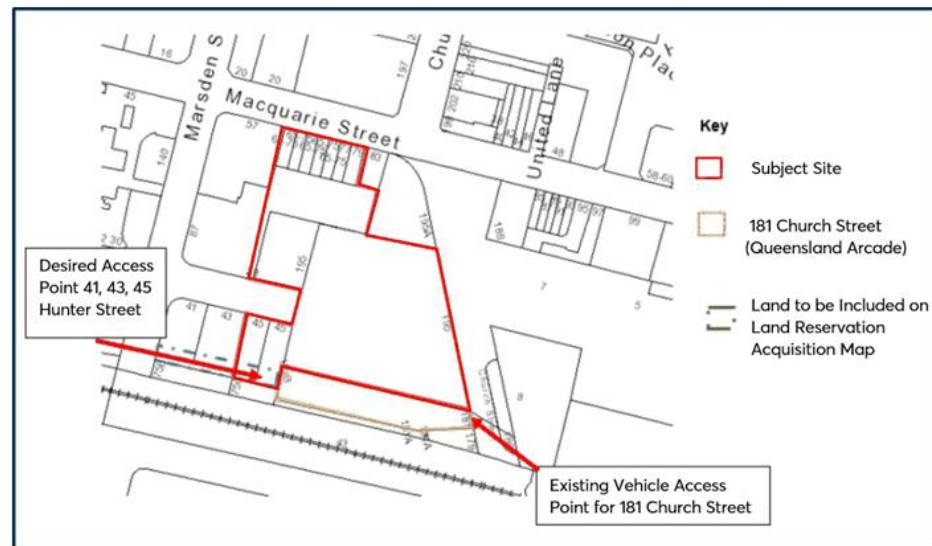
Figure 8 – Proposed Height of Building



- vi. The site is identified on the Special Provisions map to permit the application of Clause 7.6 Airspace operations.
- vii. The portion of land at 41, 43 and 45 Hunter Street, as shown in Figure 9, is identified on the Land Reservation Acquisition Map to facilitate the creation of a 6 metre wide laneway to provide future vehicle access to these three sites and 181 Church Street, Parramatta. Noting that 41 and 43 Hunter Street have only been included in the Planning Proposal for the purposes of identifying the 6m wide laneway land on the Land Reservation Acquisition Map and that no other changes will be made to the planning controls that apply to these two sites.

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Figure 9 Land Reservation Acquisition Plan



- viii. An additional site-specific provision be inserted to allow car-parking as a permissible use on a small portion of the land zoned SP1 – Special Activities (Place of Public Worship), shown in Figure 8 of this report, in conjunction with any redevelopment of the St John's Church Site.

Figure 10 Additional Permitted Use for Parking in SP1 Special Activities Zone



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- ix. An additional site specific clause be inserted to address Condition 1(a) of the Gateway determination to require consistency with the solar access requirements for Parramatta Square, including requirement for compensatory area. This clause was endorsed by Council on 12 June 2021 as part of the Parramatta CBD Planning Proposal.
- x. Maximum parking rates be adopted as an additional local provision, consistent with Council's policy position (endorsed 12 June 2021).
- xi. An additional site specific clause be inserted to require a DCP to be prepared that provides for the critical matters to be satisfied including the outcome for St John's Parish Hall.

NOTE: In relation to the above amendment (part xi) to the Parramatta LEP 2011 to achieve the intended outcome of the proposed plan is subject to the outcomes of the council resolution to seek an alteration to the Gateway determination and also the Department issuing an alteration to the Gateway determination that reflects the proposed amendment. The Planning Proposal will be updated following the Council resolution on the report for the Meeting on 21 February 2022 and depending on the outcome of the request to amend the Gateway, prior to public exhibition.

Other relevant matters

2.1.1 Draft DCP

NOTE: This section to be further updated if Council resolves to prepare a site-specific DCP at the Meeting on 21 February 2022, it will be exhibited with the Planning Proposal. Notes added in this section will be consistent with Council's resolution.

2.1.2 Planning Agreement

NOTE: This section to be further updated if Council resolves to continue negotiations for a Planning Agreement at the Meeting on 21 February 2022, it will be exhibited with the Planning Proposal. Notes added in this section will be consistent with Council's resolution.

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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 not the result of any site specific study or report and is in response to an owner-initiated Planning proposal. Although the Planning Proposal is inconsistent with the intended controls as proposed in the Parramatta CBD Planning Proposal for the site, it responds to the strategic objectives in the following policy and strategic studies.

Regional and sub-regional:

- A Metropolis of Three Cities – the Greater Sydney Region Plan (2018);
- Central City District Plan (2018);
- Greater Parramatta Interim Land Use and Infrastructure Implementation Plan (2017); and
- GPOP – Greater Parramatta and the Olympic Peninsula (2016)

Council:

- Parramatta CBD Planning Strategy (2015)
- Parramatta 2038 Community Strategic Plan

Consistently, these plans highlight Parramatta's role as Sydney's second CBD and as a key area for future development to cater for projected increases in the employment and residential population of the region. This Planning Proposal particularly responds to a shortage of prime commercial office space in the CBD as identified by the Parramatta CBD Planning Strategy and seeks to provide for additional jobs contributing to the employment growth target as set out by the Planning Strategy and its Implementation Plan.

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 the Parramatta LEP 2011 is the most effective way of providing certainty for the landowner and the local community allowing for orderly and economic development of the land. The existing zoning, building height and FSR standards would not permit majority part of the form of development envisaged in the Planning Proposal and would not allow the site to capitalise on its location within the Parramatta CBD.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

3.2.1 Is the planning proposal consistent with the objectives and actions

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contained within the applicable regional or sub-regional strategy?

Greater Sydney Region Plan - A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* ("the GSRP") a 20 year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036. The adoption of the Greater Sydney Region Plan will supersede A Plan for Growing Sydney as Sydney's overarching metropolitan strategy.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions which are each contains Potential Indicator and, generally, a suite of objective/s with each objective supported by a Strategy or Strategies. Those objectives and or strategies relevant to this planning proposal are discussed below.

Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the GSRP's relevant Infrastructure and Collaboration objectives is provided in Table 2, below.

Table 2 – 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 A-Grade office space and therefore jobs within the commercial core of Parramatta CBD on a site and within the GOPP area in line with the vision of the Regional Plan.
	O2: Infrastructure aligns with forecast growth – growth infrastructure compact	The planning proposal will also allow for efficient land use by locating new office and commercial spaces in the vicinity of Parramatta railway station and the 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.
	O3: Infrastructure adapts to meet future need	
	O4: Infrastructure use is optimised	

Liveability

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

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

Liveability Direction	Relevant Objective	Comment
A city for people	O7: Communities are healthy, resilient and socially connected	The Planning Proposal enables employment generating floor space in the commercial core of the Parramatta CBD adjacent to public transport interchange providing people from all age easy access to services, work and education.

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		The proposed public accessible open square and modern Church function space in the podium of the proposed building as envisaged in the design plan would provide a community place with active street life and inclusive social space for congregation.
Housing the city	O10: Greater housing supply	<p>The Planning Proposal seeks to provide a mixed use building in the south-western portion of the site which is currently occupied by a two-storey building. The proposed plan will facilitate an increase in FSR that will allow for increased apartment numbers on this site. The number of dwellings delivered will depend on whether the site is developed by itself or as part of an amalgamated site with adjoining properties. A sliding scale mechanism is being applied to encourage amalgamation as a larger development site will deliver optimal urban design outcomes. Additional residential dwellings can be achieved if amalgamation occurs.</p> <p>The development will also be subject to a design excellence process that will ensure the delivery of a high-amenity and high quality mixed-use development on the site.</p>
A city of great places	O12: Great places that bring people together	The site will contribute to the vibrant character of the area by activating the ground floor with retail uses in the South Tower and further activation of the proposed public open space, civic space and community facilities to the north of the site.
	O13: Environmental heritage is identified, conserved and enhanced	<p>The Planning Proposal will be accompanied by a site specific development control plan that ensures an appropriate relationship with adjacent existing and planned development.</p> <p>The impact of the potential creation of a 6m wide vehicle access has minimal impact on 41 Hunter Street. The land take is less than 2m away from the heritage item on this site.</p>

Productivity

An assessment of the planning proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 4, below.

Table 4 – 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	<p>The site is located in the city centre area with easy access to public transport, shops, open space, schools and related infrastructure encouraging the use of green ways of travelling such as walking and cycling.</p> <p>It has been identified that many residents have to travel outside of the LGA for professional work opportunities. By providing A-Grade employment generating floor space and jobs in close proximity to Parramatta transportation interchange, the proposed development will help to attract people to live and work in the area and create a walkable and 30mins city in Parramatta.</p>
Jobs and skills for the city	O19: Greater Parramatta is stronger and better connected	<p>The proposed development provides for commercial floor space, and retail space, however the controls will allow for unlimited FSR for the proposed commercial.</p> <p>The number of jobs created by this proposed</p>

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		development will contribute towards employment targets for the Parramatta CBD as set out by Parramatta CBD Planning Strategy and in line with the Central City District Plan's vision for Parramatta to be the central CBD for metropolitan Sydney.
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Sustainability

An assessment of the planning proposal's consistency with the GSRP's relevant Sustainability objectives is provided in Table 5, below.

Table 5 – Consistency of planning proposal with relevant GSRP Actions – Sustainability

Sustainability Direction	Relevant Objective	Comment
A city in its landscape	O30: Urban tree canopy cover is increased	The concept plan for the public domain of the site proposed the removal of two of the existing 20 trees on the site and to replace with 8 new trees in their place.
	O31: Public open space is accessible, protected and enhanced	The Planning Proposal proposes to expand the existing underutilised open space and create a new publicly accessible civic square responding to the needs and values of communities as population growth also providing a high level of connectivity with the adjoining centenary Square and Parramatta Square.
An efficient city	O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The proposed plan adopts the maximum car parking rates in line with the Parramatta CBD Strategic Transport Study with an aim to reduce private car usage and encourage public transport patronage and sustainable ways of travelling. This will effectively reduce the carbon emissions and contribute to create a low-carbon city in Parramatta LGA.

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.

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 by various Actions. 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 6, below.

Table 6 – Consistency of planning proposal with relevant CCDP Actions – Infrastructure and Collaboration

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Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
A city supported by infrastructure O1: Infrastructure supports the three cities O2: Infrastructure aligns with forecast growth – growth infrastructure compact O3: Infrastructure adapts to meet future need O4: Infrastructure use is optimised	PP C1: Planning for a city supported by infrastructure <ul style="list-style-type: none"> A1: Prioritise infrastructure investments to support the vision of <i>A metropolis</i> A3: Align forecast growth with infrastructure 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 	The planning proposal will allow for efficient land use by locating new office and commercial spaces 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 CCDP's relevant Liveability Priorities and Actions is provided in Table 7, below.

Table 7 – Consistency of planning proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
A city for people O6: Services and infrastructure meet communities' changing needs	PP C3: Provide services and social infrastructure to meet people's changing needs <ul style="list-style-type: none"> A8: Deliver social infrastructure that reflects the need of the community now and in the future A9: Optimise the use of available public land for social infrastructure 	The Planning Proposal enables employment generating floor space in the commercial core of the Parramatta CBD adjacent to public transport interchange providing people from all age easy access to services, work and education. The proposed public accessible open square and modern Church function space in the podium of the proposed building as envisaged in the design plan would provide a community place with active street life and inclusive social space for congregation.
O7: Communities are healthy, resilient and socially connected with diverse neighbourhoods	PP C4: Working through collaboration <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 connected communities by (a-d). A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places 	The planning proposal will allow for efficient land use by locating new office and commercial spaces 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. The proposed public accessible open square and modern Church function space in the podium of the proposed building as envisaged in the design plan would provide a community place with active street life and inclusive social space for congregation.

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Housing the city O10: Greater housing supply O11: Housing is more diverse and affordable	PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport <ul style="list-style-type: none"> A16: Prepare local or district housing strategies that address housing targets 	<p>The Planning Proposal seeks to provide a mixed use building in the south-western portion of the site which is currently occupied by a two-storey building. The proposed plan will facilitate an increase in FSR that will allow for increased apartment numbers on this site. The number of dwellings delivered will depend on whether the site is developed by itself or as part of an amalgamated site with adjoining properties. A sliding scale mechanism is being applied to encourage amalgamation as a larger development site will deliver optimal urban design outcomes. Additional residential dwellings can be achieved if amalgamation occurs.</p> <p>The development will also be subject to a design excellence process that will ensure the delivery of a high-amenity and high quality mixed-use development on the site.</p>
A city of great places O12: Great places that bring people together O13: Environmental heritage is identified, conserved and enhanced	PP C6: Creating and renewing great places and local centres, and respecting the District's heritage <ul style="list-style-type: none"> A18: Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by (a-e) A19: Identify, conserve and enhance environmental heritage by (a-c) A20: Use place-based planning to support the role of centres as a focus for connected neighbourhoods 	<p>The Planning Proposal used a place-based approach by recognising the underutilised space in front of the St John's Cathedral. The Planning Proposal envisages a people-friendly public open space in the centre of its site and the incorporation of modern Church facilities/lobby in the podium of the proposed building.</p> <p>The proposal Master Plan will complement the set-up of the Centenary Square and Parramatta Square in the vicinity with its diverse land use mix and high amenity and walkability environment within 10-minute walk of centres.</p> <p>The Planning Proposal will be accompanied by a site specific development control plan that ensures an appropriate relationship with adjacent existing and planned development.</p> <p>The impact of the potential creation of a 6m wide vehicle access has minimal impact on 41 Hunter Street. The land take is less than 2m away from the heritage item on this site.</p>

Productivity

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 8, below.

Table 8 – Consistency of planning proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
A well-connected city O19: Greater Parramatta is stronger and better connected	PP C7: Growing a stronger and more competitive Greater Parramatta <ul style="list-style-type: none"> A23: Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged] A27: Manage car parking and identify smart traffic management strategies 	<p>The Planning Proposal creates opportunities for an expanded office market in the commercial core of the Parramatta CBD. The proposed commercial building to the northern part of the site together with the proposed residential development to the southern part of the site will enhance the vibrancy and competitiveness economy in the city centre by</p>

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		<p>activating the area in different times of the day.</p> <p>Furthermore, the Planning Proposal includes a site-specific clause that prescribes a maximum car parking rate as identified by the Parramatta CBD Strategic Transport Study with an aim to reduce private car usage and encourage public transport patronage and sustainable ways of travelling.</p>
<p>Jobs and skills for the city</p> <p>O14: The plan integrates land use and transport creates walkable and 30 minute cities</p>	<p>PP C9: Delivering integrated land use and transport planning and a 30-minute city</p> <ul style="list-style-type: none"> • A32: Integrate land use and transport plans to deliver a 30-minute city 	<p>The proposed development for commercial floor space, and retail space.</p> <p>The planning proposal satisfies this direction by locating commercial spaces and a mixed use building on a site that is within walking distance to Parramatta Railway Station and the proposed Parramatta Light Rail Station; and will uphold the concept of a 30-minute city.</p>
<p>O24: Economic sectors are targeted for success</p>	<p>PP C12: Supporting growth of targeted industry sectors</p> <ul style="list-style-type: none"> • A57: Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experience and ensure connections to transport at key tourist attractions 	<p>The Planning Proposal promotes and encourages the tourism economy to Parramatta by creating an more attractive setting for the Cathedral and resonating with the Centenary Square and Parramatta Park to the north and east of the site respectively.</p>

Sustainability

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 9, below.

Table 9 – 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>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 concept plan for the public domain of the site proposed the removal of two of the existing 20 trees on the site and to replace with 8 new trees in their place.</p>
<p>A city in its landscape</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 Planning Proposal proposes to expand the existing underutilised open space and create a new public accessible civic square responding to the needs and values of communities as population growth also providing a high level of connectivity with the adjoining centenary Square and Parramatta Square.</p> <p>Furthermore, the site is subject to existing provisions within Parramatta LEP 2011 (clause</p>

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		7.4) ensuring proper sun access protection in place for Parramatta Square to the east of the site.
An efficient city O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	PP C19: Reducing carbon emissions and managing energy, water and waste efficiently • A75: Support initiatives that contribute to the aspirational objectives of achieving net-zero emissions by 2050	The Proposal seeks to construct an A-grade commercial building on the site which usually means more high-specification renovation and amenities with naturally-lit space. The proposed plan also adopts the maximum car parking rates in line with the Parramatta CBD Strategic Transport Study with an aim to reduce private car usage and encourage public transport patronage and sustainable ways of travelling. This will effectively reduce the carbon emissions and contribute to create a low-carbon city in Parramatta LGA.

3.2.2 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The following local 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 it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region.

The planning proposal is considered to meet the strategies and key objectives identified in the plan including:

- Allowing for the concentration of employment particularly A-grade commercial floor space around transport nodes which was identified as being critical for the growth of the Parramatta City Centre
- Contributing towards dwelling target for Parramatta CBD
- Increasing the attractiveness of the City Centre for investment and visitation

A copy of the Community Infrastructure Strategy can be accessed via:

<https://www.cityofparramatta.nsw.gov.au/cis>.

Parramatta CBD Planning Strategy

Council adopted the "Parramatta CBD Planning Strategy" at its meeting of 27 April 2015. The Strategy is the outcome of detailed technical studies which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The objectives of the Strategy are as follows:

1. To set the vision for the growth of the Parramatta CBD as Australia's next great city.
 2. To establish principles and actions to guide a new planning framework for the Parramatta CBD.
 3. To provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.
1. Parramatta CBD Planning Proposal.

The CBD Planning Strategy vision has evolved via the preparation of the Draft CBD Planning Proposal. The actions in the strategy have been pursued to allow the draft CBD Planning Proposal to be prepared and the policies recommended in the strategy have evolved as the more detailed planning proposal has been drafted.

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Parramatta CBD Planning Proposal

The draft CBD Planning Proposal was initially endorsed by Council on 11 April 2016 and forwarded to the Department of Planning Industry and Environment to seek a gateway determination be issued. A gateway determination was received on 13 December 2018 requiring Council to meet a series of conditions prior to the CBD Planning Proposal being exhibited.

A series of studies and further analysis was prepared to respond to the conditions of the Gateway Determination with this work culminating in the Council endorsing an amended Planning Proposal on 25 November 2019 for re-submission to the Department of Planning Industry and Environment. Council has requested the Department provide authorisation for the plan to be placed on public exhibition. **Following the Department's authorisation, the Planning Proposal was exhibited for a six week period commencing on Monday 21 September 2020 and concluding on Monday 2 November 2020.**

On 15 June 2021, Council resolved to approve the Parramatta CBD Planning Proposal with some minor changes and forward it to the Department for finalisation. The Parramatta CBD Planning Proposal, and supported documents were submitted to the DPIE for finalisation purposes on 1 July 2021.

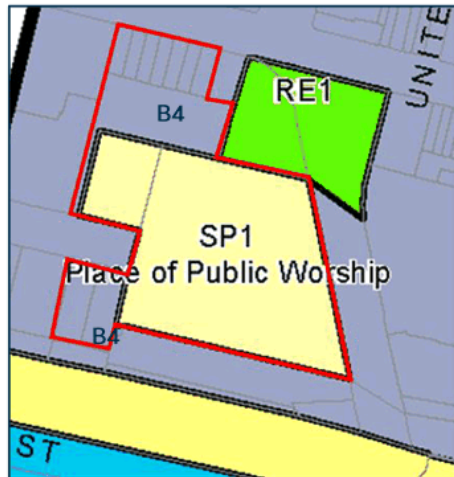
This Planning Proposal seeks to make amendments to the existing Parramatta LEP 2011 that are inconsistent with the provisions of the Parramatta CBD Planning Proposal that will come into effect once formally endorsed by the Department of Planning Industry and Environment.

Figures 9-11 contains a series of diagrams that show the proposed zoning, FSR and height controls proposed in this site specific Planning Proposal compared to the controls proposed in the CBD Planning Proposal endorsed by Council on 15 June 2021.

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Figure 9: Zoning control under CBD Planning Proposal (left) and proposed Zoning in this Planning Proposal (right)

Proposed Land Use Zoning



Site-Specific Planning Proposal

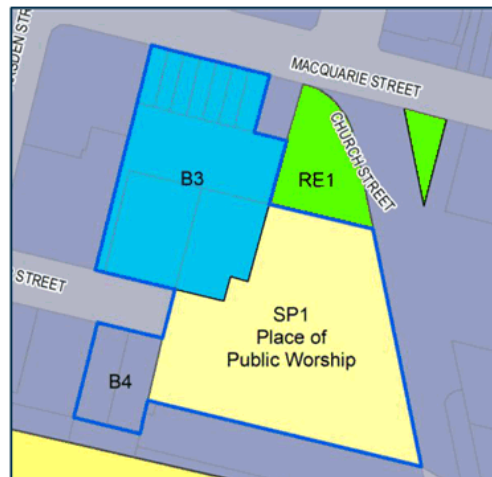
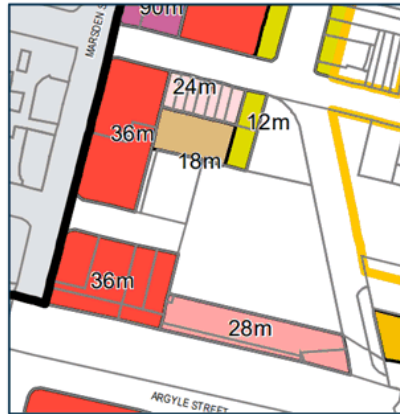
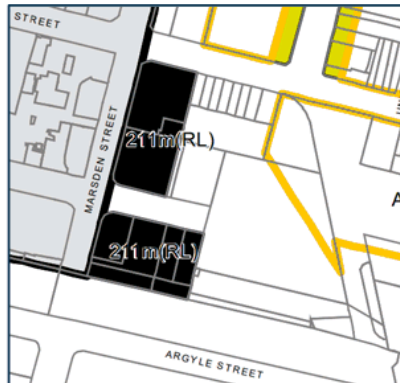
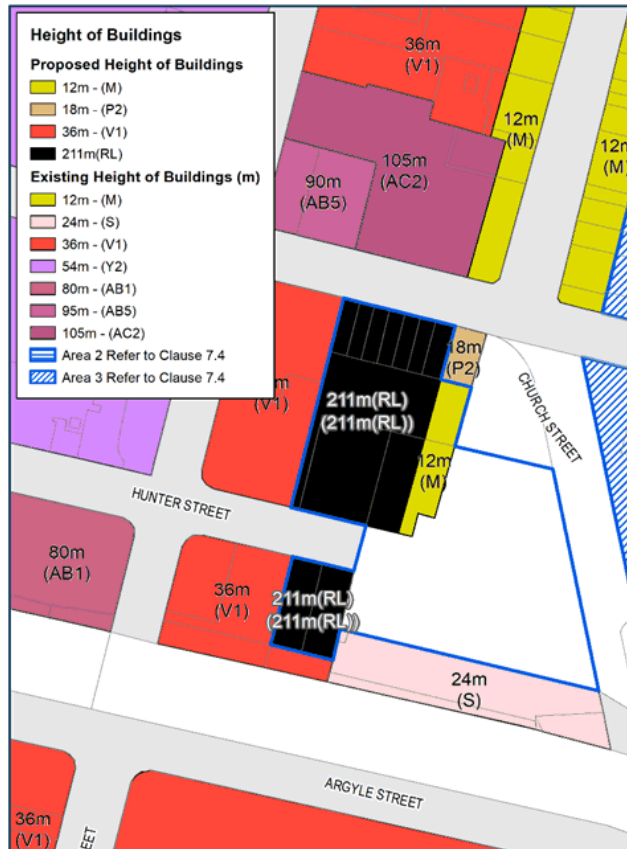


Figure 9 shows this Planning Proposal seeks to introduce a B3 Commercial Core zoning in an area the draft CBD Planning Proposal shows zoned part B4 Mixed Use and Part SP1 Special Activities (Place of Public Worship).

The introduction of the B3 Commercial Core zoning whilst a departure from the endorsed draft DCP Planning Proposal is consistent with the objectives of Council's Parramatta CBD Strategy and relevant State Government strategies which support an increase in employment in the Parramatta CBD. It is recommended to enable the development of an A-grade commercial office building on this portion of the site. It is noted that the B4 Mixed Use allows for commercial office buildings to be constructed. The impact of this change is that commercial office buildings and other permitted commercial uses will be still be permitted on the site but residential uses permitted will not be permitted under the B3 Commercial core zoning.

The reduction in the extent of Special Activities (Place of Public Worship) zoned land on this site reflects Council decision to allow for the demolition of St Johns Church Hall. .

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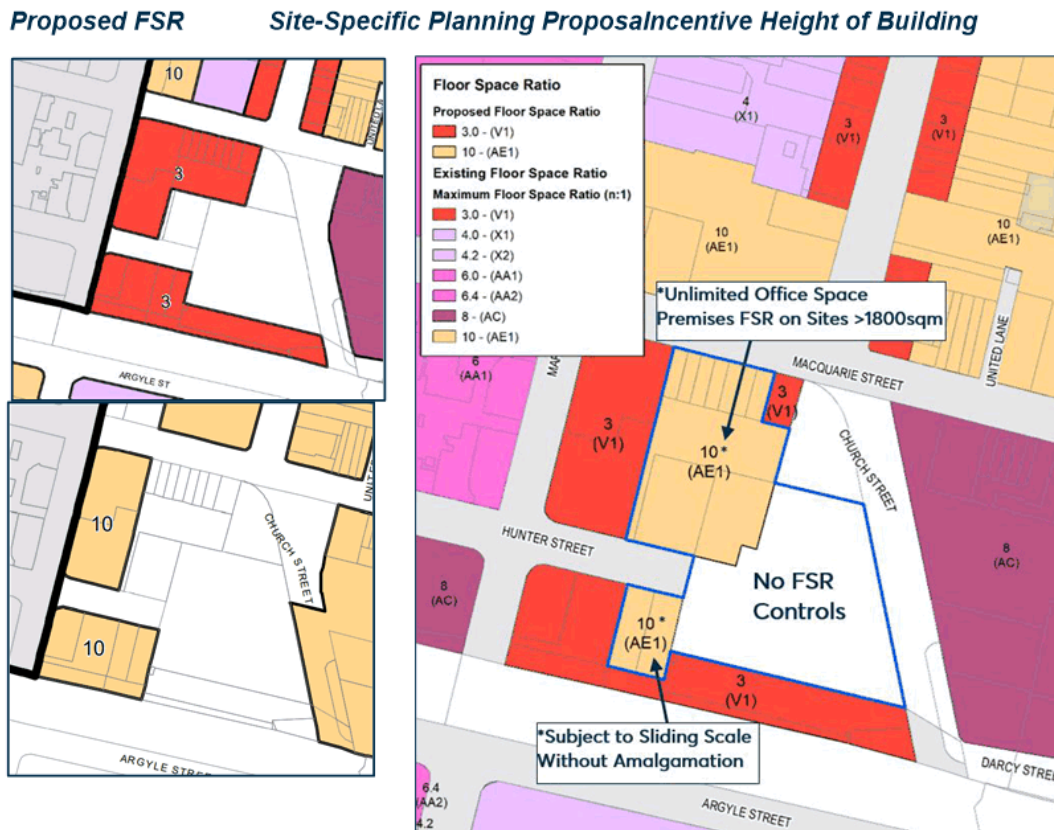
Figure 10: Height control under CBD Planning Proposal (left) and proposed height of building in this Planning Proposal**Proposed Height of Building****Incentive Height of Building****Site-Specific Planning Proposal**

The increase in permitted 211m RL proposed in this site specific Planning Proposal reflects the proposal to allow for an A-Grade office building on this part of the site. The justification for the proposed height and FSR controls in the draft CBD Planning Proposal relates to potential heritage impacts. The retention of these heights was recommended in a CBD Heritage Study prepared by Urbis Pty Ltd as part of the draft CBD Planning Proposal preparation. The applicant submitted Heritage Assessments (refer to attached documents) that argued that a tall commercial building could be accommodated on this site without significantly impacting on the heritage significance of the adjoining items.

Council engaged Hector Abraham Architects to provide an independent review of the controls and the conclusion reached was that a tall building could be accommodated on this site but that the St Johns Church Hall should be retained (refer to attached documents).

Otherwise the heights proposed in this Planning Proposal are consistent with those proposed in the draft CBD Planning Proposal

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Figure 11: FSR control under CBD Planning Proposal (left) and proposed FSR in this Planning Proposal

The differences between the images in Figure 11 are the inconsistencies of the proposed plan with the CBD Planning Proposal in respect to FSR. The draft CBD Planning Proposal FSR of 3:1 in the northern part of the site is based on advice from the Urbis Heritage study. In the previous section that discussed the height of building controls a review the process followed to assess the heritage impact of a taller commercial building on the northern portion of the site was described. Council supports a taller commercial building on the northern portion of the site. To reflect the Council position two controls are proposed:-

- Applying an FSR of 10:1 on the FSR map for this portion of the site. This is consistent with the draft CBD Planning Proposal which has 10:1 as the FSR applied to the majority of sites in the CBD that are not impacted by solar access provisions.
- Introduce a site specific clause that allows for unlimited officer floor space on the subject site. The draft CBD Planning Proposal proposes to allow unlimited FSR for office premises on sites zoned B3 Commercial Core where they have a minimum site area of 1800 square metres. This provision will apply the same site policy to the subject site.

Solar access provisions to protect the public domain of Parramatta Square and an aeronautical operations clause and new maximum car parking rates will also be included in this site specific Planning Proposal. All of these controls are also included in the draft CBD Planning Proposal.

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

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 10 below).

Table 10 – Consistency of planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 1 Development Standards	N/A	The SEPP is not applicable to the subject land under Clause 1.9 of <i>Parramatta LEP 2011</i> .
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This policy was repealed by the State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013.
SEPP 6 – Number of Storeys in a Building	N/A	The SEPP has been repealed.
SEPP 33 – Hazardous and Offensive Development	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP No 55 Remediation of Land	✓	The subject site has existing Class 4 and Class 5 Acid Sulfate Soils constraints. The planning proposal does not seek to increase the potential sensitive land uses permitted on the site. Residential development is already permitted on the portions of the site already zoned B4 Mixed use. If the site was developed under the current controls the contamination issues would need to be resolved as part of the Development Application process. Given this context a contamination report was not required to be submitted with the application and soil contamination issues should be assessed at development application stage.
SEPP 60 – Exempt and Complying Development	N/A	This policy was repealed by the State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013.
SEPP 64 – Advertising and Signage	N/A	The SEPP is not relevant to the Planning Proposal.

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SEPP No 65 Design Quality of Residential Flat Development	✓	<p>The rezoning of the portion of the site to B3 Commercial Core means this SEPP will only apply to the proposed B4 Mixed Use portion at 45 Hunter Street.</p> <p>The assessment undertaken by Council demonstrates that a better urban design outcome that maximises compliance with SEPP 65 objectives is achieved if 45 Hunter Street is developed in conjunction with the adjoining site at 43 Hunter Street, and a proportional building envelope if the sites do not amalgamate. For these reasons the sliding scale provision in the current Parramatta LEP 2011 will continue to apply to the subject site.</p> <p>Future development proposals will be assessed for compliance with SEPP 65 objectives at development application stage.</p>
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP (Affordable Rental Housing) 2009	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP (BASIX) 2004	✓	<p>The Planning Proposal does not inhibit any operations of this SEPP.</p> <p>Any future development application for residential uses at the site would be accompanied by a BASIX certificate.</p>
SEPP (Exempt and Complying Development Codes) 2008	✓	This SEPP may apply to future development of the site.
SEPP (Infrastructure) 2007	✓	This SEPP may apply to future development of the site.
Sydney Regional Environmental Plan No 18—Public Transport Corridors	N/A	This policy was repealed by the State Environmental Planning Policy (Integration and Repeals) 2016.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP (Urban Renewal) 2010	N/A	The SEPP is not relevant to the Planning Proposal.

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3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Housing, Infrastructure and Urban Development
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

Table 11 – Consistency of planning proposal with relevant Section 9.1 Directions

Relevant Direction	Comment	Compliance
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	This Planning Proposal seeks to rezone part of the subject site from B4 Mixed Use and SP1 Special Activities to B3 Commercial Core and part SP1 Special Activities to B4 Mixed Use. The proposed development provides for commercial floor space, and retail space. NOTE: GFA and number of jobs dependent on the final resolved position and the Planning proposal will be updated accordingly.	Yes
2. Environment and Heritage		
Direction 2.3 - Heritage Conservation	<p>The subject site contains a number of heritage items listed in Schedule 5 of the Parramatta LEP 2011, including,</p> <p>State heritage</p> <ul style="list-style-type: none"> • I01805 - St John's Anglican Cathedral <p>Local heritage</p> <ul style="list-style-type: none"> • I713 - St John's Parish Hall • I653 - Warden's cottage (verger's cottage) • I651 - Bicentennial Square and adjoining buildings <p>This proposal originally sought to de-list the St John's Parish Hall as part of a proposal to demolish the Hall. Condition 1(b) of the Gateway determination required all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed, as the LEP requires consideration of heritage issues as part of any development application process</p> <p>The site is also located in close proximity to other local heritage listed items, such as Parramatta Town Hall and Murray's Building. The proposed height and bulk sought as part of this planning proposal would inevitably impact on views of nearby heritage items. However, these impacts are considered acceptable given the location of the subject site and heritage items in a densely-built CBD context. The density proposed is consistent with the CBD PP, and is therefore consistent with the desired future context of the site.</p>	No

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	<p>The Planning Proposal will be accompanied by a site specific development control plan that ensures an appropriate relationship with adjacent existing and planned development.</p> <p>Further refinement and detail will need to be provided during the Design Excellence process and later at the Development Application stage which will be suitable in ensuring the item is managed appropriately.</p> <p>The impact of the potential creation of a 6m wide vehicle access has minimal impact on 41 Hunter Street. The land take is less than 2m away from the heritage item on this site.</p>	
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> provides residential development in an existing urban area that will be fully serviced by existing infrastructure The proposal to rezone part of the site B3 Commercial Core will reduce the residential capacity of the CBD but the employment benefits in a location with excellent justify a relatively small reduction on residential capacity in the Parramatta CBD. 	Yes
Direction 3.4 - Integrating Land Use and Transport	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> will maintain and provide additional commercial premises in proximity to existing transport links will provide new dwellings in close proximity to existing public transport links makes more efficient use of space and infrastructure by increasing densities on an underutilised site. Applies car parking rates to the site which are endorsed by Council through the Parramatta CBD Strategic transport Study. 	Yes
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	<p>Based on the Acid Sulfate Soils Map in Parramatta LEP 2011, the northern part of the site contains mostly Class 4 Acid Sulfate Soils. In this class, works more than two metres below natural ground surface or that are likely to lower the water table more than two metres below the natural ground surface present an environmental risk.</p> <p>The southern part of the site is identified as Class 5 on the Acid Sulfate Soils Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 5 areas however this will be addressed further at the development application stage.</p>	Yes
Direction 4.3 - Flood Prone Land	<p>As the majority of the Parramatta CBD is affected by the Probable Maximum Flood (including the subject site), Council commissioned Molino Stewart consultants to undertake an update of the Flood Risk Management Plan (FRMP) for Parramatta in 2016 in support of the CBD Planning Proposal. The objective of this work was to address the intensification of development on land impacted by the PMF, issues associated with the safety of residents and workers, management of the</p>	Yes

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	<p>potential for damage to property, and to demonstrate consistency with this direction, required as part of the assessment of planning proposals.</p> <p>Due to the nature of flooding within the Parramatta CBD, it was recommended that Council adopt additional development controls to minimise risk to life and property, and seek exceptional circumstances from the Department to adopt a new Flood Planning Level (FPL) for the CBD to implement controls above the standard Flood Planning Level (i.e. 1 in 100 Year ARI). These controls would then be applied across CBD sites as relevant. Council lodged an application with the Department seeking exceptional circumstances in November 2017.</p> <p>Council's flood engineers did not raise concern with the planning proposal's consistency with the Section 9.1 Ministerial Direction, 4.3 Flood Prone Land. It is, however, acknowledged that this planning proposal will be required to be consistent with the broader CBD Planning Proposal update to the Flood Risk Management Plan.</p> <p>Notwithstanding the above, specific concerns were raised in relation to basement design (flood-proofing), requirement for an overland flow study to determine flood levels for the site, water sensitive urban design requirements. These concerns will be addressed as part of a site-specific DCP, in addition to provisions informed by the flood policy relating to the CBD Planning Proposal.</p>	
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.	Yes
Direction 6.3 - Site Specific Provisions	<p>The Planning Proposal seeks to introduce site specific provisions relating to:-</p> <ul style="list-style-type: none"> • Unlimited office space on B3 Commercial Core zoned sites • Aeronautical Operations • Car parking rates • Additional permitted use for basement parking in a portion of the SP1 Special Activities (Place of Public Worship zone) <p>It does not impose any unnecessarily restrictive site-specific controls. The provision above are either seeking to apply policies proposed in Council's CBD Planning Proposal or in the case of the basement parking to facilitate a reasonable development opportunity for the site.</p> <p>Condition 1(b) of the Gateway determination requiring all references regarding the removal of St John's Parish Church Hall as an item of local heritage significance to be removed, and the matter to be determined through the DA process necessitates a staged planning pathway. The critical matter is understanding the heritage significance of the St John's Parish Church Hall prior to undertaking a Design Competition to provide certainty regarding the proposed form of</p>	Yes

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	<p>development to occur on the site and address over key determining matters.</p> <p>The new clause would require a DCP (or a Stage 1 DA) to be prepared that addresses matters specified in the clause, thereby supporting the preferred planning pathway outlined in the site specific DCP controls. The requirement of the new clause for a DCP to be prepared before any particular kind of development is carried out on any land, can be satisfied by the making and approval of a 'concept development application' (also known as a Stage 1 DA) as described in Section 4.23 of the <i>Environmental Planning and Assessment Act 1979</i>. To achieve this principle, a new site specific clause is proposed that will require the following matters to be address by a Stage 1 DA:</p> <ul style="list-style-type: none"> • design principles drawn from an analysis of the site and its context, • heritage conservation and interpretation including a Conservation Management Plan. • the suitability of the land for the development, • impact on, and improvements to open spaces, • vehicle access, basement design and pedestrian safety, • the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers on neighbouring sites in terms of separation, setbacks, amenity and urban form. <p>An alteration to the Gateway determination is required so that the above site specific clause can be included in this site specific Planning Proposal.</p> <p>Council resolved in relation to the 21 February 2022 Council report and specifically the recommendation to seek an alteration to the Gateway determination as follows:</p> <p>[To be inserted]</p> <p>NOTE: TO BE FURTHER REVIEWED AND UPDATED FOLLOWING THE RESOLUTION BY COUNCIL ON 21 FEBRUARY 2022 IN RELATION TO THE COUNCIL REPORT ON THIS MATTER</p>	
7. Metropolitan Planning		
Direction 7.1 - Implementation of A Plan for Growing Sydney	As detailed in this report, the Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways in the Greater Sydney Region Plan, which has replaced A Plan for Growing Sydney as Sydney's overarching metropolitan strategy.	Yes
Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>The proposal 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 Planning Proposal • Will contribute towards employment targets within the Parramatta City Centre • May assist in the funding of infrastructure should the site be developed for part residential purposes. 	Yes

3.3 Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which

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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 subject site is located in the centre of the Parramatta City Centre and there is no critical habitat, threatened species, populations, ecological communities or their habitats located on the site or on the immediately surrounding land.

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:

- Acid Sulfate Soils (addressed in Hazard and Risk – 4.1 Acid Sulphate Soils, Section 3.2.4)
- Heritage
- Urban Design
- Transport and Traffic
- Flooding

Heritage

The controls endorsed by Council for CBD Planning Proposal for this precinct are based on the Heritage Study prepared by Urbis in December 2015 as part of the CBD Planning Proposal process. It recommended that sites adjoining the Cathedral retain the current zoning, FSR and height which would have limited buildings on the subject site to an FSR in the order of 3:1 with heights ranging from 12 metres (2-3 storeys) to 32 metres (10 storeys).

The applicant lodged a heritage analysis and other supporting documents (refer to **Attachments 4, 5, 6, 10 and 14**)

The Gateway determination issued by the Department on 8 September 2020 allowed the Planning Proposal to proceed to public exhibition subject to Condition 1(b) of the Gateway which requires all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed, as the LEP requires consideration of heritage issues as part of any development application process.

Urban Design and Planning

On the portion of the site to be zoned B3 Commercial Core an Office tower building is proposed. Key urban design issues for this part of the site include:-

- Protecting views along Church Street by limiting the height of any part of the building immediately adjoining centenary square to 12m
- Ensuring the development does not overshadow the protect portion of the public domain of Parramatta Square on 21 June between 12pm and 2pm
- Ensuring setbacks from boundaries allow for adequate separation between the proposed tower and those on any adjoining site

Figure 12 shows the proposed office tower development. Council is satisfied based on the concept designs provided by the applicant that this site can adequately address the

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key urban design issues, with the outcome for the Hall subject to the determination of a DA.

Urban Design and Planning

On the portion of the site to be zoned B3 Commercial Core an Office tower building is proposed. Key urban design issues for this part of the site include:-

- Protecting views along Church Street by limiting the height of any part of the building immediately adjoining centenary square to 12m
- Ensuring the development does not overshadow the protect portion of the public domain of Parramatta Square on 21 June between 12pm and 2pm
- Ensuring setbacks from boundaries allow for adequate separation between the proposed tower and those on any adjoining site

Figure 12 shows the proposed office tower development. Council is satisfied based on the concept design provided by the applicant that this site can adequately address the key urban design issues.

Figure 12 – Design Concept Submitted by Applicant



The portion of the site at the southern end of the site zoned B4 Mixed Use proposed to be redeveloped for an office tower is a relatively small site with an area of 864m². If this site is developed by itself side setbacks would need to be minimised to allow for a feasible floor plate as indicated in Figure 13.

However if the site is amalgamated with the adjoining site at 44 Hunter Street a better urban design outcome can be achieved as demonstrated in Figure 14.

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Figure 13 Redevelopment 45 Hunter Street

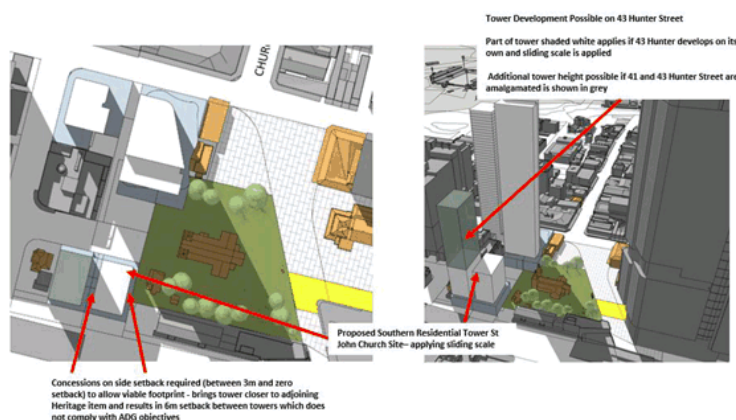
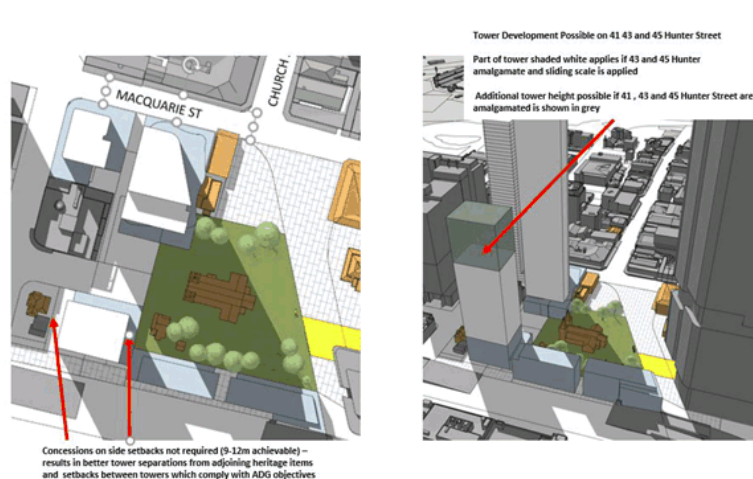


Figure 14 Redevelopment of 41 and 45 Hunter Street as amalgamated site



Council Officers have recommended the sliding scale provision in the existing Parramatta LEP 2011 continue to apply to this part of the site. Applying the sliding scale means that the owners of 43 and 45 Hunter Street have the potential to achieve a higher development potential if they are able to redevelop as an amalgamated site. If they amalgamate an FSR of 10:1 can be achieved across both sites. If redeveloped separately the sliding scale will limit the FSR achievable on both sites to 6:1.

It is for this important urban design reason that the sliding scale provisions will be applied to this portion of the site. It should also be noted that this is the approach being applied in the draft CBD Planning Proposal.

Flooding

As the majority of the Parramatta CBD is affected by the Probable Maximum Flood (including the subject site), Council commissioned Molino Stewart consultants to undertake an update of the Flood Risk Management Plan (FRMP) for Parramatta in 2016 in support of the CBD Planning Proposal. The objective of this work was to address the intensification of development on land impacted by the PMF, issues associated with the

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safety of residents and workers, management of the potential for damage to property, and to demonstrate consistency with this direction, required as part of the assessment of planning proposals.

Due to the nature of flooding within the Parramatta CBD, it was recommended that Council adopt additional development controls to minimise risk to life and property, and seek exceptional circumstances from the Department to adopt a new Flood Planning Level (FPL) for the CBD to implement controls above the standard Flood Planning Level (i.e. 1 in 100 Year ARI). These controls would then be applied across CBD sites as relevant. Council lodged an application with the Department seeking exceptional circumstances in November 2017.

Council's flood engineers did not raise concern with the planning proposal's consistency with the Section 9.1 Ministerial Direction, 4.3 Flood Prone Land. It is, however, acknowledged that this planning proposal will be required to be consistent with the broader CBD Planning Proposal update to the Flood Risk Management Plan.

Notwithstanding the above, specific concerns were raised in relation to basement design (flood-proofing), requirement for an overland flow study to determine flood levels for the site, water sensitive urban design requirements. Based on information available to date, no habitable floor space should be provided located below existing ground level. These concerns are addressed as part of a site-specific DCP, in addition to provisions informed by the flood policy relating to the CBD Planning Proposal.

Transport, Traffic and Access

As part of the assessment of the Planning proposal, further advice has also been received from Transport for NSW dated in July 2021 confirming that access from Macquarie Street is not encouraged and vehicle access should be provided from Hunter Street as the preferred alternative.

The pedestrian laneway originally proposed by the Applicant between Macquarie Street and Hunter Street is removed from the Applicant's scheme because vehicle access to the site, now required by TfNSW to be from Hunter Street, would result in a pedestrian-vehicle conflict point decreasing the value of the laneway. Consequently, the size of the civic area that the applicant could make available to the public is also effectively reduced by the driveway through part of the civic area linking to Hunter Street. The area used for the driveway cannot be considered to provide public benefit for the purpose of this assessment.

The Planning Proposal seeks to adopt Council's policy position regarding maximum parking rates within the Parramatta CBD as recommended by the CBD Traffic and Transport Study. An additional local provision will be based on the following:

Residential accommodation

0.1 space per studio dwelling 0.3 space per 1-bedroom dwelling 0.7 spaces per 2-bedroom dwelling 1 space per 3-bedroom dwelling

Commercial premises (where FSR greater than 3.5:1)

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

where: M = maximum car parking spaces; G = GFA of all office buildings/business premises in the building (sqm) A = Site area (sqm) T = Total GFA of all buildings on the site

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Given this planning proposal is largely seeking a commercial use, and that residential development of the site is recommended to be consistent with the CBD Planning Proposal, it is not considered that transport impacts will be significantly different to those expected from the CBD PP and so future transport impacts will be addressed via the transport and traffic strategy that will accompany the draft DCP Planning Proposal.

During the assessment of the planning controls the issue of vehicle access arrangements for the Church, 41, 43 and 45 Hunter Street and 181 Church Street was identified. Currently, vehicular access is provided to the subject site from Hunter Street. However, access to 181 Church Street involves vehicles driving over a part of the pedestrianised precinct that runs from the rail underpass to Centenary Square. Given the influx of pedestrians expected with the completion of Parramatta Square and more generally as the CBD continues to develop, the current access arrangements for 181 Church Street pose an increasing pedestrian safety risk as well as amenity and accessibility issues.

To minimise the impact of vehicle movements on pedestrians a new vehicle laneway in along the rear of 41, 43 and 45 Hunter Street between Marsden Street and the western boundary of 181 Church Street. Council will facilitate this in this planning proposal by including a 6m strip at the southern end of these sites on the Land Reservations and Acquisitions Map in Parramatta LEP 2011.

The intent is to improve pedestrian safety and amenity in the pedestrianised area east of 181 Church Street and the new proposed civic square. The applicant has accepted that this outcome will improve access arrangements and is willing to include provisions in any Planning Agreement to commit the land at the southern end of 45 Hunter Street for the creation of the vehicle laneway. The applicant has also offered to provide conditional temporary vehicle access to the 181 Church Street through their site until the new laneway can be created and to include this in any Planning Agreement.

Inclusion of this land on the Land Reservation Acquisition Map will allow Council to acquire the 6m strip of land if necessary but Council's preferred outcome would be to have the laneway created as part of future development approval processes when these sites are redeveloped.

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 a mix of land uses on site by delivering both commercial, retail and residential uses and jobs. The planning proposal also envisages an increase in capacity of approximately 5000 sqm of GFA for Church uses should the replacement of the existing Parish Hall occurs.

These economic outcomes are considered appropriate for the site's central sitting within the Parramatta City Centre and in close proximity to Parramatta transport interchange.

There is adequate justification for this planning proposal which will facilitate a mix of land uses on site by delivering both commercial, retail and residential uses and an increase in FTE to approximately 4825 jobs. The planning proposal also envisages an increase in capacity of approximately 5000 sqm of GFA for Church uses should the replacement of the existing Parish Hall occurs.

These economic outcomes are considered appropriate for the site's central sitting within the Parramatta City Centre and in close proximity to Parramatta transport interchange.

3.3.4 Section D – State and Commonwealth Interests

PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

3.4.1 Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure to support the Planning Proposal. As highlighted throughout, the site and its surrounds are well-sited among existing road infrastructure, public transport (Parramatta Rail Station and bus interchange, and future Parramatta Light Rail), and services to accommodate intensive development, demonstrated by the siting of the adjacent Parramatta Square urban renewal redevelopment.

The proposal is consistent with the Draft CBD Planning Proposal which is addressing infrastructure requirements for the growth proposed. The Parramatta Light Rail and West Metro are example of infrastructure projects that are already being planned and delivered which underpin the Council and State Government strategy to establish Parramatta CBD as the Central CBD for Sydney.

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

Consultation with the State and Commonwealth public authorities will be undertaken once the gateway determination has been issued.

PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

PART 4 – MAPPING

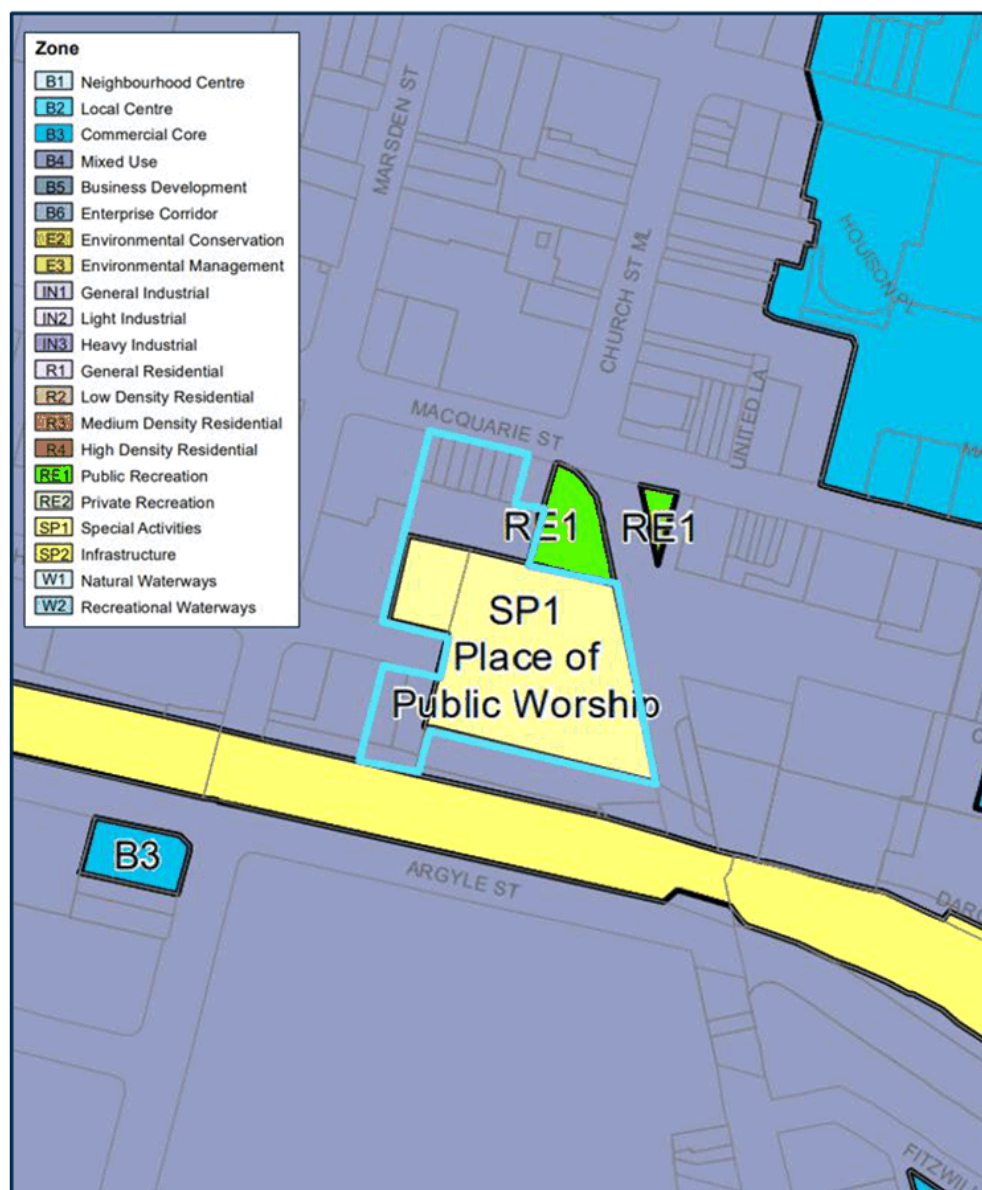
No amendments to the mapping in the Parramatta LEP 2011 is required regarding this Planning Proposal.

4.1 Existing provision

This section illustrates the current *PLEP 2011* controls which apply to the site.

Figure 15 illustrates the existing zoning of the subject site being part SP1 Place of Public Worship and B4 Mixed Use.

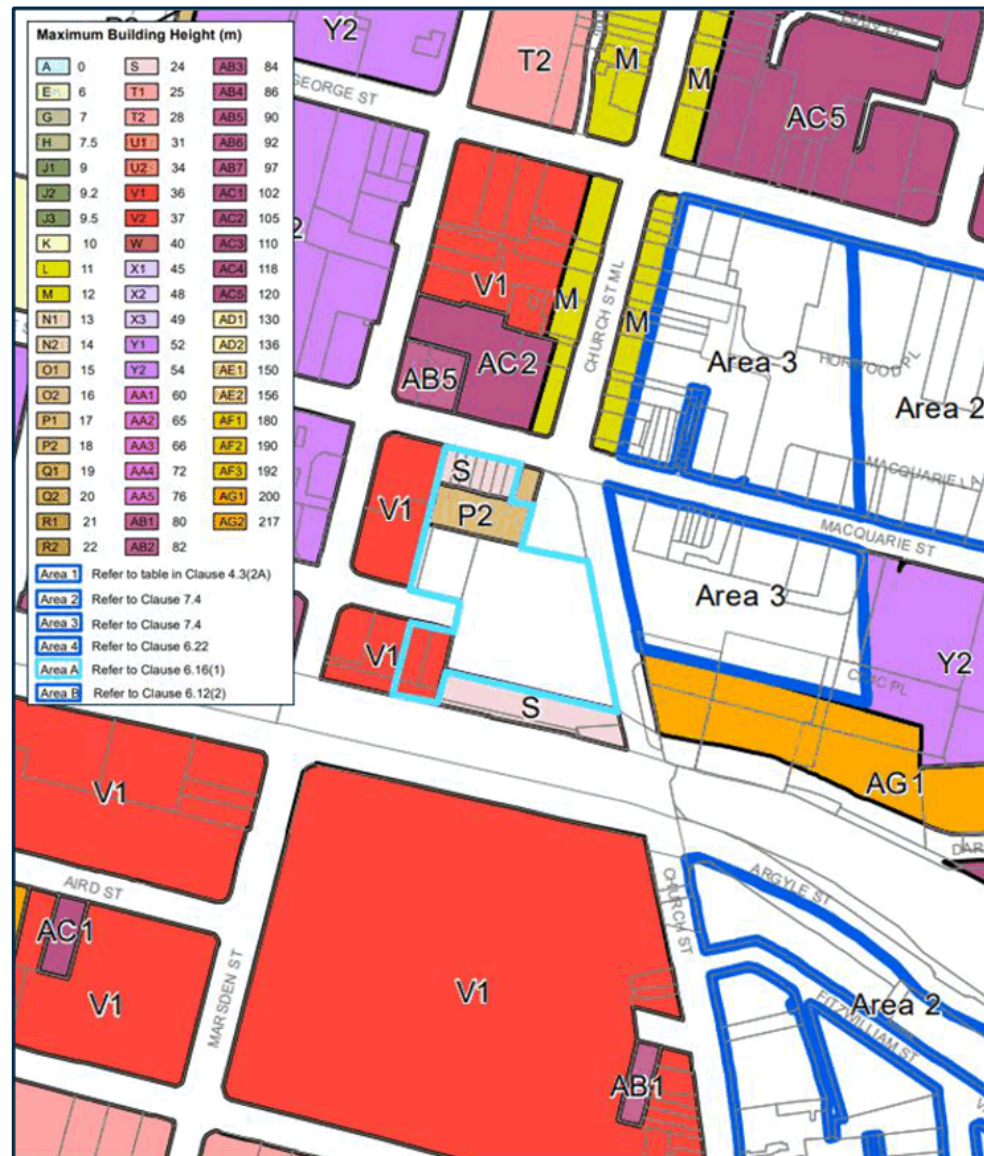
Figure 15 – Existing zoning extracted from Parramatta LEP 2011 Land Zoning Map



PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

Figure 16 illustrates that parts of the site are subject to maximum building heights of 36 metres, 24 metres and 18 metres. There is no current maximum height prescribed for land zoned SP1 Place of Public Worship.

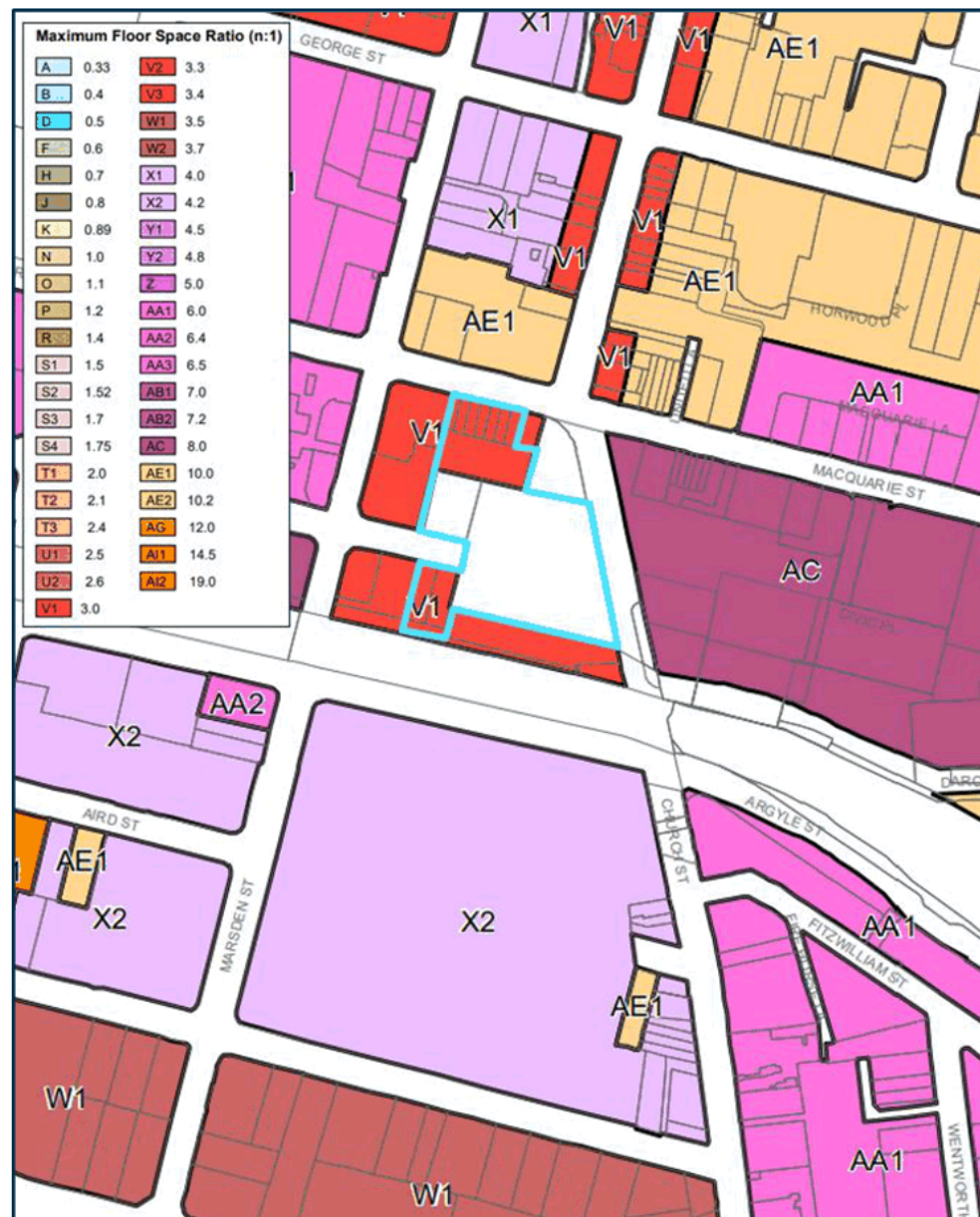
Figure 16. Existing building heights extracted from the Parramatta LEP 2011 Height of Buildings Map



PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

Figure 17 illustrates the existing maximum FSR of 3:1 on Parts of the site zoned B4 Mixed Use and no maximum FSR on land zoned SP1 Place of Worship.

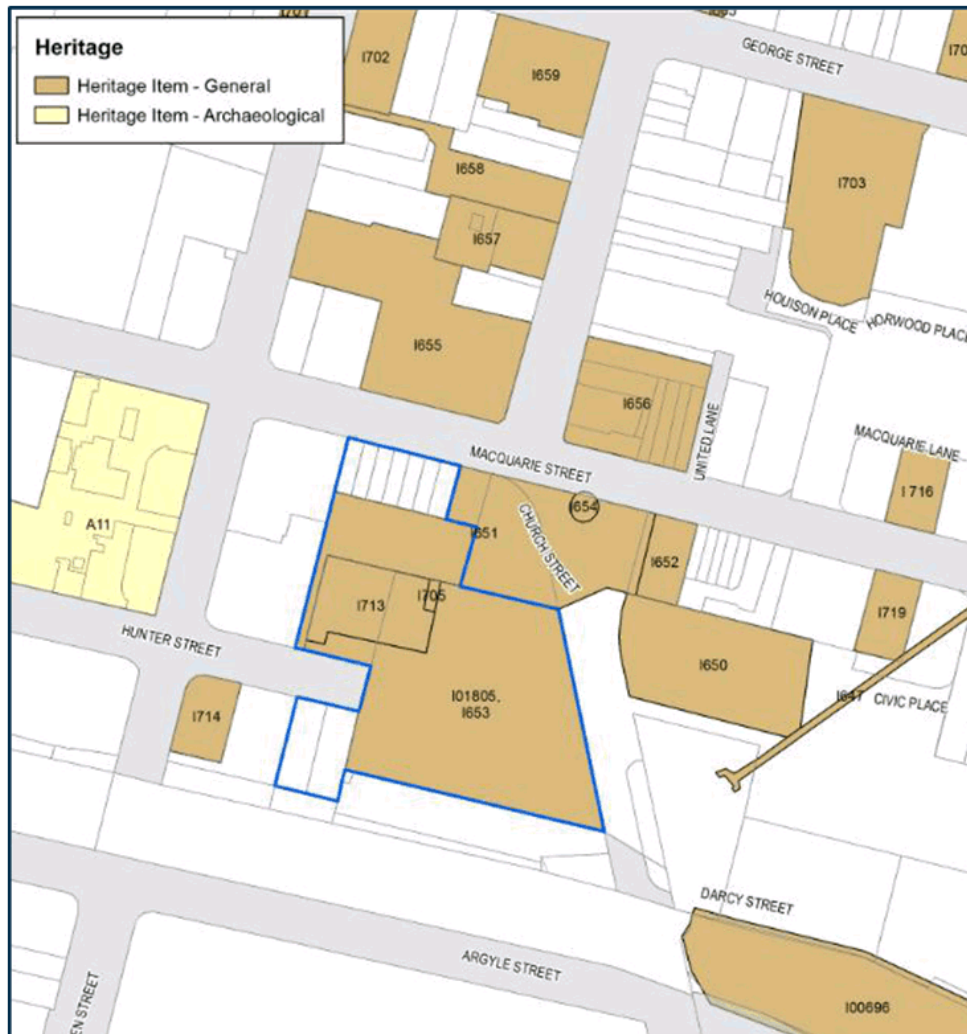
Figure 17. Existing floor space ratio extracted from the Parramatta LEP 2011 Floor Space Ratio Map



PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

Figure 18 illustrates the existing heritage items on the site including the State heritage listed St John's Anglican Cathedral and a number of local heritage listed items being St John's Parish Hall, St John's Building (façade), and Warden's Cottage.

Figure 18. Existing heritage items extracted from the Parramatta LEP 2011 Heritage Map



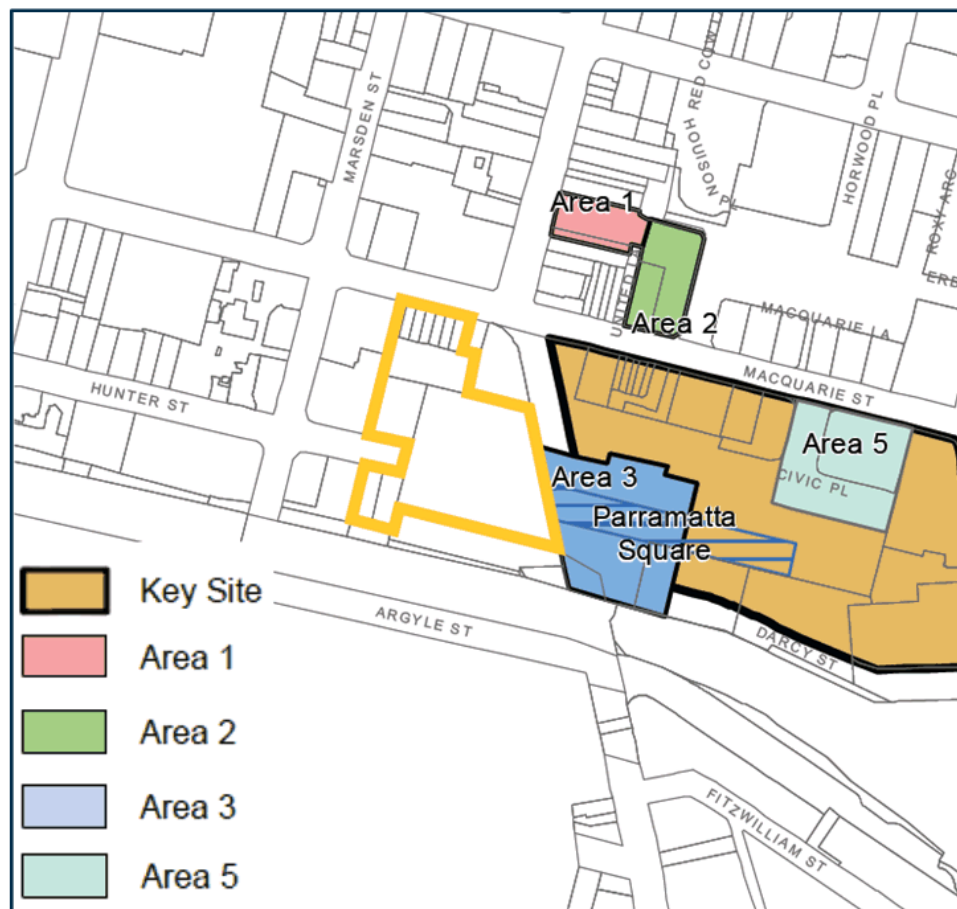
PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

Solar Access

Figure 19 illustrates the Key Sites, Special Provisions and Sun Access Protection areas in the vicinity of the site.

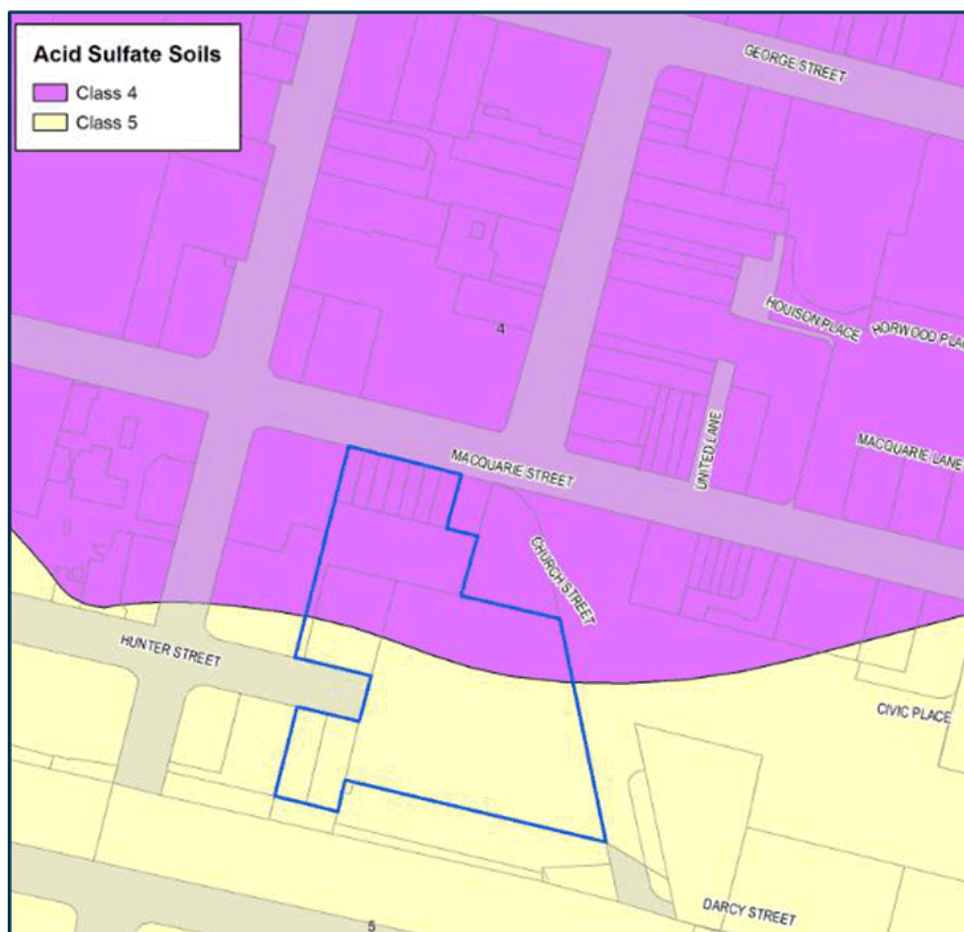
While no part of the site is subject to any special provisions under this map, the adjacent Parramatta Square area of protected sun access is illustrated above. This is relevant to this Planning Proposal as the Master Plan has been designed to not overshadow this area.

Figure 19. Existing Key Sites, Special Provisions and Sun Access Protection areas extracted from the Parramatta LEP 2011 Key Sites, Special Provisions and Sun Access Protection Map



PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

Figure 20. Acid Sulfate Soils areas identified on the site extracted from the Parramatta LEP 2011 Acid Sulfate Soil Map

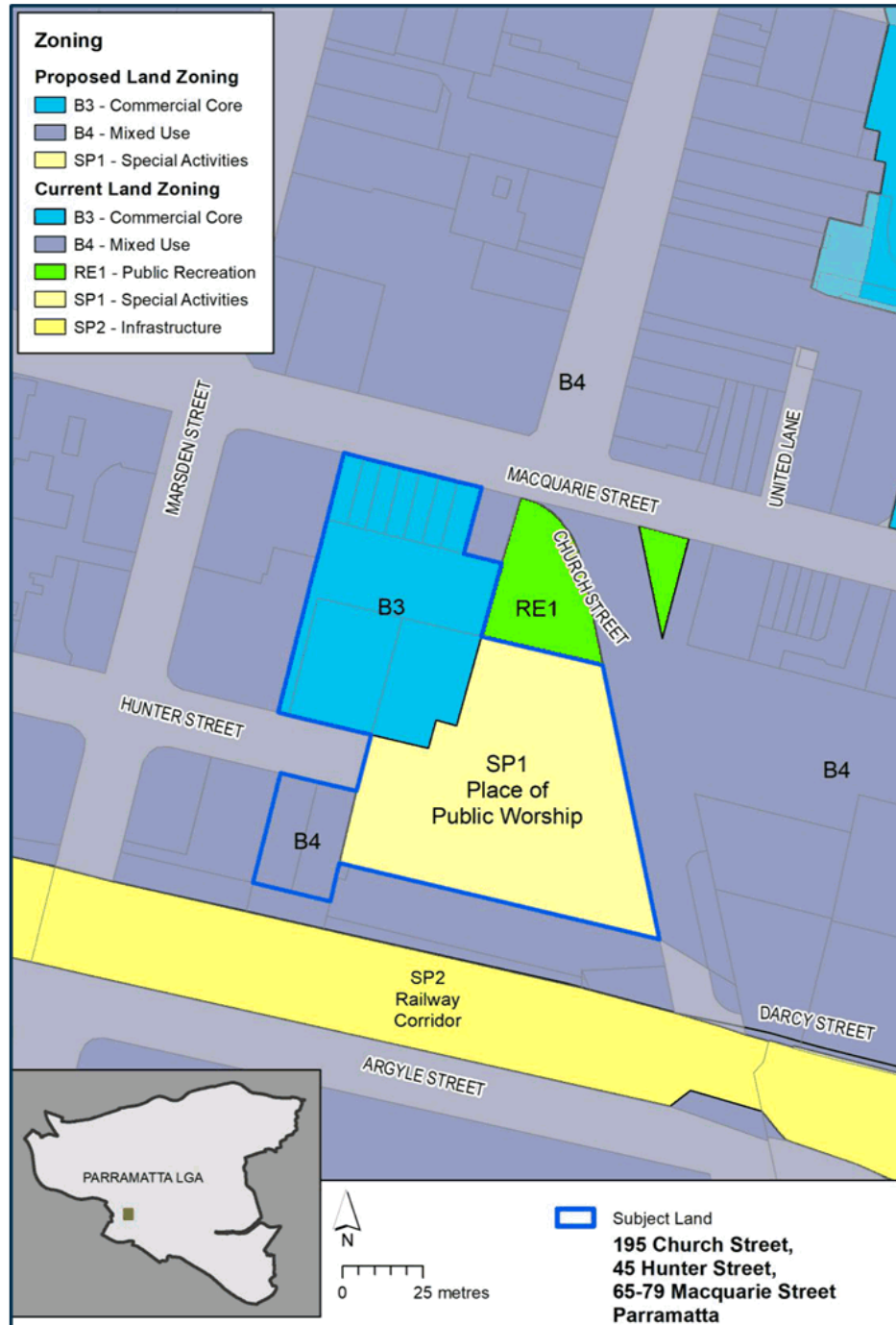


PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

4.2 Proposed Provision

To achieve the objectives and intended outcomes of this Planning Proposal, the Land Use Zoning Map is proposed to be amended. To facilitate the Height and FSR controls sought, the applicant put forward the following preferred option.

Figure 21. Proposed land use zoning map

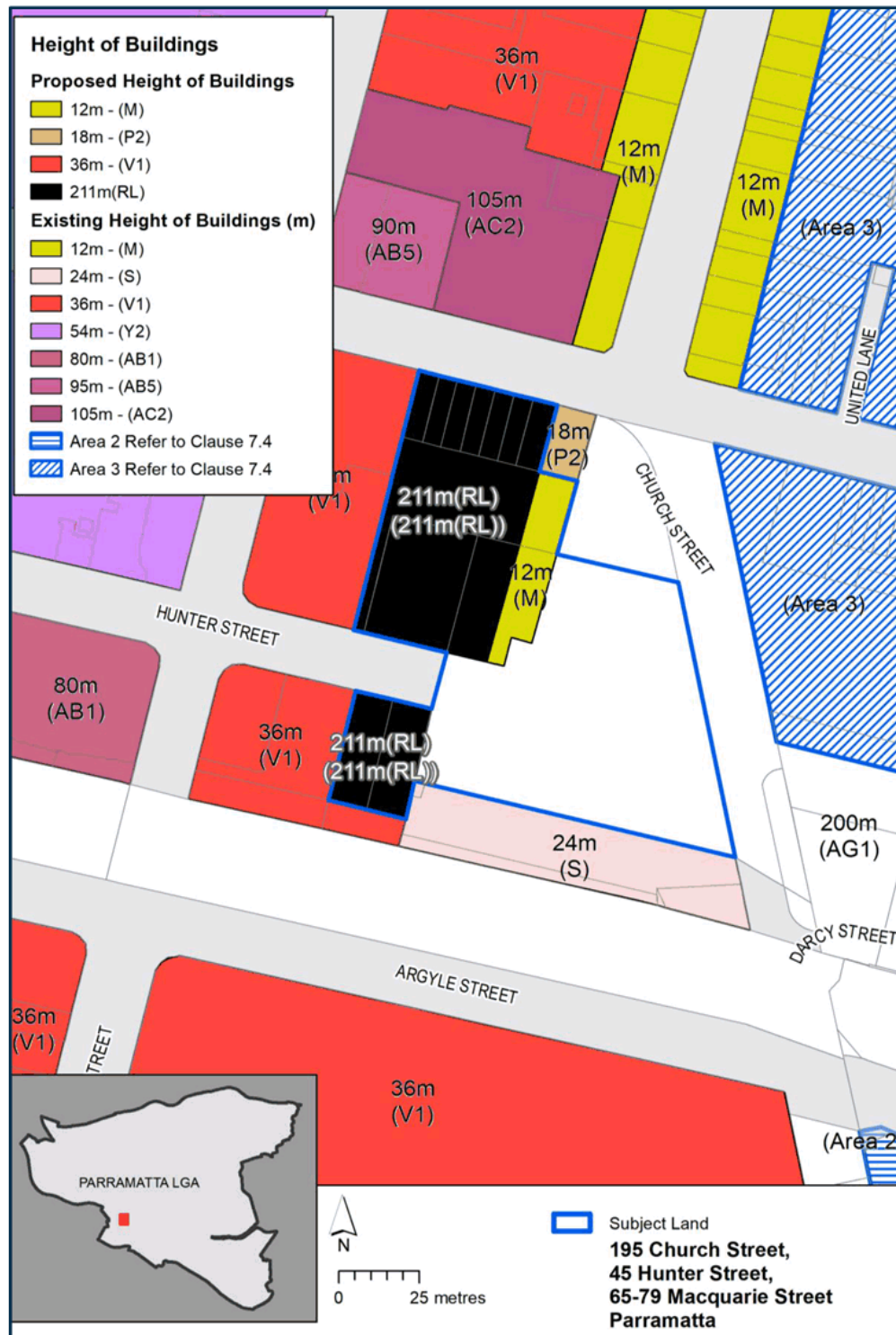


D07205262 (RZ/5/2018)

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PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

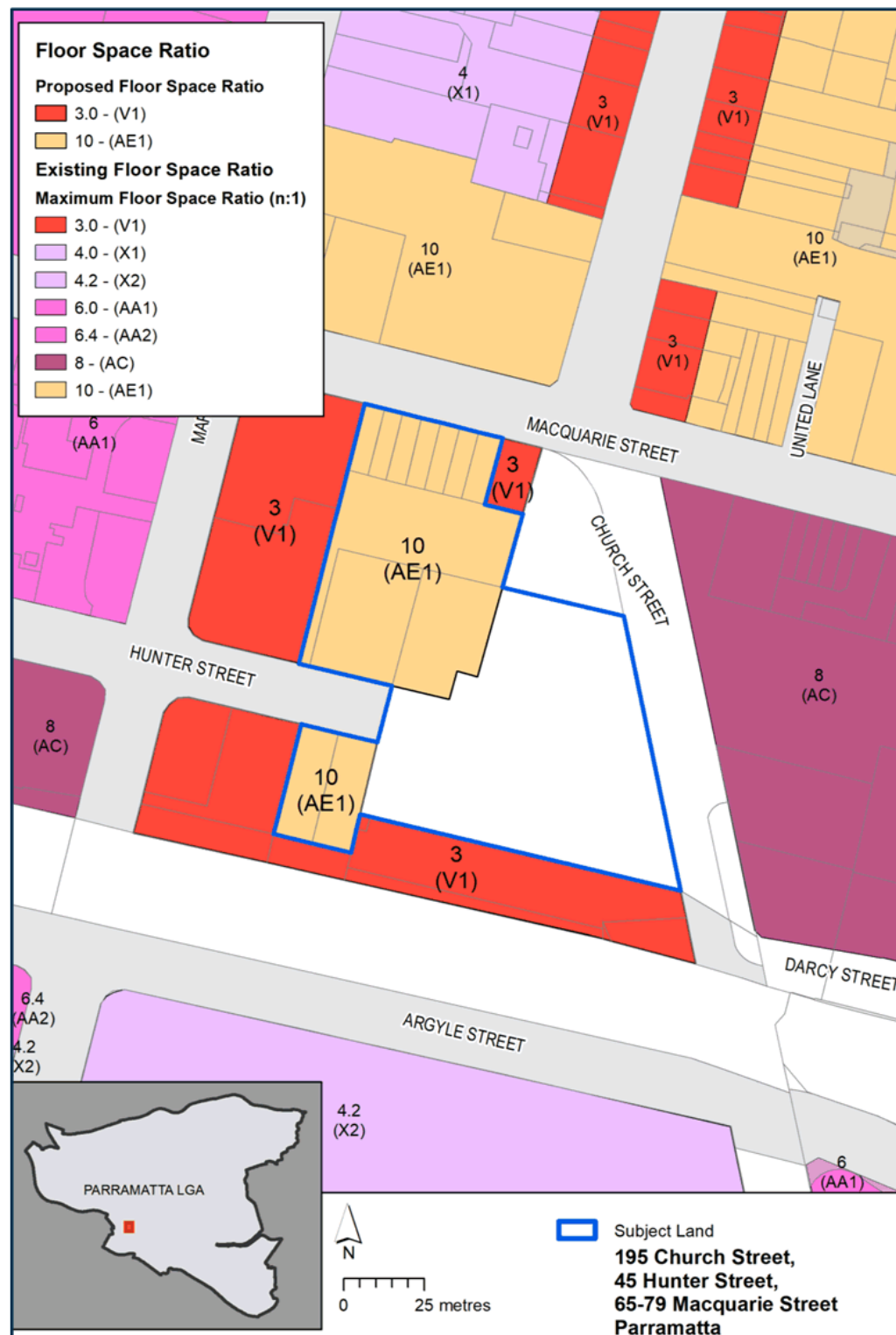
Figure 22. Proposed height of buildings map



D07205262 (RZ/5/2018)

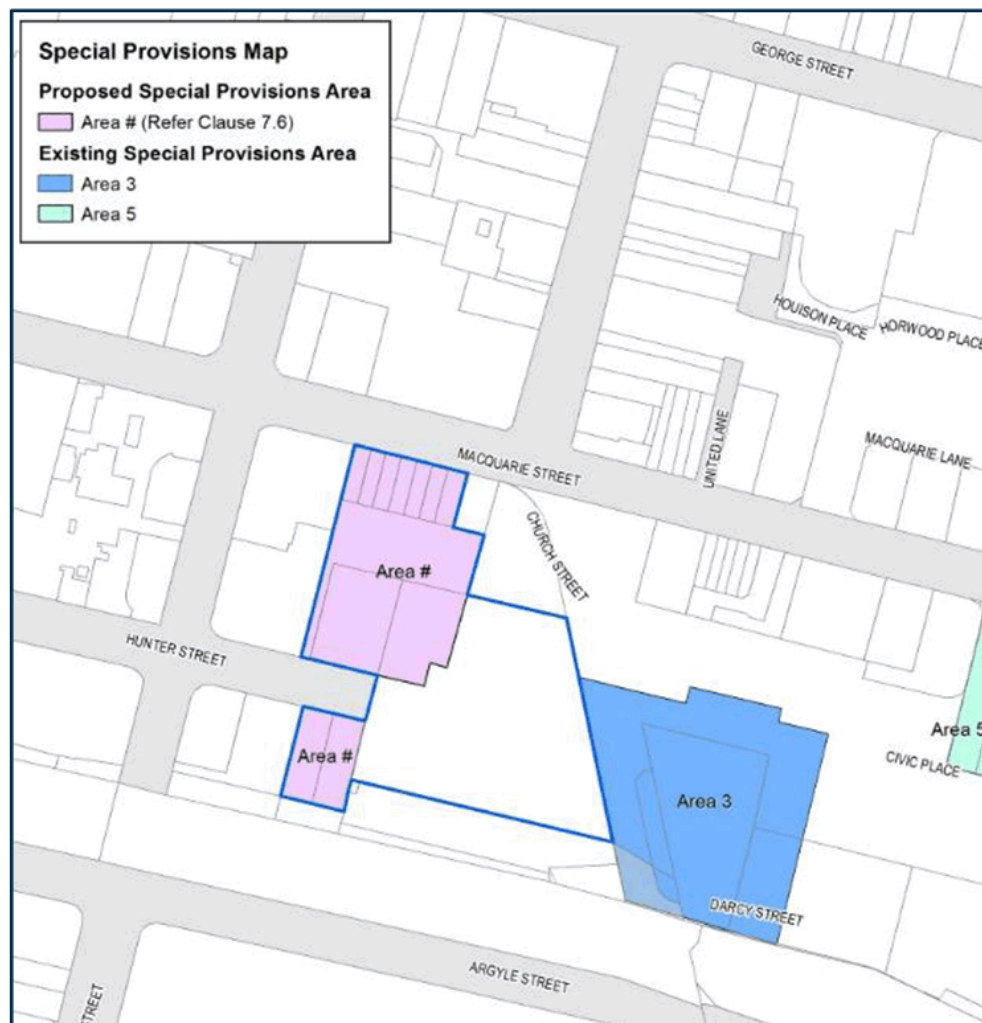
43

Figure 23. Proposed floor space ratio map



PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

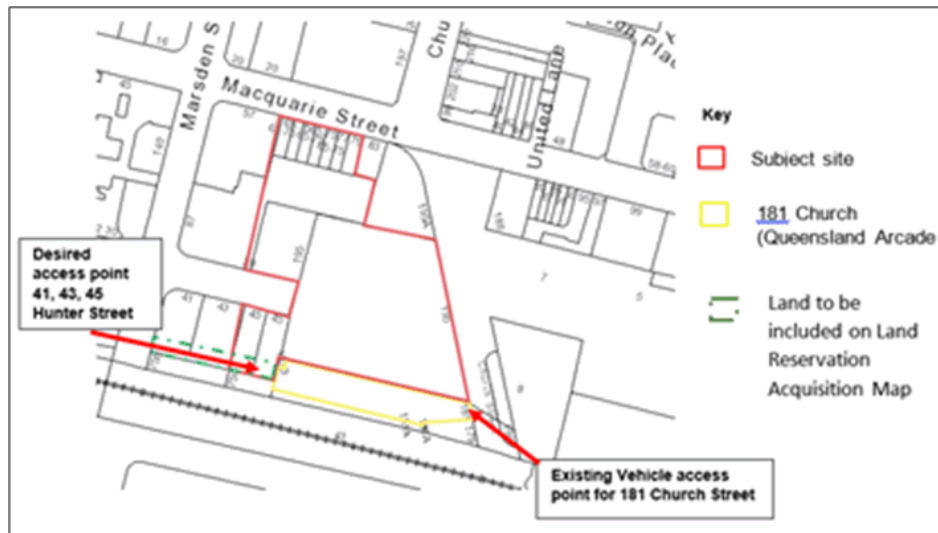
Figure 24. Proposed special provisions map



PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

Please note: As discussed previously in this report, a change to the Land Reservation Acquisition (LRA) Map is also proposed. This change will be to add a 6 metre strip parallel to the railway line to the LRA map for properties at 41, 43 and 45 Hunter Street. This change is illustrated in the diagram below. This is the only change to planning controls proposed for 41 and 43 Hunter Street, Parramatta; no other changes will be made the planning controls that apply to these two sites.

Figure 25. Diagram illustrating land to be added to LRA map (green hatching)



PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

PART 5 – COMMUNITY CONSULTATION

Consistent with sections 3.34(4) and 3.34(8) of the EP&A Act 1979, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

PART 6 – PROJECT TIMELINE

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

The report to Council for the Council Meeting on 21 February 2022 endorsed that Council request a 2 week extension to the exhibition and finalisation deadlines previously specified by the DPIE in the last Gateway Amendment

Table 12 below outlines the anticipated timeframe for the completion of the planning proposal.

Table 12 – Anticipated timeframe to planning proposal process

MILESTONE	ANTICIPATED TIMEFRAME
Report to Council on the PP, DCP and Planning Agreement	21 February 2022
Referral to Minister for review of Gateway alteration	22 February 2022
Date of issue of the Gateway alteration	24 February 2020
Commencement and completion dates for public exhibition period	7 March 2022- 4 April 2022
Commencement and completion dates for government agency notification	7 March 2022- 4 April 2022
Consideration of submissions	April 2022
Consideration of planning proposal post exhibition and reporting to Local Planning Panel (if submissions received) and to Council	May 2022
Submission to the Department to finalise the LEP	June 2022
Notification of instrument	TBD

PLANNING PROPOSAL – St John's Cathedral 195 Church Street Parramatta RZ/5/2018

APPENDICES

The following appendices will be included once they have been updated (where relevant) to ensure they are consistent with Council's resolved position on the Planning Proposal.

Current Versions of these documents (as at December 2019) have been forwarded to DPIE with the Planning Proposal submitted for Gateway **Determination**.

1. Applicant urban design report
2. Applicant traffic assessment
3. Applicant heritage impact statement
4. Applicant draft conservation management plan
5. Applicant archaeological report
6. Applicant concept landscape master plan
7. Applicant submission – solar access to Parramatta Square
8. City-commissioned heritage assessment
9. Applicant heritage report responding to independent heritage assessment
10. Applicant landscape report responding to independent heritage assessment
11. City-commissioned office building concept assessment
12. Applicant ground plane study responding to independent office building assessment
13. Applicant further heritage assessment responding to independent office building assessment

FOR COUNCIL DECISION

ITEM NUMBER	13.3
SUBJECT	Planning Proposal, draft Development Control Plan and draft Planning Agreement for 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site)
REFERENCE	RZ/3/2017 -
APPLICANT/S	Think Planners
OWNERS	PIC Royal Investments Pty Ltd
REPORT OF	Project Officer-Land Use Planning
CSP THEME:	INNOVATIVE

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil**RECOMMENDATION**

- (a) **That** Council notes the submissions made during the public exhibition of the Planning Proposal, draft Development Control Plan (DCP) and draft Planning Agreement at 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site). A summary of submissions is provided at **Attachment 1**.
- (b) **That** Council notes the Gateway alteration issued by the (then) Department of Planning, Industry and Environment (DPIE) on 28 October 2021 determining that the Planning Proposal should not proceed on the basis that the Parramatta CBD Planning Proposal is seen as a more efficient way of achieving the objectives of the site-specific Planning Proposal (refer to **Attachment 2**) therefore Council is not required to further consider the Planning Proposal.
- (c) **That** Council forward this report and copies of all submissions received during the exhibition period including community, State and Federal Government agency submissions to the Department of Planning and Environment (DPE) for its consideration consistent with the Gateway alteration issued on 28 October 2021.
- (d) **That** Council approve the site specific-DCP at **Attachment 4** for finalisation and inclusion within Part 10 (Site Specific Controls) of the finalised Parramatta City Centre DCP, including the minor amendments at **Attachment 5** in this report, following the finalisation of the Parramatta CBD Planning Proposal, and note the City Centre DCP will be considered by Council in the first quarter of 2022.
- (e) **That** Council approve the Planning Agreement at **Attachment 6** and delegate authority to the Chief Executive Officer to finalise the Planning Agreement and to sign it on Council's behalf.
- (f) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor, administrative and/or non-policy amendments to the site-specific Development Control Plan and/or Planning Agreement during the finalisation processes.

SITE DESCRIPTION

1. The subject site is located at 135 George Street and 118 Harris Street, Parramatta (Lot 135 DP 748984 and Lot 4 DP388895) (Refer to **Figure 1**). The site has an area of approximately 3,135sqm. The site contains the Albion Hotel.
2. The site adjoins another major development site to the west known as the Cumberland Industries site (Refer to **Figure 1**). This site was subject to a site-specific Planning Proposal which has since been finalised and permits development at a Floor Space Ratio (FSR) of 7:1 (8.05:1 when including Design Excellence bonus) with a range of height controls across the site including 0 metres, 76 metres (25 storeys), 97 metres (35 storeys) and 156 metres (60 storeys).

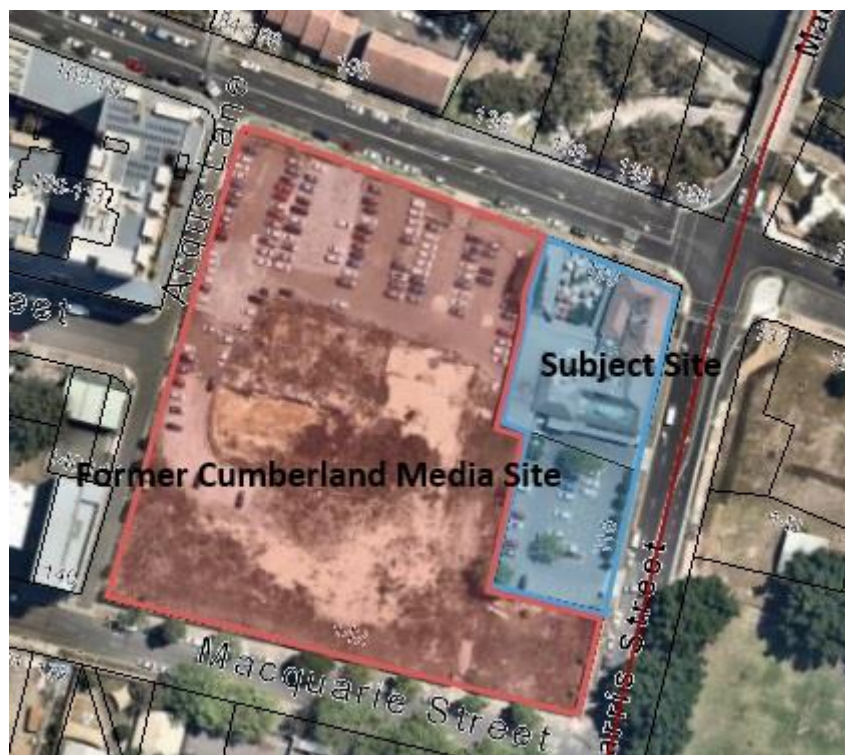


Figure 1: Site Location (subject site shown in blue)

3. The site is not listed as an item of heritage significance and is not within a Heritage Conservation Area. The site is located across the road from Robin Thomas Reserve which is listed on the State Heritage Register as an “Ancient Aboriginal and Early Colonial Landscape” and is listed under Schedule 5 of Parramatta LEP 2011 as being of local heritage significance as an archaeological site.
4. To the north there are several heritage items along the Parramatta River foreshore including The Gasworks Bridge and The Queens Wharf Reserve and stonewall and potential archaeological site (local items), and HMAS Parramatta Shipwreck and memorial (state item). The site is also within the vicinity of three state significant items “Harrisford”, Experiment Farm and Hambledon Cottage.

BACKGROUND

5. The site-specific Planning Proposal (RZ/3/2017) was lodged in March 2017. The Planning Proposal sought the following amendments to Parramatta LEP 2011:
 - a. Increase in the height control from 54 metres (14 storeys) to 166 metres (51 storeys); and
 - b. Increase in FSR from 4:1 to 13.5:1.
6. On 19 March 2019, the Local Planning Panel resolved to recommend Council defer the matter pending cumulative shadow analysis of part of the Parramatta CBD Planning Proposal. This analysis was conducted as part of the Overshadowing Technical Paper for the Parramatta CBD Planning Proposal. This resulted in the identification of the southern half of the site within the Sun Access Protection Map that relates to Clause 7.4 Sun Access Protection (related to Experiment Farm) within the Parramatta CBD Planning Proposal. The other implication for the subject site was the identification of a maximum building height control of 165.6 metres.
7. On 23 March 2020, Council resolved to endorse the Planning Proposal, consistent with Council officer recommendations, for the purposes of requesting Gateway determination subject to the following amendments:
 - a. Reduction in the floor space ratio from 13.5:1 to a mapped FSR of 10:1 (noting the design excellence, high performance buildings and the unlimited commercial floor space site specific provision allows for an FSR of 12:1 or greater subject to the proposal not exceeding 165.6 metres in height).
 - b. Reduction in the height of buildings control from 166 metres to a mapped height control of 144 metres noting that this provides for a total height of 165.6 metres when applying the 15% design excellence bonus.
 - c. Inclusion of a site specific LEP clause in keeping with the CBD PP that requires a minimum commercial floor space equivalent to an FSR of 1:1 and allows for any additional commercial floor space to be exempt from the maximum FSR subject to the development not exceeding 165.6 metres in height.
 - d. Provision outlining an additional FSR of 0.5:1 is achievable provided high performing building standards are met and the development does not exceed 165.6 metres in height.
 - e. Inclusion of a site-specific clause that ensures the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal.
8. On 31 July 2020, the, then Department of Planning, Industry and Environment (DPIE) issued a Gateway determination subject to conditions. It is noted that effective 31 January 2022 it is now the NSW Department of Planning and Environment.

9. On 22 March 2021, Council endorsed a draft site specific DCP and draft Planning Agreement for the purposes of public exhibition concurrently with the previously endorsed Planning Proposal. The Planning Proposal, draft site specific DCP and Planning Agreement were subsequently exhibited from 1 September to 30 September 2021.
10. Since the exhibition, Council received a Gateway alteration from the DPIE dated 28 October 2021 which determined that the site-specific planning proposal should not proceed. The Gateway alteration was issued on the basis that the Parramatta CBD Planning Proposal (CBD PP) is seen as a more efficient way of achieving the objectives of the site-specific planning proposal.
11. This report addresses the outcomes of the public exhibition and makes recommendations for progressing the draft site specific DCP and draft Planning Agreement in the context of the recent Gateway alteration.

RELATIONSHIP WITH PARRAMATTA CBD PLANNING PROPOSAL

12. Table 1 below outlines the planning controls for the site under (1) existing Parramatta LEP 2011, (2) the Parramatta CBD Planning Proposal and (3) the site-specific Planning Proposal. The site-specific Planning Proposal is consistent with the Parramatta CBD Planning Proposal in all regards except for the mapped height control as discussed further below.

Table 1: Summary of current, CBD PP and site-specific controls

	Parramatta LEP 2011	Parramatta CBD Planning Proposal	Site-specific Planning Proposal
Site Area	3,135sqm		
Land Use Zoning	B4 Mixed Use		
Height of Buildings	54m (approx 14 storeys)	<u>Endorsed (resolved on 23 March 2020)</u> 144m – approx 44 storeys - Incentive Height (165.6m - approx 51 storeys including Design Excellence bonus).	Consistent with endorsed Parramatta CBD Planning Proposal, however not consistent with exhibited heights of Parramatta CBD Planning Proposal (as detailed below)
Floor Space Ratio	4:1	10:1 incentive FSR (excluding design excellence) <i>Note. Bonuses and the unlimited commercial floor space site specific provision discussed below allows for an FSR of 12:1 or greater.</i>	As recommended in Parramatta CBD Planning Proposal.
Site-specific provision		An additional FSR of 5% is achievable, provided that high performing buildings	As recommended in Parramatta CBD Planning Proposal.

	Parramatta LEP 2011	Parramatta CBD Planning Proposal	Site-specific Planning Proposal
		standards are met. Includes maximum car parking rates previously endorsed by Council. Minimum commercial floor space area of 1:1 Unlimited commercial floor space (within the height limit).	
Land Reservation		Proposes a 7m wide reservation on the Harris Street frontage for the purpose of local road widening.	7m wide land dedication on Harris Street frontage for the purpose of local road widening as reflected in draft DCP and draft Planning Agreement.
Heritage Provisions	The site is not listed as an item of heritage significance and is not within a Heritage Conservation Area.	Includes amendment to Clause 7.4 Sun Access Protection to ensure that any part of the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June.	As recommended in Parramatta CBD Planning Proposal.
Number of Dwellings	147	405 ¹	423 units ²
Commercial gross floor area		4,360sqm	6,750sqm

¹ The number of dwellings has been estimated based on the maximum achievable residential gross floor area (including bonuses) divided by an average apartment size of 85m².

² The number of dwellings for the site-specific Planning Proposal reflects the Reference Design submitted by the Applicant.

Endorsed versus Exhibited Maximum Height of Buildings

- The height control for the subject site exhibited in 2020 with the Parramatta CBD Planning Proposal (130 metres mapped) reflected an earlier resolution of Council made on 25 November 2019. However, Council's more recent resolution for this site made on 23 March 2020 was to apply the same height under the Parramatta CBD Planning Proposal as that adopted for the site-specific Planning Proposal (144 metres mapped).

14. This map drafting error was identified recently by Council Officers and was to be rectified through the site-specific Planning Proposal for the subject site.
15. Despite the Gateway alteration deeming that the site-specific Planning Proposal not proceed, the DPE are aware by Council Officers that the height control of 144 metres mapped (165.6 metres including bonuses) reflects the controls recently publicly exhibited as part of the site-specific Planning Proposal and also reflects the height tested under the Parramatta CBD Planning Proposal, therefore the DPE has been requested to apply the height control of 144 metres for the subject site in the finalisation of the Parramatta CBD Planning Proposal.
16. The endorsed height of 144 metres mapped (165.6 metres including bonuses) is the most appropriate height control for the following reasons:
 - a. It is compatible with the endorsed FSR control of 10:1 mapped (12:1 including bonuses). It is important for the height and FSR controls to work together to produce a relatively predictable built form that can comply with the controls within the draft site-specific DCP.
 - b. A lower height control would put pressure on other controls such as setbacks and potentially reduce the provision of amenities on site such as communal open space.
 - c. The height of 144 metres (165.6 metres including bonuses) has been tested to show that it complies with proposed Clause 7.4 under the Parramatta CBD Planning Proposal in that it will not overshadow Experiment Farm between the hours of 10.00am and 2.00pm on 21 June. It will also comply with the minimum standards for maintaining acceptable levels of solar access at significant parks including Robin Thomas Reserve as prescribed under the draft Parramatta City Centre DCP.

GATEWAY ALTERATION

17. After the completion of the public exhibition period, the (then) DPIE issued a Gateway alteration dated 28 October 2021 (see **Attachment 2**) which determined that the site-specific planning proposal should not proceed. The Gateway alteration was issued on the basis that the Parramatta CBD Planning Proposal is seen as a more efficient way of achieving the objectives of the site-specific planning proposal.
18. As the proposed controls within the Parramatta CBD Planning Proposal reflect the site-specific Planning Proposal, the DPIE's view was that the site-specific Planning Proposal was unnecessary, and the same controls will be achieved when the Parramatta CBD Planning Proposal is finalised and notified. While the height control from the site-specific Planning Proposal was not publicly exhibited with the Parramatta CBD Planning Proposal, this was a mapping error and the (then) DPIE have been advised of Council's resolution dated 23 March 2020 to include the full mapped height of 144 metres (165.6 metres including Design Excellence bonus).

DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

19. Council endorsed the draft site-specific Development Control Plan (DCP) for exhibition on 22 March 2021. The exhibited draft DCP (**Attachment 4**) covers

matters including built form, setbacks, building separation, public domain, access, parking, servicing and sustainability.

20. Notwithstanding that the site-specific planning proposal is not proceeding, the controls from the site-specific planning proposal will still be achieved through the Parramatta CBD Planning Proposal. As such, the draft DCP is still relevant and will provide greater level of controls. If Council endorses, it is proposed that the draft site-specific DCP be included within Part 10 (Site Specific Controls) of the finalised Parramatta City Centre DCP, following the finalisation of the Parramatta CBD Planning Proposal. It is expected that the draft Parramatta City Centre DCP will be considered by Council in the first quarter of 2022.
21. Since the public exhibition, Council Officers have identified some minor issues with the draft DCP that require correction and State Agencies have requested amendments as follows:
 - a. Reinstatement of labelling that was inadvertently removed from the controls for the adjoining Cumberland Industries site prior to exhibition;
 - b. Identification of road widening on all relevant diagrams;
 - c. Replacement of the phrase, "European heritage" with "environmental heritage";
 - d. Inclusion of controls for loading and servicing;
 - e. Strengthening of controls relating to the vegetation of communal gardens and protection of trees within adjoining open space.
22. The changes recommended to the draft DCP are described in detail at **Attachment 5**. It is considered that the changes described are minor in nature and would not trigger the need to re-exhibit the draft DCP.

DRAFT PLANNING AGREEMENT

23. Council endorsed the draft Planning Agreement for exhibition on 22 March 2021. The exhibited draft Planning Agreement (**Attachment 6**) makes provision for the following:
 - i. A monetary contribution of \$2,821,500 for the purposes of public amenities in the Parramatta CBD;
 - ii. Dedication of land for road widening along Harris Street to Council, up to a width of 7 metres, the width to be agreed with the Council and Transport for NSW;
 - iii. Dedication of land for the purpose of a splay corner on the corner of George Street and Harris Street, the dimensions to be agreed with the Council and Transport for NSW;
 - iv. Granting of public easement rights over the 12 metre wide east-west link;
 - v. Granting of public easement rights under the proposed 6 metres wide public pedestrian access at the western edge of the site; and
 - vi. Public domain embellishment works of land that will be subject to public easements. This includes such as landscaping, amenities, furniture and seating.
24. Since the public exhibition of the draft Agreement, Council has endorsed a change in its approach to infrastructure funding in the Parramatta CBD through its endorsement of the Parramatta CBD Local Infrastructure Contributions Plan

(endorsed by Council at its meeting of 25 October 2021). Under this Plan, Council is no longer seeking funding for local infrastructure within the CBD by securing monetary contributions through Planning Agreements. Rather, the Plan seeks to increase the percentage rate applicable to developments in the CBD under Section 7.12 (formerly known as Section 94A contributions). It should be noted that Council cannot apply the increased percentage levy until the Minister endorses the Contributions Plan. At the time of the preparation of this report, the Parramatta CBD Local Infrastructure Contributions Plan had been forwarded to the Minister and has yet to be approved.

25. The preparation of the draft Planning Agreement anticipated this issue with the inclusion of clause 8.1(h) (refer to **Attachment 6**) which provides that the monetary contribution under the Planning Agreement is not required in the case that a development condition is imposed on a consent for the site which applies the higher percentage levy under the new Contributions Plan.
26. Despite the site-specific Planning Proposal not proceeding, there is considerable merit to Council proceeding with the associated draft Planning Agreement. Most significantly, the draft Planning Agreement is a cost-effective method of Council obtaining the land dedication for road widening and provides greater certainty to the developer and the community regarding the community benefits resulting from the development.
27. Council endorsed the draft Planning Agreement for exhibition on 22 March 2021. The exhibited draft Planning Agreement (**Attachment 6**) makes provision for a monetary contribution of \$2,821,500 for the purposes of public amenities in the Parramatta CBD and the dedication of land for road widening, creation of public easements and public domain embellishment works within the site. The monetary contribution will no longer apply under Clause 8.1(h) of the Agreement due to Council's recent endorsement of the Parramatta CBD Local Infrastructure Contributions Plan (subject to Ministerial approval). This Plan allows for a Section 7.12 levy to be conditioned on the development approval which will be comparable to the monetary contribution under the Planning Agreement.
28. Therefore the Planning Agreement that is being recommended to be finalised consists of:
 - i. Dedication of land for road widening along Harris Street to Council, up to a width of 7 metres, the width to be agreed with the Council and Transport for NSW;
 - ii. Dedication of land for the purpose of a splay corner on the corner of George Street and Harris Street, the dimensions to be agreed with the Council and Transport for NSW;
 - iii. Granting of public easement rights over the 12 metre wide east-west link;
 - iv. Granting of public easement rights under the proposed 6 metres wide public pedestrian access at the western edge of the site; and
 - v. Public domain embellishment works of land that will be subject to public easements. This includes such as landscaping, amenities, furniture and seating.

PUBLIC EXHIBITION

29. The Planning Proposal, draft DCP and draft Planning Agreement were publicly exhibited from 1 September to 30 September 2021, alongside supporting appendices including:

- a. Planning Agreement Explanatory Note;
 - b. Applicant's reference design;
 - c. Heritage Issues Identification;
 - d. Overshadowing in the Parramatta CBD - Technical Paper;
 - e. Gateway Determination and subsequent Alterations;
 - f. Local Planning Panel Minutes and Reports (19 March 2019); and
 - g. Council Minutes and Reports (8 April 2019, 23 March 2020, 22 March 2021).
30. The public exhibition included:
 - a. Letters to neighbouring landowners and occupiers, as well as nearby landowners and occupiers anticipated to be impacted by overshadowing.
 - b. Letters to relevant State and Federal Government agencies.
 - c. A notice in the 'Parra News' newspaper on 31 August 2021.
 - d. Exhibition materials were available placed on Council's Participate Parramatta website. Note hard copies were not available as Council's Customer Contact Centre was closed due to directives by NSW Health at that time.
31. Fifteen (15) submissions were received during the public exhibition period. This includes six (6) from public agencies and nine (9) from community members. A detailed summary of all submissions and Council officer responses is provided at **Attachment 1**. The submissions and response are discussed further in the following sections of this report.

PUBLIC AGENCY SUBMISSIONS SUMMARY AND RESPONSE

32. Six (6) submissions were received from the following public agencies:
 - a. Heritage NSW;
 - b. Transport for NSW (TfNSW);
 - c. Endeavour Energy;
 - d. NSW Department of Planning, Industry and Environment – Environment, Energy and Sciences (DPIE-EES);
 - e. Federal Department of Infrastructure, Transport, Regional Development and Communications; and
 - f. Civil Aviation Safety Authority.
33. The applicant was provided with a copy of all of the Agency submissions, several of which raised issues which they recommend the applicant address prior to preparing any development application for the site.
34. The submissions generally raise issues that will be addressed through the development application process. A summary and response to the public agency submissions is provided in **Attachment 1**. Some changes have been requested to the Planning Proposal and draft DCP as follows:
 - a. The DPIE - EES has requested that the building footprint be altered to allow for tree planting on site and to require rooftop gardens to be mandated through the development control plan.
 - b. Heritage NSW has requested that the wording of the draft DCP be amended to replace the phrase "European elements" with the phrase: "environmental heritage" as it is more inclusive language.

- c. TfNSW requested a Satisfactory Arrangements Clause for the Planning Proposal is required to ensure equitable funding of state and regional infrastructure as a result of the proposed development at the DA stage.
 - d. TfNSW requested the provision of bicycle parking rates and end-of trip facilities as outlined in their submission (refer to **Attachment 1** for further detail).
 - e. TfNSW requested that loading and servicing provisions be made on site.
35. The changes requested by State Agencies are recommended to be made to the draft DCP although items (c) and (d) are already addressed within the Parramatta CBD Planning Proposal and associated draft City Centre DCP. With regard to the request from the DPIE – EES to reduce the footprint of the podium, the redevelopment of the Parramatta CBD under the Parramatta CBD Planning Proposal (CBD PP) is predicated on a model of redevelopment where new buildings define streets and public spaces; while the towers above are tall and slender and are set back to allow daylight, views and circulation of air to the streets and public spaces below. As such, the draft Parramatta City Centre DCP prescribes nil setbacks for ground floor podiums. The draft site-specific DCP also provides for nil setbacks except where variations are needed for specific objectives such as road widening and pedestrian access.
- Notwithstanding, the draft Parramatta City Centre DCP contains provisions to increase vegetation and tree planting in the CBD with the subject site identified as being within the area where street trees have priority over awnings. Section 8.5 Urban Cooling of the Parramatta City Centre DCP also contains provisions requiring that 75% of the area of rooftops and podiums that are not being used for communal open space are to be vegetated and 50% of rooftops and podiums that are to be used as communal open space are to be under shade including through the use of vegetation and shade trees.
36. A more detailed response to all of the State Agency submissions is contained in **Attachment 1**.

COMMUNITY SUBMISSIONS SUMMARY AND RESPONSE

37. All of the nine (9) community submissions object to the Planning Proposal. A summary of the main concerns raised is as follows:
- a. Objection is raised to the loss of the Albion Hotel building as it is of value to the community for its heritage character;
 - b. Objection is raised to the loss of the Albion Hotel building as it is of value to the community as a live music venue;
 - c. The proposed development will create unacceptable levels of overshadowing to surrounding residents, schools and parks;
 - d. The proposed development will create traffic congestion; and
 - e. Parramatta has too many high density apartments many of which are empty.
38. No changes are proposed to the draft DCP and draft Planning Agreement in response to the submissions with the issues raised summarised below:

- a. It is acknowledged that the existing Albion Hotel building is an attractive building and is valued for its contribution to the streetscape. However, this by itself does not enable Council to require the retention of the building and prohibit redevelopment of the site. The building is not listed under the Parramatta LEP 2011 as an item of heritage significance. Further, Council's then Heritage Advisor and the NSW Heritage Office have not raised concerns with the Planning Proposal subject to heritage issues being addressed at the development application stage.
- b. Council is committed to the activation of Parramatta's night-time economy including live music. At its meeting on 10 February 2020, Council resolved to endorse the Parramatta Night City Framework 2020-2024. The Framework includes an Action to develop a Live Music Strategy for the City which may help to offset any loss of a live music venue at this site.
- c. Underpinning the Parramatta CBD Planning Proposal were several technical studies including the Overshadowing Technical Paper which analysed the overshadowing impacts on open space areas including Robin Thomas Reserve across the road from the subject site. There are no schools that will be overshadowed by the proposal. (Noting that the Rowland Hassall School previously to the south of the site, has relocated to a new site in Chester Hill). The Robin Thomas Reserve will be overshadowed, however, the Overshadowing Technical Paper found that the level of solar access to the park can still comply with the benchmark of 50% of the total park area to receive 4 hours of sunlight between 9am and 3pm on 21 June. Since the preparation of the Overshadowing Technical Paper, the draft Parramatta City Centre DCP has been publicly exhibited and contains minimum standards for maintaining acceptable levels of solar access at significant parks including Robin Thomas reserve directly to the east of the site. Shadow diagrams prepared by Council officers indicate that the proposal at a height of 165.6 metres can meet these minimum standards.
- d. The site-specific Planning Proposal is consistent with the controls proposed for the site under the Parramatta CBD Planning Proposal. This density of development and the resulting traffic impacts were assessed as part of the Parramatta CBD Strategic Transport Study. The Study noted that the improvements to the transport network that will be provided by the Parramatta Light Rail and the proposed Sydney Metro West combined with reducing the capacity to support on-site car parking in future developments by adopting lower car parking rates will ameliorate the impacts of increasing densities in the Parramatta CBD.
- e. Council's Local Housing Strategy includes a housing demand analysis which demonstrated that the Parramatta CBD will experience strong demand for housing due largely to the growth of the Parramatta CBD as a centre for economic activity and employment, higher house prices in the eastern areas of Sydney, the expansion of the Greater Sydney region and the rearrangement of strategic centres and transport links.

39. A more detailed summary and response to each of the concerns outlined above is included in the table at **Attachment 1**.

HERITAGE ADVISORY COMMITTEE RESPONSE

40. On 15 April 2021, the Heritage Advisory Committee (the Committee) considered the matter prior to the public exhibition of a Planning Proposal for the subject site. A summary of their comments are as follows:
- The Design Competition should include a requirement that there be a site interpretation of the area's river trade history;
 - Concerned is raised regarding overshadowing of heritage sites in the area and Robin Thomas Reserve; and
 - Concern is raised regarding lines of sight and visual relationship between heritage items.
41. The Committee's comments and the Council Officer response is included as Table 3 within the Summary of Submissions in **Attachment 1**. It is noted that the Parramatta CBD Planning Proposal contains a clause which prohibits any new development from overshadowing Experiment Farm between the hours of 10.00am and 2.00pm on 21 July. Further, the Overshadowing Technical Paper conducted as part of the Parramatta CBD Planning Proposal identified that the cumulative overshadowing expected from the development of the site and surrounding sites would be within acceptable limits. The Heritage Issues Identification Paper submitted by the applicant with the Planning Proposal considered historic view corridors and found that the proposal will not obstruct any significant views. The Committee's comments have also been provided to Council's City Architect for their information in relation to the Design Competition.

CONSULTATION & TIMING

Stakeholder Consultation

42. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
15 April 2021	Council's Heritage Advisory Committee	As described in Table 3 of Attachment 1.	As described in Table 3 of Attachment 1.	City Planning and Design
1 September to 30 September 2021	Public exhibition	As described in this report (refer also to Attachment 1).	As described in this report (refer also to Attachment 1).	City Planning and Design
6 September 2021	State and Federal Agency consultation	As described in this report (refer also to Attachment 1).	As described in this report (refer also to Attachment 1).	City Planning and Design

Councillor Consultation

43. The following Councillor consultation will be undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
9 February 2022 Briefing Session	All Councillors (except Cr Garrard)	Questions on proposal	Responses provided at briefing	City Planning and Design

FINANCIAL IMPLICATIONS FOR COUNCIL

44. Any work to progress the finalisation of the draft site-specific Development Control Plan and draft Planning Agreement would be prepared by Council Officers and therefore would be within the existing Major Projects and Precincts budget.
45. The items within the draft Planning Agreement (i.e., the dedication of land for road widening, creation of public easements and public domain embellishment works) are proposed to be obtained through the draft Planning Agreement.
46. The conditions of the draft Planning Agreement stipulate that the areas relating to the public easements and embellishment are to be cared and maintained at the expense of the private landowner, therefore at no cost to Council. The table below represents the estimated cost to Council of treating the future road reservation as an interim asphalted/landscaped pedestraised area until the Gasworks Bridge Widening project is undertaken (between 10-15 years). This is based on the assumption that the dedication of the road reserve to Council will occur in the short term.
47. **Attachment 7** is provided under confidential cover as it contains information relating to the potential costs to Council.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result				
Funding Source				
CAPEX				
CAPEX				
External				
Internal				\$100,000
Other				
Total CAPEX				\$100,000
Funding Source				General Revenue

LEGAL IMPLICATIONS FOR COUNCIL

48. The Gateway alteration issued by the DPIE may have implications for the draft Planning Agreement which is discussed in **Attachment 7**. This attachment is provided under confidential cover as it contains information relating to legal advice received in relation to the draft Planning Agreement.

CONCLUSION

49. It is noted that the site-specific Planning Proposal is no longer proceeding as per the Gateway Alteration issued by DPE on 28 October 2021. The site will be subject to the controls to be introduced through the Parramatta CBD Planning Proposal.
50. It is recommended that Council:
- approve the draft site specific-DCP at **Attachment 4** for finalisation and inclusion within Part 10 (Site Specific Controls) of the finalised Parramatta City Centre DCP, including the minor amendments at **Attachment 5** in this report; and
 - approve the Planning Agreement at **Attachment 6** and that the CEO be delegated authority to enter into the Planning Agreement.

Felicity Roberts

Project Officer-Land Use

Bianca Lewis

Team Leader Land Use Planning

David Birds

Group Manager, Major Projects and Precincts

Fariha Chowdhury

Acting Chief Financial Officer







Jennifer Concato

Executive Director City Planning and Design

Brett Newman

Chief Executive Officer

ATTACHMENTS:

1 	Summary Table of Submissions	15 Pages
2 	Alteration of Gateway determination	2 Pages
3 	Site-specific Planning Proposal as publicly exhibited	58 Pages
4 	Site-specific Development Control Plan as publicly exhibited	18 Pages
5 	Recommended changes to draft site-specific DCP	2 Pages
6 	Draft Planning Agreement as publicly exhibited	50 Pages
7	Financial and Legal Implications (confidential)	4 Pages

REFERENCE MATERIAL

Attachment 1

Table 1: Agency submissions

MATTERS RAISED	COUNCIL OFFICER RESPONSE
<p style="text-align: center;">Heritage NSW</p> <ul style="list-style-type: none"> The subject site is located adjacent to the State Heritage Register (SHR) listed “Ancient Aboriginal and early Colonial Landscape” (SHR 01863). The Planning Proposal also has the potential to have an impact on a further three SHR items being “Harrisford” (SHR 00246, “Experiment Farm” (SHR 00768) and “Hambleton Cottage” (SHR 01888). The shadow testing indicates that there will be some overshadowing of the Ancient Aboriginal and Early Colonial Landscape from 1pm at the winter solstice. However, it is requested that the shadow diagrams submitted at the development application stage include cumulative shadow testing to enable Council to determine the likely impact on the heritage values of the Ancient Aboriginal and early Colonial Landscape. The shadow diagrams indicate that there will be no impact on the remaining three SHR items and the proposed site -specific clause to protect Experiment Farm from additional overshadowing between the hours of 10am and 2pm is supported. A Heritage Impact Statement (HIS) should be prepared to inform any future development application for the site. The HIS should consider 	
	<p>The request has been forwarded to Council’s City Significant Development Team for their information prior to the lodgement of a development application. The submission was also forwarded to the applicant for their information.</p> <p>Noted.</p>

<p>the impacts on the cultural values of the State Heritage Register Items and measures to mitigate and minimise these impacts.</p> <ul style="list-style-type: none"> • While the site has been disturbed, there remains a moderate to high potential for historical archaeology to be found on the site. If any archaeological relics are found on the site during excavation, standard provisions for notification under Section 146 of the Heritage Act 1977 would apply. • The draft DCP is supported, however, concern is raised with the wording of Objective 14 on page 3 which currently reads: "To respond to the history, heritage and archaeological values of the area and incorporate Aboriginal and European elements into the future development through the built elements, streetscape, landscape design and interpretation on the site." It is recommended that the phrase "European elements" be replaced with the phrase: "environmental heritage" as it is more inclusive. • Any interpretation of Aboriginal Cultural heritage should be undertaken in consultation with local Aboriginal stakeholder and the local Aboriginal community. • The proponent of any future development of the site would need to consider the potential for Aboriginal cultural heritage impacts within their environmental heritage assessments. Where harm to Aboriginal items cannot be avoided, the proponent would be required to obtain an Aboriginal Heritage Impact permit (AHIP) before proceeding. 	<p>Council can request a Heritage Impact Statement (HIS) with the lodgement of a development application for the site under the existing provisions of the PLEP 2011 (Clause 5.10(5)(c)) as the site is within the vicinity of a heritage item.</p> <p>Noted. Control 5(d) on page 16 requires that an application pursuant to Section 140 of the Heritage Act 1977 is to be submitted with the development application that seeks consent for excavation or below ground works on the site.</p> <p>This requested change in wording is supported and is recommended to be incorporated in the draft site-specific DCP as discussed in the attached report to Council.</p> <p>This advice has been forwarded to the applicant for their information.</p> <p>This advice has been forwarded to the applicant for their information. Further, Part 3.5.3 of the existing Parramatta DCP 2011 contains guidelines for development that may impact on Aboriginal Cultural Heritage and notes that it may constitute Integrated Development (and hence require separate approval from Heritage NSW).</p>
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Transport for NSW (TfNSW)	
<ul style="list-style-type: none"> The Traffic and Transport assessment submitted by the applicant with the Planning proposal is based on traffic counts from 2014 and the intersection models should be updated. The likely traffic implications arising from the proposal on Parramatta's transport infrastructure and services needs to be considered in context of proposed committed developments in the vicinity of the site and in the Parramatta CBD. 	<p>The site-specific Planning Proposal is consistent with the densities for the site proposed under the Parramatta CBD Planning Proposal. Underpinning the Parramatta CBD Planning Proposal were several technical studies including the Parramatta CBD Strategic Transport Study. The study assessed the likely impacts on the transport network from proposed increases in residential and commercial development as proposed across the Parramatta CBD as included in the CBD PP. Arising from the Study was a recommendation for Council to apply the lower car parking rates utilised in the Sydney. These lower car parking rates were endorsed as part of the CBD PP and also the site-specific Planning proposal.</p>
<ul style="list-style-type: none"> The inclusion of a Satisfactory Arrangements Clause for this Planning Proposal is required to ensure equitable funding of state and regional infrastructure as a result of the proposed development at the DA stage. 	<p>The site-specific Planning proposal is no longer proceeding. The site will be subject to the controls to be introduced through the Parramatta CBD Planning Proposal (CBD PP). The CBD PP includes proposed clause 7.6G "Arrangements for contributions to designated State public infrastructure" which provides that consent can't be granted for development for intensive urban purposes unless the Secretary has advised that satisfactory arrangements have been made to contribute to State public infrastructure.</p>
<ul style="list-style-type: none"> The proposed site-specific clause which proposes maximum car parking rates consistent with the CBD Planning Proposal is supported. 	<p>Noted.</p>
<ul style="list-style-type: none"> The proposed land dedications under the draft Planning Agreement includes an undimensioned splay corner on the corner of Harris and George Streets. The dimensions of this splay will depend on the detailed road design plans for the proposed duplication of the Gasworks Bridge, the swept paths of vehicles and whether the footpath width remains adequate in this location. The Gasworks Bridge is a TfNSW asset and is also listed on the State Heritage Register so any 	<p>Noted. The submission was forward to Council's Traffic and Transport Manager.</p>

<p>works which impact the bridge require concurrence from TfNSW.</p> <ul style="list-style-type: none"> Harris Street is a regional road owned and operated by Council, however, state funding assistance is available through the regional roads funding pool. 	
<ul style="list-style-type: none"> Further detail on key pedestrian desire lines, especially between the light rail stop and proposed public domain on the Cumberland Industries site and the river foreshore should be provided. 	<p>This level of detail is considered relevant to the future development application assessment. The submission has been forwarded to Council's Traffic and Transport Manager and City Significant Development Unit.</p>
<ul style="list-style-type: none"> Minimum bicycle parking rates should be applied to any future development application for the site at the following rates: <ul style="list-style-type: none"> A minimum of 1 secure bicycle parking space per apartment; A minimum of 1 secure bicycle parking space per 100 m² of retail floor space; End-of-trip facilities such as showers and lockers should be provided for use by retail tenants; and Consideration should be given to the provision of a bicycle rack within the site boundary for use by retail tenants. 	<p>The site-specific DCP will be applied in combination with the draft Parramatta City Centre DCP which is related to the Parramatta CBD PP. The draft Parramatta City Centre DCP contains provisions within Section 9.3 relating to bicycle parking and end of trip facilities. The proposed rates per residential apartment are consistent with those requested by TfNSW. The proposed rates per retail space are lower at 1 space per 150sqm of commercial floor space and 1 space per 250 sqm of retail floor space. All development is to provide on-site bicycle parking and end -of-trip facilities including lockers, showers and change rooms. These rates will apply across the Parramatta CBD and it is considered that the variation in the rate of bicycle parking for retail and commercial development is not significant enough to warrant changing for the subject site.</p>
<ul style="list-style-type: none"> Footpath width should be considered in further detail including consideration of potential conflicts between pedestrians, place activities, light rail access, vehicles travelling along Harris Street and vehicles accessing the basement. 	<p>This level of detail is considered relevant to the future development application assessment. The submission has been forwarded to Council's City Significant Development Unit.</p>
<p><u>Sydney Metro Comments</u></p> <ul style="list-style-type: none"> The site is located within the Interim Metro West corridor as mapped under the State 	<p>The submission was forwarded to the applicant on 8 October 2021 for their information highlighting the implications of the Sydney Metro corridor for any proposed basement.</p>

<p>Environmental Planning Policy(Infrastructure) 2001 (ISEPP) and is above the Sydney Metro – West tunnels rail corridor under the SEPP.</p> <ul style="list-style-type: none"> • Sydney Metro recommends that the proponent consult with the appropriate specialists to obtain technical advice as the buildings basement may be close to the tunnel and may have implications for the engineering and construction of the buildings footings. • Sydney Metro recommends that the proponent consult with Sydney Metro West prior to lodging any development application for the site and also consider whether the development would trigger any relevant clauses in the SEPP. 	
<p><u>Loading and Servicing</u></p> <ul style="list-style-type: none"> • Neither the reference design nor the Traffic and Transport Assessment explicitly identify the onsite loading and servicing provisions for the development. If sufficient loading and servicing provisions are not made on-site, the development has the potential to contribute to traffic congestion within the precinct from freight and service vehicles seeking on-street parking potentially impacting on light rail and bus services near the site. • TfNSW will seek to condition the applicant to prepare a Freight and Servicing Management Plan (FSMP) and a Loading Dock Management Plan (LDMP) in consultation with TfNSW prior to the release of any Construction Certificate. 	<p>It is recommended that the draft site-specific DCP be amended to include an additional control under “Access, Parking and Servicing” requiring that all loading and servicing provisions are to be made on site. The applicant is to prepare a Freight and Servicing Management Plan (FSMP) and a Loading Dock Management Plan (LDMP) in consultation with TfNSW which is to be endorsed by TfNSW prior to the issue of any construction certificate.</p>

<p><u>Green Travel Plan</u></p> <ul style="list-style-type: none"> The development should promote the use of active and sustainable transport modes for travel to and from the site. The applicant should be conditioned to prepare a Green Travel Plan in consultation with TfNSW prior to the release of the first Occupation Certificate. 	<p>The draft site-specific DCP is to be applied in combination with the existing Parramatta DCP 2011. Parramatta DCP 2011 contains Section 3.6.1 "Sustainable Transport" which will apply to any development of the site. These provisions require developments proposing more than 50 units to provide a car sharing space and to submit a Travel Plan.</p>
<p><u>Construction Pedestrian and Traffic Management Plan</u></p> <ul style="list-style-type: none"> Several construction projects including the Parramatta Light Rail and Sydney Metro West are likely to occur at the same time as this development within this precinct. The cumulative construction vehicle movements could impact on traffic and bus operations as well as the safety of pedestrians and cyclists. Prior to the issue of any Construction Certificate, the applicant should prepare a Construction, Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. 	<p>This level of detail is considered relevant to the future development application assessment. And would be applied as a condition of development consent. The submission has been forwarded to Council's City Significant Development Unit.</p>
<p>Endeavour Energy</p>	
<ul style="list-style-type: none"> Has no objections to the Planning Proposal, however, provided details of existing electricity infrastructure on the site and provided their guidelines and technical specifications for future development. 	<p>Noted. This advice was forwarded to the applicant on 8 October 2021.</p>
<p>Department of Planning, Industry and Environment – Environment, Energy and Sciences</p>	
<ul style="list-style-type: none"> The Planning Proposal report notes that there are no new opportunities for tree planting on 	<p>The Parramatta CBD Planning Proposal seeks to implement the vision under Objective 19 of the Greater Sydney Region Plan to strengthen Parramatta's position as the dual CBD for metropolitan</p>

<p>site as any new development will have a similar footprint to the existing building and at-grade car park. It is recommended that the footprint of any future building be amended to allow for on site tree planting to be consistent with the Central City District Plan which includes sustainability direction (O30) that urban tree canopy is increased.</p> <ul style="list-style-type: none"> • The draft DCP includes controls for the adjoining Cumberland Industries site which includes a proposed open space area where some trees are provided. • It is noted that the existing wording of the Control C.2 under the heading Private Domain requires each tower to provide communal open space which may be in the form of landscaped rooftop gardens. It is recommended that this Control be strengthened to make this compulsory and that the rooftop gardens use locally native species. • It is noted that the proposed towers will overshadow Robin Thomas Reserve and it is recommended that Building Form Objective O.3 be amended by adding the new wording shown underlined as follows: "Protect the amenity of adjacent parklands and open space, <u>including existing trees in these areas</u>, nearby schools, heritage items and surrounding urban areas by minimising overshadowing impacts." • It is recommended that a new detailed section titled "Landscaping" be included within the draft DCP outlining detailed requirements for the types of plant species used and the requirements 	<p>Sydney. This is predicated on a model of redevelopment where new buildings define streets and public spaces; while the towers above are tall and slender and are set back to allow daylight, views and circulation of air to the streets and public spaces below. As such, the draft Parramatta City Centre DCP prescribes nil setbacks for ground floor podiums. The draft site-specific DCP also provides for nil setbacks except where variations are needed for specific objectives such as road widening and pedestrian access.</p> <p>The site-specific DCP will be applied in combination with the proposed controls within the draft Parramatta City Centre DCP. In this regard, Section 4.2.2 provides that street trees are to have priority on the majority of streets within the Parramatta CBD including Harris Street and George Street adjoining this site. Street tree species are to be chosen and street trees are to be installed in accordance with the Parramatta Public Domain Guidelines 2017.</p> <p>Section 8.5 Urban Cooling of the Parramatta City Centre DCP also contains provisions requiring that 75% of the area of rooftops and podiums that are not being used for communal open space are to be vegetated and 50% of rooftops and podiums that are to be used as communal open space are to be under shade including through the use of vegetation and shade trees. Facades are required to minimise the reflection of solar heat downward onto the public domain or communal open space through the use of shading including the use of green walls.</p> <p>The requested change to Control C.2 under the heading Private Domain within the site-specific DCP requiring landscaped rooftop gardens to be compulsory is consistent with the objectives of the draft DCP and is considered an appropriate change to incorporate.</p> <p>The requested change to Building Form Objective O.3 within the site-specific DCP to refer to the existing trees within adjacent parklands and open space areas is also considered an appropriate change to incorporate.</p> <p>It is not considered appropriate to include a new section titled "Landscaping" as requested in the submission as the draft site-specific DCP is not to be read in isolation and will be applied in combination with the proposed controls within the draft Parramatta City Centre DCP and also the existing provisions of Parramatta DCP 2011. A Landscape Plan is currently required to be submitted with relevant development applications under Council's Development Application checklist and species selection is prescribed under Council's Parramatta CBD Street Tree Masterplan and Public Domain Guidelines 2017.</p>
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for the submission of a Landscape Plan with the development application.	
Department of Infrastructure, Transport, Regional Development and Communications	
<ul style="list-style-type: none"> Development of the site is likely to exceed the Obstacle Limitation Surface (OLS) for Bankstown Airport and any development (and associated crane activity) would constitute a “controlled activity” and require approval under the Airports (Protection of Airspace) Regulations 1996. It is recommended that the applicant give early consideration of controlled activity applications which has the potential to save time and resources and may assist proponents to refine proposals. 	This advice was forwarded to the applicant on 8 October 2021 for their information. Further, clause 7.6 Airspace Operations within the existing Parramatta Local Environmental Plan 2011 provides that Council may not grant consent to development that is a controlled activity within the meaning of the <i>Airports Act 1996</i> unless the applicant has obtained approval for the controlled activity under the relevant regulations. Currently, this clause applies to seven (7) specified sites within the Parramatta CBD. However, under the Parramatta CBD LEP amendment, the clause is proposed to apply to the Parramatta CBD in general.
Civil Aviation Safety Authority	
<ul style="list-style-type: none"> No objection is raised to the proposal. 	Noted.

Table 2: Community Submissions

MATTERS RAISED	COUNCIL OFFICER RESPONSE
Objects to any increase in residential density in the area as residents will feel like they are living in a cage.	<p><u>One (1) submission raised this issue</u></p> <p>The site-specific Planning proposal is consistent with the densities for the site proposed under the Parramatta CBD Planning Proposal. This reflects the strategic objective of facilitating the growth in housing and jobs as Parramatta consolidates its role as the heart of the Central City for Greater Sydney under the Greater Sydney Region Plan – a Metropolis of Three Cities. While densities are increasing, residents of Parramatta will also have an increase in access to employment opportunities and services and infrastructure such as the Parramatta Light Rail, the Sydney Metro West, CommBank stadium, the proposed Parramatta Aquatic Leisure Centre, and the Museum of Applied Arts and Sciences. The amenity of individual apartments is also considered at the development application stage which is required to consider the application against the provisions of State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment</p>

	Development) which contains minimum standards for issues such as apartment size and layout, solar access, ventilation, privacy and open space.
Objects to the loss of the existing building which is one of the few remaining buildings of character in Parramatta.	<p><u>One (1) submission raised this issue</u></p> <p>It is acknowledged that the existing Albion Hotel building is an attractive building and is valued for its contribution to the streetscape. However, this by itself, does not enable Council to require the retention of the building and prohibit redevelopment of the site. The building is not listed under the Parramatta Local Environmental Plan 2011 as an item of heritage significance. There is a large number of buildings in the Parramatta CBD that are protected by heritage listing. The link below includes the proposed Heritage Map layer of the CBD Planning Proposal (refer to page 7) which indicates heritage items in brown shading and Heritage Conservation Areas in red hatching. Any development that affects these items is required to comply with the Heritage Objectives and controls under the Parramatta LEP 2011.</p> <p><u>CBD PLANNING PROPOSAL - APPENDIX 2B - REVISED PROPOSED LEP MAPS.PDF (nsw.gov.au)</u></p>
Objects to the height of the building as it will restrict sunlight access to the immediate locality and make conditions unhealthier for surrounding residents, schools and park. The buildings should be apart for a distance equal to half the height to ensure sunlight access to the ground.	<p><u>Two (2) submissions raised this issue.</u></p> <p>The site-specific Planning proposal is consistent with the densities for the site proposed under the Parramatta CBD Planning Proposal. Underpinning the Parramatta CBD Planning Proposal were several technical studies including the Overshadowing Technical Paper which analysed the overshadowing impacts on open space areas including Robin Thomas Reserve across the road from the subject site. There are no schools that will be overshadowed by the proposal. (Noting that the Rowland Hassall School previously to the south of the site, has relocated to a new site in Chester Hill). The Robin Thomas Reserve will be overshadowed, however, the Overshadowing Technical Paper found that the level of solar access to the park can still comply with the benchmark contained within the City of Sydney Development Control Plan 2012 of 50% of the total park area to receive 4 hours of sunlight between 9am and 3pm on 21 June. The development itself, when subject to a development application will be assessed having regard to the requirements of State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) which contains minimum standards for the solar access received within the apartments.</p>
The proposal will increase traffic congestion in the area. The developer should be required to create more roads and widen streets.	<p><u>One (1) submission raised this issue.</u></p> <p>The site-specific Planning Proposal is consistent with the densities for the site proposed under the Parramatta CBD Planning Proposal. Underpinning the Parramatta CBD Planning Proposal were several technical studies including the Parramatta CBD Strategic Transport Study. This study is a</p>

	<p>high level strategic analysis that assesses the likely impacts on the transport network from proposed increases in residential and commercial development. The Study noted the improvements to the network that will be provided by the Parramatta Light Rail and the proposed Sydney Metro West which will give Parramatta a much needed second train station. While these major infrastructure upgrades are State Government responsibilities, Council will actively contribute to encourage mode shift for commuter trips by reducing the capacity to support on-site car parking in future developments. To achieve, this the lower car parking rates utilised in the Sydney CBD have been endorsed as part of the CBD Planning Proposal. These car parking rates are also included in the site-specific Planning Proposal.</p> <p>With regard to the need to create more roads and widen streets, the site-specific Planning Proposal is accompanied by a draft Planning Agreement which includes the dedication to Council of a 7m wide strip of land along the Harris Street frontage for road widening and the creation of easements for public access along a 12m wide east-west share way through the site and a 6m wide, north-east pedestrian access along the western edge of the site.</p>
<p>Objects to the loss of the Albion Hotel as its site history is an intrinsic part of the Parramatta story. Objects to the loss of heritage items and encroachment on their curtilage and solar access.</p>	<p><u>One (1) submission raised this issue.</u></p> <p>Exhibited with the Planning Proposal was a Heritage Issues identification report prepared by NBRS and Partners on behalf of the applicant. This report notes that the site is not listed under the Parramatta Local Environmental Plan 2011 as being an item of heritage significance. It is also noted that the current hotel is not the original Albion Hotel, but rather was the second hotel built on the site in 1924.</p> <p>Heritage NSW was consulted during the exhibition period and did not raise objection to the proposal subject to the preparation of a Heritage Impact Statement to inform the assessment of any future development application.</p> <p>Council's Heritage Advisor raised no objection to the proposal and noted that heritage issues can be adequately addressed at the Design Competition and development application stage.</p>
<p>Objects to the loss of the Albion Hotel for its core role in the community and the loss of one of the few live music venues left.</p>	<p><u>One (1) submission raised this issue</u></p> <p>It is noted that the proposed planning controls for the site within the draft Development Control Plan relate to the development of the adjoining site known as the former Cumberland Industries site. In this regard, the two sites include a proposed east-west shareway and a north-south pedestrian link. The entire street block is zoned B4 Mixed Use and a wide range of land uses are permissible on the site in addition to residential land uses. The ground floor is required to be an active frontage which will incorporate commercial and retail land uses. The development of the adjoining site at 142-154 Macquarie Street (the former Cumberland Industries site) will</p>

	<p>incorporate a marketplace and public domain and the development of the adjoining Albion Hotel site will address this area and further activate the public domain.</p> <p>With regard to the loss of a live music venue, at its Meeting on 10 February 2020, Council resolved to endorse the Parramatta Night City Framework 2020-2024. The Framework includes an Action to develop a Live Music Strategy for the City.</p>
Parramatta has enough empty apartments as it is and there aren't even enough tenants.	<p><u>One (1) submission raised this issue.</u></p> <p>The Planning Proposal is consistent with Council's strategic planning for the Parramatta CBD, in particular, the Parramatta CBD Planning Proposal and the Parramatta Local Housing Strategy (LHS). The LHS was endorsed by Council on 13 July 2020 and subsequently by the NSW Department of Planning, Industry and Environment on 29 July 2021. Council's LHS includes a housing demand analysis which demonstrated that the Parramatta CBD will experience strong demand for housing due largely to the growth of the Parramatta CBD as a centre for economic activity and employment, higher house prices in the eastern areas of Sydney, the expansion of the Greater Sydney region and the rearrangement of strategic centres and transport links. A link to the LHS on Council's website is provided below.</p> <p><u>Local Housing Strategy City of Parramatta (nsw.gov.au)</u></p>
Prefers a different development for this site that provides a café/takeaway/children's rest play area similar to "Entrada" near Coles.	<p><u>One (1) submission raised this issue.</u></p> <p>It is noted that the development of the subject site in terms of the draft Development Control Plan and draft Planning Agreement is designed to relate to the development of the adjoining site known as the former Cumberland Industries site. The two sites share a proposed east-west shareway and a north-south pedestrian link. The entire street block is zoned B4 Mixed Use and a wide range of land uses are permissible on the site in addition to residential land uses. The ground floor is required to be an active frontage which will incorporate commercial and retail land uses.</p>
The building at 109-113 George Street has solar panels on the roof. The proposed tower will cast a larger shadow over 109-113 George Street and reduce solar access to the building's rooftop solar panels having environmental and economic impacts.	<p><u>One (1) submission raised this issue.</u></p> <p>An extract from the applicant's Urban Design Report is included below in Figure 1 showing the shadow cast at 10am will be sufficiently clear of the objector's property at 109-113 George Street (indicated by the blue star). The proposed tower is most likely to cause overshadowing of the building at 109-113 George Street in the early hours of the morning and as such, the solar panels will not be affected by the proposal for most of the day.</p>

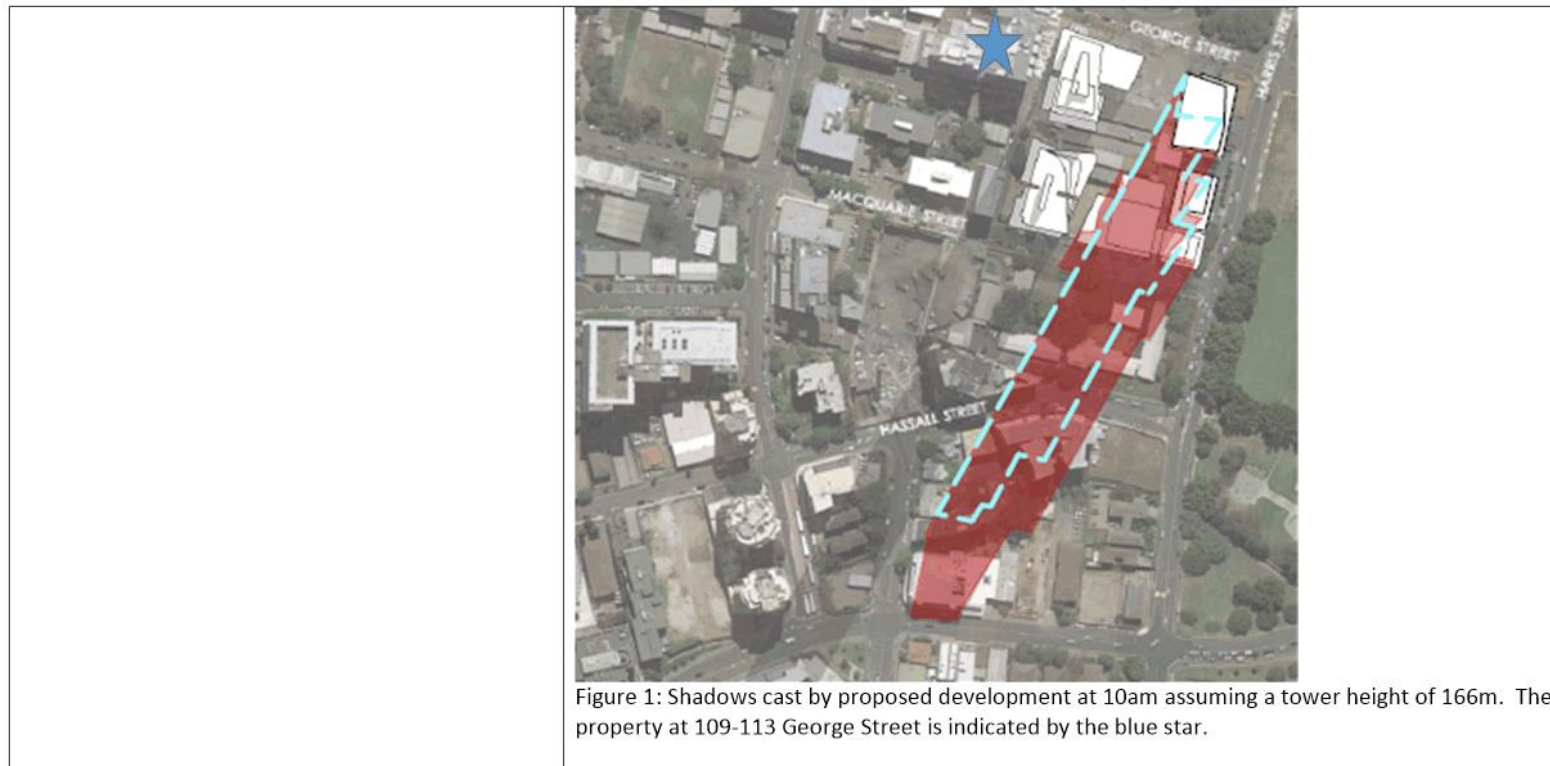


Table 3: Council's Heritage Advisory Committee Submission

MATTERS RAISED	COUNCIL OFFICER RESPONSE
The Committee recommends for Council to include in a Design Excellence Competition a requirement	The Committee Minutes have been provided to the City Architect for their information with regard to the Design Competition.

for site interpretation of the area's river trade history	
The Committee expresses to Council concern over the shadowing created by the proposed development on the heritage sites in the area and the Robin Thomas reserve	Included in the Parramatta CBD Planning Proposal is a clause requiring that any proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June. Further, underpinning the Parramatta CBD Planning Proposal were several technical studies including the Overshadowing Technical Paper which analysed the overshadowing impacts on open space areas including Robin Thomas Reserve across the road from the subject site. The Overshadowing Technical Paper modelled a building height of 166m on the subject site found that the level of solar access to the park can still comply with the benchmark contained within the City of Sydney Development Control Plan 2012 of 50% of the total park area to receive 4 hours of sunlight between 9am and 3pm on 21 June. Since the preparation of the Overshadowing Technical Paper, the draft Parramatta City Centre DCP has been publicly exhibited and contains minimum standards for maintaining acceptable levels of solar access at significant parks including Robin Thomas reserve directly to the east of the site. Shadow diagrams prepared by Council's City Design Unit indicate that the proposal at a height of 165.6 metres can meet these minimum standards.
That the Committee expresses to Council concern over the proposed development's impact on lines of sight, and consequently the visual relationships between heritage items in the area	<p>The Heritage Issues Identification Paper submitted by the applicant with the site-specific Planning proposal considered potential impacts on historic views. The assessment confirmed none of the "historic views" identified in the Parramatta DCP 2011 would be impacted upon by development on the subject site.</p> <p>None of the historic view corridors associated with Harris Park extend to the development site. Views 13 and 14 are defined as views from the Thomas Street north riverbank ridge to the vegetated southern bank of the Parramatta River. Consequently, development on the site would not intervene in these views but would form a backdrop to view 14. Backdrop buildings to views from the north riverbank ridge currently exist</p> <p>With regards to the visual relationships between heritage items in the area, the Heritage Issues Identification Paper concludes:</p> <ul style="list-style-type: none"> • Harrisford - 'Harrisford', an item listed on the State Heritage Register, is located on the opposite side of George Street to the subject site some distance to the north/west. The potential impacts can be mitigated when the final development is proposed, by the selection of materials and articulation of building massing, form and facades. The

	<p>proposed increase in height and density proposed for the site will have limited and acceptable impacts on this State heritage item.</p> <ul style="list-style-type: none"> Experiment Farm - The Experiment Farm site is a considerable distance from the subject site, the shadow assessment of the Planning Proposal indicates that no portion of this site would be affected by overshadowing. No significant views to or from Experiment Farm would be impacted upon. There would be no significant impact on this State heritage item. There would be no shading of the heritage site as a result of the proposal and thus no impacts on vegetation or appreciation of the Farm's immediate setting. The subject site lies outside significant views to and from the Elizabeth Farm site, therefore, there would be no significant impact on Elizabeth Farm and its primary setting. Hambledon Cottage - Hambledon Cottage is a considerable distance from the subject site and would have a portion of its grounds at its south-western corner occasionally shaded for part of the afternoon in winter cast by the built form the Planning Proposal envisages. The shadows would pass quickly across the site from the south-west to the north-east in the last hour before midwinter sunset. The area shaded includes areas that are shaded in the late afternoons of winter by a large fig tree to the northwest. That part of the cottage garden contains fairly recent plantings with little or no heritage significance. None of the trees of heritage significance within the curtilage of Hambledon Cottage would be significantly and adversely affected by overshadowing. No significant views to or from the Cottage would be impacted upon. There would be no significant impact. It is also noted that the expected extent of the overshadowing from the subject site would comply with the solar access provisions of the draft Parramatta City Centre DCP as recently exhibited. Lancer Barracks - Commonwealth heritage place Lancer Barracks is a considerable distance from the subject site and is surrounded by taller, modern development in the City's CBD. Development controls provide for protection of the site from overshadowing by new development. In relation to the proposed development option in this Planning Proposal the barracks site will not be shaded, nor will views to or from it be affected. There would therefore be no significant adverse impact.
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	<ul style="list-style-type: none">• Old Government House and the Government Domain (OGHD) - Although Old Government House and the Government Domain lie over a kilometre away from the subject site, their outstanding universal heritage values demand impacts of development throughout central Parramatta be examined. A tower of the height provided for in the Planning Proposal would be visible from this heritage place – at least until sites in the centre of the CBD were redeveloped. However, the subject site is outside of the area deemed “highly sensitive” under the Park Edge controls within the Parramatta DCP 2011. As such, it can be assumed that there will be no significant impact on the OGHD).
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Planning,
Industry &
Environment

IRF21/4251

Mr Brett Newman
Chief Executive Officer
City of Parramatta
PO BOX 32
PARRAMATTA NSW 2124

Dear Mr Newman

Planning proposal PP_2020_COPAR_002_00 – Alteration of Gateway Determination

I refer to the planning proposal PP_2020_COPAR_002_00 to amend the planning controls at 135 George Street and 118 Harris Street, Parramatta (Albion Hotel).

The Gateway determination for this proposal was issued on 31 July 2020 and a nine month timeframe for finalisation was provided. A Gateway determination alteration was issued on 26 April 2021, granting a six month extension. At the time, it was advised it was unlikely further extensions would be granted and it was noted that the proposal was largely consistent with Council's resolved position in relation to the Parramatta CBD Planning Proposal (CBD PP), with the exception of the site specific PP seeking a greater height than the exhibited CBD PP.

I note the CBD PP has since moved to finalisation ahead of the site-specific planning proposal. Given that the planning proposal's objectives broadly align with the CBD PP, prioritising the assessment and finalisation of the CBD PP is considered the most efficient mechanism to achieving the objectives of the proposal. The Department may request a summary of the submissions received in relation to the site-specific planning proposal in finalising the CBD PP.

In light of the above, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination 31 July 2020 for PP_2020_COPAR_002_00 so it does not proceed. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Alicia Hall to assist you. Ms Hall can be contacted on 9860 1587.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Catherine Van Laeren'.

28/10/2021

Catherine Van Laeren
Executive Director
Central River City and Western Parkland City

Encl: Alteration of Gateway Determination



Planning,
Industry &
Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2020_COPAR_002_00)

I, the Executive Director, Central River City and Western Parkland City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 31 July 2020 (as amended) for the proposed amendment to the Parramatta Local Environmental Plan 2011 as follows:

1. Change the description of the planning proposal from:

"I, the Director, Central (GPOP), at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environment Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (LEP) (2011) to amend the height of building, floor space ratio and insert site specific controls should proceed subject to the following conditions:"

and replace with:

"I, the Executive Director, Central River City and Western Parkland City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environment Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (LEP) (2011) to amend the planning controls for land at 135 George Street and 118 Harris Street, Parramatta (Albion Hotel) should not proceed"

2. Delete conditions 1 to 9.

Dated 28th day of October 2021

A handwritten signature in black ink, appearing to read 'Catherine Van Laeren'.

Catherine Van Laeren
Executive Director, Central River City
and Western Parkland City
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning
and Public Spaces and Minister for
Transport and Roads**

PP_2020_COPAR_002_00 (IRF21/4251)



PLANNING PROPOSAL

**135 George Street and 118 Harris
Street, (Albion Hotel site) Parramatta**

PARRAMATTA WE'RE BUILDING **AUSTRALIA'S NEXT GREAT CITY**

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Think Planners	February 2017
2.	Think Planners	August 2018

Council versions:

No.	Author	Version
1.	City of Parramatta Council	May 2020 – version reflecting Council's resolution dated 23 March 2020
2.	City of Parramatta Council	August 2021: Pre-exhibition – amendments to ensure consistency with Gateway Determination and other relevant administrative amendments made for purposes of clarification

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

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Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

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 135 George Street and 118 Harris Street, Parramatta (legally described Lot 135 DP 748984 and Lot 4 DP 388895); consistent with the broader Parramatta CBD Planning proposal.

These amendments are sought with the intent to erect a mixed-use development comprising commercial uses within the podium 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 135 George Street and 118 Harris Street, Parramatta (the Albion Hotel site). The legal description of the site is Lot 135 DP 748984 and Lot 4 DP 388895.

The site area is 3,135 square metres (sqm) and contains a two storey pub known as the Albion Hotel. It is a corner site with frontages to George Street and Harris Street. The site is highlighted in Figure 1 below.

The site is located at the eastern edge of the Parramatta CBD within the B4 Mixed Use Zone which is characterized by a mixture of residential and commercial uses. The site adjoins another development site to the west and south known as the former Cumberland Media site. To the north is the Parramatta River foreshore, to the east is the Robin Thomas Reserve.



Figure 1: Location map

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

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



Figure 2: The site viewed from the corner of George Street and Harris Street.



Figure 3: The site viewed from the Gasworks Bridge to the north.

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta



Figure 4: The site viewed from the west along George Street.



Figure 5: the site viewed from the east along George Street.

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 54m and maximum Floor Space Ratio (FSR) 4:1.
- The site is not identified as an item of local heritage significance and is not within a Heritage Conservation Area.
- Robin Thomas Reserve is across the road on the opposite side of Harris Street. The reserve is listed on the State Heritage Register as an "Ancient Aboriginal and Early

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

Colonial Landscape" and is listed under Schedule 5 of Parramatta LEP 2011 as being of local heritage significance as an archaeological site.

- To the north there are several heritage items of local significance within the Parramatta River Foreshore Area:
 - The Gasworks Bridge;
 - The Queens Wharf Reserve and stonewall and potential archaeological site and;
 - An items of state heritage significance being the HMAS Parramatta Shipwreck and memorial.
- Is subject of additional local provisions under Part 7 of the LEP, given the sites location within the Parramatta city centre.
- Identified as Class 4. The site is not located within the 1 in 100 year Average Recurrence Interval Acid Sulfate Soils.

The site is located outside of the 20-year and 100-year Average Recurrence Interval (ARI) events, however, is affected by the Probable Maximum Flood (PMF) event.

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

Note: This Planning Proposal has been amended since Council's consideration at its Meeting on 23 March 2020 to ensure consistency with the Gateway Determination, and to undertake relevant administrative amendments for the purposes of clarification. Please refer to these edits in red text throughout.

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable the redevelopment of land at 135 George Street and 118 Harris Street, Parramatta to facilitate a high density mixed-use development in accordance with the site's B4 Mixed Use zoning. **The Planning Proposal seeks to amend the Parramatta Local Environmental Plan (LEP) 2011 to permit higher density development on the site generally in accordance with the height and density that has been tested under the Parramatta CBD Planning Proposal.**

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

- Allow a maximum building height of 165.6m (including bonuses) and a maximum FSR of 12:1 (including bonuses);
- Include an additional site specific clause requiring a mandatory 1:1 of commercial floor space;
- Include an additional site specific clause allowing any additional commercial premises floor space in excess of this to be exempt from the maximum FSR as long as this does not result in the proposal exceeding 165.6 metres in height;
- Provision outlining an additional FSR of **5%** (i.e. 0.5:1) is achievable, provided that high-performing buildings standards are met and this bonus does not result in the proposal exceeding 165.6 metres in height;
- Inclusion of a site-specific clause that ensures that the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal;
- **Include a site-specific clause that applies the maximum car parking rates consistent with the Parramatta CBD Planning Proposal; and**
- **Include a satisfactory arrangements clause to enable contributions towards the funding of state and regional 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) **from 54m** to 144m. Refer to Figure 21 in Part 4 of this planning proposal.
- 2) Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR_010) **from 4:1** to 10:1. Refer to Figure 22 in Part 4 of this planning proposal.
- 3) Amend the **Special Area Provision Map** (Sheet CL1_010) to identify the site. Refer to Figure 23 in Part 4 of this planning proposal.
- 4) Insert a new Clause in Part 7 to include site specific provisions as follows:
 - a) A provision in keeping with draft Clause 7.6C(4) of the Parramatta CBD Planning Proposal that requires a minimum commercial floor space area equivalent to an FSR of 1:1 and allows for any additional commercial premises floor space in excess of this to be exempt from the maximum FSR as long as this does not result in the proposal exceeding 165.6 metres in height;

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

- b) A provision outlining an additional FSR of 5% (i.e. 0.5:1) is achievable, provided that high-performing buildings standards are met and this bonus does not result in the proposal exceeding 165.6 metres in height
 - c) Inclusion of a site-specific clause that ensures that the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal.
- 5) Include a new site-specific clause that applies the maximum car parking rates previously endorsed by Council as part of the Parramatta CBD Planning Proposal;
- 6) Include a satisfactory arrangements clause to enable contributions towards the funding of state and regional infrastructure. This clause is a requirement of the Gateway determination issued by the Department of Planning, Industry and Environment on 31 July 2020.

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

In accordance with Council's resolution on 23 March 2020, the Applicant was invited to negotiate a Planning Agreement for the subject site. Council has successfully negotiated a draft Planning Agreement with the Applicant for the delivery of local amenities, services, and infrastructure. The Planning Agreement enables Council to receive a monetary contribution of \$2,821,500 towards public amenities and services in the Parramatta CBD and the dedication of land, creation of public easements and public domain embellishment works within the site and is being exhibited concurrently with the Planning Proposal.

2.1.2 Draft DCP

In accordance with Council's resolution on 22 March 2021, Council has endorsed a draft site-specific development control plan (DCP) for the site. This DCP contains specific requirements, including, but not limited to:

- Built form and setbacks;
- Wind mitigation;
- Landscape and public domain;
- Overshadowing;
- Pedestrian connectivity;
- Heritage;
- Parking and servicing.

The draft site-specific DCP is being exhibited concurrently with this Planning Proposal and draft Planning Agreement.

2.1.1 Satisfactory Arrangements Clause

On 31 July 2020, the Department of Planning, Industry and Environment (the Department) issued a Gateway Determination with several conditions. Condition 1(b) requested Council amend the Planning Proposal to introduce a satisfactory arrangements clause for funding of state and regional infrastructure as follows:

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

“1. Prior to community consultation, Council is to amend the planning proposal as follows:

(a) update the proposed mapping to reflect the current controls on the adjoining Cumberland Media site at the time of exhibition;

(b) introduce a satisfactory arrangements clause for funding of regional infrastructure;

(c) include the Overshadowing Technical Paper submitted with the Parramatta CBD planning proposal with the exhibition material;

***(d) include a Satisfactory Arrangements Clause** for the provision of state and regional infrastructure; and*

(e) update the project timeline.”

On 22 March 2021, Council resolved to endorse the site-specific DCP and Planning Agreement for public exhibition and requested the following:

e) That Council requests the Department of Planning, Industry and Environment amend the Gateway determination for the related Planning Proposal to remove the requirement to include a satisfactory arrangements clause.

The reason for the request to remove the satisfactory arrangement clause is because the State Government has yet to implement the State Infrastructure Contribution (SIC) requirement that it has been suggesting it will implement during the course of the last 5 years. State Government agencies have been inconsistently requesting Council apply a satisfactory arrangements clause which would require the applicant to make a contribution towards State Government infrastructure even if the SIC is never implemented.

Where State Agencies have requested during the exhibition process that this clause be applied to Council Planning Proposals, Officers have raised concern that the application of these clauses is inconsistent and does not treat all developers in the Parramatta CBD equitably. For the same reasons, Council resolved to request the Department amend the Gateway determination to remove the requirement to include a satisfactory arrangements clause.

On 31 March 2021 and in accordance with Council's resolution, Council issued a letter to the Department requesting the Gateway determination be amended to remove the requirement to include a satisfactory arrangements clause.

On 20 April 2021, the Department advised that they do not support the requested alteration of the Gateway determination for the reasons outlined below:

“I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the Environmental Planning and Assessment Act 1979, to not support the alteration of the Gateway determination dated 31 July 2020 for PP_2020_COPAR_002_00.

I acknowledge that Council requested the removal of a condition of Gateway determination which seeks to require Satisfactory Arrangements Clause (SAC) be applied. The inclusion of a SAC responds to a need to support the provision of

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

State Infrastructure identified through the Greater Parramatta to the Olympic Peninsula (GPOP) Interim Land Use Infrastructure and Implementation Plan.

While a Special Infrastructure Contribution has not been introduced for GPOP, consideration for contributions towards State Infrastructure is underway as part of the response to the Productivity Commission Report on Developer Contributions. As such, I have determined to retain the condition of Gateway determination and note that this matter can be reconsidered at the finalisation stage, with consideration for the infrastructure framework in place at this time."

As per above, the Department note that this matter can be reconsidered at the finalisation stage. Given Council resolved to request the removal of this condition, it may not be included in the final LEP amendment subject to further consideration by the Department.

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 involved 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 seeks to implement the Parramatta CBD Strategy by amending the LEP controls to provide for a potential increase in height and FSR for sites within the Parramatta CBD. The CBD PP was publicly exhibited in 2020 and was subsequently endorsed by Council at its Meeting on 15 June 2021. The PP has been forwarded to the Department of Planning, Industry and Environment for finalisation. It is anticipated that the associated amendments to the PLEP 2011 will be notified in September/October 2021.

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

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

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 minutes 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 the vicinity of the Parramatta Transport Interchange and the proposed future Light rail network 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

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

		within the GOP 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 the Parramatta Light Rail network; and will uphold the concept of a 30-minute city.
	O15: The Eastern, GOP 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 GOP 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 and the proposed Parramatta Light Rail network, integrating land use and transport. The

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		development likely to be facilitated by the Planning Proposal will contribute to achieving the 30 minute city goal.
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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	<p>The entire site is currently built-up with an existing two-storey public hotel building. The development concept will result in a new mixed use building with a similar footprint to the existing structure with at grade car parking to the rear of the hotel. As such, there is no opportunity for tree planting onsite.</p> <p>While there are existing small trees within the car park of the hotel, these are likely to be removed in the future to accommodate redevelopment of the site and future road widening on Harris Street.</p> <p>The Planning Proposal and subsequent development provides the opportunity to improve the amenity of the public domain and incorporate street tree planting where appropriate.</p>
An efficient city	O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change 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	<p>The Planning Proposal seeks to apply a High Performing Buildings bonus FSR of 5%. 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.</p> <p>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.</p>
A resilient city	O36: People and places adapt to climate change and future shocks and stresses O37: Exposure to natural and urban hazards is reduced O38: Heatwaves and extreme heat are managed	<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, however, lies within the Probable Maximum Flood (PMF) event. (Refer Section 4.1 of this report for excerpt of flood map).</p>

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

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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 (1 and 2 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

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
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<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 and the proposed future light rail. 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>
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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>O9: Greater Sydney celebrates the arts and supports creative industries and innovation</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 connected communities by (a-d). • 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 	<p>The development concept includes active frontages incorporating retail uses at the ground floor with commercial and residential above.</p>

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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
A well-connected city O19: Greater Parramatta is stronger and better connected	PP C7: Growing a stronger and more competitive Greater Parramatta <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>
Jobs and skills for the city O15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	PP C8: Delivering a more connected and competitive GPOP Economic Corridor <ul style="list-style-type: none"> A29: Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GPOP Economic Corridor A30: Prioritise transport investments that enhance access to the GPOP between centres within GPOP 	<p>See above. Further, the Planning Proposal will facilitate the redevelopment of the site for commercial office space of approximately 6,750sqm. 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 281 FTE employees.</p>
O14: The plan integrates land use and transport creates walkable and 30 minute cities O16: [relevant?]	PP C9: Delivering integrated land use and transport planning and a 30-minute city <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 	<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 will uphold the concept of a 30-minute city.</p>

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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: 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 and the at grade car park to the rear. As such, there is no opportunity for tree planting onsite. While there are existing small trees within the at grade car park, these are likely to be removed in the future to accommodate the redevelopment and the future road widening proposed by the RMS. 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 west of Robin Thomas and James Ruse Reserve. It is noted that the proposed height control will result in overshadowing of these Reserves. The cumulative overshadowing impacts from development under the CBD Planning Proposal were analysed under the CBD Overshadowing Technical Paper and found to be acceptable.</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 	<p>The site is not within the 1 in 100-year Average Recurrence Interval (ARI) events, however, is located within the Probable Maximum Flood (PMF) event. (Refer Section 4.1 of this report for excerpt of flood map)</p>

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flooding and safe evacuation
when planning for growth in
Parramatta CBD

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 Local Strategic Planning Statement

Council's Local Strategic Planning Statement (LSPS) was published on 31 March 2020. Council's LSPS sets out a 20-year land use planning vision for the City of Parramatta, balancing the need for housing and economic growth, whilst protecting and enhancing housing diversity, heritage and local character. Further, the Local Strategic Planning Statement aims to protect the City's environmental assets and improve the health and liveability of the City.

The subject site is situated with Parramatta CBD, an area identified for significant growth in the LSPS. The Planning Proposal is considered to meet the priorities, policy directions and actions of the LSPS, specifically, the actions to progress the Parramatta CBD Planning Proposal to increase commercial and housing opportunities in Parramatta CBD. Through this, it is noted that the site-specific Planning Proposal is consistent with the Parramatta CBD Planning Proposal.

Parramatta CBD Planning Proposal

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. The Planning Proposal recommends a new draft land use planning framework for the Parramatta CBD and seeks to amend the planning controls for the Parramatta CBD contained in the *Parramatta Local Environmental Plan (LEP) 2011*. The Planning Proposal seeks changes to the Parramatta CBD boundary, land use mix, primary built form controls and the mechanisms for infrastructure delivery, and is informed by a number of technical specialist studies.

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The CBD PP remains Council's most recently endorsed policy position on density increases in the Parramatta CBD. Council received a Gateway Determination for the CBD PP from the Department of Planning Industry and Environment on 13 December 2018 subject to conditions. Council carried out further studies and resolved to amend the CBD PP in order to meet the Gateway conditions at its Meeting on 25 November 2019. The CBD PP was publicly exhibited in September/October 2020 and at the time of the preparation of this version of the Planning Proposal, **was with the Department of Planning Industry and Environment for finalisation.**

Under the CBD PP, Council endorsed the following key planning controls for the site at 135 George Street and 118 Harris Street:

- Zoning: The current B4 Mixed Use zoning is retained
- Height of Buildings: **Council resolved at its Meeting on 23 March 2020 to amend the CBD PP so as to amend the Incentive Height of Buildings Map to indicate a height control of 144 metres (165.6 with design excellence) for the site noting that a portion of the site will still retain the Sun Access Protection controls under draft Clause 7.4 relating to the protection of solar access to Experiment Farm. This is consistent with the site-specific Planning Proposal endorsed at that Council Meeting. Council Officers have since identified an anomaly in the mapping for the CBD PP which publicly exhibited the previously endorsed height controls. The previously endorsed Incentive height control is 130 metres within the northern part of the site and 24 metres within the southern part of the site. The height can be increased by a further 15% under the existing Design Excellence provisions of the Parramatta LEP 2011 taking the potential height to 149.5 metres. This site-specific Planning Proposal provides an opportunity to correct this mapping anomaly for the CBD PP and ensure consistency with Council's resolution.**
- **The issue of height is discussed further below in context of the CBD Planning Proposal.**
- FSR: The base FSR for the site is 4:1. The incentive FSR for the site is 10:1. The FSR can be increased by 15% under the existing Design Excellence provisions of the Parramatta LEP 2011. It can also be increased by 5% under the proposed High Performing Buildings provisions within the CBD PP. This would take the potential FSR to 12:1.
- Minimum Commercial Provisions: the site is required to provide a minimum of 1:1 of its floor area as commercial floor space under draft Clause 7.6C. This clause also permits additional commercial floor space over and above this minimum to be exempt from the FSR calculation to incentivise the provision of employment generating floor space within the CBD.

A summary of the proposed controls for the site under this site-specific Planning Proposal in context with the CBD PP are detailed below.

Height

When the site-specific Planning Proposal was first reported to Council in April 2019, the CBD Planning Proposal shadow analysis was yet to be completed. As such, a precautionary approach was taken in assessing the Planning Proposal and in recommending controls for the site. The height and FSR controls were recommended at that time at 130 metres (149.5 metres including all bonuses) and 10:1 mapped FSR (12:1 including all bonuses) respectively which reflected the draft controls in the Parramatta CBD Planning Proposal.

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The Overshadowing Technical Paper for the Parramatta CBD Planning Proposal was subsequently analysed and revealed that the Applicant's proposed height of 166 metres was the relevant height that was tested and found to have acceptable overshadowing impacts. The testing of the subject site is discussed on pages 59 - 61 of the Technical Paper.

As such, the site-specific PP is consistent with the height and density that has been tested under the Parramatta CBD Planning Proposal. Further, this PP includes a site-specific clause requiring that any proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal. This is consistent with the general policy direction of the CBD PP which is to identify numeric height controls overlaid with solar access planes for some sites.

Floor Space Ratio (FSR)

The proposed mapped FSR for the site is 10:1 which accords with the Incentive FSR under the CBD PP. The FSR can be increased by 15% under the existing Design Excellence provisions of the Parramatta LEP 2011. It can also be increased by 5% under the proposed High Performing Buildings provisions within the CBD PP. This would take the potential FSR to 12:1.

A site-specific clause is proposed that mirrors draft Clause 7.6C of the CBD PP that requires the site to provide a minimum of 1:1 of its floor area as commercial floor space. This clause also permits additional commercial floor space over and above this minimum to be exempt from the FSR calculation to incentivise the provision of employment generating floor space within the CBD. The amount of additional floor space that potentially may be approved under this clause is expected to be minimal, however, will depend on the final setbacks established through the draft site-specific DCP and their interplay with the building height and floor-to-floor heights.

Non-residential floor space

A site-specific clause is proposed that mirrors draft Clause 7.6C of the CBD PP that requires the site to provide a minimum of 1:1 of its floor area as commercial floor space. This clause also permits additional commercial floor space over and above this minimum to be exempt from the FSR calculation to incentivise the provision of employment generating floor space within the CBD. The amount of additional floor space that potentially may be approved under this clause is expected to be minimal, however, will depend on the final setbacks established through the draft site-specific DCP and their interplay with the building height and floor-to-floor heights.

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.

Site specific clause

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

- Provide for a minimum 1:1 commercial floor space;
- Allow additional commercial floor space above the 1:1 to be exempt from the FSR calculation provided it does not exceed the height control;

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- Allow an additional FSR of 5% (i.e. 0.5:1) provided that high-performing building standards are met (bringing potential total FSR to 12:1);
- inclusion of a site-specific clause that ensures that the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal; and
- ensure parking is provided in accordance with Council's parking rates consistent with the CBD Planning Proposal.
- Include a satisfactory arrangements clause to enable contributions towards the funding of state and regional infrastructure.

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	
Provides state-wide planning controls for the remediation of contaminated land. 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.	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.
SEPP 64 Advertising and signage	
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.	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	
Raises the design quality of residential apartment development across the state through the application of a series of design principles and guidelines.	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). As part of the Design Excellence process compliance with the ADG requirements will be required in the future DA approval.
SEPP (BASIX) 2004	
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.	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.
SEPP (Exempt and Complying Development Codes) 2008	
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.	Consistent. May apply to future development of the site.

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State Environmental Planning Policies (SEPPs)	Assessment of consistency
<p>SEPP (Infrastructure) 2007</p> <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>
<p>State Environmental Planning Policy (State and Regional Development) 2011</p> <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>
<p>Regional Environmental Plan (REP) Sydney Harbour Catchment 2005 (deemed SEPP)</p> <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>

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3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* (previously section 117(2)) 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 across the road from Robin Thomas Reserve which is listed on the State Heritage Register as an "Ancient Aboriginal and Early Colonial Landscape" and is listed under Schedule 5 of Parramatta LEP 2011 as being of local heritage significance as an archaeological site.</p> <p>To the north there are several heritage items of local significance within the Parramatta River foreshore area being the Gasworks bridge and the Queens Wharf Reserve and stonewall and potential archaeological site. There is also an item of State heritage significance being the HMAS Parramatta Shipwreck and memorial.</p> <p>Council's Heritage Advisor raised no objection to the proposal and noted that heritage issues can be adequately addressed at the Design Competition and development application stage.</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 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 and the proposed Parramatta Light Rail 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

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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 4 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 within the 1 in 100 year Average Recurrence Interval, however, it is within the Probable Maximum Flood (PMF) area. Clause 7.19 within the draft LEP provisions of the Parramatta CBD Planning Proposal requires occupants within buildings within the PMF area to be able to shelter in place above the PMF level or to safely evacuate. This matter can be addressed at the Design Competition and development application stage. (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"> • Provide for a minimum 1:1 commercial floor space; • Allow additional commercial floor space above the 1:1 to be exempt from the FSR calculation provided it does not exceed the height control; • Allow an additional FSR of 5% (i.e. 0.5:1) provided that high-performing building standards are met (bringing potential total FSR to 12:1); • inclusion of a site-specific clause that ensures that the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal; 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>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

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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 across the road from Robin Thomas Reserve which is listed on the State Heritage Register as an "Ancient Aboriginal and Early Colonial Landscape" and is listed under Schedule 5 of Parramatta LEP 2011 as being of local heritage significance as an archaeological site.

To the north there are several heritage items of local significance within the Parramatta River foreshore area being the Gasworks bridge and the Queens Wharf Reserve and stonewall and potential archaeological site. There is also an item of State heritage significance being the HMAS Parramatta Shipwreck and memorial.

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The applicant has submitted a “Heritage Issues Identification” as part of the Planning Proposal submissions (refer to Appendix 6). This document was prepared by NBRIS and Partners and a summary of the findings includes:

- The report concluded that the Planning Proposal will not adversely or unacceptably impact on any items of local, state, Commonwealth or World Heritage items.
- The heritage item to the east known as “Tara” and parts of the Hambledon Cottage Reserve will be overshadowed in the late afternoon. (It is noted that the Planning Proposal will not overshadow Hambledon Cottage between 10.00am and 2.00pm).
- Robin Thomas Reserve archaeological area will be partly overshadowed in the afternoon.
- The proposed additional height, density and built form will have an acceptable level of heritage impact subject to:
 - Achieving an acceptable streetscape and relationship with “Harrisford” which will be apparent once the detailed design for the site is proposed.
 - Management of any archaeological impacts on the subject site in accordance with the Casey & Lowe and Comber Consulting studies for historic and Indigenous archaeology respectively; and
 - An appropriate Interpretation Plan reflecting the history and evolution of the site should be prepared and implemented as part of any future DA on the site.

Council’s Heritage Advisor raised no objection to the proposal and noted that heritage issues can be adequately addressed at the Design Competition and development application stage.

Urban Design and Built Form

The planning proposal is accompanied by a Reference Design prepared on behalf of the applicant by Aleksandar Projects and is included at **Appendix 4**.

The reference design includes a 7m wide setback along the Harris Street frontage of the site for a road widening reservation identified by Transport for NSW to facilitate the future duplication of the Gasworks Bridge.

The applicant’s urban design report includes a reference design that indicates a possible development that could be built with a total FSR of 13.31:1 and a height of 166 metres. (It is noted that while the reference design indicates a height of 166 metres, this would not comply with the controls proposed within the Planning Proposal which limits overall height to 165.6 metres. **The proposed site-specific cause relating to commercial FSR, permits additional commercial FSR to be exempt from the total FSR control provided it does not exceed the maximum height. The applicant’s reference design has resulted in an additional FSR of 1.31:1 under these provisions, however, the additional FSR able to be achieved may be different in the approved development application for the site.)**

The reference design proposes:

- A 52-storey (166 metre high) tower (Building A) comprising:
 - 8 levels of basement car parking (shared with Building B) containing 507 car parking spaces;
 - 5 levels of podium containing commercial floor space;

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- 47 levels of tower containing commercial, residential floor space and communal open space. The residential component consists of 423 apartments.
- An 8-storey (28 metres high) building (Building B) comprising:
 - 8 levels of basement car parking, (shared with Building A) containing 507 car parking spaces;
 - 8 levels of commercial floor space;
- The two buildings combined provide 6,750 square metres of commercial floor space and 34,980 square metres of residential floor space.

Refer to Figure 8 below for an illustration of the proposed development. Subsequent to the Planning Proposal being endorsed by Council at its Meeting on 23 March 2020, Council's resolution required the applicant to submit a revised reference design to be consistent with the Planning Proposal, draft DCP and Gateway determination. The revised reference design is included with the exhibition material and has resulted in a redistribution of floor space within the development. As a result, the commercial floor space has increased from 3,620 to 6,750 square metres and the residential floor space has reduced from 38,710 to 34,980 square metres.

It is noted that the site previously underwent a master planning exercise in conjunction with the adjoining Cumberland Industries site. This process resulted in the identification of a shared zone, two pedestrian paths and a public domain. There is a risk that increasing the density, height and changing setbacks on the subject site compromises the urban design and public domain outcomes envisaged by this block-wide approach.

In particular, the western tower setback has the potential to be of concern if it creates a sheer tower without relief that would impact negatively on the proposed public domain on the Cumberland Industries site. However, it is noted that the 7 metre road widening on Harris Street has made it difficult for the site to accommodate setbacks on the western side, and as such, some concessions are considered reasonable. The planning proposal on public exhibition is based on a reference design with a 3-metre tower setback to George Street and a 4.5 metre tower setback to the western boundary.

To pursue Council's adopted policy position, concessions were considered necessary to be given to the setbacks that might otherwise be sought for urban design reasons. In making this recommendation, Officers have taken into account the CBD Planning Proposal controls and the fact that the road widening on this site, which may provide significant benefits to the greater CBD, has a significant impact on the development options for this site. This also warrants special consideration being given on the issue of setbacks.

To address the issues above, Council resolved to prepare a site-specific Development Control Plan (DCP) which addresses setbacks and the relationship with the Cumberland Industries site. The draft DCP is included with the public exhibition material associated with the Planning Proposal.

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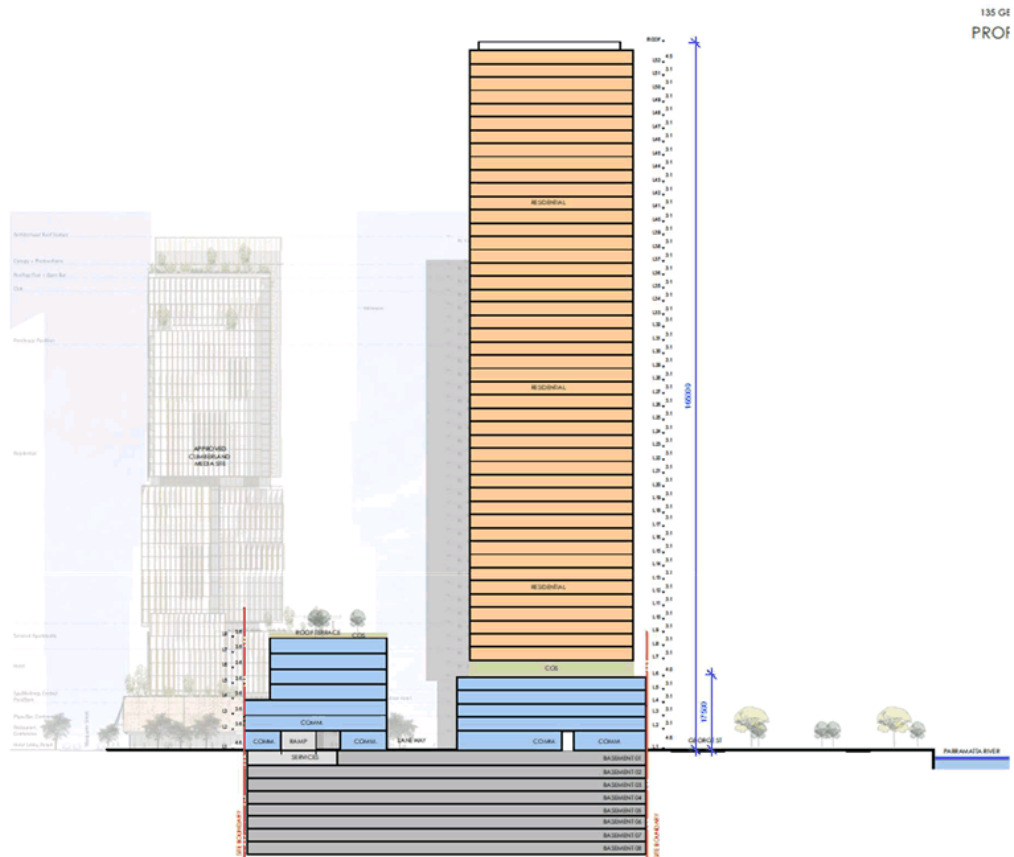


Figure 8: Reference design - East Elevation when viewed from Harris Street.

Adjoining site – Cumberland Industries Site

The adjoining site at 142-154 Macquarie Street (known as the Cumberland Industries site) was also subject to a site-specific Planning Proposal (RZ/15/2015) which resulted in an amendment to the Parramatta LEP 2011. Parramatta LEP 2011 (Amendment No. 48) notified on 27 November 2020 and introduced the planning controls that currently apply to this adjoining site.

The Planning Proposal amended the Parramatta LEP 2011 by increasing the height of buildings control from 54 metres to 180 metres and increasing the FSR from 4:1 to 8:1, including Design Excellence. A Planning Agreement and a Development Control Plan (DCP) were also endorsed in relation to the adjoining site.

The applicants for both the Cumberland Industries site and the Albion Hotel site have worked collaboratively to take a whole-of-block approach to their redevelopments. Figure 9 below indicates the broader block plan reflecting the ground floor plan. (Note: the plan shown below does not reflect the applicant's latest reference design in terms of the location of the driveway access and egress.)

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Figure 9: Ground floor plan indicating relationship with Cumberland Industries site.
(Source: Applicant's Urban Design Report)

Critical to the success of the whole block is the new pedestrian links and the new shared zone running through both sites which extends Union Street to the west. The area between Building B25 on the adjoining site and the tower at the northern end of the subject site, shown with no shading in Figure 5, is proposed public domain.

Figure 10 below shows the entire block when viewed from George Street looking south. The indicative tower for the subject site is shown coloured orange. The previously endorsed reference design for the Cumberland Industries site is shown in grey.

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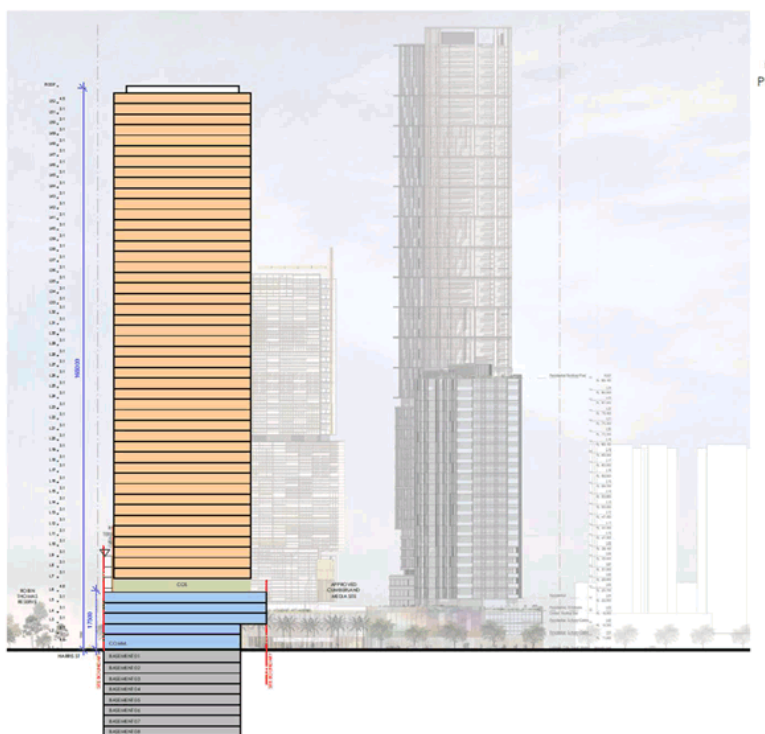


Figure 10: Planning Proposal for the Albion Hotel site in context with Planning Proposal for the adjoining site - Cumberland Industries site (Source: Applicant's Urban Design report).

Transport and Accessibility

Council's Service Manager, Traffic and Transport has raised no objection to the Planning Proposal subject to the development gaining vehicular access from Harris Street and subject to complying with the maximum car parking rates prescribed in relation to the Parramatta CBD Planning Proposal.

The development proposes access from Harris Street. The applicant's reference design included with the Planning Proposal indicates 8 levels of basement car parking. An earlier version of the reference design indicated that this could accommodate approximately 571 car parking spaces. Notwithstanding, Council has resolved to apply the maximum car parking rates endorsed for the CBD as part of the CBD Planning Proposal which will cap the number of car parking spaces that are permissible to a significantly lower number of spaces. The full suite of car parking rates proposed to be applied to the subject site under the site-specific clause is included in Appendix 1. This clause prescribes the following car parking rates for residential and commercial development:

Residential development

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

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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 423 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	0	0
2-bedroom	.7 spaces/unit	329	230.3
1-bedroom	.3 spaces/unit	94	28.2
TOTAL			258.5 Round up to 259

The current reference design indicates 6,750 square metres of commercial floor space. Applying the above formula to the current reference design yields a maximum of 6 car parking spaces for the commercial uses, as follows:

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

$$M = (6,750 * 3,135) / (50 * 41,730)$$

$$M = 21,161,250 / 2,086,500$$

$$M = 10.14$$

The total number of 269 car parking spaces indicated above (259 + 10 = 269) is significantly less than the number of car parking spaces that would be provided under the reference design (571 spaces). 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 has been calculated using the current reference design and would be different when applied to subsequent design competition and development application plans. However, the numbers above can be taken as an indication of the scale of the quantum of car parking that would be expected

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to be permissible at this site. Determining the final number of approved car parking spaces is a matter for the development application stage.

Overshadowing

Detailed testing was done by Council's City Design Unit using the reference design supplied by the applicant. This included cumulative overshadowing from the Planning Proposals on the adjoining Former Cumberland Media site and 184 George Street to the north-west of the site. Associated shadow diagrams are shown in Figures 11, 12 and 13 below.

The Overshadowing Technical Paper for the Parramatta CBD Planning Proposal was also analysed and revealed that the Applicant's proposed height of 166 metres was the relevant height that was tested and found to have acceptable overshadowing impacts. The testing of the subject site is discussed on pages 59 - 61 of the Technical Paper.



Figure 11: overshadowing caused by the Albion Hotel site at 12pm on 21 June. (Blue line reflects shadow profile of 149.5m tower. Red line reflects shadow profile of 166m tower).

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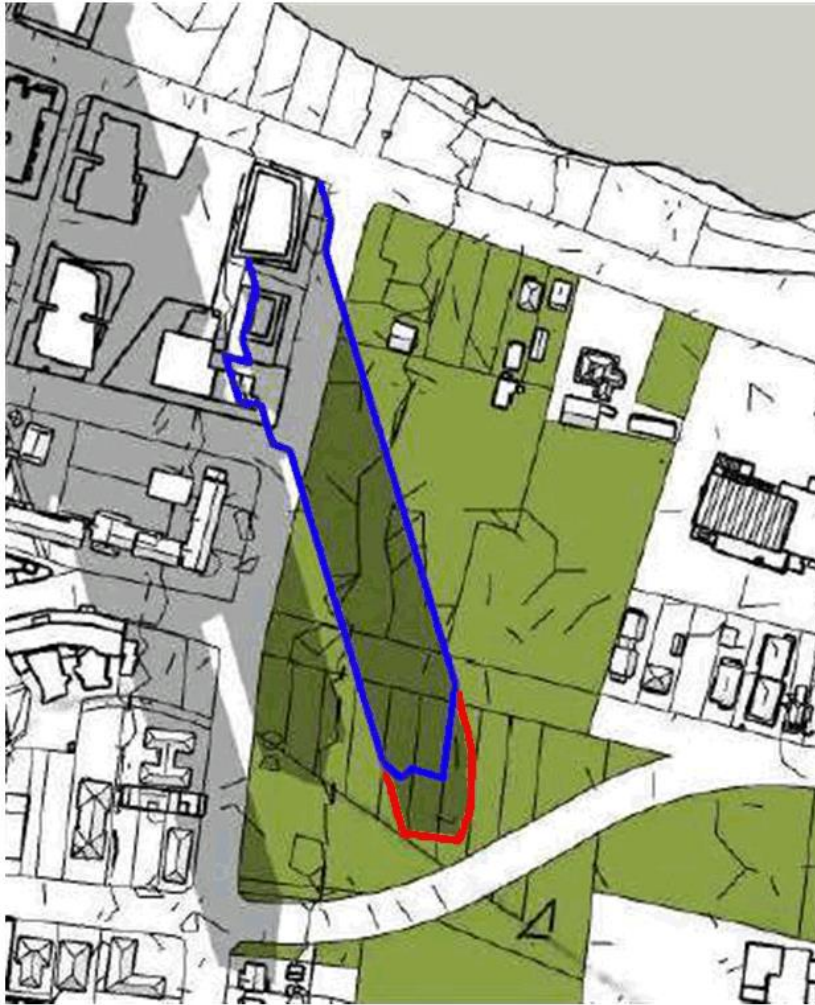


Figure 12: overshadowing caused by the Albion Hotel site at 1pm on 21 June. (Blue line reflects shadow profile of 149.5m tower. Red line reflects shadow profile of 166m tower).

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Figure 13: overshadowing caused by the Albion Hotel site at 2pm on 21 June. (Blue line reflects shadow profile of 149.5m tower. Red line reflects shadow profile of 166m tower).

The shadow diagrams compare the overshadowing impacts between a building at the height previously identified in the early stages of the CBD Planning Proposal of 149.5 metres (including design excellence) with the impacts of a building at the applicant's sought height of 166 metres (including design excellence). In summary, the comparison indicates:

- The proposal does not impact on Experiment Farm reserve at either height;
- Both of the proposed heights impact on Robin Thomas Reserve, however, the marginal difference in overshadowing between the two heights is considered acceptable.

With regard to overshadowing on Robin Thomas Reserve, the Gateway determination did not provide any criteria for the assessment of overshadowing of public open space. In the absence of any criteria, the Overshadowing Technical Paper for the Parramatta CBD Planning Proposal deferred to the City of Sydney's "Sydney Development Control Plan 2012" which requires a minimum of 50 per cent of a park's area to receive four hours or more of sunlight between 9am and 3pm on 21 June.

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Using this threshold, the Planning Proposal at both heights allows for this level of sunlight access.

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 including the Parramatta Railway Station/Bus Interchange and the proposed Parramatta Light Rail.

Contributions towards additional public infrastructure to cater for the incoming population will be facilitated through the Planning Agreement 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?

The Planning Proposal is currently at the stage of seeking a Gateway determination and the relevant consultation with State and Commonwealth public authorities will be carried out once this is issued.

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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. **In accordance with the Gateway Determination request, the proposed mapping has been updated to reflect the current controls on the adjoining Cumberland Media site.**

4.1 Existing controls

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

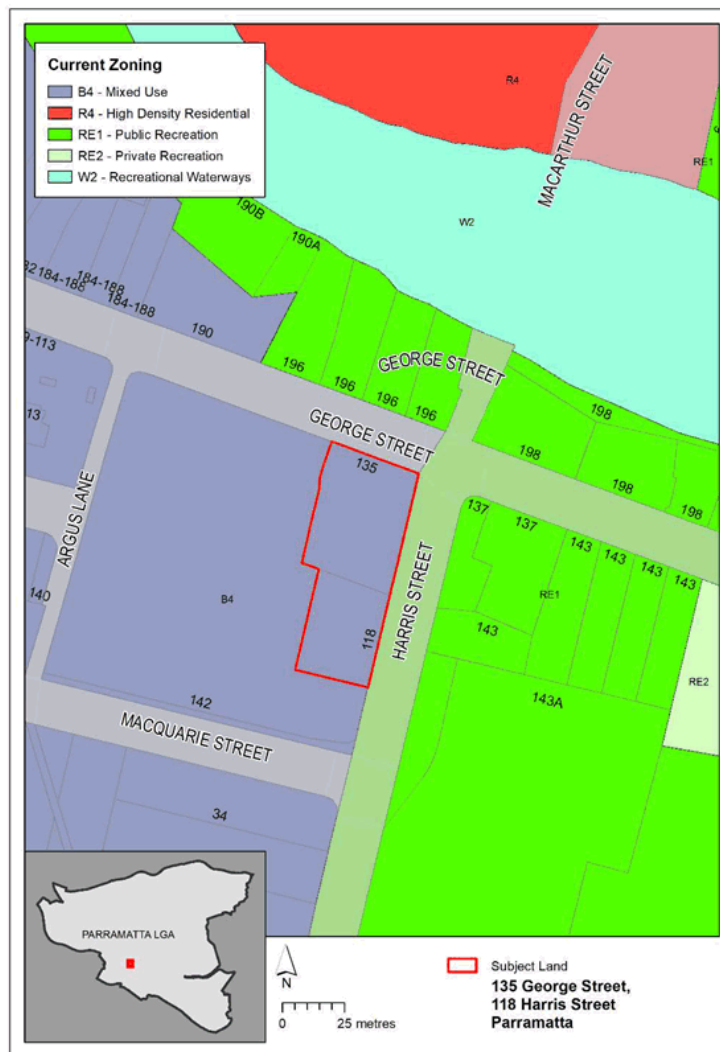


Figure 14 – Existing zoning extracted from the *PLEP 2011* Land Zoning Maps

Figure 14 above illustrates the existing B4 Mixed Use zone over the site. There is no proposed change to the zone.

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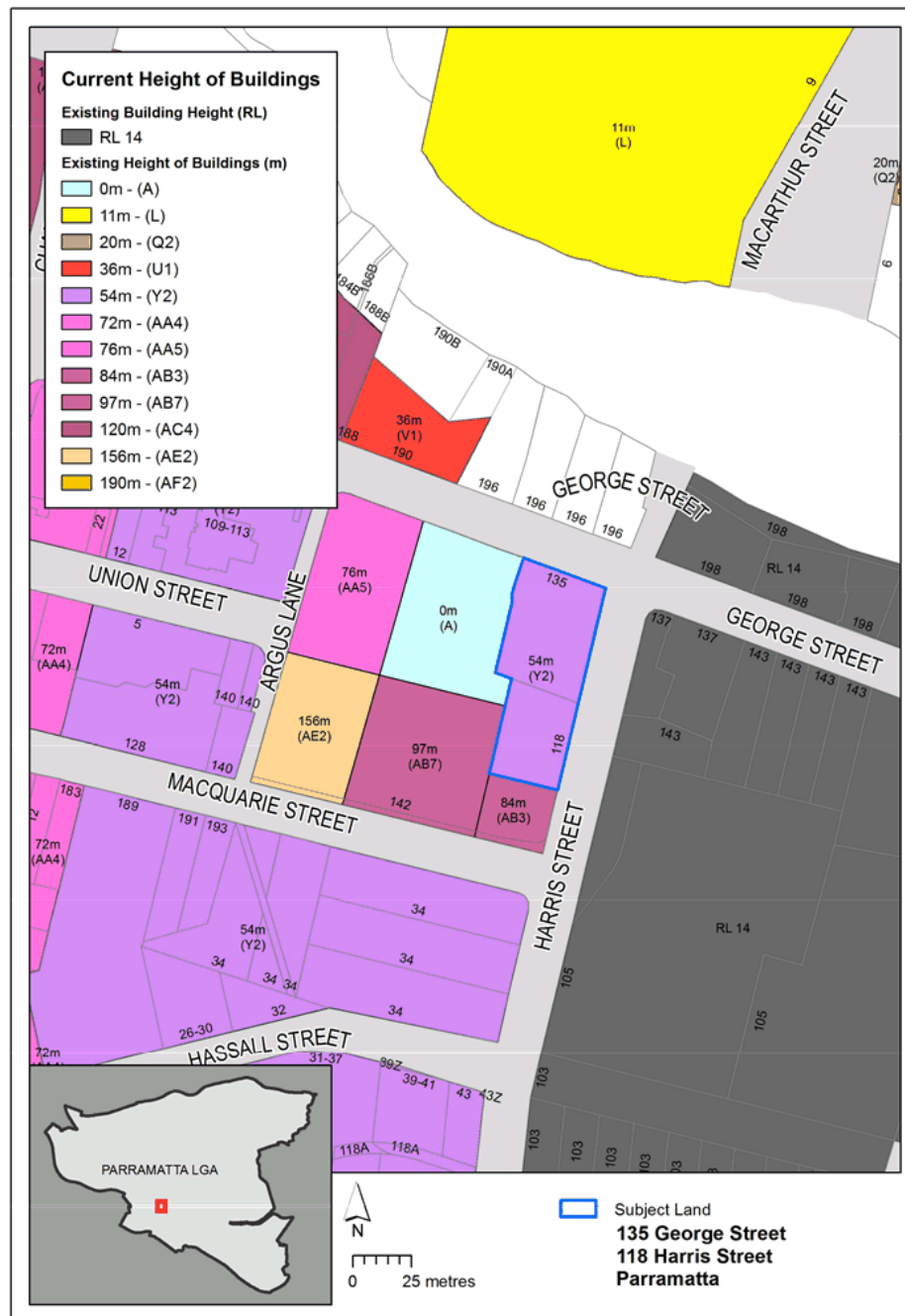


Figure 15 – Existing building heights extracted from the *PLEP 2011* Height of Buildings Maps
Figure 15 above illustrates the existing 54m metre height restriction which applies to the site.

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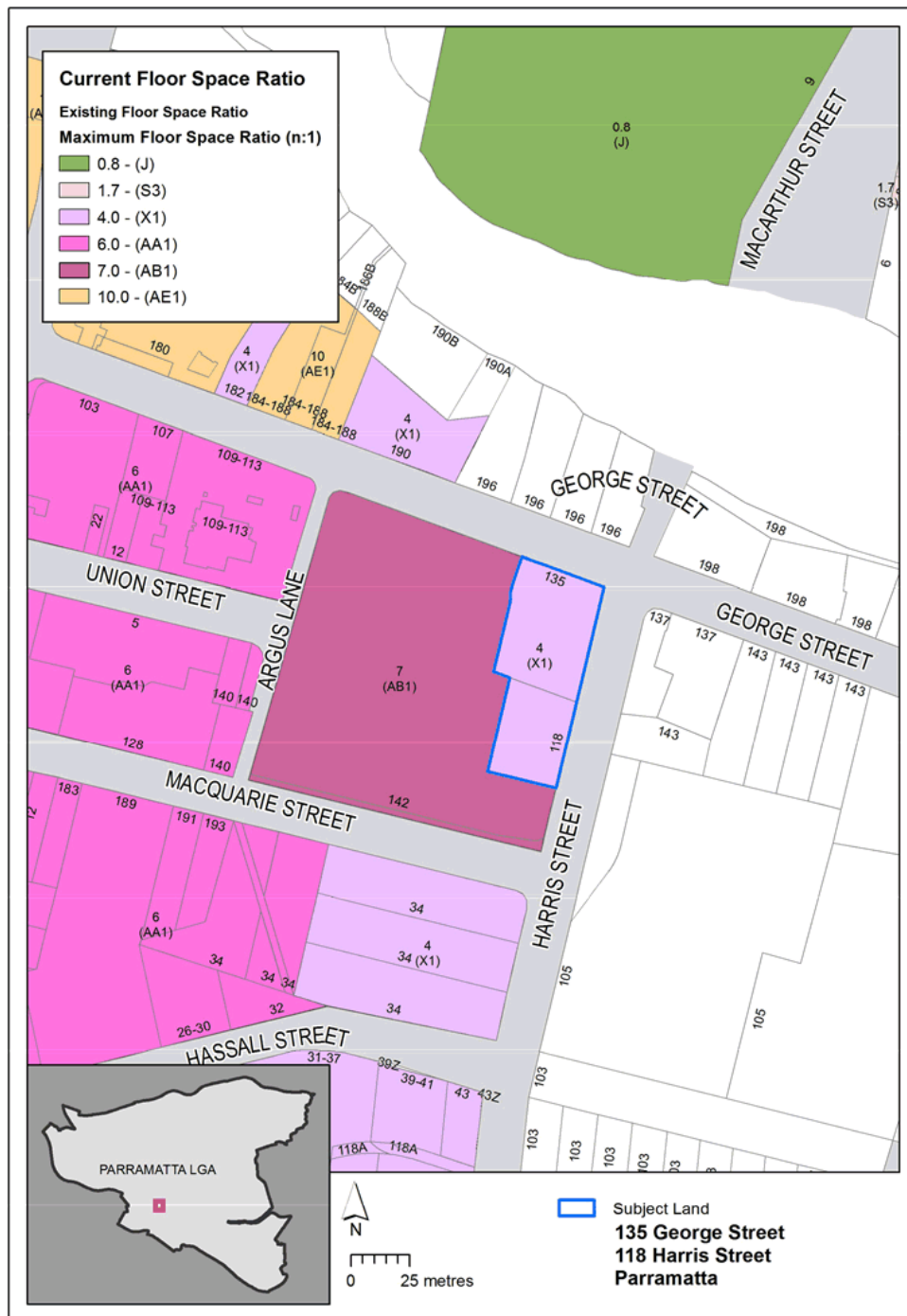


Figure 16 – Existing floor space ratio extracted from the *PLEP 2011* Floor Space Ratio Map
Figure 16 above illustrates the existing FSR of 4:1 which applies to the site.

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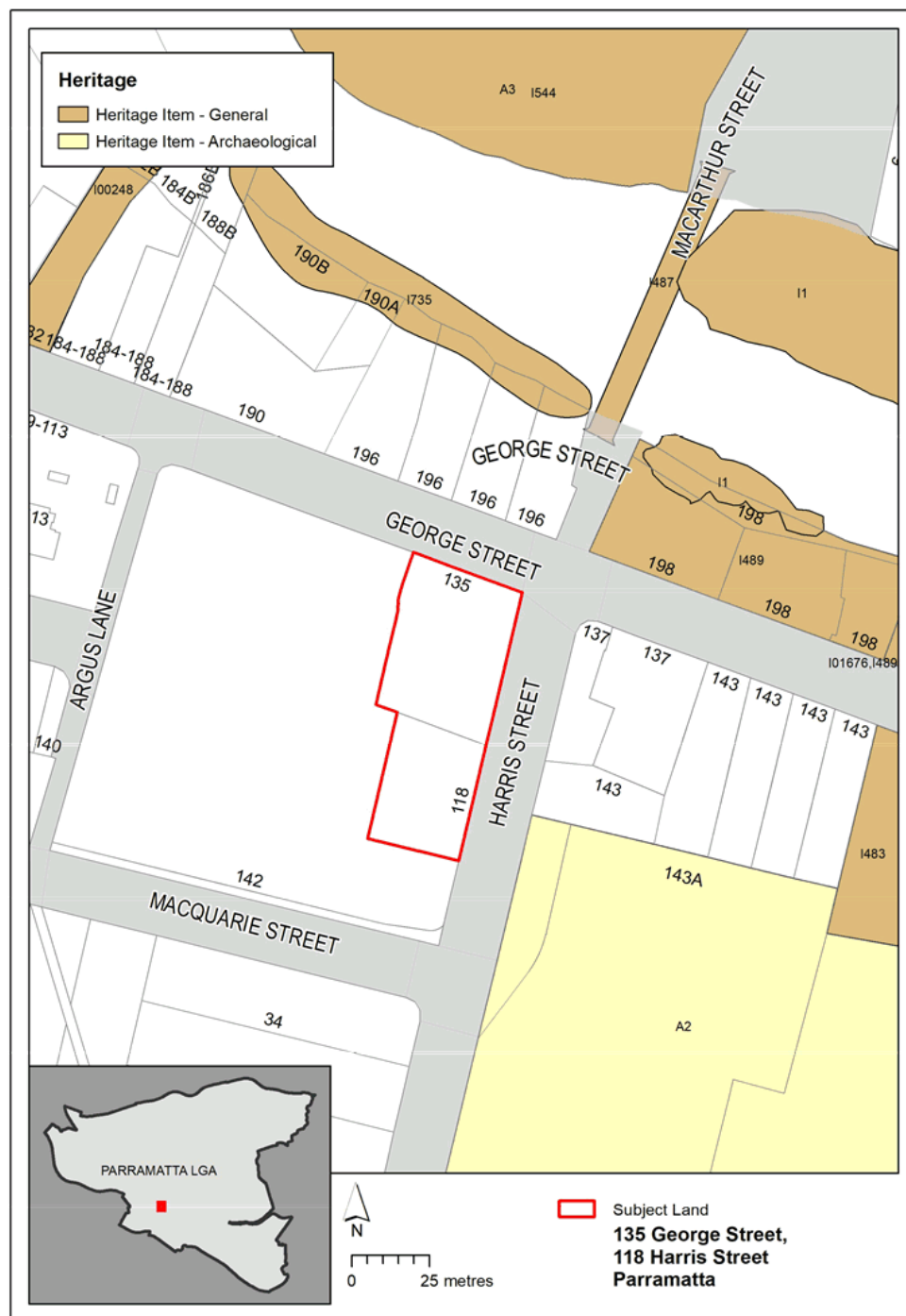


Figure 17 – Existing heritage items extracted from the *PLEP 2011* Heritage Maps
Figure 17 above illustrates the heritage items in the locality.

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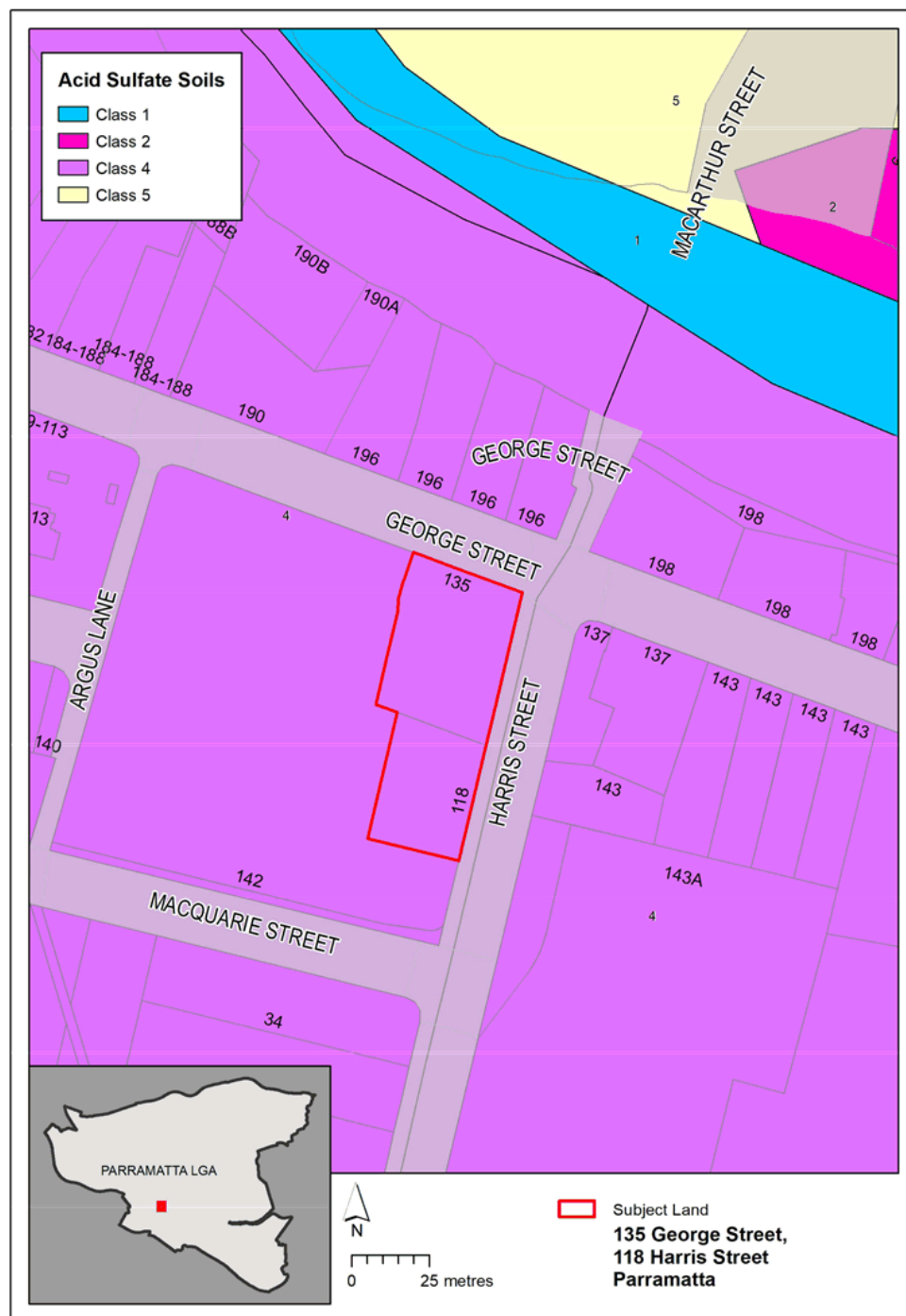


Figure 18 – Existing acid sulfate soils extant extracted from the *PLEP 2011* Acid Sulfate Soils Map

Figure 18 above illustrates the site is identified as Class 4 Acid Sulfate Soils.

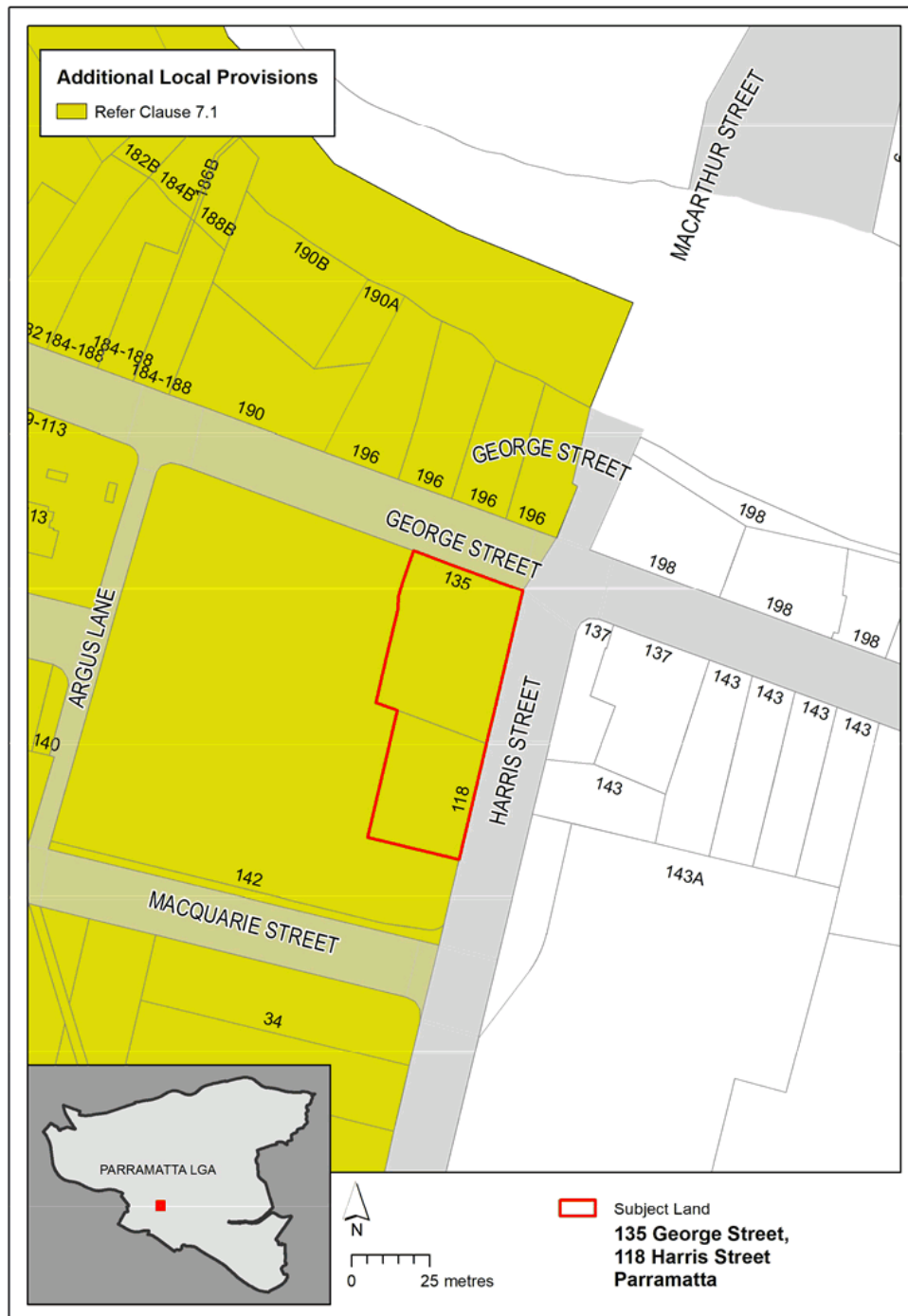


Figure 19 – Additional local provisions map from the *PLEP 2011* Additional Local Provisions Map

Figure 19 above illustrates the site is subject of additional local provisions.

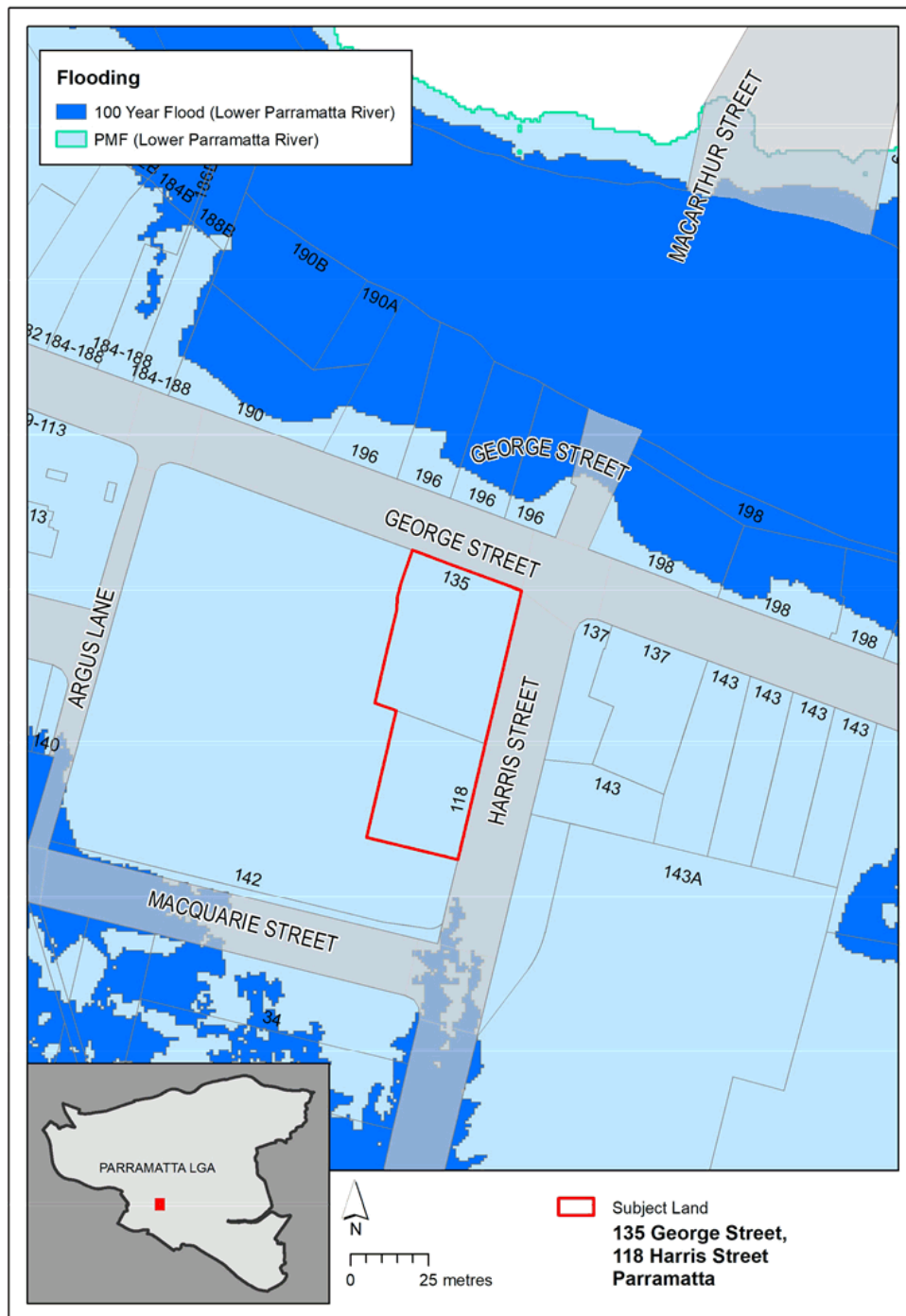


Figure 20 – Existing flooding extant extracted from Council's GIS

Figure 20 above illustrates the site is not affected by the 1 in 100 year Average Recurrence Interval flood level but is within the Probable Maximum Flood level (PMF).

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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.

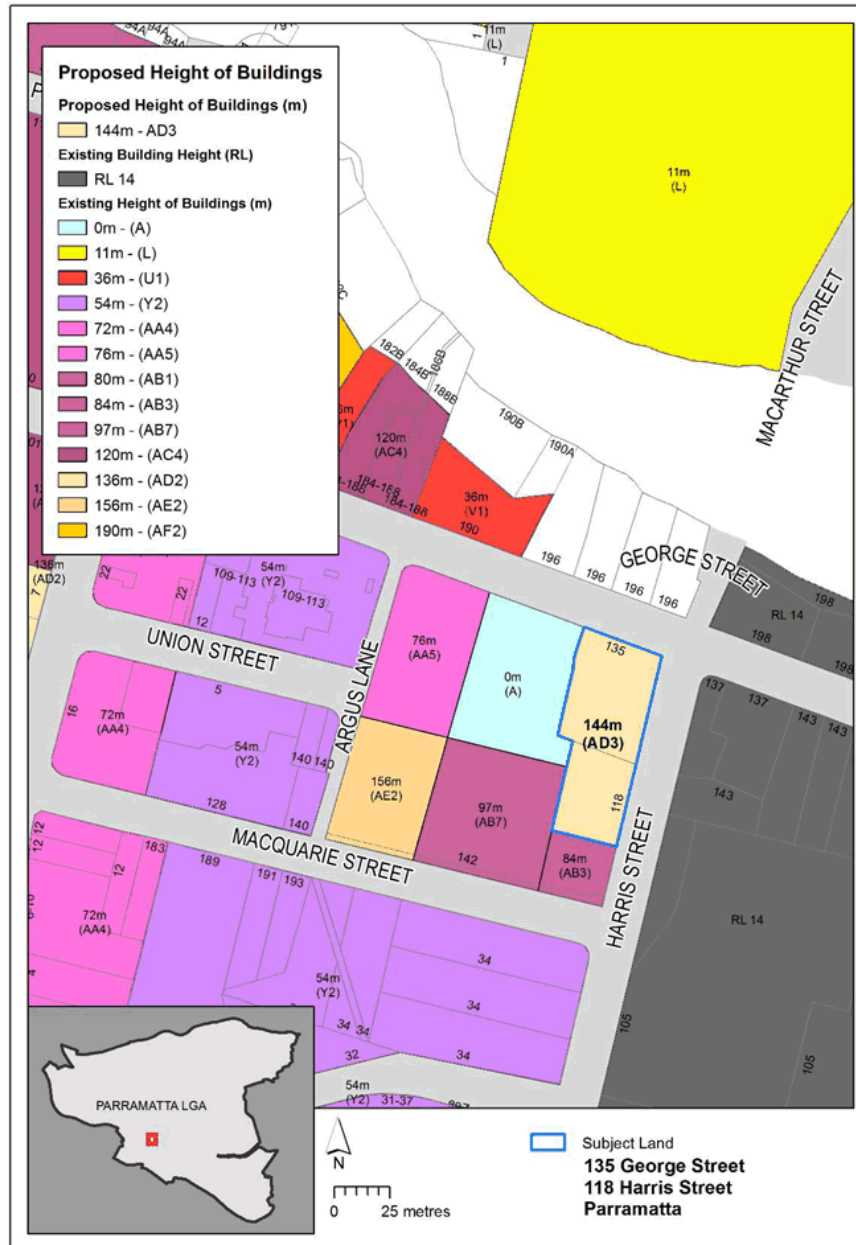


Figure 21 – Proposed amendment to the PLEP 2011 Height of Building Map

Figure 21 above illustrates the proposed 144m maximum building height (165.6m including bonuses).

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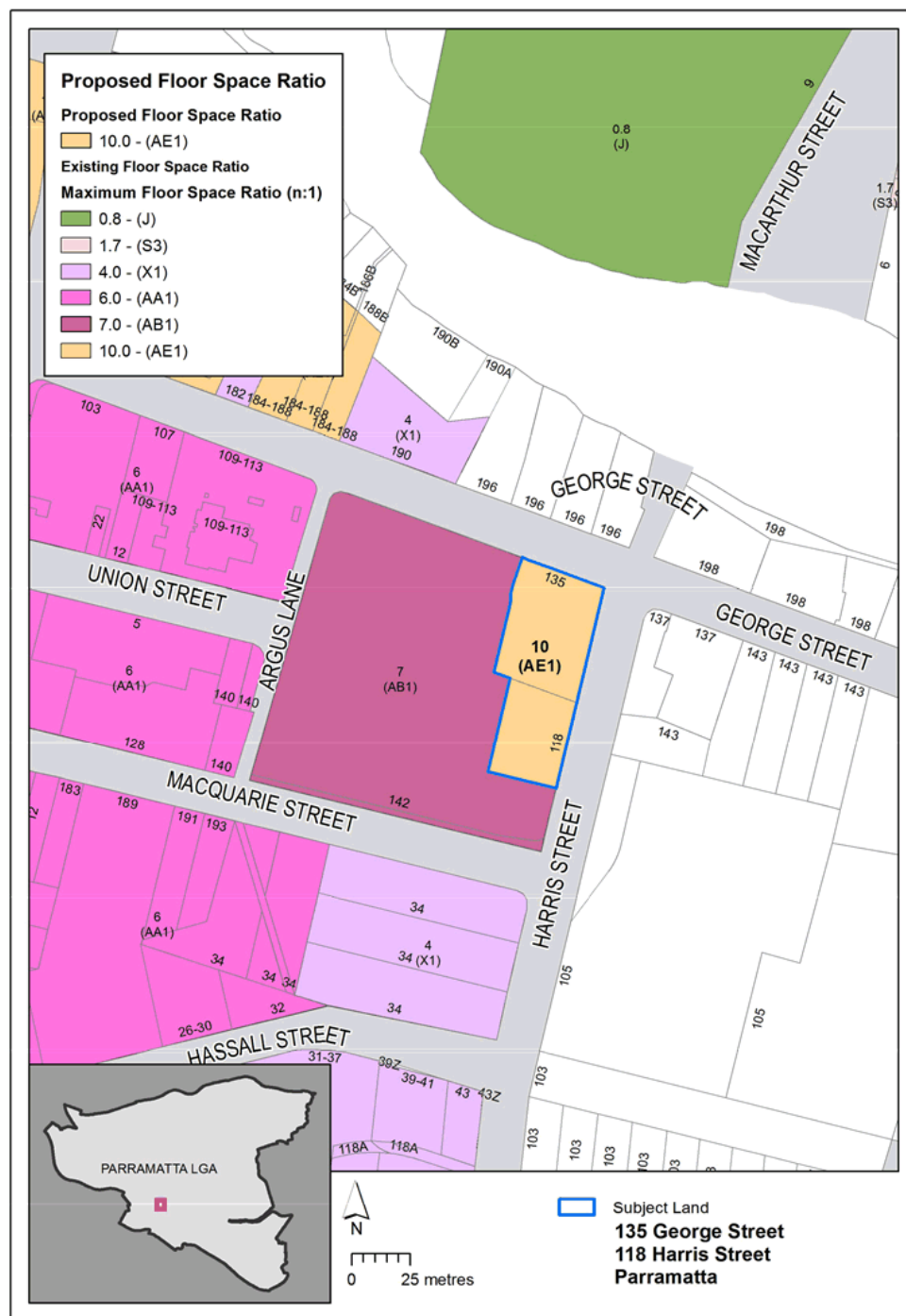


Figure 22 – Proposed amendment to the PLEP 2011 Floor Space Ratio Map

Figure 22 above illustrates the proposed 10:1 FSR over the site.

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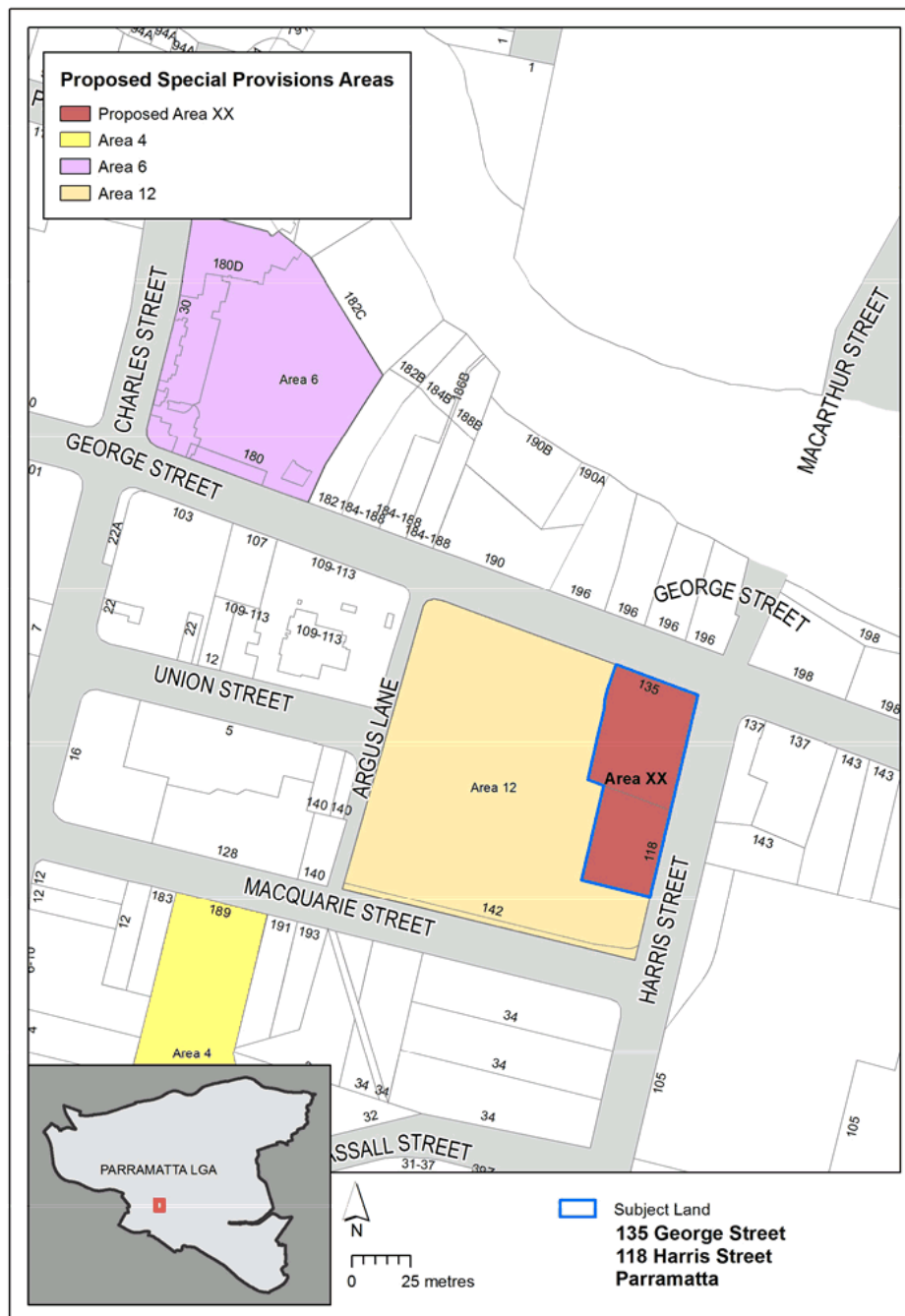


Figure 23 – Proposed amendment to the *PLEP 2011* Special Provisions Map

Figure 23 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*.

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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 website; and
- written notification to adjoining landowners.

The gateway determination will specify 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 following steps are anticipated:

- Referral to Minister for a Gateway determination (May 2020)
- Gateway Determination Issued (July 2020)
- Exhibition and Agency referral (September 2021)
- Consideration of submissions (October 2021)
- Consideration of proposal post exhibition and report to Local Planning Panel – if required under Council's Policy (November or December 2021)
- Report to Council (February 2022 – noting that there are no Council Meetings in December due to the local government elections)
- Submission to the Department to finalise the LEP (March 2022)
- Notification of instrument change (May 2022)

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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. It is noted that condition number 4 of the Gateway determination requires that “Prior to finalising the plan, Council is to ensure there is consistency between the planning proposal and the Parramatta CBD Planning Proposal.”

Clause 7.# Development on land at 135 George Street and 118 Harris Street, Parramatta

- (1) This clause applies to land at 135 George Street and 118 Harris Street, Parramatta, Parramatta, legally known as Lot 135 DP 748984 and Lot 4 DP 388895 and identified as “Area #” on the Special Provisions Area map.
- (2) The minimum floor space ratio for any commercial premises floor space of any development on land to which this clause applies is 1:1.
- (3) Any additional commercial premises floor space provided in excess of the minimum specified in Clause (3) above will be exempt from the overall maximum floor space ratio specified in Clause 4.4 or 7.2 .
- (4) The maximum height permitted for development under this subclause is that shown on the Height of Buildings Map.
- (5) Conversion of any commercial premises floor space approved under subclause (4) to residential accommodation floor space is prohibited under this Plan.

Clause 7.# High performing buildings

- (1) The objectives of this clause are as follows:
 - (a) to encourage high performing building design (namely the built form, layout and services) of office premises, large-scale retail premises, hotel or motel accommodation, serviced apartments, residential flat buildings and mixed use development in the Parramatta City Centre that minimises the consumption of energy and water, and
 - (b) to provide increased amenity to occupants over the long term, and
 - (c) to ensure the increase in gross floor area is compatible with surrounding buildings in terms of bulk, height and amenity.
 - (d) to ensure high performing building measures improve over time to reflect new technologies and commercial viability.
- (2) This clause applies to land at 135 George Street and 118 Harris Street, Parramatta, Parramatta, legally known as Lot 135 DP 748984 and Lot 4 DP 388895 and identified as “Area #” on the Special Provisions Area map in the case that the development meets the criteria in subclauses (a) to (e) below:
 - (a) development for the purposes of office premises with a gross floor area of 1,250 square metres or greater; or
 - (b) development for the purposes of retail premises with a gross floor area of 5,000 square metres or greater; or

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- (c) development for the purposes of serviced apartments or hotel or motel accommodation; or
 - (d) development for the purposes of residential flat buildings and mixed use development that includes residential accommodation, but only where:
 - (i) the lot on which the development will be sited is at least 24 metres wide at the front building line and has a minimum site area of at least 1,800 square metres, and
 - (ii) the lot on which the development will be sited has a maximum floor space ratio of at least 6:1, as shown on either the Floor Space Ratio Map or Incentive Floor Space Ratio Map (as applicable to the development), and
 - (iii) the applicant for the development has chosen to develop their building utilising this clause; or
 - (e) significant alterations and additions (that have a capital value of more than \$5 million) to existing retail premises (with a gross floor area of 5,000 square metres or greater), office premises, hotel or motel accommodation or serviced apartments.
- (3) Before granting development consent to development under this clause, the consent authority must be satisfied that:
- (a) the part of any building used for the purposes in Column 1 of the table, does not exceed the energy emission in Column 2 of the table and the water usage in Column 3 of the table:

Column 1	Column 2 (Energy Target)	Column 3 (Water Target)
Retail premises (including as part of a mixed use development) – common areas only	<p>< 52.8 kgCO₂/m²/annum</p> <p>Note. This is the equivalent of a 4.5 star NABERS Energy Rating (Shopping Centre rating*).</p>	<p>< 1.1 kl/m²/annum</p> <p>Note. This is the equivalent of a 3.5 star NABERS Water Rating (whole building*).</p>
Office premises	<p>< 63.8 kgCO₂/m²/annum</p> <p>Note. This is the equivalent of a 5.5 star NABERS Energy Rating (base building*).</p>	<p>< 0.5 kl/m²/annum</p> <p>Note. This is the equivalent of a 4.5 star NABERS Water Rating (whole building*).</p>
Hotel or motel accommodation or serviced apartments	<p>< 5,220 kgCO₂/guest room/annum</p> <p>Note. This is the equivalent of a 4.5 star NABERS Energy Rating (whole building*).</p>	<p>< 76.1 kl/guest room/annum</p> <p>Note. This is the equivalent of a 4.5 star NABERS Water Rating (whole building*).</p>

*This denotes the Federal Government's *National Australian Built Environment Rating System* (NABERS) terminology regarding ratings scope. Applicants should refer to NABERS for further information.

Note. The energy and water requirements in Columns 2 and 3 were extracted from the Federal Government's *National Australian Built Environment Rating System* (NABERS) registry on 26 February 2020 and represent the 15th percentile of best performance of similar existing buildings of a similar usage type in the Sydney metropolitan region. These requirements will be regularly reviewed by Council to ensure high performing building measures improve over time to reflect new technologies and commercial viability.

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- (b) a report prepared by a qualified consultant to the satisfaction of the Council verifies that:
- the necessary annual emissions intensity and water performance targets to meet the requirements under this subclause at the time of application have been established and confirmed, and
 - the building will meet the annual energy and annual water performance targets established under this subclause, has adequate allowance (including budget) in the design of the building and its services to meet these targets, and is committed to a post occupancy verification against the targets.

Note. The requirements specified in clause 3(a) could also be verified through the provision of a signed *National Australian Built Environment Rating System (NABERS) Commitment Agreement*.

- (4) The part of any building that is a dwelling, including as a part of a residential flat building or mixed use development, complies with the following higher BASIX Energy and BASIX Water standards (shown Column 2) than the minimum standards as provided in *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, which correspond to the height of the building (shown in Column 1) and its floor space ratio (also shown in Column 2), as indicated in the table to this subclause.

Column 1	Column 2		
Building Height	Higher BASIX Energy and Water Standards		
	BASIX standard	Points above minimum BASIX standard for development with a floor space ratio of 6:1 or greater, up to, but not including, 14:1	Points above minimum BASIX standard for development with a floor space ratio of 14:1 or greater
5-15 storeys	Energy	+25	+15
	Water	+15	+15
16-30 storeys	Energy	+20	+10
	Water	+15	+15
31-40 storeys	Energy	+10	+10
	Water	+15	+15
41+ storeys	Energy	+10	+10
	Water	+15	+15

Note. These higher BASIX standards may be subject to review following changes to the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* by the NSW Government.

- (5) A residential flat building or a mixed use development (that contains dwellings) which complies with this clause is eligible for an amount of additional residential floor space (above that already permitted elsewhere under this Plan) equivalent to that which exceeds the floor space ratio as

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

shown on the Floor Space Ratio Map or Incentive Floor Ratio Map (as applicable to that development) by up to 5%, subject to the consent authority being satisfied that this additional residential floor space does not adversely impact on neighbouring and adjoining land in terms of visual bulk and overshadowing.

- (6) This clause does not apply to land on which development to which clause 13 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* applies is to be carried out.

- (7) In this clause:

BASIX means a rating under *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

mixed use development means a building or place comprising two or more different land uses, where at least one of these land uses is dwellings.

7.# Car parking on land at land at 135 George Street and 118 Harris Street, Parramatta

- (1) The objectives of this clause are as follows-
 - (a) to identify the maximum number of car parking spaces that may be provided to service particular uses of land,
 - (b) to minimise the amount of vehicular traffic generated because of proposed development.
- (2) This clause applies to land identified as "Area XX" on the Key Sites Map.
- (3) Despite clause 7.3, development consent must not be granted to development on land to which this clause applies that includes car parking spaces in connection with a proposed use of land if the total number of car parking spaces, including existing car parking spaces, provided on the site would be greater than the maximum set out in this clause.
- (4) If the consent authority is satisfied that there are car parking spaces in excess of the requirements of the occupiers of an existing building, the consent authority may grant development consent to the use of those car parking spaces by persons other than the occupiers of the building.
- (5) If the maximum number of car parking spaces under this clause is not a whole number, the number is to be rounded to the nearest whole number.
- (6) More than one provision of this clause may apply in the case of a mixed use development and in such a case—
 - (a) the maximum number of car parking spaces is the sum of the number of spaces permitted under each of those provisions, and
 - (b) a reference in those provisions to a building is taken to be a reference to the parts of the building in which the relevant use occurs.
- (7) **Business premises and office premises** The maximum number of car parking spaces for a building used for the purposes of business premises or office premises is as follows—
 - (a) if the building has a floor space ratio of no more than 3.5:1—1 space for each 175 square metres of gross floor area of the building used for those purposes,
 - (b) if the building has a floor space ratio greater than 3.5:1, the following formula is to be used—

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

where—

M is the maximum number of parking spaces, and

G is the gross floor area of all office premises and business premises 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.

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- (8) **Centre-based child care facilities** The maximum number of car parking spaces for a building used for the purposes of a centre-based child care facility is 1 space plus 1 space for every 100 square metres of the gross floor area of the building used for those purposes.
- (9) **Dwelling houses, attached dwellings and semi-detached dwellings** The maximum number of car parking spaces for dwelling houses, attached dwellings and semi-detached dwellings is 1 space for each dwelling.
- (10) **Health consulting rooms and medical centres** The maximum number of car parking spaces for a building used for the purposes of health consulting rooms or medical centres is 2 spaces for every consulting room.
- (11) **Hotel or motel accommodation and serviced apartments** The maximum number of car parking spaces for a building used for the purposes of hotel or motel accommodation or serviced apartments is—
- (a) if the building contains up to 100 bedrooms—1 space for every 4 bedrooms, and
 - (b) if the building contains more than 100 bedrooms—1 space for every 5 bedrooms.
- (12) **Information and education facilities** The maximum number of car parking spaces for a building used for the purposes of information and education facilities is 1 space for every 200 square metres of the gross floor area of the building used for those purposes.
- (13) **Light industries** The maximum number of car parking spaces for a building used for the purposes of light industries is 1 space for every 150 square metres of the gross floor area of the building used for those purposes.
- (14) **Places of public worship and entertainment facilities** The maximum number of car parking spaces for a building used for the purposes of a place of public worship or an entertainment facility is whichever of the following provides the greater number of spaces—
- (a) 1 space for every 10 seats, or
 - (b) 1 space for every 30 square metres of the gross floor area of the building used for those purposes.
- (15) **Residential flat buildings, dual occupancies and multi dwelling housing** The maximum number of car parking spaces for residential flat buildings, dual occupancies and multi dwelling housing is as follows—
- (a) for each studio dwelling—0.1 spaces,
 - (b) for each 1 bedroom dwelling—0.3 spaces,
 - (c) for each 2 bedroom dwelling—0.7 spaces,
 - (d) for each 3 or more bedroom dwelling—1 space.
- (16) **Retail premises** The maximum number of car parking spaces for a building used for the purposes of retail premises is as follows—
- (a) if the building has a floor space ratio of no more than 3.5:1—1 space for each 90 square metres of gross floor area of the building used for those purposes,
 - (b) if the building has a floor space ratio greater than 3.5:1, the following formula is to be used—
- $$M = (G \times A) \div (50 \times T)$$
- where—
- M** is the maximum number of parking spaces, and
 - G** is the gross floor area of all retail premises 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.

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(17) In this clause—

car parking space means a space intended to be used for the parking of cars that is ancillary to another land use on the site, but does not include the following—

- (a) a place primarily used for the purpose of washing vehicles,
- (b) a place primarily used for the purpose of loading or unloading of goods,
- (c) a place primarily used for the purpose of storing bicycles or motorcycles,
- (d) a car parking space in a car park,
- (e) a car parking space for the exclusive use of vehicles belonging to a car share scheme.

car share scheme means a scheme in which a body corporate, an unincorporated body or a public authority owns or manages and maintains vehicles for shared or communal use and hires those vehicles exclusively to members of the scheme for occasional use for short periods of time, on demand and on a pay-as-you go basis.

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

Note: Council resolved to request the removal of Condition No. 1 (b) and (d) of the Gateway determination. Subject to further consideration by the Department, the above Clause may not be included in the final LEP amendment.

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Appendix 2 – Draft site-specific Development Control Plan

Refer to separate attachment.

Planning Proposal – 135 George Street and 118 Harris Street, Parramatta

Appendix 3 – Draft Planning Agreement

Refer to separate attachment.

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Appendix 4 – Applicant’s Reference Design

Refer to separate attachment.

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Appendix 6 – Heritage Issues Identification

Refer to separate attachment.

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Prepared by City of Parramatta

PARRAMATTA WE'RE BUILDING **AUSTRALIA'S NEXT GREAT CITY**

[Draft Parramatta City Centre Development Control Plan – to be inserted as a new section 4.3.3.7 e)]

n) Nos 142-154 Macquarie Street and 135 George Street, Parramatta

Land and Development Covered by this Part

This Part of the DCP applies the streetblock bound by George Street, Harris Street, Macquarie Street and Argus Lane as shown in Figure 4.3.3.7.20.

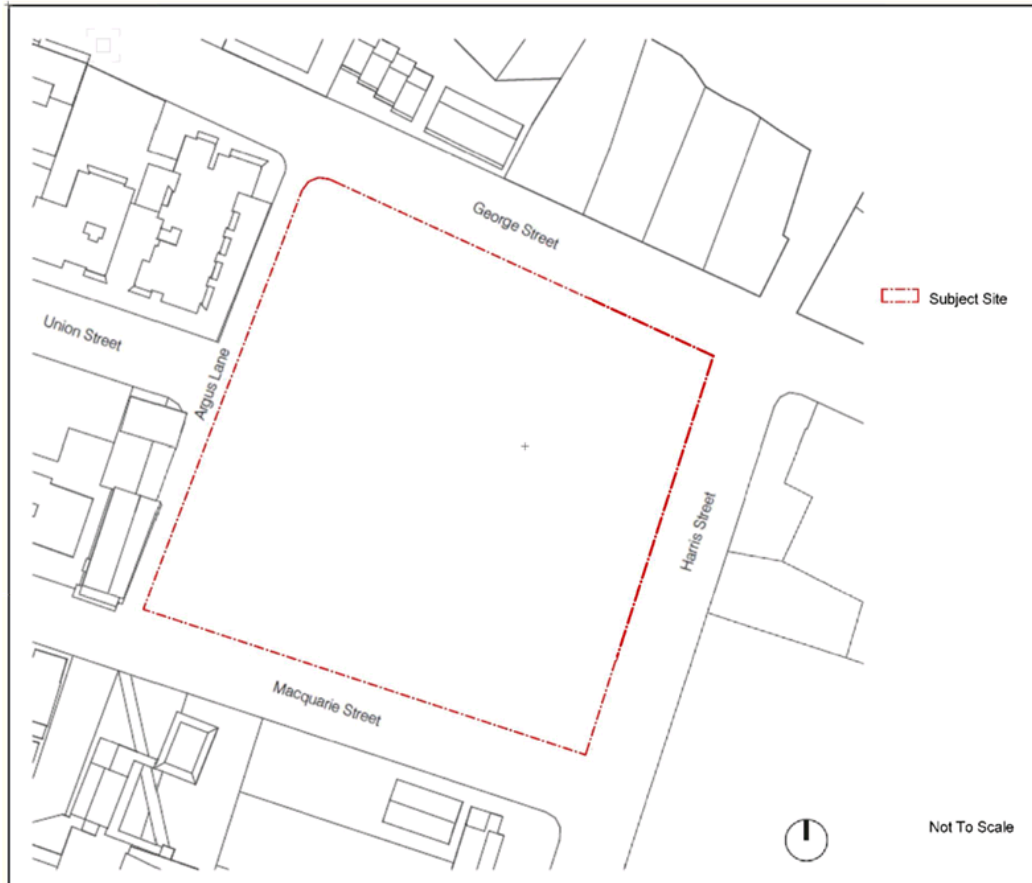


Figure 4.3.3.7.20 – Land covered by this Part

Relationship to other Planning Documents or Sections within DCP 2011

This Part is to be read in conjunction with other parts of this DCP and the *Parramatta Local Environment Plan (LEP) 2011*. The aspects of this Part that relate to the former Cumberland Media site have been prepared in accordance with the winning design from Council's Design Excellence process (LA/353/2015), as per Clause 7.10 of Parramatta LEP 2011. It establishes principles, objectives and controls to be interpreted during preparation and assessment of development applications.

Whilst this section contains site specific controls for the site, the other Parramatta City Centre DCP provisions will still apply. In particular, these controls are considered to be relevant to the development of this site.

- 4.3.3.1 (a) Built Form – Minimum Building Street Frontage
- 4.3.3.1 (d) Built Form – Building Depth and Bulk
- 4.3.3.1 (f) Built Form – Building Form and Wind Mitigation

- 4.3.3.1 (g) Built Form – Building Exteriors
- 4.3.3.2 Mixed Use Buildings
- 4.3.3.3 (e) Courtyards and Squares
- 4.3.3.5 (b) Pedestrian Access and Mobility
- 4.3.3.5 (c) Vehicular Driveways and Manoeuvring Areas
- 4.3.3.5 (d) On-site Parking
- 4.3.3.6 Environmental Management
- 4.3.3.8 Design Excellence

In addition to the Parramatta City Centre Controls (section 4.3.3, as per above), other parts of PDCP 2011 also apply.

Note: Where there is any inconsistency between this section and other parts of the DCP, this section prevails.

This part of the DCP provides principles, objectives and controls on the following:

- Public domain
- Building form
- Access, parking and servicing
- Sustainability, microclimate and water

Design Principles

The following design principles support the objectives and development controls for the site.

Relationship to Parramatta CBD:

1. To revitalise the eastern edge of Parramatta's CBD and create a new destination for the city.

Architectural Design:

2. To create a high quality, high-density mixed-use development in Parramatta CBD.
3. To respond to the existing streetscape pattern and scale.
4. To mitigate wind impact through design of towers and podiums.
5. To provide an accessible open space with separate plaza spaces activated by a variety of retail, cultural, community, entertainment and commercial uses.

Landscape and Public Domain:

6. To support the amenity of the adjacent parklands and open space.
7. To improve the landscape character and quality of the public domain which adjoins the site.
8. To provide a high quality communal open space.
9. To minimise overshadowing impacts on the open space and heritage items.

Pedestrian Connectivity:

10. To improve connectivity in a north-south and east-west direction across the site and link a series of smaller public open spaces of different shapes and character.
11. To provide active street frontages to George Street, Harris Street and Macquarie Street.
12. To minimise traffic conflicts between pedestrians and vehicles on the site.
13. To integrate pedestrian linkages with the future Light Rail station.

History and Culture:

14. To respond to the history, heritage and archaeological values of the area and incorporate Aboriginal and European elements into the future development through the built elements, streetscape, landscape design and interpretation on the site.

The proposed master plan concept for the site is shown on Figure 4.3.3.7.21.

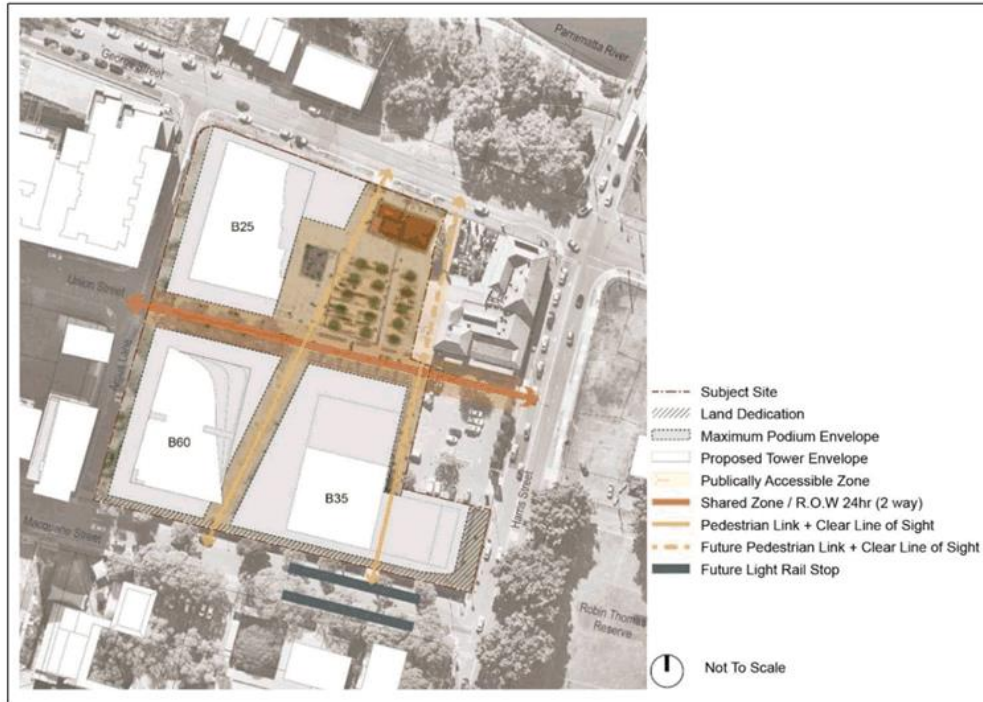


Figure 4.3.3.7.21 – Master plan diagram for 142-154 Macquarie Street



Figure 4.3.3.7.22 – Master plan diagram for former Albion Hotel Site 135 George Street

Plazas and Walkways

The publicly accessible plaza includes publicly accessible walkways and shared spaces within and around the site including streets, lanes and plazas which provide 24/7 access (to be delivered by a voluntary planning agreement).

Objectives

1. Enhance the public domain through improvements to the streets and lanes within and adjoining the site and the creation of publicly accessible plazas.
2. Respond to the existing and planned streetscape pattern and scale
3. Provide active street frontages to George Street, Harris Street and Macquarie Street.
4. Provide a new publicly accessible open space which is activated by a variety of retail, cultural, community, entertainment and commercial uses.
5. Provide heritage interpretation within the publicly accessible open space.
6. Improve connectivity in a north-south and east-west direction across the site and link a series of smaller public open spaces of different shapes and character.
7. Ensure a high level of pedestrian amenity, safety and security through the inclusion of weather protection and lighting.
8. Address the new public place to the riverfront.
9. Ensure the Heritage Cottage Pavilion is activated.
10. Ensure that the plazas and walkways respond to the history, heritage and archaeological values of the area.

Controls

1. New pedestrian walkways and plazas shall be provided in accordance with Figure 4.3.3.7.23.

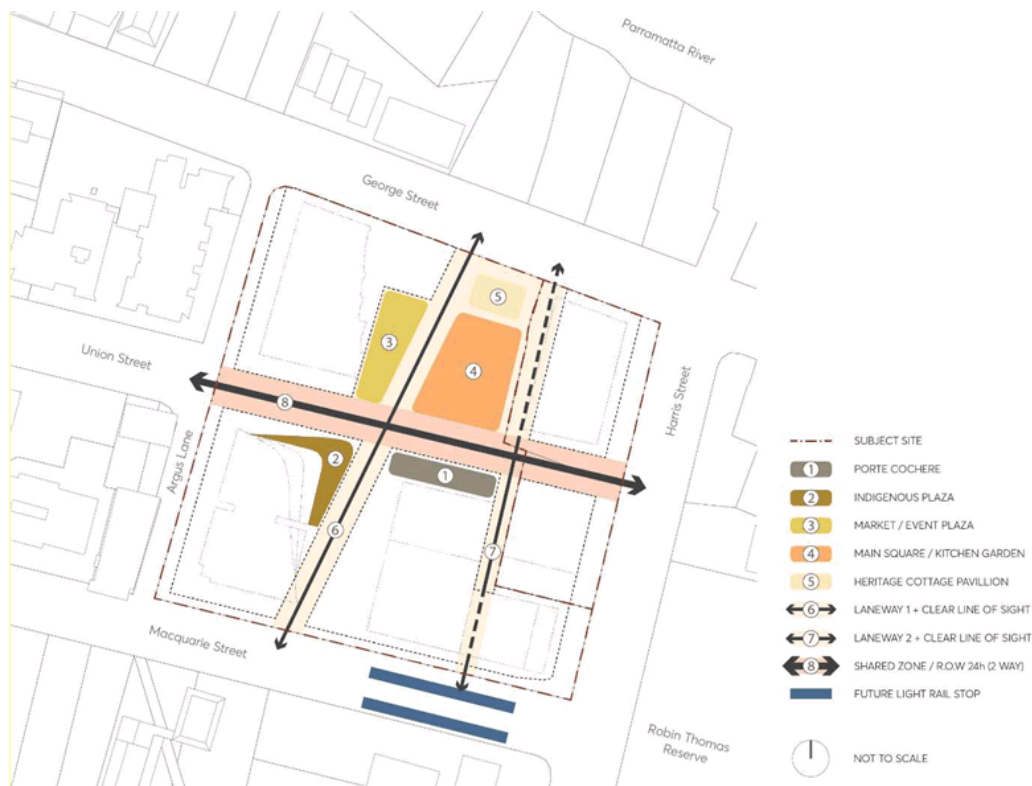


Figure 4.3.3.7.23 – Control diagram: Open Space - Plazas, walkways and shareway

2. New pedestrian walkways, plazas and shareway are composed of the following areas:
 - a) Plaza area – 2,500sqm (comprising Plazas 1 to 4)
 - b) Shareway – 1,000sqm
 - c) Laneways – 850sqm

The total area of the entire public open space to be provided is 4,400sqm.
3. Plaza 3 (Market/Events), 4 (Main Square/Kitchen Garden), 5 (Heritage Cottages Pavillion) are to receive a minimum of 2 hours of solar access between the hours of 10am and 3pm on June 21st to a minimum of 50% of the area
4. The plazas and laneways are designed to celebrate the heritage and archaeological values of the site's history and location through high quality public domain design and on site interpretation, with consideration given to the themes in Figure 4.3.3.7.23 (above) as well as the descriptions provided in the table below. Alternate themes that link to the history and values of the site may also be considered (subject to Council's approval).

PUBLIC DOMAIN PLAZA	USES/DESCRIPTION
Plaza 3 – Market / Events	<ul style="list-style-type: none"> flexible event space in the plaza space adjoining the markets Market Stalls and seating – grand market containing an eatery within the ground floor of Building 25 (B25). Flexible stalls and seats spill out into the open space and towards the Laneway 1.

Plaza 4 - Main Square / Kitchen Garden	<ul style="list-style-type: none"> Kitchen Garden- Contained within Heritage Lots 49 & 50. To provide edible gardens containing passive recreation space and supplies of produce to the kitchen garden restaurant (restaurant contained within B25 and serving the Convict Cottages).
Plaza 5 - Heritage Cottages Pavilion	<ul style="list-style-type: none"> An open pavilion structure interpreting the convict cottages on Lots 48 & 49; acting as an educational tool. It also provides sheltered seating for the customers of the Kitchen Garden Restaurant.

5. A two storey colonnade is to be provided along Laneway 2 in the south east building and north east building to allow for a clean line of sight as indicated in figure 4.3.3.7.23
6. A shareway as indicated in Figures 4.3.3.7.23 and 4.3.3.7.28 is to be provided, forming an active spine across the site. The minimum width of the shareway is 12 metres.
7. Continuous street frontage awnings are to be provided along building frontages and along active frontages to provide shade and shelter in accordance with Figure 4.3.3.7.24.



Figure 4.3.3.7.24 – Control diagram: Awning location for former Cumberland Media Site + former Albion Hotel Site



Figure 4.3.3.7.25 – Control diagram: Location of active edges and/or pedestrian entries for former Cumberland Media Centre Site and former Albion Hotel Site

8. Frontage, activation and entries:
 - a) The site is to provide active frontages on ground level along the public spaces as per Figures 4.3.3.7.25.
 - b) Access to residential and commercial uses above ground level is to be provided directly from plaza or ground level pedestrian walkway.

Private Domain

The private domain comprises a series of spaces within the residential component of the development that are enjoyed by the development's future residents.

Objectives

1. To provide high quality private open space and recreational facilities within the development, to meet the needs of future residents.
2. Accessible terraces are to provide opportunities to enhance its amenity for residents.

Controls

1. The development is to provide private recreational facilities (a communal gymnasium and pool facility) to complement Robin Thomas Reserve and other local recreation facilities.
2. Each tower within the development must provide high quality communal open space. This may be in the form of communal gardens or other alternate communal opens space facilities or by way of accessible roof terraces containing landscaped rooftop gardens and activity spaces/uses.

Activity spaces/uses are required to suit the orientation, height, proximity and privacy of the differing levels.

Building form

Objectives

1. Establish high quality architectural and urban design of the site.
2. Create three distinct built forms (towers) with heights varying from 25 storeys to 35 storeys to 60 storeys which transition within the site towards the park and the river.
3. Protect the amenity of adjacent parklands and open space, nearby schools, heritage items and surrounding urban areas by minimising overshadowing impacts.
4. Mitigate wind impact through design of towers and podiums.

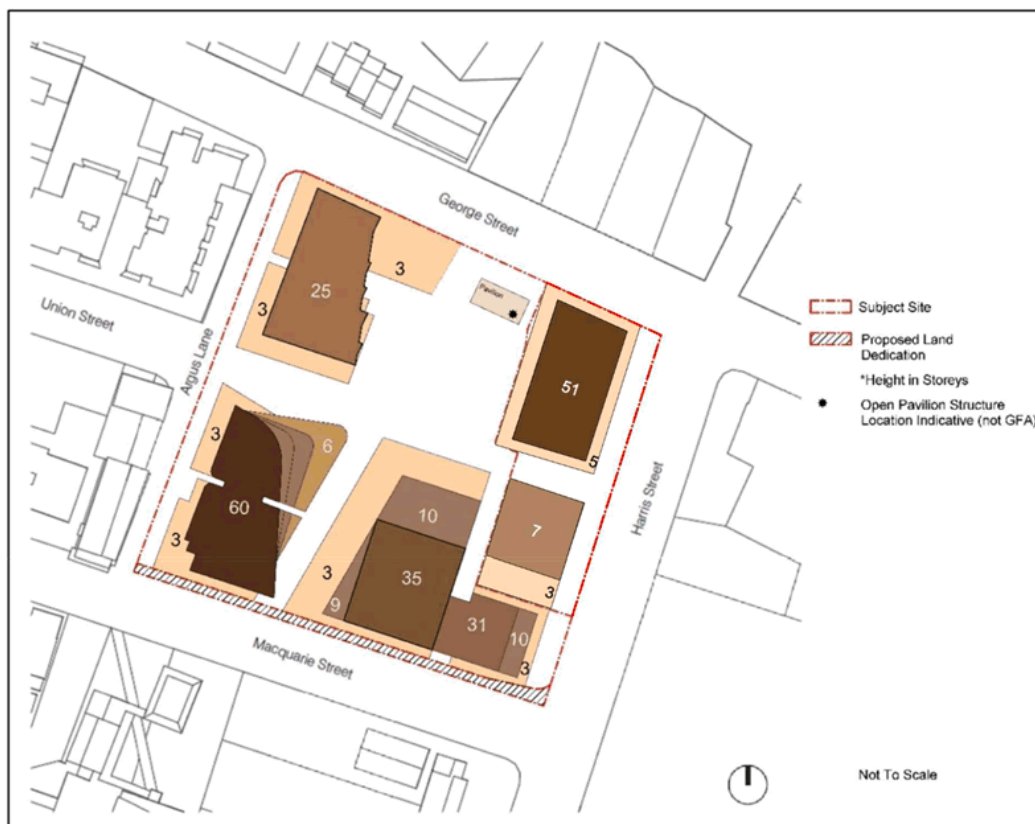


Figure 4.3.3.7.26 – Control diagram: Height of buildings in storeys on former Cumberland Media Site

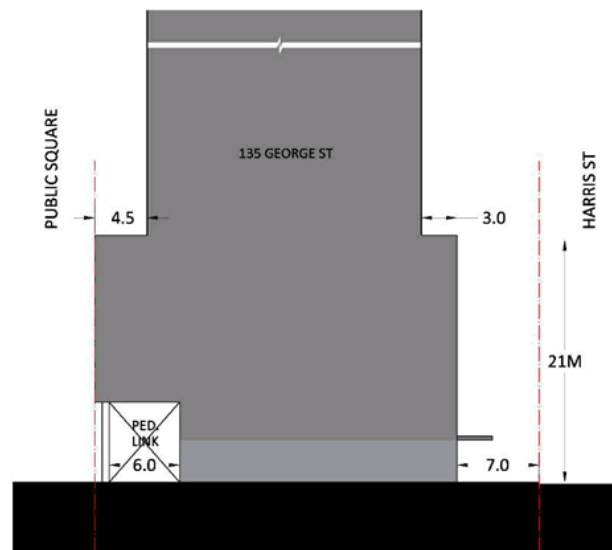


Figure 4.3.3.7.26a – Section showing double height colonnade and setbacks to tower at the corner of Harris and George Streets

Controls

1. Building envelopes
 - a) The heights (in storeys) of the podium and tower elements are to be consistent with Figure 4.3.3.7.26.
 - b) The Heritage Cottages Pavilion is to have no internal and external walls (as it is an open pavilion structure and not part of the GFA of the development).
 - c) New building forms are to be consistent with dimensions of the street setbacks and above street setbacks as shown in Figure 4.3.3.7.27, Figure 4.3.3.7.28 and Figure 4.3.3.7.29.
 - d) Residential towers should not exceed the maximum building floor plate of 950sqm.
 - e) The size of a podium floor plate is to be proportional to the height of each tower in order to achieve the effect of a slim tower form. Taller tower forms will require a larger floor plate and lower tower forms will require a smaller floor plate (refer to Figure 4.3.3.7.27).

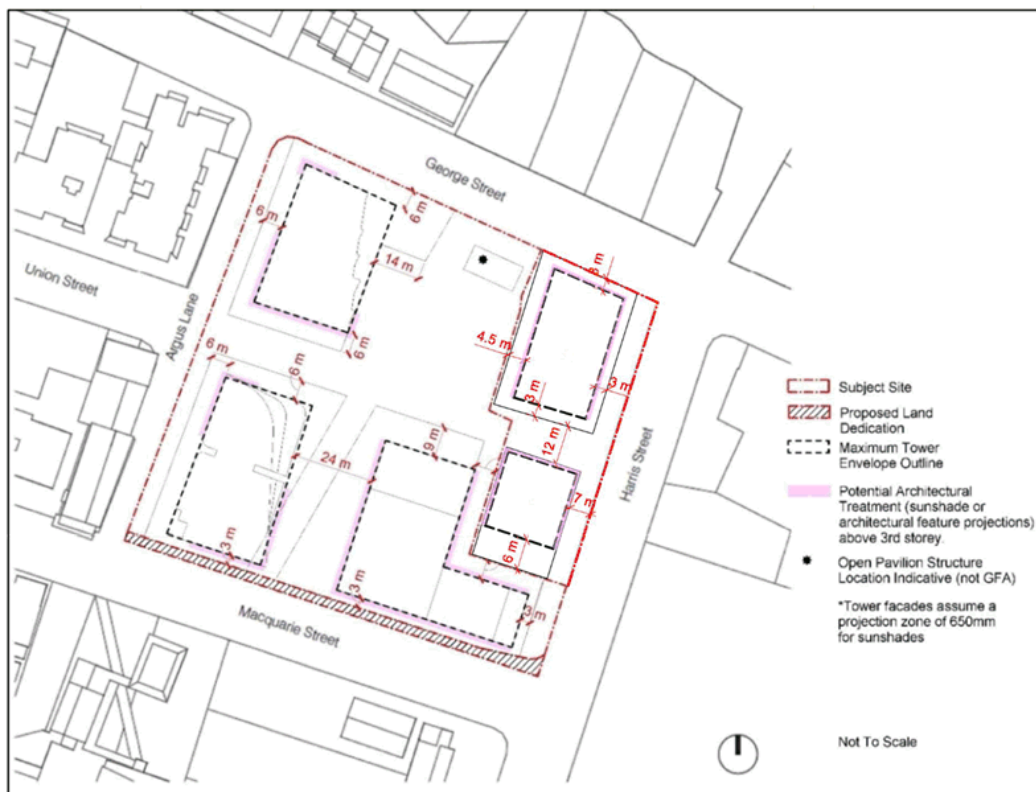


Figure 4.3.3.7.27 – Control diagram: Setbacks to towers above podium on former Cumberland Media Site

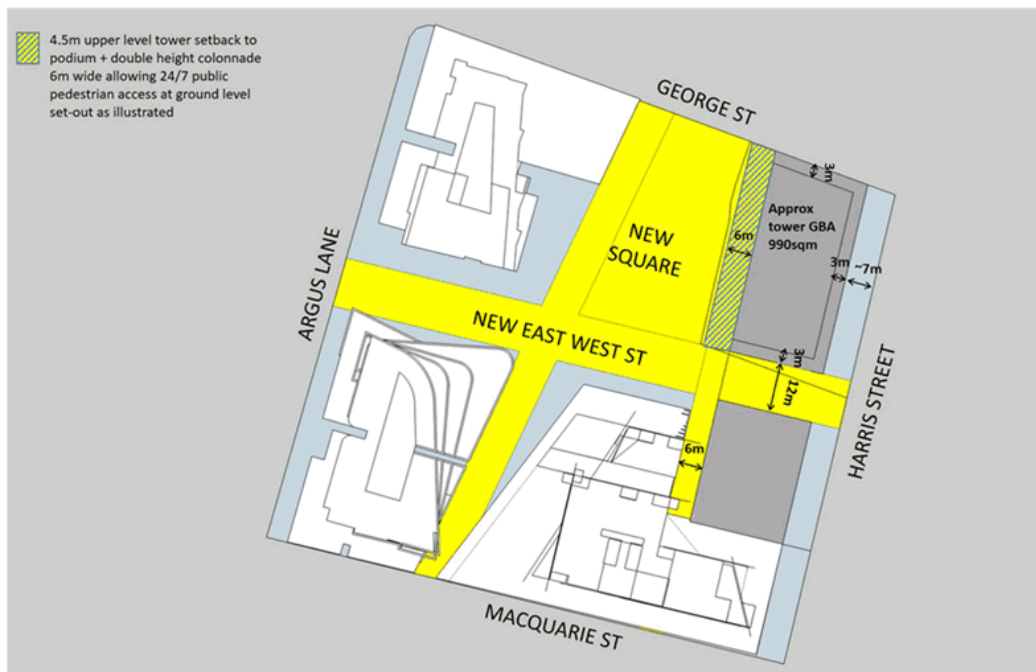


Figure 4.3.3.7.28 – Control diagram: Height of Building in Storeys and Setbacks to towers over podium on former Albion Hotel Site

2. Building podiums are to be consistent with the setbacks shown in Figure 4.3.3.7.29 and be predominantly non-residential in character.

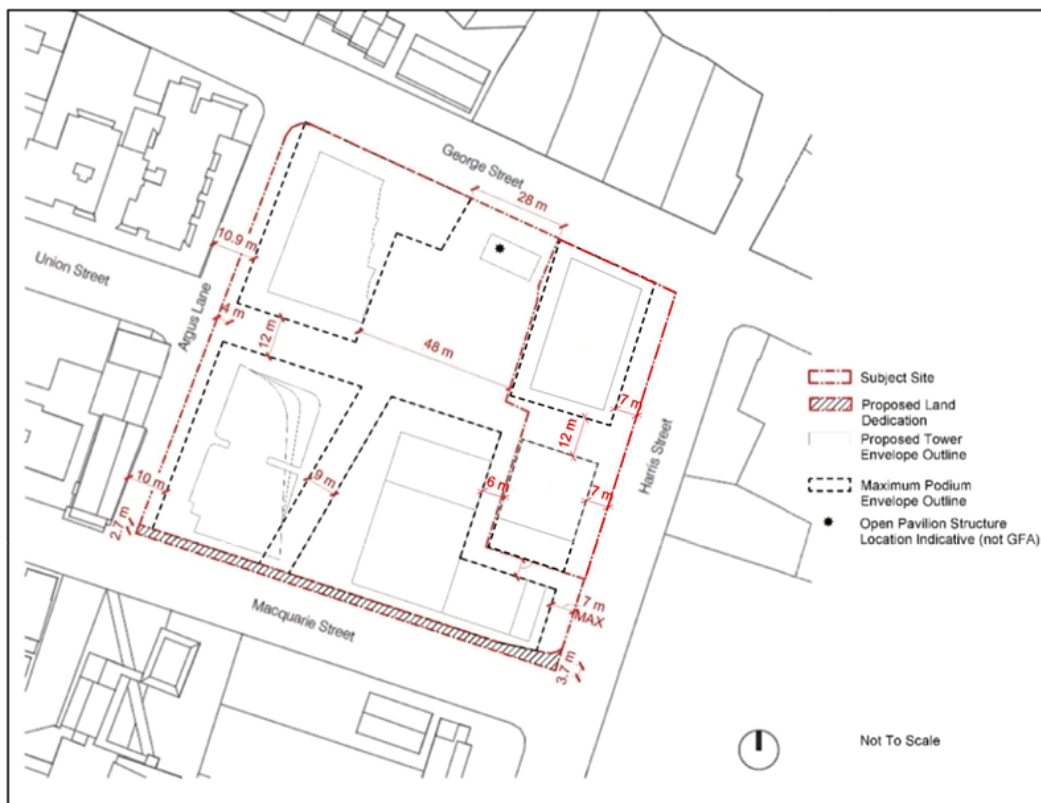


Figure 4.3.3.7.29 – Control diagram: Setbacks and separations at street level

Access, Parking and Servicing

Objectives

1. Connect the new network of spaces to Robin Thomas Reserve.
2. Provide access for vehicles to the site balanced with pedestrian amenity, access and safety.
3. Improve traffic impacts by widening Argus Lane
4. Minimise the number of vehicular access and service points along the active frontages in particular along George Street and Macquarie Street.
5. Provide high quality design of the vehicular access areas with high quality materials.
6. Ensure safety by minimising pedestrian and vehicular conflicts through lighting and signage.
7. Reduce the visual impact of above ground car parking.
8. Increase opportunities to use public transport, to cycle or walk to work.
9. Improved pedestrian connectivity through the site to the City Centre.
10. Ensure that the design of the development, below ground structures and basement is sympathetic to the archaeological heritage on the site and provides in situ retention of State Significant Archeology on lot 46, 47, 48 and 49.

Controls

1. Vehicular access and servicing:
 - a) Vehicular access and egress are to be provided in the locations shown on Figure 4.3.3.7.30.
 - b) Service vehicle access points and utilities are to be minimised along pedestrian routes and adjacent public open space.
 - c) A 12 metre wide two-way share way shall connect Argus lane and Harris Street for pedestrian and service vehicle access. The share way shall deny access to private vehicles except for emergency vehicles, vehicles associated with the hotel/serviced apartments (i.e. taxis and hotel deliveries) and loading/unloading during defined loading times. The development application shall address any temporary parking and loading/unloading arrangements to be implemented.
 - d) Entry to the share way via Harris Street shall not be permitted. The development application must outline the security measures that will be implemented to control access into the share way such as bollards.
 - e) Vehicular and service access widths are to be minimised and incorporated into the building design.
 - f) High quality design and materials are to be used for the security shutters into the car park and loading areas. Details of design and materials are to accompany the development application.
 - g) Any on grade or above ground car parking and service areas are to be sleeved with other uses such as commercial and residential and is not to be visible to the public domain.
 - h) Development application plans are to provide evidence of signage and urban design elements that reduce pedestrian and vehicle conflicts over the shared zones illustrated in Figure 4.3.3.7.31.
 - i) Facilities for cyclists such as parking, storage and end of trip facilities for bicycles must be provided in accordance with Parramatta DCP 2011. Additional showers for office buildings and public bicycle racks located within the pedestrian walkways must also be provided to encourage the use of bicycles to encourage the use of bicycles.



Figure 4.3.3.7.30 – Control diagram: Vehicular Access and Servicing

2. A Travel Plan consistent with section 3.6.1 of this DCP must accompany each DA stage with the last stage including a comprehensive Travel Plan for the entire development. In addition, the following is also required:
 - a) An annual survey to estimate the travel behaviour to and from the site and a review of the measures.
 - b) A copy of the Travel Plan must be available to Council on request.

Travel Plan:

Provision of Travel Plans and Travel Information Guides A Travel Plan is a package of measures designed to reduce car trips and encourage the use of sustainable transport. Where a Travel Plan is required as a condition of development, it must be submitted to Council prior to the release of the Occupation Certificate.

If the future occupant(s) are known then the Travel Plan must be prepared in co-operation with them. The condition of consent remains for the life of the development:

- a) Development that contains 5,000sqm of gross floor space or 50 or more employees must prepare a Travel Plan.
- b) Travel Plan must include:
 - **Targets:** This typically includes the reduction of single occupant car trips to the site for the journey to work and the reduction of business travel particularly single occupant car trips.
 - **Travel data:** An initial estimate of the number of trips to the site by mode that is required
 - **Measures:** a list of specific tools or actions to achieve the target.
 - An annual survey to estimate the travel behaviour to and from the site and a review of the measures.

- A copy of the Travel Plan must be available to Council on request.

3. A community car share scheme is available for the future residents and is integrated into the development. Development application plans for the basement are to show car share car spaces.
4. Pedestrian movement controls:
 - a) Provide a series of pedestrian links allowing access from Macquarie Street to the main plaza and George Street and from Argus Lane to the Harris Street as shown on the Figure 4.3.3.7.31.



Figure 4.3.3.7.31 – Control diagram: Pedestrian links and shared zones

- b) The pedestrian links are to be in accordance with the street level setback widths outlined in Figure 4.3.3.7.31 and the minimum width be no less than 6m.
5. Basement and below ground structure controls:
 - a) The basement line is not to extend further north (into the protected archaeological zone) than the existing sewer line shown in Figure 4.3.3.7.32 and shall be designed such that it will not result in adverse heritage impacts on the archaeology in Lots 46, 47, 48 and 49. This is to be demonstrated on the development application plans.

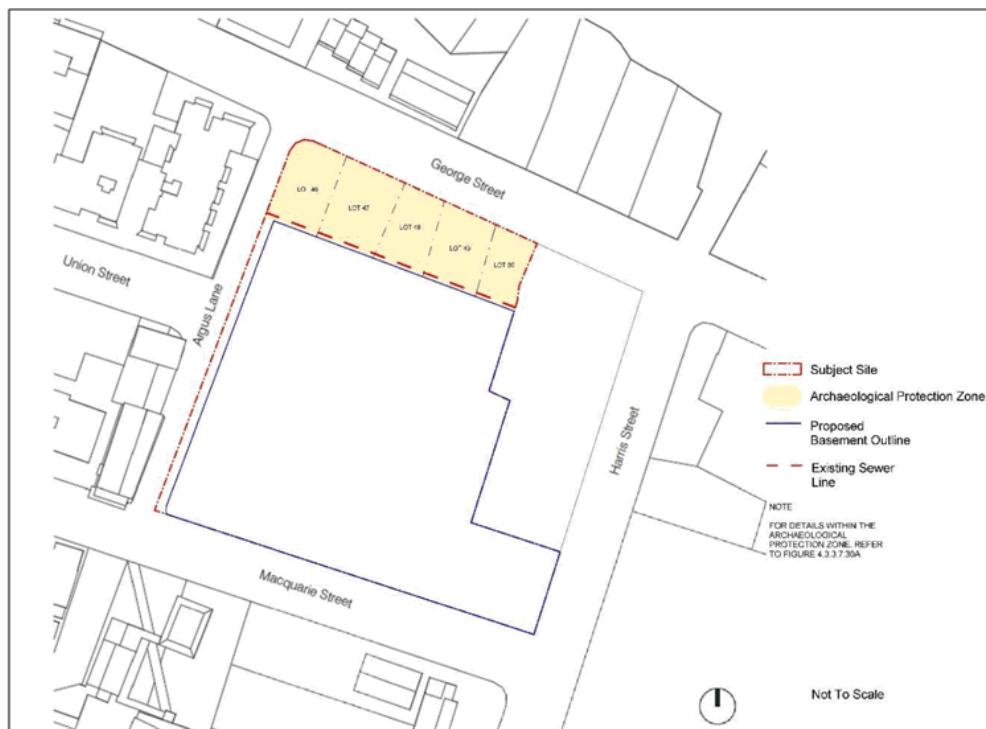


Figure 4.3.3.7.32 – Control diagram: Protected archaeological zone and lots

- b) Ensure that the basement and below ground structures and services allow for the in-situ retention of State Significant Archaeology in lots 46, 47, 48 and 49 in Figure 4.3.3.7.33. Ramp access and building lift cores are to be located south of the basement line, outside of the protected archaeological zone. This is to be demonstrated on the development application plans.
- c) The design of the piling and foundations for building B25 shall ensure the retention of the archaeology in Lots 46, 47, 48 and 49 in-situ. All piles and structures must fall outside of a one-metre exclusion zone as shown in Figure 4.3.3.7.33. This is to be demonstrated on the development application plans.

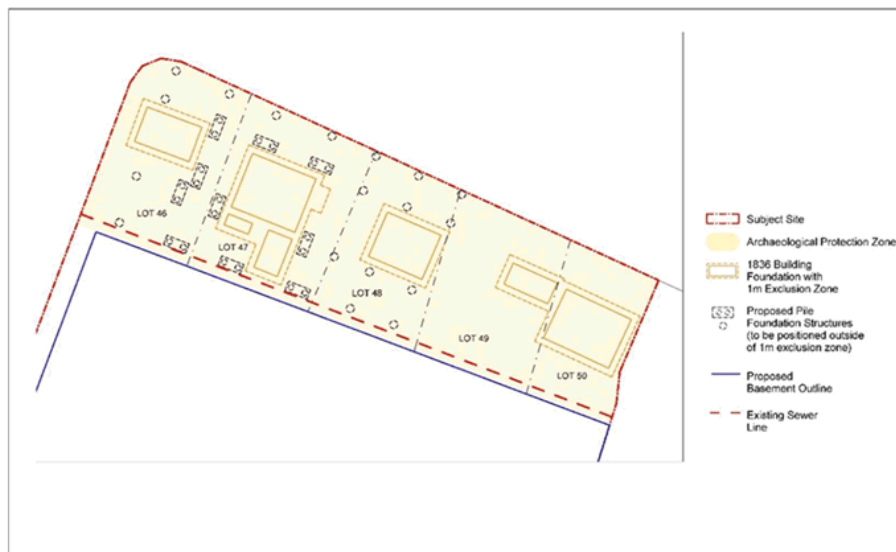


Figure 4.3.3.7.33 – Control diagram: Piles and structures in relation to archaeological exclusion zone

- d) An application pursuant to Section 140 of the Heritage Act 1977 is to be submitted with the development application that seeks consent for excavation or below ground works on the site.

Sustainability, Microclimate and Water

Objectives

1. Use landscape design to respond to summer and winter climatic conditions and improve amenity for people using the open space.
2. Ensure the buildings are designed to minimise detrimental wind generation within public and private open spaces.
3. Implement the principles of water sensitive urban design into the design of the public domain.
4. Minimise reliance on mechanical ventilation through applying good climate design principles to building and public domain design.

Controls

1. Utilise best practice in water sensitive urban design (WSUD) elements for water management infrastructure in the design of the publicly accessible plaza to minimise water use (for e.g. grey water for irrigation and surrounding trees). Details are to be provided with the development application.
2. Drought tolerant planting is to be used for landscape planting in the public domain and private communal open spaces.
3. Water features within the plaza space (i.e. the civic reflection pond) shall make use of water harvested from the development
3. Incorporate appropriate built form structures / shade structures to create appropriate microclimate in public domain areas, to ameliorate the temperature extremes of summer and winter.
4. For optimum internal amenity, the design of dwellings is to maximise sunlight access to private open spaces and the common areas of the individual units.
5. The design of buildings is to maximise natural/cross ventilation to individual units, corridors and lobbies (including lift lobbies) within the development in accordance with the ADG.
6. Lobbies (including Lift lobbies) and corridors within all towers are to be designed to maximise use of natural light to reduce reliance on artificial lighting in accordance with the ADG.
7. Achieve a 5 Star Green Star Design and As-built rating for any commercial office or commercial hotel components. Evidence is provided by a Design Review certified rating from the Green Building Council of Australia at CC stage for any relevant building portion.
8. Consideration shall be given to the provision of solar hot water and solar photovoltaics within the development. Panels should be located to optimise orientation and efficiency and avoid areas that are overshadowed. If this cannot be achieved, evidence must be provided with the Development Application.
9. The provision of an on-site Central Energy Plant is to be considered in the design of the development. If this cannot be provided, alternative energy efficient mechanical systems must be incorporated into the development such as floor by floor condensers or centralised plant room for air-conditioning. Evidence must be provided with the Development Application.

Flood Risk Management

Objectives

1. To facilitate redevelopment of the site as a high quality mixed use development.
2. To ensure the building interfaces positively with the public areas and contributes to an attractive public domain and desirable setting for its intended uses.
3. To ensure the design of the building addresses the local flood conditions and does not impede local overland flow paths.
4. To minimise the risk to life by ensuring appropriate safe areas within the building to shelter during a flood, and safe access from the building during a medical or fire emergency.
5. To allow uses and development on the site that are appropriate to the flood hazard.

Controls

Building Footprint and Uses

1. All structures must have flood compatible building components below the PMF.
2. Residential lobbies must be located above the PMF, where access points to basement levels are provided in the residential lobby level.
3. All habitable rooms / floors must be above the 1% annual exceedance probability (AEP) flood level plus 0.5m freeboard.

Building and Basement Design

4. To minimise the chance of a fire during a flood situation, the building must have a fire management system which meets the Australian Building Code Board (ABCB).
5. External fire doors must be located above the 1% annual exceedance probability (AEP) flood level plus 0.5m freeboard.
6. To prevent flood waters from entering the basement car park, a driveway crest at or above the flood planning level (1% AEP flood level plus 0.5m freeboard) including associated bund walls must be provided. Above this, at or near the crest of the driveway, a passive automatic flood barrier up to the probable maximum flood (PMF) must be installed. Flood doors and other measures must also be provided to ensure flood waters up to the PMF cannot enter the basements.
7. Wherever possible, critical services infrastructure that could be damaged by flooding such as electrical, lift, sewer and water are to be placed above the PMF level, or, where that cannot reasonably be achieved, effectively floodproofed.
8. Development Application submission requirements must:
 - demonstrate that the building and basement will be protected from floodwaters up to the PMF; and
 - include evidence demonstrating why all or some of the critical infrastructure services cannot be located above the PMF and the floodproofing measures to be taken instead.

Areas of Refuge and Evacuation Routes

9. All building occupants (residents, workers and visitors) must have access to a safe area of refuge above the PMF where they can remain until the flood event has passed and any subsequent disruption after the flood has been rendered safe and serviceable. A safe area of refuge can be within a resident's own apartment, and or a communal area for workers, residents and visitors.

10. A communal safe area of refuge must have emergency electricity, clean water, food, ablutions and medical equipment including a first aid kit.
11. All safe areas of refuge (residents own apartment or a communal area) must have:
 - fail safe access from anywhere in the building (elevator access is not allowed) that is protected from floodwaters up to the PMF by suitable flood doors, flood gates and the like; and
 - fail safe access to an exit/entry point located above the 1% AEP flood level plus 0.5m freeboard that enables people to exit the building during a fire and/or flood, and allows emergency service personnel to enter a building to attend to a medical emergency.
12. The buildings exit/entry points located above the 1% AEP flood level plus 0.5m freeboard, must enable a safe route above the 1% AEP from the site to a flood free location above the PMF.
13. Development Application submission requirements must include a Flood Emergency Response Plan (FERP) consistent with the FERP for the CBD. The FERP must outline:
 - both warning and evacuation measures for occupants in the building including the most appropriate 'safe areas' and 'safe evacuation routes';
 - measures to prevent evacuation from the site by private vehicle;
 - the most appropriate emergency response for flood and fire events that occur together;
 - a building flood emergency response plan, similar to a building fire evacuation drill, and measures to ensure this is tested at least annually; and
 - consultation undertaken with relevant state and local agencies in the preparation of the FERP.

Applicable flood levels

14. The Applicant must make a 'Flood Enquiry' to Council to obtain adopted flood levels for the Parramatta River for this site.
15. Council may also require the Applicant to carry out an overland flow flood study of the rainfall catchment that directly affects this site.
16. The applicable 1% AEP flood level and the corresponding flood planning level will be the higher of the river and the overland flow flood levels.
17. The applicable PMF level will be that advised for the Parramatta River flood.

Attachment 5 - Recommended changes to draft site-specific DCP

Page/Section	Recommended change	Reason
Page 3 Objective 14	Replacement of the phrase "European elements" with the phrase "environmental heritage".	Requested by Heritage NSW as it is more inclusive language.
Page 10 Figure 4.3.3.7.27 Page 11 Figure 4.3.3.7.29	Reinstatement of the existing "6m" labels on the tower and podium setback for the Cumberland Industries site between the proposed south-eastern building on the Cumberland Industries site and the subject site.	These were existing controls which were inadvertently removed during inclusion of the controls for the subject site.
Page 8 Figure 4.3.3.7.26 Page 10 Figure 4.3.3.7.27 Page 11 Figure 4.3.3.7.29	Extension of the existing hatched road widening identification to the Harris Street frontage.	The hatched road widening identification is shown on the Harris Street frontage for Figures 4.3.3.7.24, 4.3.3.7.25 and 4.3.3.7.30, however, this was not included in the figures mentioned above in error. Including this in all of the relevant figures will improve internal consistency throughout the DCP.
Page 12 Access Parking and Servicing	Inclusion of an additional control under "Access, Parking and Servicing" requiring that all loading and servicing provisions are to be made on site. The applicant is to prepare a Freight and Servicing Management Plan (FSMP) and a Loading Dock Management Plan (LDMP) in consultation with TfNSW which is to be endorsed by TfNSW prior to the issue of any construction certificate.	As requested by Transport for NSW.
Page 7 Private Domain Control C.2	Alter the proposed control by removing text (shown with strike through) and adding new text (shown underlined).	As requested within the submission by the Department of Planning, Industry and Environment –

Page/Section	Recommended change	Reason
	<p>Each tower within the development must provide high quality communal open space. This <u>may is to</u> be in the form of communal gardens or other alternate communal open space facilities or by way of accessible roof terraces containing landscaped rooftop gardens and activity spaces/uses.</p> <p>Activity spaces/uses are required to suit the orientation, height, proximity and privacy of the differing levels. <u>Rooftop gardens are to use locally native species.</u></p>	Environment, Energy and Science. (DPIE _ EES).
Page 8 Building Form Objective O.3	<p>Alter the proposed Objective by adding the new wording shown underlined as follows: "Protect the amenity of adjacent parklands and open space, <u>including existing trees in these areas</u>, nearby schools, heritage items and surrounding urban areas by minimising overshadowing impacts.</p>	As requested within the submission by the Department of Planning, Industry and Environment – Environment, Energy and Science. (DPIE _ EES).

**Voluntary Planning Agreement – Albion Hotel,
135 George Street and 118 Harris Street,
Parramatta NSW**

City of Parramatta Council

and

PIC Royal Investments Pty Ltd

Our Ref: LDA:AH:3026 / 75733

Massons, No.5, The Upper Deck, 26-32 Pirrama Road, Jones Bay Wharf, Sydney
T +61 2 8923 0900, F +61 2 8569 0904,
massons.com

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Reference schedule

Item 1	Council	
	City of Parramatta Council ABN 49 907 174 773	
Item 2	Developer	
	PIC Royal Investments Pty Ltd ABN 33 613 824 847	
Item 3	Land	
	<p>The whole of the land comprised in:</p> <ul style="list-style-type: none"> – Lot 135 in DP 748984 known as 135 George Street, Parramatta NSW – Lot 4 in DP 388895 known as 118 Harris Street, Parramatta NSW 	
Item 4	Planning Proposal	
	Title	Planning proposal for 135 George Street and 118 Harris Street, (Albion Hotel site) Parramatta
	Summary	<p>A planning proposal seeking to amend the LEP controls that apply in relation to the Land as follows:</p> <ul style="list-style-type: none"> – increase in the maximum building height to 144 metres (approximately 44 storeys), being 165.6 metres inclusive of design excellence bonus (approximately 51 storeys) – increase in the maximum FSR to a mapped FSR of 10:1, being 12:1 including the Design Excellence and High Performing Buildings bonuses – include the following site-specific provision: <ul style="list-style-type: none"> (a) minimum commercial FSR equivalent to 1:1, with unlimited commercial floor space (within the maximum building height limit of 165.6 metres); (b) the high performing building bonus of 0.5:1 FSR applies; (c) the maximum car parking rates endorsed by Council as part of the Parramatta CBD Planning Proposal apply; and (d) the Solar Access provisions related to Experiment Farm in accordance with draft Clause 7.4 as endorsed by Council as part of the Parramatta CBD Planning Proposal apply.
	Number	PP-2020-3128
Item 5	Dedication Land	
	<p>Those parts of the Land to be dedicated to Council in accordance with this Agreement, being:</p> <ul style="list-style-type: none"> – part of the Land for road widening along Harris Street (up to a maximum width of 7 metres); and – part of the Land for the purpose of a splay corner located on the corner of George Street and Harris Street, as required by Transport for NSW and Council. 	

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Item 6	Easement Site	
	<p>Those parts of the Land to be burdened by public easement rights granted in favour of Council in accordance with this Agreement being:</p> <ul style="list-style-type: none"> – a 12 metre wide East-West link; and – a public pedestrian access of variable width generally 6 metres wide to be located at the Western boundary of the Land <p>as shown on the plan in Schedule 9.</p>	
Item 7	Notices	
	Council	<p>City of Parramatta Council 126 Church Street, PARRAMATTA NSW 2150</p> <p>Attention: Sarah Baker</p> <p>Email: council@parracity.nsw.gov.au; and sbaker@cityofparramatta.nsw.gov.au</p>
	Developer	<p>PIC Royal Investments Pty Ltd 4 Drake Avenue, Macquarie Park NSW 2113</p> <p>Attention: Marlas Zhu</p> <p>Email: info@skycorpaustralia.com</p>

x _____ x _____

x _____ x _____



Date 2021

Parties

City of Parramatta Council ABN 49 907 174 773 of 126 Church Street, Parramatta NSW 2150 (**Council**)

PIC Royal Investments Pty Ltd ABN 33 613 824 847 of 3 Nicholson Avenue, St Ives NSW (**Developer**)

Background

- A. The Developer is the registered proprietor of the Land.
- B. The Developer made an application to the Council for the Instrument Change for the purpose of making a Development Application to the Council for Development Consent to carry out the Development on the Land.
- C. On 23 March 2020, Council resolved to endorse the Developer's proposed Instrument Change and the proposed site-specific development control plan which contemplates more detailed built form guidelines to supplement the LEP controls.
- D. A Gateway Determination was issued on 31 July 2020, and a subsequent Gateway alteration providing an extension of time was issued on 26 April 2021.
- E. The Developer has made an offer in connection with the proposed Instrument Change to enter into this Agreement to make contributions for public purposes associated with the Instrument Change and the Development.
- F. The Developer and the Council agree to enter into this Agreement.

Agreed terms

2. Definitions

In this Agreement, unless the context indicates a contrary intention:

Word/s	Meaning
Act	means the <i>Environmental Planning and Assessment Act 1979 (NSW)</i>
Agreement	means this Agreement and all schedules and annexures to it
Approval	means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this agreement
Authority	means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person



Word/s	Meaning
Bank Guarantee	<p>means an irrevocable and unconditional undertaking with no expiry or end date in favour of Council to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to Council issued by:</p> <ul style="list-style-type: none"> – one of the following trading banks: <ul style="list-style-type: none"> (a) Australia and New Zealand Banking Group Limited (b) Commonwealth Bank of Australia, (c) Macquarie Bank (d) National Australia Bank (e) St George Bank Limited (f) Westpac Banking Corporation, or – any other financial institution approved by the Council (acting reasonably)
Bond	means an insurance bond from an AAA credit rated party, or a party with a credit rating otherwise acceptable to Council
Business Day	means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays
Claim	means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this Agreement
Concept Design	means the concept design for the Works set out in the document at Schedule 10
Construction Certificate	means a construction certificate as defined under section 6.4 of the Act
Construction Terms	means the terms set out in Schedule 2 of this Agreement
Council	means the council named in Item 1
CPI	means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics
Dedication Land	means that part of the Land to be dedicated to Council in accordance with this Agreement as described in Item 5
Developer	means the party named in Item 2
Development	means the future development of the Land as anticipated by the Instrument Change, either for a mixed-use development consisting of residential and commercial uses or a wholly commercial development
Development Application	has the same meaning as in the Act
Development Consent	has the same meaning as in the Act
Development Contributions	means the development contributions payable for the Development in accordance with sections 7.11 and 7.12 of the Act



Word/s	Meaning
Development Contributions Plan	means a contributions plan as defined in Section 7.1 of the Act that applies to the Land
Draft Contributions Plan	means the draft Parramatta CBD Local Infrastructure Contributions Plan 2021, exhibited by Council between 9 August 2021 and 20 September 2021
Easement Site	means that part of the Land described in Item 6 or otherwise agreed between the Council and the Developer in writing
Easement Terms	means the terms of a public access easement as set out in Schedule 3
Experiment Farm	The heritage item known as the Experiment Farm Cottage and located at 9 Ruse Street, Harris Park
GST	has the same meaning as in the GST Law
GST Law	has the meaning given to that term in <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth) and any other Act or regulation relating to the imposition of or administration of the GST
Insolvent	<p>means, in relation to a party:</p> <ul style="list-style-type: none"> (a) that party makes an arrangement, compromise or composition with, or assignment for, the benefit of its creditors or a class of them; (b) a receiver, receiver and manager, administrator, provisional liquidator, trustee, controller, inspector or analogous person is appointed in relation to, or over, all or any part of that party's business, assets or securities; (c) a presumption of insolvency has arisen under legislation because of the party's failure to comply with a statutory demand or analogous process; (d) an application for the winding up of, or for the appointment of a receiver to, that party, other than winding up for the purpose of solvent reconstruction or re amalgamation, is presented and not withdrawn or dismissed within 21 days (or such longer period agreed to by the parties), or an order is made or an effective resolution is passed for the winding up of, or for the appointment of a receiver to, that party, or any analogous application is made or proceedings initiated; (e) any shareholder or director of that party convenes a meeting for the purpose of considering or passing any resolution for the winding up or administration of that party; (f) that is an individual, a creditor's petition or a debtor's petition is presented to the Official Receiver or analogous authority in relation to that party; (g) an execution or analogous process is levied or enforced against the property of that party; (h) that party ceases or suspends, or threatens to cease or suspend, the conduct of all or a substantial part of its business; (i) that party disposes of, or threatens to dispose of, a substantial part of its assets;



Word/s	Meaning
	<p>(j) that party stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts; or</p> <p>(k) that party is unable to pay the party's debts as and when they become due and payable</p>
Instrument Change	means an amendment to the LEP in response to the planning proposal described in Item 4
Item	means a numbered item in the reference schedule at the beginning of this agreement
Land	means the land described in Item 3
Law	means: <p>(a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;</p> <p>(b) any Approval, including any condition or requirement under it; and</p> <p>(c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b)</p>
LEP	means the <i>Parramatta Local Environmental Plan 2011</i>
LRS	means the NSW Land Registry Services
Modification Application	means any application to modify the Development Consent under section 4.55 of the Act
Monetary Contribution	means the monetary contribution payable by the Developer under clause 8 of this Agreement
Notice Address	means the address or number set out in Item 7 for the party to whom the notice is to be given
Occupation Certificate	means an occupation certificate as defined under section 6.4 of the Act and includes a final Occupation Certificate, or a partial Occupation Certificate
Public Road	has the same meaning as in the <i>Roads Act 1993</i>
Quantity Surveyor	means a qualified quantity surveyor approved by the Council (acting reasonably), appointed by the Developer on terms of engagement approved by the Council (acting reasonably) and whose costs are to be paid by the Developer
Reference Design	means the Reference Design in respect of the proposed Development set out in Schedule 11
Register	means the Torrens title register maintained under the <i>Real Property Act 1900</i> (NSW)
Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i>
Related Body Corporate	has the meaning given to that term in s 9 of the <i>Corporations Act 2001</i> (Cth)
Solar Access Plane	The solar access plane intended to protect sunlight access to Experiment Farm and the nominated curtilage area during the period from 10.00am to 2.00pm on 21 June



Word/s	Meaning
Transferee	has the meaning given in clause 14.2
Works	means the work set out in Schedule 1

3. Interpretation

In this Agreement, unless the context indicates a contrary intention:

- (a) **(documents)** a reference to this Agreement or another document includes any document which varies, supplements, replaces, assigns or novates this Agreement or that other document;
- (b) **(references)** a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this Agreement;
- (c) **(headings)** clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this Agreement;
- (d) **(person)** a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;
- (e) **(party)** a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (f) **(president, CEO, general manager or managing director)** the president, CEO, general manager or managing director of a body or Authority includes any person acting in that capacity;
- (g) **(requirements)** a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (h) **(including)** including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;
- (i) **(corresponding meanings)** a word that is derived from a defined word has a corresponding meaning;
- (j) **(singular)** the singular includes the plural and vice-versa;
- (k) **(gender)** words importing one gender include all other genders;
- (l) **(parts)** a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;
- (m) **(rules of construction)** neither this Agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (n) **(legislation)** a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;
- (o) **(time and date)** a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in Sydney, Australia, even if the obligation is to be performed elsewhere;
- (p) **(joint and several)** an agreement, representation, covenant, right or obligation:



- (i) in favour of two or more persons is for the benefit of them jointly and severally; and
- (ii) on the part of two or more persons binds them jointly and severally;
- (q) **(writing)** a reference to a notice, consent, request, approval or other communication under this Agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;
- (r) **(replacement bodies)** a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;
- (s) **(Australian currency)** a reference to dollars or \$ is to Australian currency;
- (t) **(month)** a reference to a month is a reference to a calendar month; and
- (u) **(year)** a reference to a year is a reference to twelve consecutive calendar months.

4. Planning Agreement under the Act

- (a) The parties agree that this Agreement is a planning agreement within the meaning of section 7.4 of the Act.
- (b) Schedule 4 of this Agreement summarises the requirements for planning agreements under section 7.4 of the Act and the Regulation, and the way this Agreement addresses those requirements.

5. Application of this Agreement

This Agreement binds the parties and applies to:

- (a) the Instrument Change, and
- (b) the Development, and
- (c) the Land.

6. Operation of this Agreement

- (a) This Agreement commences on and from the date it is executed by all parties.
- (b) Until this Agreement operates, this Agreement constitutes an offer by the Developer to enter into this Agreement in connection with the Instrument Change.
- (c) For the avoidance of doubt, the obligations to deliver contributions under clause 8 do not take effect until:
 - (i) the Instrument Change has been made and has commenced; and
 - (ii) the Developer and Council have signed this Agreement.
- (d) This Agreement will remain in force until:
 - (i) it is terminated by operation of law; or
 - (ii) all obligations are performed and satisfied.

7. Explanatory note

The explanatory note in Schedule 5 prepared in accordance with clause 25E of the Regulation must not be used to assist in construing this document.



8. Contributions to be made under this Agreement

8.1 Monetary Contribution

- (a) If Development Consent is granted for Development that includes use of the Land or any part of the Land for residential purposes, the Developer will pay to Council a Monetary Contribution of:
 - (i) \$2,821,500; or
 - (ii) an amount calculated in accordance with the following formula, whichever is the greater:

$$\text{\$2,821,500} \times \frac{\text{The CPI at the time of payment}}{\text{The CPI at the date of this Agreement}}$$
- (b) Subject to clauses 8.1(c) and 8.1(d), the Monetary Contribution must be paid to Council in instalments as follows:
 - (i) 75% of the Monetary Contribution prior to the issue of a Construction Certificate for the relevant Development;
 - (ii) 25% of the Monetary Contribution prior to the issue of an Occupation Certificate for any part of the Development.
- (c) The Developer is not required to pay the first instalment of the Monetary Contribution specified in clause 8.1(b)(i) if the Developer provides to the Council a Bank Guarantee in accordance with clause 13.2 as security for that payment, in which case the Developer must pay the full amount of the Monetary Contribution prior to the issue of an Occupation Certificate for any part of the Development.
- (d) For the avoidance of doubt, the reference to a Construction Certificate for the Development in clause 8.1(b)(i) and clause 13.2, means a Construction Certificate that authorises the erection of any structure, but does not include a Construction Certificate that authorises only demolition or excavation works.
- (e) The Monetary Contribution must be paid by way of bank cheque in favour of Council or by deposit by means of electronic funds transfer into an account specified by Council in writing.
- (f) The Monetary Contribution will be taken to have been made when the Council notifies the Developer in writing that the bank cheque has been received and cleared funds, or electronic funds have been deposited in the Council's bank account.
- (g) The parties agree and acknowledge that the Monetary Contribution will be used by the Council towards a public purpose which Council reasonably considers to be in the public interest.
- (h) Notwithstanding anything else in this clause 8.1, if the Council adopts the Draft Contributions Plan, prior to the submission of a Development Application for the Development (or any part of the Development) and imposes conditions on the grant of a Development Consent for the Development requiring payment of Development Contributions in accordance with that adopted plan, the Developer will not be required to pay the Monetary Contribution under this clause.

8.2 Works

- (a) The Developer will carry out the Works in accordance with this Agreement, including the Construction Terms and any Development Consent granted for the Works.
- (b) The Works or any part of the Works required under this Agreement will be taken to have been completed for the purposes of this Agreement in accordance with clause 8.1 of the Construction Terms.



- (c) The Works or any part of the Works required under this Agreement will be taken to have been delivered to Council when the Works are complete and the Easements are granted in favour of the Council permitting public access in accordance with clause 8.4(a).
- (d) The Developer must deliver the Works to the Council in accordance with clause 8.2(c) prior to the issue of an Occupation Certificate for the Development or any part of the Development.
- (e) The Council must not unreasonably withhold or delay its consent in respect of any matters relating to the Works which require Council's consent or approval, subject to clause 14.
- (f) The parties agree and acknowledge that the Works serve the public purpose of providing public accessways and improving pedestrian connections and amenity in the vicinity of the Development.

8.3 Dedication of Land

- (a) The Developer must dedicate or cause to be transferred to the Council, at no cost to the Council, the Dedication Land freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land, including but not limited to, municipal rates and charges, water rates and land tax, except as permitted by Council.
- (b) The obligation to dedicate the Dedication Land will be taken to have been satisfied when either:
 - (i) a Certificate of Title is issued by the LRS for the whole of the Public Road identifying the Council as the registered proprietor of that land without encumbrances as required by clause 6.3(a); or
 - (ii) when the Public Road is dedicated to Council by operation of the registration of a plan of subdivision in accordance with section 9 of the *Roads Act 1993*.
- (c) The Dedication Land must be dedicated or transferred to Council prior to the issue of an Occupation Certificate for the Development or any part of the Development.
- (d) The parties agree and acknowledge that the embellishment and dedication of the Dedication Land serve the public purpose of providing public roads and improving the traffic network in the vicinity of the Development.
- (e) The Developer acknowledges and agrees:
 - (i) that it is responsible for the management and remediation of any contamination present upon or under the Dedication Land;
 - (ii) it will attend to any necessary remediation of the Dedication Land at its own costs; and
 - (iii) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any contamination with respect to the Dedication Land existing on the Land before the date the Dedication Land is transferred or dedicated to Council, except to the extent that such contamination was caused by the default or negligence of Council.
- (f) Prior to the registration of any easement permitting public access to the Easement Site, the Developer must provide to Council's reasonable satisfaction, certification by a qualified person, that the Easement Site is not contaminated and is suitable for the proposed use.

8.4 Public Access and Easements

- (a) The Developer will, at no cost to Council, register against the title of those parts of the Land comprising the Easement Site:



- (i) a covenant prohibiting any building or structures, including pillars, other than structures approved by the Council (acting reasonably) for the purposes of enhancing public domain areas and as contemplated in the Development, to be constructed on the Easement Site, which covenant is to be limited in height and depth as appropriate for a pedestrian accessway as determined by Council (acting reasonably) and having regard to:
 - (A) the overhang contemplated in the Reference Design; and
 - (B) the outcome of any relevant design excellence competition and development application process; and
- (ii) an easement in gross in favour of the Council permitting public access and generally in accordance with the Easement Terms burdening the Easement Site. The Easement Site is to be limited in height and depth as appropriate for a pedestrian accessway as determined by Council (acting reasonably) and having regard to:
 - (A) the overhang contemplated in the Reference Design; and
 - (B) the outcome of any relevant design excellence competition and development application process.
- (b) Any requirement to register an easement, covenant or other instrument against the title to the Land will be satisfied when the Developer provides to the Council a copy of the relevant title search showing the registration of the instrument.
- (c) The covenant required under clause 8.4(a)(i) must be registered prior to the issue of a Construction Certificate for the Development.
- (d) The easement required under clause 8.4(a)(ii) must be registered prior to the issue of an Occupation Certificate for any building on the Land forming part of the Development.
- (e) The parties agree that the proposed covenant and easement under this clause will serve the following public purposes:
 - (i) to increase the amount of and improve existing public open space areas in the vicinity of the Land;
 - (ii) to improve pedestrian circulation and the amenity of the public domain in the vicinity of the Land.
- (f) The Developer agrees and acknowledges that the obligations under this clause 8.4 are relevant considerations for the Council or any other consent authority when determining a Development Application or Modification Application relating to the Land and that a failure to comply with those obligations or any inconsistency with the requirements in those clauses may constitute a reason for refusal of such a Development Application or Modification Application.

8.5 Access to Council owned land

- (a) The Council agrees to permit the Developer, its employees, officers, agents and contractors, upon receiving at least 10 Business Days' prior notice, to enter, pass through or occupy any Council owned or controlled land in order to enable the Developer to properly perform its obligations under this Agreement. Nothing in this clause creates or gives the Developer any estate or interest in any part of the Council owned or controlled land.
- (b) The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the entry or access by the Developer to, or any presence of the Developer on, Council owned or controlled land for the purposes of performing its obligations under this Agreement, except to the extent such Claim arises directly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.



9. Application of s 7.11, s 7.12 and s 7.24 of the Act to the Development

- (a) This Agreement does not exclude the application of sections 7.11, 7.12 or 7.24 of the Act to the Development.
- (b) The benefits under this Agreement are not to be taken into consideration in determining a development contribution under section 7.11 of the Act.

10. Registration of this Agreement

10.1 Developer Interest

The Developer represents and warrants to the Council that on the date of this Agreement it is the registered proprietor of the Land.

10.2 Registration of this Agreement

- (a) The Developer agrees to procure the registration of this Agreement under the *Real Property Act 1900 (NSW)* in the relevant folios of the Register of the Land in accordance with section 7.6 of the Act.
- (b) The Developer, at its own expense, must:
 - (i) procure the lodgement of this Agreement with the LRS as soon as reasonably practicable after this Agreement comes into operation, but in any event, no later than 10 Business Days after that date;
 - (ii) promptly comply with any requisition that may be raised with regards to registration of this Agreement from the LRS; and
 - (iii) provide documentary evidence that the registration of this Agreement has been completed to Council within 10 Business Days of receiving confirmation that the registration has occurred.
- (c) The Developer at its own expense will take all reasonably practical steps, and otherwise do anything that the Council reasonably requires to procure:
 - (i) the consent of each person who:
 - (A) has an estate or interest in the Land registered under the *Real Property Act 1900 (NSW)*; or
 - (B) is seized or possessed of an estate or interest in the Land,
 - (ii) an acceptance of the terms of this agreement and an acknowledgement in writing from any existing mortgagee in relation to the Land that the mortgagee will adhere to the provisions of this agreement if it takes possession of the Land as mortgagee in possession,
 - (iii) the execution of documents reasonably required; and
 - (iv) the production of the relevant certificates of title,

to enable the registration of this Agreement in accordance with this clause 10.2.

10.3 Removal from Register

The Council must within 10 Business Days of a request by the Developer under this clause, execute any form and supply such other information and do anything as reasonably required by the Developer to enable the release and removal of this Agreement from the folios of the Register for the Land (or any part of it), provided the Developer has duly fulfilled its obligations under this Agreement and is not otherwise in default of any of the obligations under this Agreement.



10.4 Caveat

- (a) The Developer acknowledges and agrees that:
 - (i) when this Agreement is executed, the Council is deemed to have acquired and the Developer is deemed to have granted, an equitable estate and interest in the Land for the purposes of section 74F(1) of the *Real Property Act 1900 (NSW)* and consequently the Council will have a sufficient interest in the Land in respect of which to lodge a caveat over the Land notifying that interest;
 - (ii) it will not object to the Council lodging a caveat in the relevant folios of the Register for the Land nor will it seek to remove any caveat lodged by the Council provided the caveat does not prevent registration of any dealing or plan other than a transfer.
- (b) The Council must, at the Developer's cost, register a withdrawal of any caveat in respect of the Land within five Business Days after the Developer complies with clause 10.2 and must not lodge any other caveats on the titles to any of the Land.

11. Review of this Agreement

11.1 Review of this Agreement

- (a) This Agreement may be reviewed or modified. Any review or modification of this agreement will be conducted in the circumstances and in the manner determined by the parties.
- (b) For the purposes of this clause 11.1 of this Agreement and subject to clause 11.2, no modification or review of this Agreement will be of any force or effect unless it is in writing and signed by the parties to this Agreement.
- (c) For the purposes of this clause 11.1 of this Agreement and subject to clause 11.2, a party is not in breach of this Agreement if it does not agree to an amendment to this Agreement requested by a party in, or as a consequence of, a review.

11.2 Change to Community Infrastructure Rate and Development Contributions

- (a) The parties acknowledge that as at the date of this Agreement:
 - (i) Council is proposing to amend the LEP to address the provision of community infrastructure within the Parramatta CBD and to adopt an accompanying Infrastructure Strategy and Development Guideline;
 - (ii) the Monetary Contribution for this Agreement has been calculated on the basis of a monetary rate per square metre of land (**Community Infrastructure Rate**), being a percentage of land value uplift (as defined in the Council's Planning Agreements Policy); and
 - (iii) the Community Infrastructure Rate is being applied consistently by Council at the date of this Agreement but may change when the planning proposal for the Parramatta CBD is finalised.
- (b) If, at the time an instalment of the Monetary Contribution becomes payable (**Payment Date**):
 - (i) the Council adopts a Community Infrastructure Rate that is less than the rate applied under this Agreement (being \$150 per square metre); and
 - (ii) as a consequence of the reduction of the Community Infrastructure Rate, Council amends the Development Contributions Plan, or adopts a new Development Contributions Plan that applies to the Land, so that the Development Contributions payable for the Development under this Agreement are higher, per square metre or other basis of measurement used to determine the quantum of contributions, than they would otherwise have been as at the date of this Agreement,

then, within 20 Business Days of either party making a request for review, the Council and the Developer must meet to review this Agreement in accordance with the principles in clause 11.2(c) and using their best endeavours and in good faith.



- (c) If a review of this Agreement is carried out under clause 11.2(b) the parties must consider during that review process, the quantum of Monetary Contribution payable by the Developer to the Council under this Agreement and a reduction of the Monetary Contribution by an amount equivalent to the difference between:
 - (i) the Development Contributions calculated as at the date of this Agreement (indexed in accordance with increases in the CPI from the date of this agreement to the date of the calculation); and
 - (ii) the Development Contributions calculated as at the Payment Date.
- (d) If, at a relevant Payment Date, Council has adopted a Community Infrastructure Rate that is higher than \$150 per square metre then, within 20 Business Days of either party making a request for review, the Council and the Developer must meet to review this Agreement using their best endeavours and in good faith to consider increasing the quantum of Monetary Contribution payable by the Developer under this Agreement on and from the relevant Payment Date in accordance with the increased Community Infrastructure Rate having regard to the Development and Development Contributions payable in accordance with the Development Contributions Plan, or provision of other material public benefits in lieu of that increased amount. For avoidance of doubt, an adjustment under this clause 11.2(d) cannot operate retrospectively (ie as regards an instalment of the Monetary Contribution which has already been paid) and must be calculated on a pro rata basis having regard to instalments due or payable on or after the date on which Council has adopted the increased Community Infrastructure Rate.
- (e) Any agreement reached during a review under this clause 11.2 will not constitute an amendment to this agreement until the amendment has been:
 - (i) confirmed in writing as an amendment to this Agreement;
 - (ii) publicly notified in accordance with the Regulation;
 - (iii) approved by Council after consideration of any public submissions; and
 - (iv) signed by the parties to this Agreement.
- (f) A failure by a party to agree to participate in a review under this clause 11.2 is taken to be a dispute for the purposes of clause 12.
- (g) If the parties cannot agree to the terms of any amendment to this Agreement following a review under clause 11.2, either party may refer the matter to dispute resolution under clause 12.
- (h) Nothing in this clause 11.2:
 - (i) affects the obligation of the Developer under the Act to pay contributions in accordance with Section 7.11 or Section 7.12 of the Act; or
 - (ii) requires the Council to pay any money to the Developer or to refund the Developer or any other entity, any amount paid to it under this Agreement or for any other purpose.

12. Dispute Resolution

12.1 Reference to Dispute

If a dispute arises between the parties in relation to this Agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

12.2 Notice of Dispute

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

- (a) the nature of the dispute,



- (b) the alleged basis of the dispute, and
- (c) the position which the party issuing the Notice of Dispute believes is correct.

12.3 Representatives of Parties to Meet

- (a) The representatives of the parties must promptly (and in any event within 20 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.
- (b) The parties may, without limitation:
 - (i) resolve the dispute during the course of that meeting,
 - (ii) agree that further material or expert determination in accordance with clause 12.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or
 - (iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

12.4 Further Notice if Not Settled

If the dispute is not resolved within 10 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Determination Notice**) by mediation under clause 12.5 or by expert determination under clause 12.6.

12.5 Mediation

If a party gives a Determination Notice calling for the dispute to be mediated:

- (a) the parties must agree to the terms of reference of the mediation within 15 Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) the mediator will be agreed between the parties, or failing agreement within 15 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) the mediator appointed pursuant to this clause 12.5 must:
 - (i) have reasonable qualifications and practical experience in the area of the dispute; and
 - (ii) have no interest or duty which conflicts or may conflict with his or her function as a mediator he or she being required to fully disclose any such interest or duty before his or her appointment;
- (d) the mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;
- (e) the parties must within 15 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within 5 Business Days of the resolution);
- (f) the parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (g) in relation to costs and expenses:
 - (i) each party will bear its own professional and expert costs incurred in connection with the mediation; and



- (ii) the costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

12.6 Expert determination

If the dispute is not resolved under clause 12.3 or clause 12.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

- (a) the dispute must be determined by an independent expert in the relevant field:
 - (i) agreed upon and appointed jointly by the parties; and
 - (ii) in the event that no agreement is reached or no appointment is made within 20 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
- (b) the expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
- (c) the determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (d) the expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
- (e) each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
- (f) any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:
 - (i) within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or
 - (ii) the determination is in respect of, or relates to, termination or purported termination of this Agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

12.7 Litigation

If the dispute is not finally resolved in accordance with this clause 12, then either party is at liberty to litigate the dispute.

12.8 No suspension of contractual obligations

Subject to any interlocutory order obtained under clause 12.1, the referral to or undertaking of a dispute resolution process under this clause 12 does not suspend the parties' obligations under this Agreement.

13. Enforcement

13.1 Default

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this Agreement, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.
- (b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.



- (c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 12 of this Agreement.

13.2 Bank Guarantee for Monetary Contribution

Subject to clause 8.1(d), if the Developer elects to provide a Bank Guarantee instead of paying the first instalment of the Monetary Contribution as set out in clause 8.1, the Developer must provide to the Council a Bank Guarantee in an amount equivalent to 75% of the Monetary Contribution prior to the issue of a Construction Certificate for the Development.

13.3 Works Bank Guarantee

- (a) The Developer must provide to the Council security against the obligation under this Agreement to complete the Works, in the form of a Bank Guarantee or Bond (**Security**) in the amount of the costs to complete the Works (**Works Security**) calculated at the date of provision of the Works Security, and as certified by a Quantity Surveyor.
- (b) The Works Security must be provided to Council prior to the issue of a Construction Certificate for the Development.
- (c) For the purpose of clause 13.3(a) the costs to complete the Works are costs that would be reasonably incurred in the carrying out of the Works including costs payable to third parties for the design of the Works, project management fees, investigations, consultant fees, and studies or reports specifically required for the Works, remediation costs, construction costs and costs to remove or relocate services, but exclude:
 - (i) the application fees for any Approval required to be obtained for or in relation to the carrying out of the Works;
 - (ii) the costs of the Quantity Surveyor retained in respect of assessing the costs of the Works; and
 - (iii) the Developer's internal management costs.

13.4 Bank Guarantees Generally

- (a) This clause applies to any Bank Guarantee provided under this agreement.
- (b) The Council may reject any Bank Guarantee that contains errors, or if it has received the Bank Guarantee, require at any time the Developer to obtain a replacement Bank Guarantee that rectifies any such errors or otherwise obtain rectification of the errors. The Developer must provide the replacement Bank Guarantee, or otherwise obtain rectification of the errors, within 15 Business Days of receiving the Council's request.
- (c) The Council may call on a Bank Guarantee provided under this clause 13 if:
 - (i) the Developer is in material or substantial breach of this Agreement and has failed to rectify the breach within a reasonable period of time after having been given reasonable notice (which must not be less than 21 Business Days) in writing to do so in accordance with clause 13.1 of this Agreement; or
 - (ii) the Developer becomes Insolvent.
- (d) At any time following the provision of a Bank Guarantee under this clause, the Developer may provide the Council with one or more replacement Bank Guarantee totalling the amount of all Bank Guarantees required to be provided under this clause for the time being. On receipt of such replacement Bank Guarantee, the Council must release and return to the Developer, as directed, the Bank Guarantee(s) which it holds that have been replaced as soon as reasonably practicable.
- (e) Subject to clause 13.4(b), the Council may apply the proceeds of a Bank Guarantee in satisfaction of:
 - (i) any obligation of the Developer under this Agreement that is secured by the Bank Guarantee; and



- (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this Agreement.
- (f) The Council must return any Bank Guarantees provided by the Developer in accordance with this clause 13.4 no later than 10 Business Days after the date the Developer has satisfied the obligation secured by the Bank Guarantee in accordance with this Agreement.
- (g) Nothing in this clause 13.4 prevents or restricts the Council from taking any enforcement action in relation to:
 - (i) any obligation of the Developer under this Agreement; or
 - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this Agreement,
 that is not or cannot be satisfied by calling on a Bank Guarantee.

13.5 Compulsory Acquisition

- (a) If the Developer does not dedicate the Dedication Land to Council as required by this Agreement, the Council may compulsorily acquire the relevant land, in which case the Developer consents to the Council compulsorily acquiring that land for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures in the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (b) Clause 13.5(a) constitutes an agreement for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (c) Except as otherwise agreed between the Developer and Council, the Developer must ensure the Dedication Land is freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, except as may be permitted by this agreement on the date that the Council will acquire the land in accordance with clause 13.5(a).
- (d) The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant land under clause 13.5(a), except to the extent caused or contributed by the negligence of Council or any default of this Agreement by Council.
- (e) The Developer must pay the Council, promptly on demand, an amount equivalent to all proper and reasonable costs, including legal costs, incurred by the Council acquiring the whole or any part of the relevant land under clause 13.5(a) that are not or cannot be recovered by calling on a Bank Guarantee.

13.6 Restriction on the issue of Certificates

- (a) In accordance with section 6.8 of the Act and clause 146A of the Regulation the obligations to:
 - (i) pay the Monetary Contribution under clause 8.1(b)(i) or instead provide a Bank Guarantee under clause 13.2;
 - (ii) register the covenant under clause 8.4(a)(i); and
 - (iii) provide Works Security under clause 13.3,
 must be satisfied prior to the issue of a Construction Certificate for the Development or any part of the Development.
- (b) In accordance with section 6.10 of the Act and clause 154E of the Regulation the obligations to:
 - (i) pay the Monetary Contribution under clause 8.1;
 - (ii) carry out the Works and dedicate the Dedication Land under clauses 8.2 and 8.3; and



- (iii) register the public access easement under clause 8.4(a)(ii),

must be satisfied prior to the issue of an Occupation Certificate for the Development or any part of the Development.

13.7 General Enforcement

- (a) Without limiting any other remedies available to the parties, this Agreement may be enforced by any party in any Court of competent jurisdiction.
- (b) Nothing in this Agreement prevents:
 - (i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates; and
 - (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

14. Assignment and Dealings

14.1 Assignment of this Agreement

- (a) Subject to clauses 14.1(d) and 14.2, a party must not assign, transfer or novate any right under this Agreement without the prior written consent of the other party (such consent not to be unreasonably withheld or delayed).
- (b) Any change of ownership or control (as defined in section 50AA of the *Commonwealth Corporations Act 2001*) of a party (excluding the Council) shall be deemed to be an assignment of this agreement for the purposes of this clause.
- (c) Any purported dealing in breach of this clause is of no effect.
- (d) Council's consent to any assignment, transfer or novation of the Developer's interest under this Agreement must not be withheld if:
 - (i) this Agreement has been registered on the title to the Land; and
 - (ii) where there are outstanding obligations as at the date of the proposed assignment, the requirements set out in clause 14.3(a)(i) to (vi) are satisfied.

14.2 Transfer of Land prior to registration

The Developer may not transfer, assign or dispose of the whole or any part of its right, title or interest in the Land (present or future) or in the Development to the another person (**Transferee**), unless before it sells, transfers or disposes of that right, title or interest:

- (a) The Developer satisfies the Council (acting reasonably) that the proposed Transferee is financially capable of complying with the Developer obligations under this agreement;
- (b) The Developer satisfies the Council (acting reasonably) that the rights of the Council will not be materially diminished or fettered in any way;
- (c) The Transferee delivers to the Council a novation deed signed by the Transferee in a form and of such substance as is reasonably acceptable to the Council containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the Developer under this agreement;
- (d) The Transferee delivers to the Council replacement Bonds or Bank Guarantees as required by this agreement;
- (e) Any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine (acting reasonably), and
- (f) The Developer and the Transferee pay the Council's reasonable costs in relation to the assignment.



15. Approvals and consents

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this Agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

16. No fetter

16.1 Discretion

This Agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this Agreement as a "**Discretion**").

16.2 No fetter

No provision of this Agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this Agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

- (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,
- (b) in the event that clause 16.2(a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this Agreement has full force and effect, and
- (c) to endeavour to satisfy the common objectives of the parties in relation to the provision of this Agreement which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

16.3 Planning Certificates

The Developer acknowledges that Council may, at its discretion, include advice on any planning certificate issued under section 10.7 of the Act that this Agreement affects the Land.

17. Notices

17.1 Notices

- (a) Any notice given under or in connection with this Agreement (**Notice**):
 - (i) must be in writing and signed by a person duly authorised by the sender; and
 - (ii) must be addressed to the Notice Address and delivered to the intended recipient by hand, by prepaid post or by email at the address in Item 7.
- (b) A Notice is taken to be given or made:
 - (i) in the case of hand delivery, when it is left at the relevant physical address;
 - (ii) in the case of delivery by post, three Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country); and
 - (iii) in the case of an email, as soon as it is sent provided that:
 - (A) the sender does not receive a message indicating that there has been an error in the transmission;
 - (B) the sender also sends the notice by way of an alternative method of service (but clauses 17.1(b)(i) and 17.1(b)(ii) will not apply to the alternative method); and



(C) the email contains the word "notice" in the subject line.

- (c) If under clause 17.1(b) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.
- (d) A party may change their Notice Address by giving the other party at least 5 Business Days written notice of the changes details.

18. General

18.1 Relationship between parties

- (a) Nothing in this Agreement:
 - (i) constitutes a partnership between the parties; or
 - (ii) except as expressly provided, makes a party an agent of another party for any purpose.
- (b) A party cannot in any way or for any purpose:
 - (i) bind another party; or
 - (ii) contract in the name of another party.
- (c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

18.2 Time for doing acts

- (a) If the time for doing any act or thing required to be done or a notice period specified in this Agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

18.3 Further assurances

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this Agreement.

18.4 Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

18.5 Variations and Amendments

A provision of this Agreement can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

18.6 Counterparts

This Agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

18.7 Legal expenses and stamp duty

- (a) The Developer must pay the Council's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution, carrying into effect, enforcement and release and discharge of this Agreement, including the reasonable costs of obtaining any



legal advice in connection with this Agreement, no later than 10 Business Days after receiving a demand from the Council to pay such costs.

- (b) The Developer agrees to pay or reimburse the costs and expenses incurred by Council in connection with the advertising and exhibition of this Agreement in accordance with the Act.
- (c) The Developer agrees to pay Council any reasonably incurred administrative fees as required by Council, acting reasonably, in connection with the administration of this agreement.

18.8 Entire agreement

The contents of this Agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this Agreement, whether orally or in writing.

18.9 Representations and warranties

The parties represent and warrant that they have the power and authority to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

18.10 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

18.11 Invalidity

- (a) A word or provision must be read down if:
 - (i) this Agreement is void, voidable, or unenforceable if it is not read down;
 - (ii) this Agreement will not be void, voidable or unenforceable if it is read down; and
 - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:
 - (i) despite the operation of clause 18.11(a), the provision is void, voidable or unenforceable if it is not severed; and
 - (ii) this Agreement will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this Agreement has full effect even if clause 18.11(b) applies.

18.12 Waiver

- (a) A right or remedy created by this Agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.
- (b) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

18.13 GST

- (a) Words and expressions which are not defined in this Agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.

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- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this Agreement are exclusive of GST.
- (c) If GST is imposed on any supply made under or in accordance with this Agreement, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.
- (d) If the Council is obliged to pay any GST on any supply made under or in accordance with this Agreement, the Developer indemnifies the Council for the amount of any such payment is required to make.

18.14 Governing law and jurisdiction

- (a) The laws applicable in New South Wales govern this Agreement.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.



Executed as an agreement

Signed on behalf of **City of Parramatta Council**)
 ABN 49 907 174 773 by its authorised delegate)
 pursuant to section 377 of the *Local Government*)
Act 1993 in the presence of:)
)
)
)
)
)

.....
 Signature of Witness

.....
 Signature of authorised delegate

.....
 Print name of Witness

.....
 Name of authorised delegate

.....
 Address of Witness

.....
 Position of authorised delegate

Executed by PIC Royal Investments Pty Ltd ACN 613 824 847 in accordance with section 127(1) of the Corporations Act 2001 (Cth) acting by:

.....
Marlas Zhu
 (Sole Director/Secretary)



Schedule 1: Scope of works

Work	Nature and extent
Embellishment of public domain and through site link	<p>Embellishment of the shared lane and pedestrian link such as landscaping, amenities, furniture and seating.</p> <p>The qualitative standard of the design and finishes for the shared lane and pedestrian link shall be generally in accordance with the approved development application detailed design, Council's Public Domain Guidelines and any other relevant policies or guidelines and the relevant Australian Standards.</p>



Schedule 2: Construction Terms

1. Interpretation

For the purposes of this Schedule 2, the defined terms in clause 2 of this Agreement and the Interpretation principles in clause 3 of this agreement will apply and, unless context indicates a contrary intention:

- (a) **Builder** means any entity contracted under the Construction Contract to carry out the Works.
- (b) **Construction Contract** means the contract to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development).
- (c) **Council Standards** mean any design standards or guidelines or other requirements or policies of the Council applicable to the design and specifications of the Works.
- (d) **Defect** means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work, but excludes any damage caused by members of the public who have access to the Land, or damage caused by weather.
- (e) **Defects Liability Period** means in respect of each item of the Works the period of 12 months from the date on which the item of Work is taken to have been completed.
- (f) **Detailed Design** means the final specifications and finishes for the Works prepared in accordance with clause 5.2 of this Schedule 2 and will include the design of the Works, the location for the Works, installation specifications and estimated costs of construction and/or installation.
- (g) **Services** means all water, gas, electricity, television, drainage, sewerage, cable TV, data communications, telecommunications and other services which are required under a development consent within the meaning of the Act or an Approval and which are necessary or desirable for the construction or operation of the Development.
- (h) **Superintendent** means the Superintendent appointed under any Construction Contract.

2. Requirements of Authorities and Approvals

- (a) These Construction Terms must be read and construed subject to:
 - (i) any requirements or conditions of any Development Consent;
 - (ii) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Development and the construction of the Development.
- (b) If the Developer requires any Approvals in order to carry out the obligations under this Agreement, then the Developer will acquire all Approvals necessary to carry out the Works.
- (c) The Developer must ensure that the Works carried out under this Agreement are carried out:
 - (i) in accordance with the relevant Development Consent for the Works and all Approvals and the requirements of all Laws, including without limitation, work health and safety legislation; and
 - (ii) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this Agreement and any Approval the terms of the Approval shall take precedence.

3. Costs of Works

All costs of the Works must be borne by the Developer.



4. Project Management and Contractor Engagement

- (a) The Developer will be responsible for managing the Works.
- (b) The Developer will ensure that any contractor it engages to carry out the Works agrees to carry out the Developer's obligations in these Construction Terms as part of any Construction Contract.

5. Design Development and Approvals

5.1 Concept Design

Council and the Developer have worked in consultation with each other to prepare and agree the Concept Design.

5.2 Detailed Design

- (a) The Council must notify the Developer of any Council Standards as soon as possible after the date of this Agreement. If the Council does not provide the Council Standards, the Developer must request them from the Council.
- (b) Prior to Works commencing the Developer must provide a copy of the draft Detailed Design to the Council for approval.
- (c) Within 28 Business Days of receiving the Detailed Design, Council will respond to the Developer with any suggested amendments to the Detailed Design.
- (d) Council and the Developer must work in consultation with each other to prepare and agree the Detailed Design and must both act reasonably and with due expedition in their consultations with each other.
- (e) If the Council does not approve the Detailed Design, Council must give a notice to the Developer detailing what, if any, changes are required to the Detailed Design to ensure it complies with the Council Standards and Concept Design.
- (f) The Developer must promptly amend the Detailed Design in response to any reasonable request by Council pursuant to clause 5.2(e) of this Schedule 2 and provide a final Detailed Design for that design to Council for approval.
- (g) The Developer may not seek a Construction Certificate for the Works until the Detailed Design is agreed in accordance with this clause 5.2.
- (h) Any acceptance or approval by the Council of the Detailed Design under this clause 5 of Schedule 2 is not to be taken as approval of or to any Development Consent or Construction Certificate for the Works.

5.3 Good faith

The parties must act promptly and in good faith in relation to the Detailed Design.

6. Carrying out of Works

6.1 Communication

The Developer must keep Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.

6.2 Standard of Works

- (a) Unless otherwise provided, the Developer shall, and must cause the Builder to, use suitable new materials and proper and tradesmanlike workmanship when carrying out the Works.



- (b) The qualitative standard of the design and finishes for the Works must be consistent with the Development Consent and Approvals for the Works and no less than those described in the following documents:
 - (i) any relevant Australian Standard; and
 - (ii) the Council Standards.
- (c) The Developer may but is not obliged to reinstate any Works where damage or destruction is as a result of:
 - (i) any act or omission of the Council or its employees, consultants or agents relating to any part of the Works under this Agreement; or
 - (ii) the use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.

6.3 Damage to people, property & utilities

- (a) The Developer is to ensure to the fullest extent reasonably practicable that, in performing its obligations under this Agreement:
 - (i) all necessary measures are taken to protect people and property;
 - (ii) unnecessary interference with the passage of people and vehicles is avoided; and
 - (iii) nuisances and unreasonable noise and disturbances are prevented.
- (b) Without limiting clause 6.3(a) of this Schedule 2, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any public land except as authorised in writing by the Council or any relevant Authority.

7. Inspection

- (a) On completion of the Detailed Design, the Council will provide a schedule of inspections to be undertaken by Council (**Inspection Schedule**) to occur at specified stages of the construction of the Works (**Inspection Stage**). If the Council does not provide the Inspection Schedule, the Developer must request the Inspection Schedule from the Council prior to the Works commencing.
- (b) Five Business Days prior to reaching an Inspection Stage as set out in the Inspection Schedule, the Developer must notify the Council of the proposed inspection date (**Inspection Date**).
- (c) On the Inspection Date, or other agreed date, the Developer must ensure that any employees, contractors, agents or representatives of Council have access to and may enter the Land to inspect the Works.
- (d) In addition to carrying out inspections in accordance with the Inspection Schedule, the Council may enter the Land or any part of the Land on which the Works are located to inspect the progress of the Works, subject to:
 - (i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the Land);
 - (ii) giving reasonable notice to the Developer;
 - (iii) complying with all reasonable directions of the Developer; and
 - (iv) being accompanied by the Developer or a nominee, or as otherwise agreed.
- (e) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection, notify the Developer of any defect or non-compliance in the Works and direct the Developer



to carry out work to rectify that defect or non-compliance within a reasonable period of time. Such work may include, but is not limited to:

- (i) removal of defective or non-complying material;
 - (ii) demolishing defective or non-complying work;
 - (iii) reconstructing, replacing or correcting any defective or non-complying work; and
 - (iv) not delivering any defective or non-complying material to the site of the Works.
- (f) If the Developer is issued a direction to carry out further work under clause 7(e) of this Schedule 2, the Developer must, at its cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.
- (g) If the Developer fails to comply with a direction to carry out work given under clause 7(e) of this Schedule 2, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meets the Council Standard and certify completion, until the required Works have been completed in accordance with this Agreement to the Council's satisfaction (acting reasonably).
- (h) For the avoidance of doubt, any acceptance by the Council that the Developer has rectified a defect or non-compliance identified in a notice issued under 7(e) of this Schedule 2 does not constitute:
- (i) acceptance by the Council that the Works comply with all Approvals and Laws; or
 - (ii) an Approval by the Council in respect of the Works; or
 - (iii) an Agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this Agreement.

8. Completion

8.1 Practical Completion

- (a) When the Developer considers that the Works, or any part of the Works, are complete, the Developer must send a Notice to the Council accompanied by complete works as executed plans, and any relevant certificates or consents of any public utility authority stating that the Developer considers the Works are complete.
- (b) Within 10 Business Days of receipt of the notice under clause 8.1(a) of this Schedule 2, the Council will carry out an inspection of the Works and within a further 7 days of the date of the inspection, will, acting reasonably, either:
 - (i) provide written certification to the Developer that the Works have been completed; or
 - (ii) notify the Developer of any additional information required or matters which must be addressed by the Developer prior to the certification being issued.
- (c) If the Developer is required to provide additional information or address any matters under clause 8.1(b)(ii) of this Schedule 2, the Developer will provide that information to Council or address those matters within 10 Business Days of receiving the notice or within a reasonable period of time and make a further request under clause 8.1(a) of this Schedule 2 for written certification that the Works have been completed.
- (d) The Works are taken to be complete for the purposes of this Agreement when the notice is provided under clause 8.1(b)(i) of this Schedule 2.



8.2 Delivery of documents

- (a) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Works are completed in accordance with clause 8.1 of this Schedule, deliver to Council complete and legible copies of:
 - (i) all "as built" full-sized drawings, specifications and relevant operation and service manuals;
 - (ii) all necessary certificates including the certificates of any consultants of the Developer that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and
 - (iii) copies of all Approvals required for use of the land subject to the Works.
- (b) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Works are completed in accordance with clause 8.1 of this Schedule, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

8.3 Assignment of Warranties and Causes of Action

- (a) The Developer must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Developer and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.
- (b) To the extent that any such warranties or guarantees cannot be assigned, the Developer must at the request of Council do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

8.4 Defects Liability Period

- (a) During the Defects Liability Period, the Council (acting reasonably) may give to the Developer a notice (**Rectification Notice**) in writing that identifies a Defect in the Works and specifies:
 - (i) action required to be undertaken by the Developer to rectify that Defect (**Rectification Works**); and
 - (ii) the date on which the Defect must be rectified, which must be reasonable having regard to the nature of the Defect (**Rectification Date**).
- (b) The Developer must comply with the Rectification Notice by:
 - (i) procuring the performance of the Rectification Works by the Rectification Date, or such other date as agreed between the parties;
 - (ii) keeping the Council reasonably informed of the action to be taken to rectify the defect; and
 - (iii) carrying out the Rectification Works.
- (c) The Council must give the Developer and its contractors any access required to carry out the Rectification Works.
- (d) When the Developer considers that the Rectification Works are complete, the Developer must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.
- (e) The Council must inspect the Rectification Works within 15 Business Days of receiving a Notice from the Developer under clause 8.4(d) of this Schedule 2 and, acting reasonably:
 - (i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or



- (ii) notify the Developer in writing that it is satisfied the Rectification Works are complete.
- (f) The Developer must meet all costs of and incidental to rectification of Defects under this clause 8.4.
 - (i) If the Developer fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Developer, and may:
 - (ii) call upon any Bond or Bank Guarantee provided to Council under clause 8.5 of this Schedule 2 to meet its costs of carrying out Rectification Works; and
 - (iii) recover as a debt due to the Council by the Developer in a court of competent jurisdiction, any difference between the amount of the security deposit and the costs incurred by the Council in carrying out Rectification Works.
- (g) The Developer must request that Council inspect the Works 10 Business Days prior to the end of the Defects Liability Period. The Council must inspect the Works at any time after receiving the request from the Developer and before to the end of the Defects Liability Period.
- (h) If, prior to the end of the Defects Liability Period the Developer fails to request the inspection, the Defects Liability Period will be extended for a period of 10 Business Days after the inspection is requested so that Council may carry out the inspection and issue any Rectification Notice prior to the end of the Defects Liability Period.

8.5 Security for Defects Liability

- (a) Prior to the issue of a Certificate of Practical Completion for each item of the Works the Developer must deliver to the Council Bonds or Bank Guarantees in an amount equivalent to 2.5% of the construction costs for the particular item of Works, as certified by a Quantity Surveyor.
- (b) The Developer advises and the Council acknowledges its awareness that the Bonds or Bank Guarantees may be supplied by the Builder and form a part of the security held by the Developer from the Builder under the terms of the Construction Contract, provided that:
 - (i) any Bond or Bank Guarantee provided by the Builder benefits the Council and satisfies the requirements of this agreement; and
 - (ii) the Developer procures an agreement from the Builder that the Council will be entitled to call on any Bond or Bank Guarantee provided by the Builder, in accordance with the terms of this agreement and the terms of any Construction Contract.
- (c) Within 10 Business Days after the Defects Liability Period for a particular item of Works has expired Council must (if it has not called on it) return the Bond or Bank Guarantee referred to in clause 8.5(a) of this Schedule for that item of Works (or any remaining balance of it) to the Developer.
- (d) Notwithstanding clause 8.5(c) of this Schedule, if during the Defects Liability Period for a particular item of Works, the Council issues a Rectification Notice and the Rectification Notice is not complied with, then the Council need not deliver the balance of any Bonds or Bank Guarantees provided to it until that defect has been rectified.



9. Risk

The Developer undertakes the Works entirely at its own risk.

10. Insurance

- (a) Prior to the commencement of the construction of any of the Works, the Developer must ensure the Builder effects and the Developer must produce evidence to the Council of the following insurances issued by an insurer approved by the Council (acting reasonably) in a form approved by the Council (acting reasonably):
 - (i) construction works insurance for the value of the Works;
 - (ii) public risk insurance for at least \$20 million;
 - (iii) workers compensation insurance as required by Law.
- (b) The Developer must provide evidence of currency of insurance required by clause 10(a) of this Schedule 2 upon request by the Council, acting reasonably, throughout the term of this Agreement.

11. Indemnities

The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Developer of the Works except to the extent such Claim is caused or contributed to as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

12. Intellectual Property Rights

The Council acknowledges that the Developer or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Developer has or receives intellectual property rights for the Works, the Developer shall assign those intellectual property rights to Council or permit use thereof.

13. Risk of contamination

- (a) The Developer acknowledges and agrees:
 - (i) that it is responsible for the management and remediation of any contamination present upon or under the land on which the Works are to be carried out;
 - (ii) it will attend to any necessary remediation at its own costs; and
 - (iii) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any contamination with respect to the land on which the Works are to be carried out existing on the Land before the date the Works are to be delivered to Council, except to the extent that such contamination was caused or contributed to by the default or negligence of Council.
- (b) Prior to the registration of any easement permitting public access to the Easement Site, the Developer must provide to Council's reasonable satisfaction, certification by a qualified person, that the Easement Site is not contaminated and is suitable for the proposed use.

14. Plans

The parties acknowledge and agree that further detail and refinement of plans and documents in connection with this Agreement may be necessary having regard to the following matters:

- (a) matters affecting Works not capable of identification on or before the date of this Agreement; or
- (b) by agreement between the parties.



Schedule 3: Easement Terms

- 1 The owner of the Easement Site grants to the Council and members of the public full and free right to go, pass and repass over the Easement Site at all times:
 - (a) with or without companion animals (as defined in the *Companion Animals Act 1998*) or other small pet animals; and
 - (b) on foot without vehicles (other than wheelchairs or other disabled access aids), unless vehicles are being used to access the building on the Land via clearly identified entry and exit points;

for all lawful purposes.
- 2 The owner of the Easement Site must, to the satisfaction of Council, acting reasonably:
 - (a) keep the Easement Site (including any services in, on or under the Easement Site) in good repair and condition;
 - (b) maintain and repair the Easement Site and all improvements on the Easement Site;
 - (c) keep the Easement Site clean and free from rubbish; and
 - (d) maintain sufficient public liability insurance covering the use of the Easement Site in accordance with the terms of this Easement.
- 3 The owner of the Easement Site must ensure that any rules made by an Owner's Corporation (if any) relating to the Easement Site have been approved by the Council, acting reasonably.
- 4 If any member or members of the public loiter or congregate, for any purpose which the owner of the Easement Site, acting reasonably, considers to be a nuisance or a safety risk, the owner may either remove those members of the public, or arrange for their removal by an appropriate authority.
- 5 The owner of the Easement Site may erect safety signage and any other appropriate signage and may erect CCTV cameras in the Easement Site.
- 6 The owner of the Easement Site may engage security personnel to monitor and control the behaviour of the public including but not limited to prohibiting smoking, consumption of alcohol (except within licensed areas), passage of animals, bicycles and skateboards and the like in accordance with any rules made by an Owner's Corporation relating to the Easement Site.
- 7 The owner of the Easement Site may with the Council's prior written consent (except in the case of an emergency, in which case the Council's prior written consent is not required) temporarily close or temporarily restrict access through all or part of the Easement Site for the time and to the extent necessary but only on reasonable grounds for the purposes of:
 - (a) construction, construction access, repairs, maintenance, replacement and alteration to the Easement Site or any improvements in, on or under the Easement Site; or
 - (b) security, public safety or evacuation of the Easement Site and adjoining buildings.
- 8 Subject to ensuring the provision of access in accordance with above clause 1 of this Schedule, the owner of the Easement Site may, provided any necessary planning approvals are obtained:
 - (a) carry out works in the Easement Site for the purposes of enhancing the Easement Site;
 - (b) install or erect works of art, street furniture, awnings, tables and chairs associated with ground floor commercial premises, notice boards or any other similar improvements at ground level within the Easement Site; and

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(c) use the Easement Site,

in a manner consistent with Parramatta City Council Outdoor Dining Policy adopted 25 February 2019, or any such policy of the Council that replaces that policy.

- 9 The Council is solely empowered to release this Easement.
- 10 This Easement may only be varied by written agreement between the Council and the owner of the Easement Site.



Schedule 4: Summary of requirements (section 7.4)

The below table summarises how this Agreement complies with the Act and Regulation.

Subject and section of the Act or Regulation	Provision/clause of this document	
Planning instrument and/or Development Application – Section 7.4(1) of the Act The Developer has: <ul style="list-style-type: none"> (a) sought a change to an environmental planning instrument (b) made, or proposes to make a Development Application (c) entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Description of the land to which the planning Agreement applies – Section 7.4(3)(a) of the Act	Refer to Item 3	
Description of change to the environmental planning instrument to which this document applies and/or the development to which this document applies – Section 7.4(3)(b) of the Act	Refer to Item 4 and the definition of Instrument Change in clause 2.	
The nature and extent of the provision to be made by the Developer under this document, the time or times by which the provision is to be made and the manner in which the provision is to be made – Section 7.4(3)(c) of the Act	Refer to clause 8 of this Agreement	
Whether this document excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development – Section 7.4(3)(d) of the Act	Section 7.11	<input type="checkbox"/> excluded <input checked="" type="checkbox"/> not excluded
	Section 7.12	<input type="checkbox"/> excluded <input checked="" type="checkbox"/> not excluded
	Section 7.24	<input type="checkbox"/> excluded <input checked="" type="checkbox"/> not excluded
Consideration of benefits under this document if section 7.11 applies – Section 7.4(3)(e) of the Act	Benefits are not to be taken into consideration in determining a development contribution under section 7.11 of the Act	



Mechanism for dispute resolution – Section 7.4(3)(f) of the Act	Refer to clause 12
Enforcement of this document – Section 7.4(3)(g) of the Act	Refer to clause 13
Registration of this document – Section 7.6 of the Act	Refer to clause 10.2
No obligation to grant consent or exercise functions – Section 7.4(9) of the Act	See clause 16 (no fetter)

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Schedule 5: Explanatory Note



Explanatory Note

Exhibition of draft Voluntary Planning Agreement

Lot 135 in DP 748984 and Lot 4 in DP 388895, known as 135 George Street and 118 Harris Street, Parramatta NSW (Land)

Environmental Planning & Assessment Regulation 2000 (clause 25E)

Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary planning agreement (**the Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

The Planning Agreement will require the provision of monetary contributions, the carrying out of works, the dedication of land and granting of easements in favour of the Council in connection with a proposed change to provisions of the *Parramatta Local Environmental Plan 2011 (LEP)* to facilitate the proposed development of the Land.

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000 (the Regulations)*.

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

Parties

PIC Royal Investments Pty Ltd ABN 33 613 824 847 (**the Developer**) made an offer to City of Parramatta Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Planning Proposal relating to the subject land.

Description of subject land

The land to which the Planning Agreement applies is described as Lot 135 in DP 748984 and Lot 4 in DP 388895, known as 135 George Street and 118 Harris Street, Parramatta NSW.

Description of the Planning Proposal to which the Planning Agreement applies

The Planning Proposal (PP-2020-3128) amends the LEP to:

- (a) increase the maximum building height for the Land to 144 metres (approximately 44 storeys), being 165.6 metres inclusive of design excellence bonus (approximately 51 storeys);
- (b) increase the maximum FSR for the Land to a mapped FSR of 10:1, being 12:1 including the Design Excellence and High Performing Buildings bonuses;
- (c) include the following site-specific provisions:
 - (i) minimum commercial FSR equivalent to 1:1, with unlimited commercial floor space (within the maximum building height limit of 165.6 metres);
 - (ii) the high performing building bonus of 0.5:1 FSR applies;
 - (iii) the maximum car parking rates endorsed by Council as part of the Parramatta CBD Planning Proposal apply; and



- (iv) the Solar Access provisions related to Experiment Farm in accordance with draft Clause 7.4 as endorsed by Council as part of the Parramatta CBD Planning Proposal apply.

Summary of Objectives, Nature and Effect of the Planning Agreement

Monetary Contribution

The Planning Agreement requires a monetary contribution in the amount of \$2,821,500 if the Land is redeveloped in a manner which is directly correlated to, and made permissible by, the Planning Proposal and the development includes development for residential and commercial or wholly commercial purposes. Monetary contributions are to be indexed to CPI.

If the Council adopts the draft Parramatta CBD Local Infrastructure Contributions Plan 2021 on exhibition between 9 August 2021 and 20 September 2021, the Monetary Contribution will not be payable.

Works

The Planning Agreement requires embellishment of a shared lane and pedestrian link, such as landscaping, amenities, furniture and seating. A Concept Design for the works is shown in Schedule 10 of the agreement.

Land

The Planning Agreement requires dedication of:

- part of the Land for road widening along Harris Street (up to a maximum width of 7 metres); and
- part of the Land for the purpose of a splay corner located on the corner of George Street and Harris Street, as required by Transport for NSW and Council.

Assessment of the Merits of the Planning Agreement

How the Planning Agreement Promotes the Objects of the Act

By delivering contributions that will provide public amenities and services in connection with redevelopment of land, the draft Planning Agreement promotes the following objectives of the *Environmental Planning and Assessment Act 1979*:

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources (s1.3(a));
- to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment (s1.3(b)); and
- to promote the orderly and economic use and development of land (s1.3(c)).

Impacts of the Planning Agreement on the Public and Promotion of the Public Interest

In general, the Planning Agreement will facilitate the Planning Proposal and the redevelopment of the Land, achieving strategic objectives for the Parramatta CBD. The redevelopment of the Land, the provision of monetary contributions towards public infrastructure and the public domain works and land dedication will have a positive impact on the public and promote the public interest.

The monetary contribution to be provided under the Planning Agreement will be used to provide community infrastructure. This contribution is required in addition to any contributions under sections 7.11, 7.12 and 7.24



of the *Environmental Planning and Assessment Act 1979*. Accordingly, the contribution will positively contribute to the extent and quality of infrastructure available for use by the community.

The public domain works, land dedication and granting of public access easements will improve pedestrian amenity, accessibility of sites and traffic flows within the CBD.

The draft Planning Agreement promotes the public interest by making contributions that will enable the Council to provide services and facilities for existing and future residents and visitors of the city.

The proposed contributions under the Planning Agreement are consistent with the Council's strategic plans and policy documents.

The Planning Purposes served by the Planning Agreement

The monetary contribution will be used to fund services and facilities that will enable the City of Parramatta to support existing and future residents and visitors of the city.

The works will be carried out for the purposes of creating public accessways.

The land will be dedicated for the purposes of road widening and a splay corner.

Whether the Planning Agreement Conforms with the Council's Capital Works Program

Council's Management Plan incorporates capital work projects aimed at providing and improving community infrastructure. In this respect, the provision of the contributions for the purpose of providing community infrastructure in the Parramatta City Centre conforms to that intent.

Whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Planning Agreement requires the following to be satisfied prior to the issue of a construction certificate:

- 75% of the monetary contribution to be paid to Council (or provide a bank guarantee for the amount in accordance with the Planning Agreement).
- The provision of a bank guarantee to secure the completion of the works.
- Registration of a covenant restricting building or structures within the area of the public access easement.

The Planning Agreement requires the following to be satisfied prior to the issue of a final occupation certificate:

- 25% of the monetary contribution to be paid to Council, so that a total of 100% of the monetary contribution has been paid to Council.
- Completion of the works.
- Dedication of the Dedication Land.
- Registration of public access easements.

M

Schedule 6: Title searches



FOLIO: 4/388895

SEARCH DATE	TIME	EDITION NO	DATE
11/4/2021	10:23 PM	11	19/10/2020

LAND

LOT 4 IN DEPOSITED PLAN 388895
 LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
 PARISH OF ST JOHN COUNTY OF CUMBERLAND
 TITLE DIAGRAM DP388895

FIRST SCHEDULE

PIC ROYAL INVESTMENTS PTY LTD (T AM877572)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 G202351 COVENANT
- 3 AM877569 LEASE TO ALBION HOTEL UT PTY LIMITED EXPIRES:
17/9/2022.
- 4 AQ480177 MORTGAGE TO FRONTIER OPPORTUNITY VIII LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

3026

PRINTED ON 11/4/2021

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Received: 11/04/2021 22:23:25

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FOLIO: 135/748984

SEARCH DATE	TIME	EDITION NO	DATE
11/4/2021	10:23 PM	10	19/10/2020

LAND

LOT 135 IN DEPOSITED PLAN 748984
 AT PARRAMATTA
 LOCAL GOVERNMENT AREA CITY OF PARRAMATTA
 PARISH OF ST JOHN COUNTY OF CUMBERLAND
 TITLE DIAGRAM DP748984

FIRST SCHEDULE

PIC ROYAL INVESTMENTS PTY LTD (T AM877575)

SECOND SCHEDULE (6 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AC868216 POSITIVE COVENANT
- 3 AC868217 RESTRICTION AS TO USER (S.88E(3) CONVEYANCING ACT, 1919)
- 4 AE496142 POSITIVE COVENANT
- 5 AM877569 LEASE TO ALBION HOTEL UT PTY LIMITED EXPIRES: 17/9/2022.
- 6 AQ480177 MORTGAGE TO FRONTIER OPPORTUNITY VIII LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

3026

PRINTED ON 11/4/2021

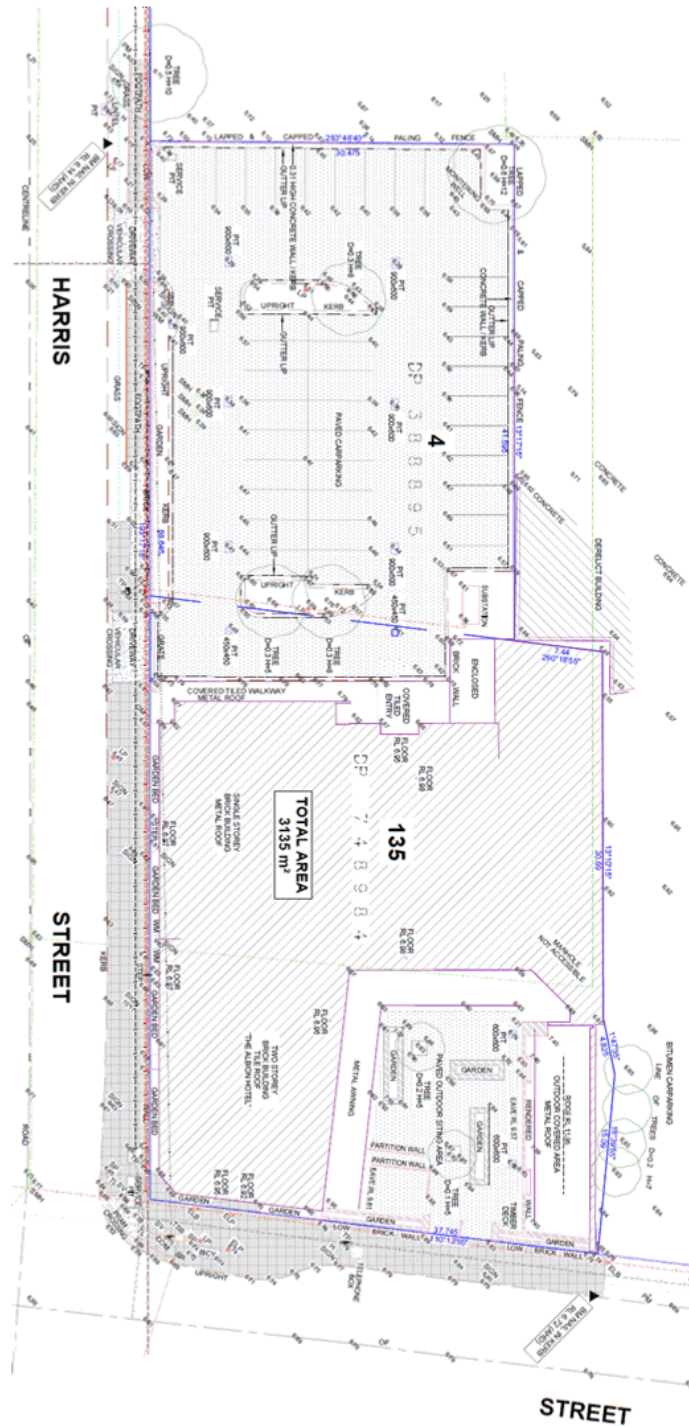
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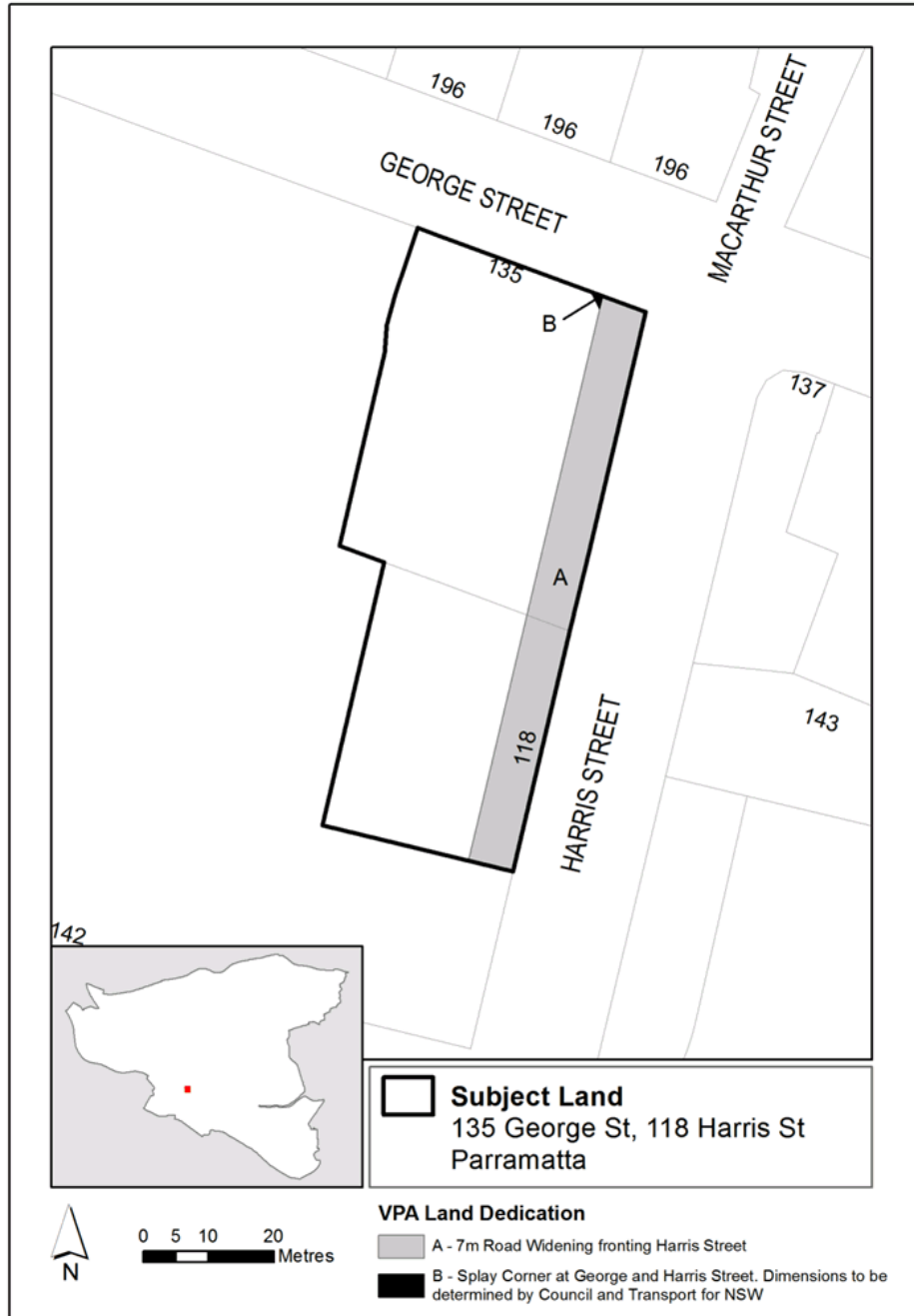
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Schedule 7: Plan showing Land



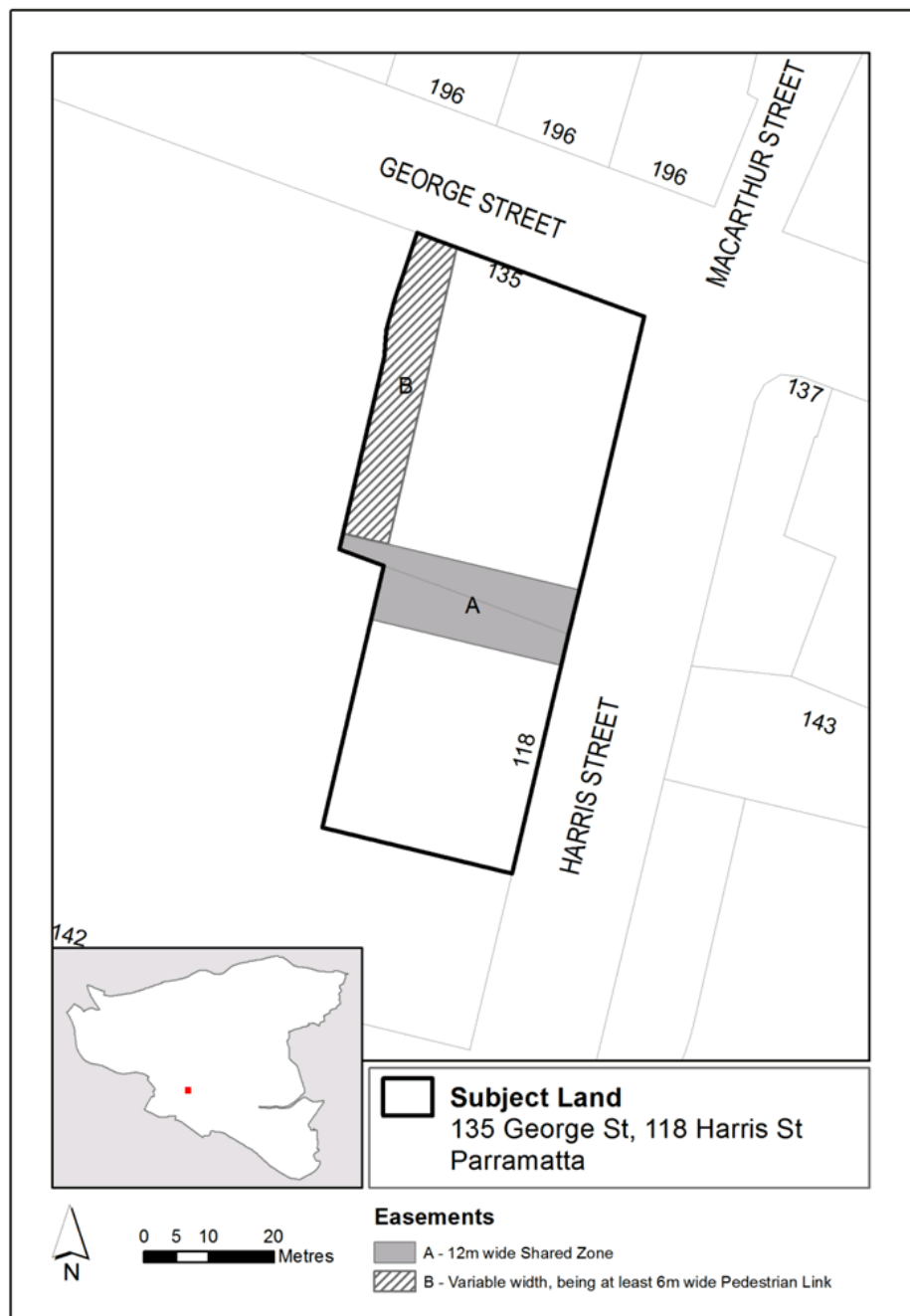


Schedule 8: Plan showing Dedication Land



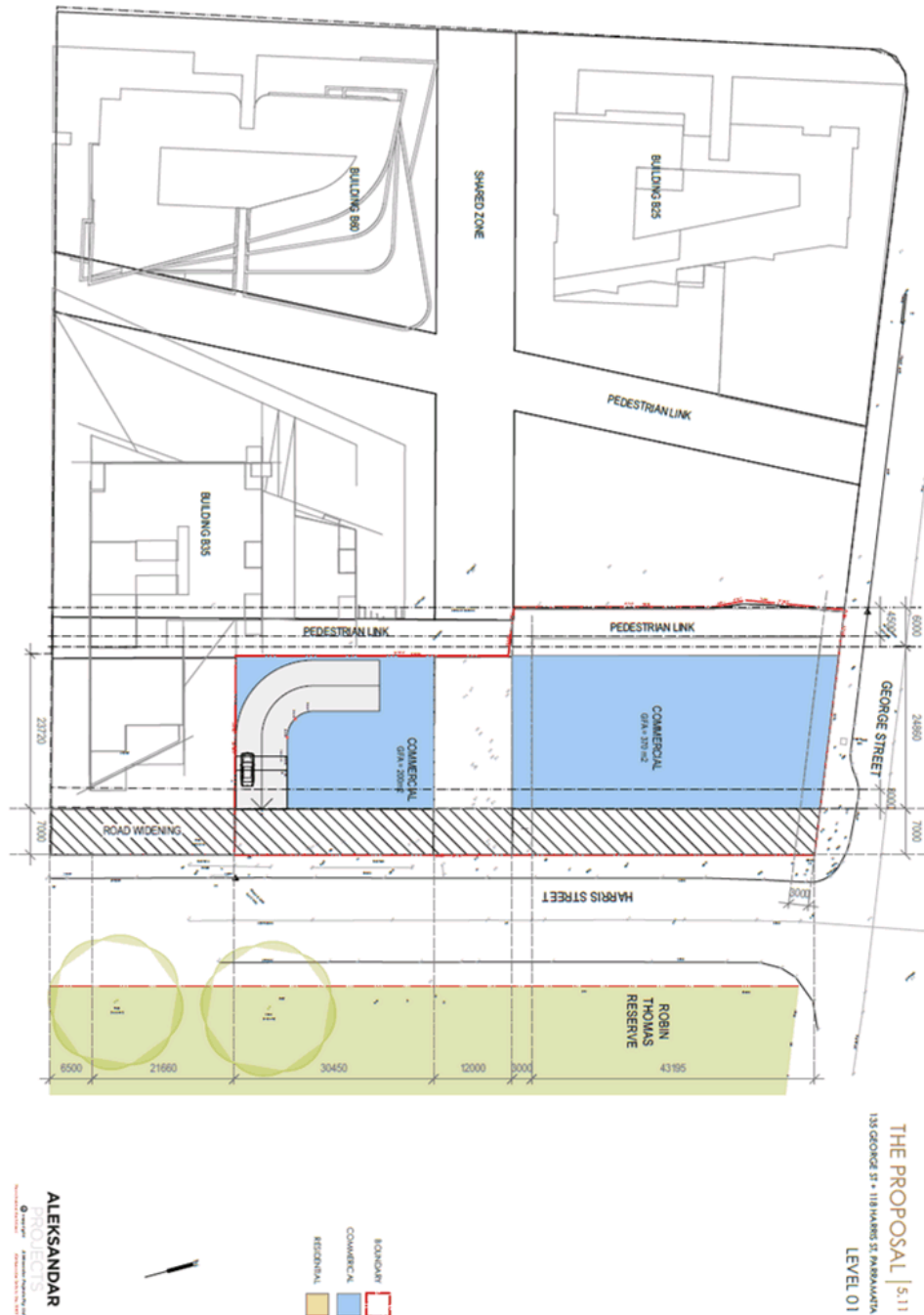


Schedule 9: Plan showing Easement Site



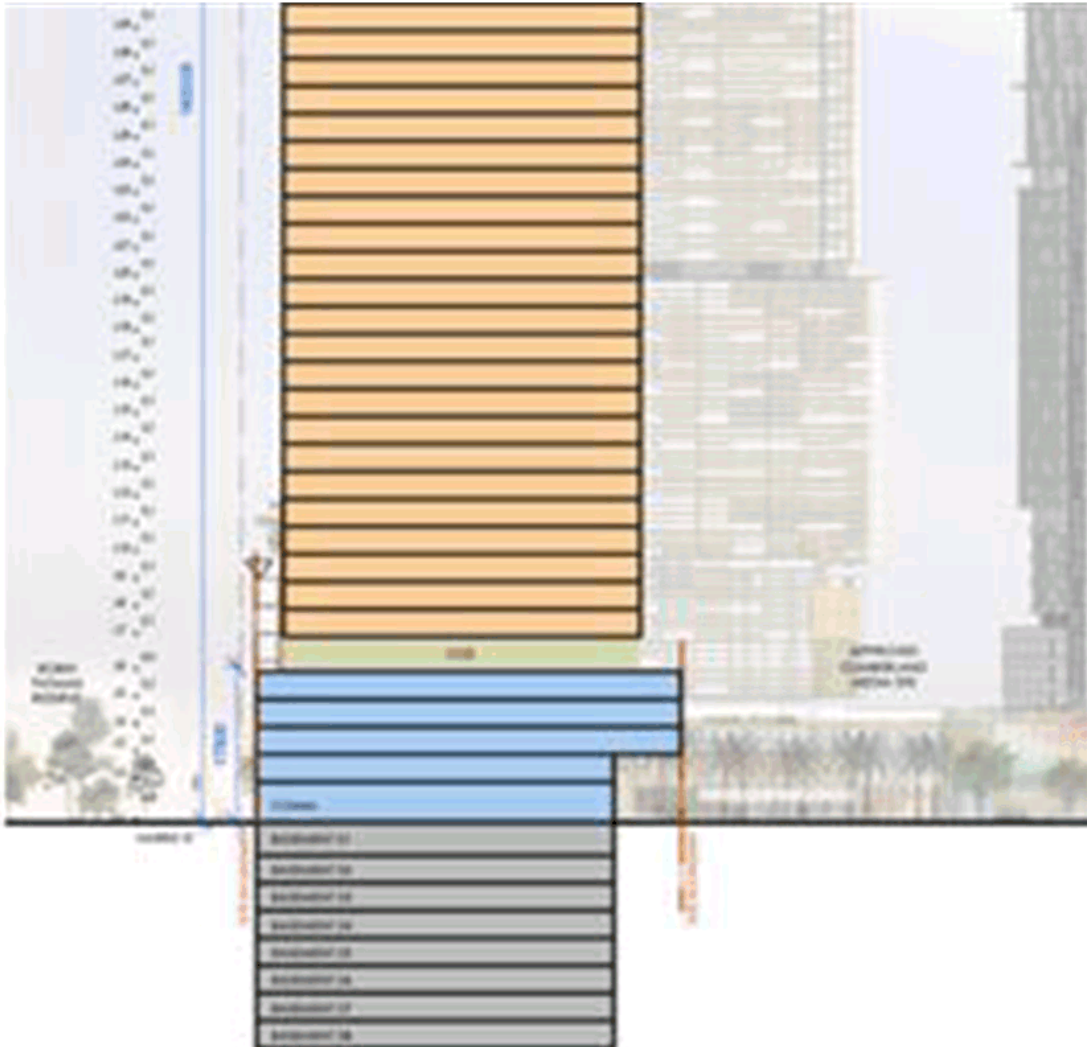
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Schedule 10: Concept Design for the Works in Schedule 1



M

Schedule 11: Reference Design



FOR COUNCIL DECISION

ITEM NUMBER	13.4
SUBJECT	Submission on the NSW Government's 'A new approach to rezonings' Discussion Paper
REFERENCE	F2022/00105 - D08393170
REPORT OF	Senior Project Officer Land Use

CSP THEME: INNOVATIVE

WORKSHOP/BRIEFING DATE: 31 JANUARY 2022 AND 9 FEBRUARY 2022

PURPOSE:

For Council to approve a submission (**Attachment 1**) to the Department of Planning and Environment in response to the Discussion Paper 'A new approach to rezonings'.

RECOMMENDATION

(a) **That** Council approve the submission (**Attachment 1**) which supports the overall intent of the reform contained in the Discussion Paper 'A new approach to rezonings', in particular, to provide an increasingly transparent and efficient planning system that ensures decisions about potential land-use changes are consistent with strategic planning policy, however objects to the following details of the proposed reform:

- i. **Appeals processes:** strong objections are raised to the proposed appeals mechanism as it will remove the policy decision making power of councils.
- ii. **Fees and resources:** the proposed fee structure is too rigid (based on categories) and Councils should instead be able to set fees. The risk of mandatory fee refunds (such as planning guarantees) will severely limit Council resources whilst affecting the quality of planning decisions due to rushed assessments.
- iii. **Process risks:** several risks to Council's assessment of planning proposals are prevalent. These include imposing minimal timeframes to review the quality of planning proposals (and supporting documentation) prior to their exhibition, as well as a lack of power for Council to reject a planning proposal once lodged (without generating appeal rights from the applicant).

(b) **That** the submission be forwarded to the Department of Planning and Environment (DPE) by close of the exhibition period (28 February 2022).

(c) **Further, that** Council authorise the Chief Executive Officer to make any amendments of a non-policy and administrative nature that may arise during finalisation of the submission prior to it being forwarded to the DPE.

BACKGROUND

1. In December 2021, the NSW Government (Department of Planning and Environment (DPE)) released a Discussion Paper titled '*A new approach to rezonings in NSW*'. The Discussion Paper provides options for potential changes to how planning proposals are assessed and determined under the NSW Planning System. The intention is to streamline the planning proposal process to cut down on assessment time, boosting confidence and transparency in the planning system. The Discussion Paper envisions the following changes:
 - a) Changes to the roles of local and state government, state agencies and private applicants in the planning proposal process
 - b) New planning proposal categories and corresponding timeframes for completion
 - c) Changes to the steps involved in the finalisation of a planning proposal
 - d) New fee structure
 - e) New appeal pathways.
2. In addition to the above changes, it is further noted the Discussion Paper proposes changes to terminology relevant to the planning proposal process.

KEY ISSUES

3. The submission (**Attachment 1**) supports the overall intent of the reform, in particular, to provide an increasingly transparent and efficient planning system that ensures decisions about potential land-use changes are consistent with strategic planning policy. However, the submission objects to the following details of the proposed reform:
 - a. **Appeals processes:** strong objections are raised to the proposed appeals mechanism as it will remove the policy decision making power of councils.
 - b. **Fees and resources:** the proposed fee structure is too rigid (based on categories) and Council should instead be able to set fees. The risk of mandatory fee refunds (such as planning guarantees) will severely limit Council resources whilst affecting the quality of planning decisions due to rushed assessments.
 - c. **Process risks:** several risks to Council's assessment of planning proposals are prevalent. These include imposing minimal timeframes to review the quality of planning proposals (and supporting documentation) prior to their exhibition, as well as a lack of power for Council to reject a planning proposal once lodged (without generating appeal rights from the applicant).
4. In addition to these key objections, the submission also includes general comments in response to the proposed changes. The remainder of this report summarises the key changes and comments provided by Council officers.
 - a) **Changes to the roles of local and state government, state agencies and private applicants in the planning proposal (new proposed term: rezoning application) process**
5. The new approach seeks to change the roles of applicants, councils and the DPE in the assessment and determination of rezoning applications. **Figure 1** below illustrates the roles anticipated based on application categories 1-4. Details of the

categories are provided in the following section and **Table 1** of this report.


	Max department/ min. council involvement	Type of rezoning	Department role	Council role
Department assesses and determines		Public authority proponent	Assesses and determines	Consultation
		Council proponent (category 3 and 4)	Assesses and determines	Proponent
Department has limited involvement		Council proponent (category 1 and 2)	Conducts scoping and adequacy at lodgement	Proponent + assesses and determines after permission to exhibit
		Private proponent (categories 1, 2 and 3) – inconsistent with specified s9.1 direction/s	Given notice and opportunity to comment given during exhibition	Assesses and determines
Department has no involvement		Private proponent (categories 1, 2 and 3) – consistent with s9.1 directions	No involvement in assessment except support, case management and monitoring	Assesses and determines
	Min department/ max. council involvement			

Table 1 – the roles of councils and the department under the new approach

6. In addition, the new approach suggests an enhanced role for state agencies to provide technical information pertaining to a rezoning application at the new scoping phase. The new approach anticipates all issues with state agencies will be identified during this period rather than during the formal exhibition period. The Discussion Paper suggests applicants are given access to state agencies to seek relevant information and that agencies comply with strict timeframes for response.

Officer comment:

- Currently, planning proposals are reported to the Local Planning Panel (LPP) prior to exhibition of a planning proposal. However, the new approach does not identify any involvement of the LPP. The DPE should clearly define the intended role of LPPs in the rezoning application process under the new approach.
- It is noted that although councils will assess proponent led planning proposals with far less input from the DPE than is currently the case, this is not anticipated to provide councils with additional control on the final determination, noting proponents will be allowed to appeal the decision of councils under the new approach.

b) Introduction of new planning proposal ‘categories’ and corresponding timeframes for completion

7. It is proposed to categorise planning proposals based on complexity, which will in turn inform timeframes for their completion, public exhibition requirements and fees. Four categories are proposed with corresponding timeframes. These are summarised in **Table 1** below.

Category	Description	Exhibition Period	Completion timeframe
Category 1 (Basic)	Administrative, housekeeping and minor local matters such as: <ul style="list-style-type: none"> • Local heritage item listings • Land reclassification • Attaining consistency with an endorsed local strategy 	4 weeks	26 weeks

	<ul style="list-style-type: none"> Attaining consistency with section 3.22 of the Environmental Planning and Assessment Act 1979 (fast-tracked changes to environmental planning instruments). 		
Category 2 (Standard)	Site specific rezoning applications seeking a change in planning controls consistent with strategic planning, such as: <ul style="list-style-type: none"> Changes to land use zones Changes to principle development standards in a LEP Adding a permissible land use of additional permitted use in a LEP Attaining consistency with an endorsed local strategy or local strategic planning statement Land reclassification. 	6 weeks	37 weeks
Category 3 (Complex)	Planning Proposals that may not be consistent with strategic planning, including proposed changes not captured under category 1 and 2, such as: <ul style="list-style-type: none"> Changes to land use zones and/or principal development standards, which would increase infrastructure demand or preparation of a development contribution plan Responding to changes in circumstances, such as investment in new infrastructure or changing demographic trends Requiring significant amendment or preparation of a development contribution plan or a related infrastructure strategy Amendments that aren't captured as principal LEP, standard or basic planning proposal categories. 	8 weeks	48 weeks
Category 4 (Principal LEP)	A comprehensive or housekeeping rezoning application led by council, proposing broad scale policy change to the LEP for the whole LGA.	6 weeks	50 weeks

Table 1 – Proposed categories and timeframes for planning proposals

Officer comment:

- The benchmark timeframes do not consider rezoning applications that require a Development Control Plan amendment or contributions plan, or that have an accompanied planning agreement. It is recommended timeframes for Category 3 (complex applications) are revised to consider these aspects.
- A six-week exhibition period for Category 4 rezoning applications is considered insufficient. There should be an opportunity for significant rezoning proposals involving large numbers of landholdings and/or stakeholders to be exhibited for up to 12 weeks. Council would not need to consult for 12 weeks on all Category 4 rezoning applications. It is recommended the Council have discretion to consult for between 6 and 12 weeks depending on the complexity of the planning proposal.

c) Changes to the steps involved in the processing of a rezoning application

8. The key changes proposed under the new approach are:

- a. *Introduction of a 'scoping phase'*: A mandatory pre-lodgement stage intended to enable early feedback on a rezoning application and to clarify lodgement requirements. Applicants must prepare a scoping report addressing consistency with Council's strategic policy framework.

- b. *Changed processes for lodgement:* Once a rezoning application is lodged, Council will have 7 days to review the adequacy of the material. If adequate, this will trigger exhibition of the application. If inadequate, Council can reject the lodgement. The exhibition automatically commences after 7 days unless Council stops the process due to insufficient information.
- c. *Exhibition:* Exhibition periods will vary between 14 and 42 days, depending on the category of rezoning application (noted in **Table 2** above). Applicants will be required to respond to submissions received and work with state agencies to resolve any objections.

Council officer comment:

- It is suggested rezoning applications can be refused at the scoping phase if it is clearly inconsistent with Council's strategic policy framework. This will prevent speculative applications from being lodged and save time and resources required to process them. Additionally, such applications would be prevented from proceeding to exhibition, thereby avoiding the risk of unnecessarily generating community concern about proposals that lack strategic merit. It is noted that notwithstanding the above, the applicant is likely to have a right of appeal against such a decision.
- It appears the proposed 7 day timeframe between lodgment and commencement of exhibition is intended to only check that documentation lodged complies with Council's scoping requirements. However, it does not appear to envision an opportunity for Council to check the quality of the information received. In this regard, a 7 day timeframe would be generally insufficient. It is recommended this timeframe be reconsidered to include quality checking lodged documentation. The length of the timeframe should be adjustable depending on the complexity of the application.
- It is suggested that there be a mandatory requirement for the exhibition material to include a statement from Council on its initial consideration of the application. Noting the limited timeframe available for its preparation, this would be based on discussions held with Council staff during the scoping/pre-lodgement stage.

d) New fee structure

9. The Discussion Paper considers three options for how fees could be calculated for a rezoning application. These are:

Option 1: Fixed assessment fees

- Based on rezoning application category and sub-categories that vary based on what the application seeks to do.
- Associated costs (such as peer reviews) are not covered.
- If the rezoning application is withdrawn, the applicant is entitled to a set percentage of fee refund, depending on the progress of the proposal.

Option 2: Variable assessment fees

- Fees are an estimate of costs depending on rezoning application category and staff hours allocated to processing the application.
- Associated costs (such as peer reviews) would be charged based on the actual costs incurred by Council in processing the rezoning application.

- If an application is withdrawn the applicant could be entitled to a refund of fees not yet expended by Council.

Option 3: Fixed and variable assessment fees

- A fixed fee charged upfront based on rezoning application category. A variable fee is charged once the application is finalised, and only if actual staff hours allocated to processing the application exceeds the upfront charge.
- Associated costs (such as peer reviews) would be charged based on actual costs incurred by Council in processing the application.
- To reduce the risk of non-payment of variable fees, a bank guarantee will be required for issue to Council at lodgement.

10. In addition to the options above, the Discussion Paper seeks to introduce 'planning guarantees'. These are fee refunds to the applicant if Council exceeds the benchmark timeframes for assessment and determination of a rezoning application as noted in **Table 1** of this report. Even where a fee refund is given, the assessment and determination of a rezoning application will continue.

Council officer comment:

- Councils should be given the ability to adopt their preferred option.
- While full cost recovery for councils is supported, further clarification on how cost recovery is calculated must be provided. It is considered any costs expended during the scoping phase should be fully recoverable.
- The submission objects to the introduction of planning guarantees given the implication this would have to council resourcing. There is no guidance provided to how fee refunds in this context would be calculated.

e) New appeal pathways

11. Under the new approach, it is proposed to allow a review opportunity for applicants due to delay in assessment or if the applicant is dissatisfied with Council's final determination. These appeal pathways are not available under the current approach that limit review of decisions that refuse a planning proposal to proceed to exhibition stage (known currently as 'Gateway Determination').
12. The new approach does not propose any appeal mechanisms for public authorities. This means that the abovementioned appeal pathways would not be available for planning proposals where Council is the applicant.

Council officer comment:

- The submission objects to the appeal pathways. The new appeals processes remove council's policy decision making powers by delegating such functions to unelected officials who are not accountable to the community for any policy decisions made. The appeal pathway will effectively give the Court power to override the statutory policy decision making of councils.
- It is assumed the appeal mechanisms already available to private applicants at Gateway Determination stage would still be available (however the Discussion Paper should clarify this). The new mechanisms would create additional delay in the assessment and determination of rezoning applications.
- If the appeals process is to be introduced it is proposed that councils should also be granted appeal rights should they not concur with a determination. Provision should also be made for councils to be able to recover their costs.

CONSULTATION & TIMINGCouncillor Consultation

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

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
31.01.2022	Councillor workshop	Councillors requested direct links to the exhibition material posted online on the DPE website.	Councillors were provided with direct links to the online exhibition material on 1 February and invited to provide feedback	City Planning & Design
8.02.2022	Circulation of draft submission to Councillors and invited to provide feedback	No feedback received.	Not required	City Planning & Design
9.02.2022	Councillor briefing session	General support for the draft submission. Request that submission refers to ability of Council to recover costs associated with the proposed appeal process.	Submission addresses appeals recovery costs matter	City Planning & Design

LEGAL IMPLICATIONS FOR COUNCIL**FINANCIAL IMPLICATIONS FOR COUNCIL**

15. The Discussion Paper proposes a new fee structure and mandatory refund mechanisms that if adopted by the DPE, would hold financial implications for Council. Forecast implications include a detailed revision of the fees Council currently charges for its planning proposal pre-lodgment services, as well as fees generally charged to lodge and process a planning proposal.

16. The potential implications for Council regarding mandatory fee refunds will need to be investigated more closely if and when these changes are adopted by the DPE and it is clear which of the funding mechanisms exhibited is implemented by the State Government.

17. The table below shows no financial impacts on the budget arising from approval of this report, that is making the submission.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	Nil	Nil	Nil	Nil
Funding Source	N/A	N/A	N/A	N/A
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil	Nil	Nil	Nil
Funding Source	N/A	N/A	N/A	N/A
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil	Nil	Nil	Nil

Kashfia Hasan
Senior Project Officer Land Use

David Birds
Group Manager, Major Projects and Precincts

Fariha Chowdhury
Acting Chief Financial Officer

Jennifer Concato
Executive Director City Planning and Design

Brett Newman
Chief Executive Officer

ATTACHMENTS:

1 [!\[\]\(5361750c22c4e047a52f4eac1ec2d4cc_img.jpg\)](#) Draft Submission - Rezoning Application Reforms 8 Pages

SUBMISSION

To the Department of Planning and
Environment (DPE)

In response to the exhibition of Discussion Paper: A
new approach to rezonings

*Review of the proposed solutions to create a better
rezoning process and appeals or review framework*

Submission by City of Parramatta Council

CONTENTS

1. Executive Summary
 2. Introduction / Background
 3. Objections & Comments
 - 3.1 Changes to the roles of local and state government, state agencies and private applicants
 - 3.2 Introduction of new planning proposal 'categories' and corresponding timeframes for completion
 - 3.3 Changes to the steps involved in the processing of a rezoning application
 - 3.4 New fee structure
 - 3.5 New appeal pathway
 4. Conclusion
- Appendix A - Detailed Assessment Issues

1. Executive Summary

As part of the Planning Reform Action Plan initiated by the Minister for Planning and Public Spaces, a Discussion Paper was released by the NSW Government titled 'A new approach to rezonings in NSW'. The Discussion Paper provides options for potential changes to how planning proposals (new proposed term: "rezoning applications") are assessed and determined.

The overall intent of the reform is supported by Council, in particular, to provide an increasingly transparent and efficient planning system that ensures decisions about potential land-use changes are consistent with strategic planning policy. Council however objects to the following details of the proposed changes:

- Appeals processes: strong objections are raised to the proposed appeals mechanism as it will remove the policy decision making power of councils.
- Fees and resources: the proposed fee structure is too rigid (based on categories) and Councils should instead be able to set fees. The risk of mandatory fee refunds (such as planning guarantees) will severely limit Council resources whilst affecting the quality of planning decisions due to rushed assessments.
- Process risks: several risks to Council's assessment of planning proposals are prevalent. These include imposing minimal timeframes to review the quality of planning proposals (and supporting documentation) prior to their exhibition, as well as a lack of power for Council to reject a planning proposal once lodged (without generating appeal rights from the applicant).

The overarching concern is the undermining of strategic planning, with any appeal process taking critical policy decisions away from elected officials (government). Responses are also provided in the submission to the specific questions posed by DPE throughout the Discussion Paper.

NOTE: the Discussion Paper refers to planning proposals as "rezoning applications", therefore this proposed new term is used throughout the submission and **Appendix A**.

2. Introduction / Background

In December 2021, the NSW Government released a Discussion Paper titled 'A new approach to rezonings in NSW'. The Discussion Paper provides options for potential changes to how rezoning applications are assessed and determined. It is noted that the Discussion Paper focuses solely on the rezoning processes that happen using rezoning applications to make or amend LEPs or SEPPs and does not include state-led rezonings.

The Discussion Paper was an initiative of the former Minister for Planning and Public Spaces, Rob Stokes, as part of the Planning Reform Action Plan to build a faster, simpler planning system to support jobs, homes and public spaces. The Planning Reform Action Plan outlines long-term structural reform of the NSW planning system to help unlock NSW's productivity and leave a legacy of great places for the community.

In addition to process, a change to planning proposal terminology is also proposed. The change is intended to reflect the roles of the parties more clearly and avoid confusion and duplication of titles. It is sought to replace the term 'planning proposal' with 'rezoning application' and remove the term 'Gateway' noting the Gateway stage is proposed to be removed. Council does not object to these proposed changes as set out in the table below.

Current roles	Proposed roles	Description of proposed roles
Planning Proposal	Rezoning application	An application to make or amend an LEP
Private applicant (not recognised) Public authority applicant (not recognised) Planning Proposal Authority (PPA) - usually council, responsible for planning proposal	Rezoning authority	Means a rezoning application lodged by any of the below: Private individual or corporation Public authority, including state-owned corporations Council for changes to their LEP
Local Plan Making Authority (LPMA). Makes or amends the LEP	Rezoning authority	Responsible for assessing and determining the rezoning application. Can be a council or the minister
Gateway	N/A – Gateway stage to be removed	Included in the function of the rezoning authority

Table 1 – Current and proposed terminology

3. Objections & Comments

3.1 Changes to the roles of local and state government, state agencies and private applicants

The new approach seeks to change the roles of applicants, councils and the DPE in the assessment and determination of rezoning applications.

- **Applicants:** proponents will be acknowledged as applicants, giving applicants the right to meet with the rezoning authority to discuss a potential request, submit a rezoning application and have it assessed and determined after exhibition, and appeal a decision because of a delay or dissatisfaction with a decision. Applicants will be responsible for meeting information requirements, consulting with state agencies and responding to submissions. They will require owner's consent to lodge a rezoning application.
- **Councils:** will have full control of privately initiated rezoning applications, including giving permission to exhibit (currently given by gateway determination), reviewing any changes made after exhibition, and making a final decision. However it is noted that an appeal process is proposed that would present the opportunity for Council's decision to be over-ridden. The DPE will be available to assist Council where needed. If a council is the proponent of a rezoning application, they would continue to be appointed as the rezoning authority after scoping and once the Department has given permission to exhibit. The type of council proponent rezoning applications that a council can determine will also be streamlined to include all category 1 and 2 applications (unless there is a conflict of interest).

Discussion Paper Questions:

What do you think? What do you think about giving councils greater autonomy over rezoning decisions? What additional support could we give councils to enable high-quality and efficient rezoning decisions? What changes can be made to the department's role and processes to improve the assessment and determination of council-led rezonings?

Council response: Given there is no gateway process identified, Council will have an increased role in finalising rezoning applications. This is supported, as Council represents the community and has a fundamental understanding of the applicable strategies and policies that govern quality planning outcomes for the community.

There is no requirement for reporting up to Council or the Local

Planning Panel pre-exhibition. It is Council's preference to make this a legislated requirement to ensure quality planning outcomes are achieved.

Although Council will assess proponent led planning proposals with less input from the DPE than is currently the case, this is not anticipated to provide Council with additional control on the final determination, noting proponents will be allowed to appeal Council decisions under the new approach.

- **DPE:** resources will be refocused to state-led, strategic and collaborative planning. The Minister will still assess and determine a reduced scope of rezoning applications.

Discussion Paper Questions:

What do you think? Is there enough supervision of the rezoning process? What else could we do to minimise the risk of corruption and encourage good decision-making? Do you think the new approach and the department's proposed new role strikes the right balance between what councils should determine and what the department should determine?

Council response: The DPE involvement at the scoping phase will be key to ensuring accountability on behalf of the applicant to provide quality rezoning applications for lodgement.

The new recommended process that sees all rezonings by government agencies dealt with by the DPE reduces the amount of say that communities have when government land is sold or rezoned; the issue of sale of Government owned land can be controversial. There would also be a financial imperative for the government to allow densities on land being sold for redevelopment at densities or for uses that do not align with the local community. Government rezoning applications should not be assessed by the DPE as conflicts of interest will arise.

A case study is the land in Epping acquired for the Metro to Rouse Hill, which was then rezoned for high density residential. When Council argued the land should be used for commercial purposes, the agencies did not want to respond to this community need because it would decrease the value of the property when they sold it. The good of the community was not necessarily the key issue that was driving decision making in this case in the opinion of Council. These sorts of Government rezoning applications should stay with Council, or Council should have an appeal right if it considered the zoning or other controls are not appropriate.

What do you think? Should councils be able to approve inconsistencies with certain s. 9.1 directions? If so, in what circumstances would this be appropriate?

Council response: Yes, this would be appropriate in all circumstances to ensure that Council is not taken out of the decision-making process.

The Discussion Paper does not set out where and when decisions are made on who makes a plan where there is a Section 9.1 Direction. It implies that this would be identified as part of the scoping phase, in which case it is assumed the DPE shall also attend all scoping meetings that may involve a Section 9.1 Direction variation who will then advise whether it is significant enough to warrant the DPE dealing with the rezoning application post exhibition. Should this occur, it is unclear whether the rezoning application will be reported to Council and then forwarded to the DPE for finalisation.

It is also unclear what occurs should a rezoning application be amended by the applicant in their response to exhibition issues. If the application is transferred to the DPE post exhibition, then there is the potential for the applicant to seek a Section 9.1 Direction variation simply in order to have the matter taken out of the Council decision-making process.

- **State agencies:** will outline requirements at the pre-lodgement / scoping phase and strict timeframes for agency responses will be provided.

It is unclear how the relevant state agencies will be decided upon for consultation. It is assumed the DPE will issue the applicant a list of requirements. This will need to be explained and Council should be involved with these discussions to ensure transparency.

- **Public authority proponents:** Rezoning applications lodged by public authority proponents that are holders of infrastructure / other assets will be determined by the DPE.

Discussion Paper questions:

What do you think? Is it enough to have agencies involved in scoping and to give them the opportunity to make a submission during exhibition? Do you think it would be beneficial to have a central body that co-ordinates agency involvement? If a state agency has not responded in the required timeframe, are there any practical difficulties in continuing to assess and determine a rezoning application?

Council response: Agencies should form part of the scoping phase, to put forward their comments / requirements for the rezoning application. It would be insufficient for agencies to review the application and the information submitted in response to their requirements solely as part of the exhibition process.

It would be of benefit to have a central body to co-ordinate agency involvement, particularly for complex applications whereby multiple agencies are involved. This will also ensure agencies are accountable and provide responses in a timely manner. Should agencies not respond within a certain timeframe, this may have major consequences for delaying the determination process.

3.2 Introduction of new planning proposal 'categories' and corresponding timeframes for completion

The Discussion Paper suggests categorising rezoning applications based on complexity, which will in turn inform timeframes for their completion, public exhibition requirements and fees charged. Four categories are proposed with corresponding timeframes: Category 1 (Basic), Category 2 (Standard), Category 3 (Complex), Category 4 (Principal LEP led by Council).

With regards to Council's comments on fees, refer to section 3.4. With regards to Council's comments on exhibition, refer to section 3.3.

Category 3 will cover a wide range of applications, including site-specific and larger precinct-sized rezoning applications. This category requires more detail, for example it does not include a rezoning application that requires a VPA, DCP amendment or generation of a site specific DCP, which is common for complex applications.

Category 4, where it involves an entire LGA, should not be limited to 6 weeks exhibition. To ensure all stakeholders are properly consulted when doing a comprehensive LEP, the period must be able to be extended up to 12 weeks depending on the complexity of the proposal.

Discussion Paper Questions:

What do you think? Do you think benchmark timeframes create greater efficiency and will lead to time savings?

Council response: Benchmark timeframes are not useful as these cannot apply linearly across all rezoning applications noting some are innately complex involving DCPs and VPAs. They also have the potential to result in rushed assessments and therefore poorer quality planning outcomes by setting unrealistic expectations.

3.3 Changes to the steps involved in the processing of a rezoning application

Scoping phase

The Discussion Paper recommends a mandatory scoping / pre-lodgement phase to enable early feedback on a rezoning application and to clarify information requirements for lodgement. The applicant must prepare a scoping report for review by the consent authority.

The new mandatory requirement is supported by Council, with the emphasis on resolving issues prior to lodgement likely to reduce formal processing times. However, Council raises several concerns with this process.

Council should be granted the opportunity to refuse the issuing of scoping requirements at the scoping phase if a rezoning application is clearly inconsistent with Council's strategic policy framework. This will prevent speculative applications from being lodged and save time and resources required to process them. Additionally, such applications would be prevented from proceeding to exhibition, thereby avoiding the risk of unnecessarily generating community anxiety and concern about proposals that lack strategic merit.

It should be a legislated requirement for all scoping phase applications to be reported to Council. This will ensure the elected officials are able to comment early in the process, and their concerns considered / addressed before a rezoning application is lodged. It is also recommended newly lodged rezoning applications are reported to Council so that any issue Councillors want addressed as part of the scoping phase can be reviewed before the council determines the application at the end of the process.

Discussion Paper questions:

What do you think? Should a council or the department be able to refuse to issue study requirements at the scoping stage if a rezoning application is clearly inconsistent with strategic plans? Or should all applicants have the opportunity to submit a fully formed proposal for exhibition and assessment?

Council response: Yes - if a prospective application is grossly inconsistent with strategic plans, then it cannot be supported and therefore study requirements should be refused. The correct mechanism would be for the applicant to seek an amendment to the strategic plan rather than significantly varying it.

Lodgement

The Discussion Paper notes that future rezoning applications will be lodged

via the NSW Planning Portal. Upon lodgement, Council will be granted 7 days to review the adequacy of lodgement material, including studies. If adequate, this will trigger exhibition of the proposal. If inadequate, a consent authority can reject the lodgement (within 7 days).

The proposed 7 days to review an application is too short to determine whether the quality is sufficient for public exhibition. This is particularly true of complex rezoning applications. It is appreciated that this new process is similar to a DA process, however, it is important to note that DAs must conform (within reason) to the applicable controls and therefore are unlikely to be grossly inconsistent with the strategic framework.

Based on research carried out by DPE and outlined in the Discussion Paper, it's been identified that councils want greater empowerment to reject rezoning applications in early stages of the process before doing a full assessment, and they seek a greater decision-making role. Should it be decided that applications cannot be rejected at the scoping phase, and applicants are afforded the opportunity to lodge a rezoning application despite its inconsistency with the strategic framework, then more time should be granted for councils to reject the rezoning application before it is put out on exhibition. Additional review time could be based upon the four proposed categories.

Discussion Paper questions:

What do you think? What sort of material could we supply to assure community members that exhibition does not mean the rezoning authority supports the application and may still reject it? What do you think of removing the opportunity for a merit assessment before exhibition? Will it save time or money to move all assessment to the end of the process? Should the public have the opportunity to comment on a rezoning application before it is assessed?

Council response: Standardised wording for notification letters could be utilised for all councils to assure the community that exhibition does not mean the application is supported, including details provided by the DPE on their website, and on the Planning Portal.

Removing the opportunity for a merit assessment is not supported, as the technical issues should firstly be resolved before the community is consulted to ensure that the information is accurate and in accordance with the strategic planning framework. In this regard, the proposed 7-day review period is too short to allow for a merit assessment to be carried out prior to exhibition occurring.

The Discussion Paper proposes applicants provide a short, plain English summary of their rezoning application, its intent and justification and how it aligns with strategic plans to accompany the exhibition material. It should be a

mandatory requirement for Council to prepare an initial response to the applicant's summary, outlining Council's preliminary view on the rezoning application for inclusion in the exhibition material. This will provide clarity for all stakeholders on the initial views of Council on the application.

Exhibition

The Discussion Paper identifies exhibition periods based on the rezoning application category with the exhibition processes automated through the NSW Planning Portal. Applicants must provide a summary of the proposal, its intent and justification and how it aligns with strategic plans. It is proposed to attach these to the notification letters. Applicants are also required to respond to any submissions received once the exhibition period has concluded.

As noted above, it should be a mandatory requirement for Council to prepare an initial response to the applicant's summary, outlining Council's preliminary view on the rezoning application, to be included as part of the exhibition material.

Clarity is required around how lodgement and exhibition will work when a DCP or a VPA is required, as this did not form part of the Discussion Paper.

Providing only 7 days for Council to review a rezoning application will mean Council will not have sufficient time to consider the quality of submitted material, nor the ability to organise briefing sessions with elected officials. This limits Council's discretion on how the application is advertised and consulted on in the name of speeding up the process, potentially reducing the effectiveness of consultation. Should an application go out on exhibition after 7 days, it will need to be made explicit in the exhibition material that Council has not considered the quality of the rezoning application and has no position on whether to support / not support it.

Should it be decided that Council cannot reject at the scoping phase and then have only 7 days to review and reject upon lodgement, the risk for Council and the community is such that a rezoning application that is inconsistent with the strategic planning framework would then afford the applicant appeal rights, the determination then being taken away from the Council. There is also a risk of Council and the community wasting time and resources in considering exhibition material and making submissions on rezoning applications that are inconsistent with Council policy / plans; this will lead to unnecessary community concern.

Council objects to the idea of applicants attaching a summary of strategic justification to notification letters unaccompanied by a response from Council outlining Council's preliminary review of the application. Without the latter, this may cause the community to presume Council is in support of the rezoning application when it has not been formally considered, hence Council's proposal that it be mandatory that a statement of Council's initial consideration of the application be included in the exhibition material. Due to the limited time proposed for Council to consider the application before exhibition commences, this statement would need to include an acknowledgement of the need for a full assessment of the application material to be subsequently carried out, with the statement being likely to draw

substantially on issues identified during pre-lodgement.

There are no identified triggers for re-exhibition, nor what re-exhibition means for set timeframes and appeal rights. It is assumed Council will have the authority to require re-exhibition based on the applicant's amended material submitted in response to concerns (like a DA process). The document does acknowledge there may be cases where re-exhibition is necessary but does not give any clarity on what this means for appeal rights and other timeframe related issues such as fees.

Discussion Paper questions:

What do you think? What other opportunities are there to engage the community in strategic planning in a meaningful and accessible way? Do you have any suggestions on how we could streamline or automate the exhibition process further?

Council response: The intention to streamline the process by initiating exhibition early is appreciated, however it is important to differentiate a DA assessment from that of a rezoning application. This would likely reduce efficiency given that following initial exhibition, the detailed assessment will likely necessitate changes following which it would require re-exhibition to afford the community the right to understand how their concerns might have been addressed. This would take additional time and resources as part of the re-exhibition process.

Discussion Paper questions:

What do you think? Do you think the assessment clock should start sooner than final submission for assessment, or is the proposed approach streamlined enough to manage potential delays that may happen earlier?

Council response: No - the assessment clock should not start until all revised information is submitted. Further, the assessment clock should not start until after a 1-week grace period following receipt of additional information in order for Council to be assured the information is appropriate / has addressed the concerns. If it has not, then the clock should not start until this is resolved.

Assessment and finalisation

The Discussion Paper outlines when a rezoning application is supported, the consent authority will engage with the Parliamentary Counsel's Office to draft the instrument and mapping can then be prepared. The consent authority will be able to vary or defer any aspect of the amended LEP.

The Discussion Paper does not set out the role of the Local Planning Panel as part of the assessment and finalisation process. It is recommended that this is

a statutory requirement to report to the Local Planning Panel following exhibition.

The role of the Local Planning Panel when Council identifies a conflict of interest if a VPA is involved also needs exploring. The Discussion Paper states a conflict of interest may arise from certain VPAs, or if Council land is included, and in these instances the Local Planning Panel or Regional Panel would make the determination. This is of concern as a Local Planning Panel instead of the Council would be responsible for considering the complexities of a VPA offer, i.e. considering financial assets / infrastructure and maintenance obligations Council would be taking on.

When a VPA and a DCP are required, the following concerns are raised:

- Qualifying criteria and timeframes.
- Conflict of interest involving a VPA.

Discussion Paper questions:

What do you think? Are there any other changes that we could make to streamline the assessment and finalisation process more? What roadblocks do you currently face at this stage of the process? Do you think the public interest is a necessary consideration, or is it covered by the other proposed considerations? Are there any additional matters that are relevant to determining whether a plan should be made?

Council response: The public interest is best served by putting a rezoning application out on exhibition after the detailed assessment is carried out to ensure it is supportable from a technical basis. This would also possibly require a review of, and an amendment to, the processes that apply to the preparation / amendment of a DCP and the process for progressing Planning Agreements.

Current processes that require Council reporting pre and post exhibition of both DCPs and VPAs will make some of the timeframes unachievable for some rezoning applications unless there is an attempt at changing processes to ensure some integration. There may be a need to create a new category of application where a DCP or VPA is required that factors in the DCP/ Planning agreement processes into the rezoning process and timelines.

What do you think? Do you think a body other than the council (such as a panel) should determine rezoning applications where there is a VPA? Where a council has a conflict of interest, should a rezoning application be determined by the local planning panel (as proposed), or should the department take full responsibility for the assessment and determination of the rezoning application?

Council response: No – a VPA often makes provision for critical infrastructure,

which is necessary to support a local community. It is an important part of the assessment. In this case, where the infrastructure provided under the VPA will ultimately be transferred to Council, it is essential that it meets Council standards and is properly integrated with existing infrastructure. This can only occur if Council is involved in the VPA negotiation.

The decision to allow a rezoning that increases the density of development involves a policy decision that considers the impact of the proposed development, and critical to that is the provision of supporting infrastructure. It is not possible to separate rezoning application assessment and infrastructure issues, and so Planning Proposals involving Planning Agreements should remain with Council so it can properly assess all the issues in an integrated approach. Separating the decision making on planning controls with decision on the infrastructure in a planning agreement will lead to poor planning outcomes.

If when the state Government determines a Council has a conflict of interest that warrants the application being considered by another body, then Council should be afforded appeal rights should they disagree with the planning changes proposed.

What do you think? Is there enough supervision of the rezoning process? What else could we do to minimise the risk of corruption and encourage good decision-making? Do you think the new approach and the department's proposed new role strikes the right balance between what councils should determine and what the department should determine?

Council response: The DPE involvement at the scoping phase will be key to ensuring accountability on behalf of the applicant to provide quality rezoning applications for lodgement. Criteria are required as to what constitutes a conflict of interest, otherwise the applicant will potentially manipulate the system to circumnavigate Council's decision making.

What do you think? Do you think requests for more information should be allowed?

Council response: Yes - rezoning applications are complex and often further information is required following detailed assessment. This should also 'stop the clock' in terms of appeal rights.

With regards to mandating that Council can only make one request for information post exhibition, this is not a reasonable approach and will result in poorer quality assessment. There should be a process of review whereby if Council is asking for unnecessary information, then the DPE can take over the application, or the independent arbitrator can refund fees. However, there will be many circumstances where it is reasonable and in the public interest to require further additional information to produce the best possible assessment

because information provided in Council's first request raises questions that need to be addressed to ensure the best possible recommendation / decision is made. Council supports a new process that avoids unnecessary delays, but not a process that puts at risk the quality of the decision being made.

3.4 New fee structure

The Discussion Paper identifies three options for how fees could be calculated for rezoning applications:

Option 1: Fixed assessment fees

Option 2: Variable assessment fees

Option 3: Fixed and variable assessment fees

Council favours full cost recovery regardless of the option (pre-lodgement costs should also be fully recoverable). Council objects to the idea of mandatory refunds. Only a partial refund should be offered if a rezoning application is withdrawn, based upon the resources expended.

With regards to setting fees, Council nominates a variable full cost recovery model as its preference rather than the other two models proposed in the Discussion Paper. A standardised fee would not take into consideration costs that Council expends, for example an internal urban design assessment that other councils do not do because the projects are not as complex. There is a concern that if fixed costs are based on the average of costs of different councils, a lower fee not relative to Parramatta will be obtained. Council should have full cost recovery and the discretion to set fees. Notwithstanding, should fee options be introduced councils should be afforded the choice of fixed, variable, or fixed and variable fee options to tailor fee requirements to the type of rezoning application.

The Discussion Paper also suggests introducing planning guarantees that provide a fee refund if councils take too long to assess/determine a rezoning application. It is understood that even where a fee refund is given, assessment and determination of a rezoning application must continue. This will translate to an incentive for applicants to recover costs rather than allowing councils the time needed to properly assess an application.

Councils should be able to ask for the information they reasonably require to make an informed decision, even if a timeframe is put at risk without the community bearing a financial cost for good decision making. There is also a possibility of Council assessment officers rushing referrals and detailed assessments due to this pressure, resulting in poor planning outcomes. Further, there is lack of clarity as to when a fee is refunded, e.g., does re-

exhibition (a common requirement for complex proposals) automatically trigger a refund?

Should a planning guarantee be introduced, an independent body should be established to determine the refund amount with each party putting forward their case before the amount is decided. If an independent arbiter finds Council was causing unreasonable delay, they should order a refund, but this process should not be automatic as it may be exploited.

Discussion Paper questions:

What do you think? Do we need a consistent structure for rezoning authority fees for rezoning applications? What cost components need to be incorporated into a fee structure to ensure councils can employ the right staff and apply the right systems to efficiently assess and determine applications? Should the fee structure be limited to identifying for what, how and when rezoning authorities can charge fees, or should it extend to establishing a fee schedule? What is your feedback about the 3 options presented above? Should fee refunds be available if an applicant decides not to progress a rezoning application? If so, what refund terms should apply? What should not be refunded?

Council response: A fixed fee structure should not be set. Council should have full cost recovery and the discretion to set fees. If a rezoning application is withdrawn, Council should have the discretion to offer a partial refund of fees based on resource expenditure. An example of what should not be refunded are costs associated with public exhibition.

What do you think? Do we need a framework that enables applicants to request a fee refund if a rezoning authority takes too long to assess a rezoning application? If so, what mitigation measures (for example, stop-the-clock provisions, or refusing applications to avoid giving fee refunds) would be necessary to prevent a rezoning authority from having to pay refunds for delays it can't control? If not, what other measures could encourage authorities to process rezoning applications promptly?

Council response: Applicants should not be able to request a fee refund based on length of time taken to assess a rezoning application. If, however this is implemented, an independent body should be established to determine the refund amount with each party putting forward their case before the amount is decided.

If additional information is requested, this should 'stop the clock' until the additional information is submitted, with a minimum 1-week grace period to allow Council time to properly review the information to ensure it is sufficient before the clock starts back up. Should the additional information not be sufficient, the clock should remain stopped and a further request for information submitted to the applicant within the 1-week grace period.

3.5 New appeal pathways

The Discussion Paper proposes a review/appeal right for private applicants at the end of the rezoning application process if progress of the application has been delayed, or if the applicant is dissatisfied with the Council decision. Set timeframes with a 'deemed refusal' period are proposed (similar to a Development Application), which would begin once an application is lodged.

The deemed refusal period would be based on the category of rezoning application. The exhibition discusses two possible appeal pathways either appeals to the Land and Environment Court or to the Independent Planning Commission. It is Council's view that appeals via either of these pathways would require a new process given the difference between DAs and rezoning application process.

The Discussion Paper identifies that councils' are concerned that any proposed appeals pathway would add extra pressure and time. Councils feel the increase in costs, time and speculation would undermine strategic planning. City of Parramatta Council concurs with this view, not only because of costs, but the undermining of strategic planning and policy with any appeal process taking critical policy decisions away from the role of government - elected officials. In this regard, Council does not have a preference as to whether appeals are to the Court or IPC, but rather strongly objects to this suggestion outright. If such a system is introduced it is important that cost recovery provisions for councils are included.

With regards to an appeals process, this will result in resourcing and cost implications for Council, which will need to engage experts and invest considerable time to prepare expert reports and evidence for appeals that proceed to hearing should conciliation not be successful. Presently, should a planning proposal (rezoning application) not be supportable, it is reported as such to Council who decide whether to progress the application. If it is not progressed to Gateway, no more resources are expended (unless the applicant is successful with a Gateway Review application). Given the proposed introduction of statutory timeframes for when an appeal can be filed as a 'deemed refusal', there are likely to be many appeals, particularly if the

applicant proposes a highly ambitious proposal they know will not gain Council support.

When Local Planning Panels were introduced and DA determinations were removed from councils; the justification was that councils would set the policy and determinations would therefore be assessed independently against the policy. The proposed rezoning process takes this a step further whereby unelected officials will determine the policy through an appeal. Therefore, there could be outcomes whereby the policy and the DA are entirely determined by unelected officials (government). This is strongly objected to given the Court will be granted power to override the statutory policy decision making of Council. Under this scheme, the purpose of elected officials, that is, being representatives of the community, will be diluted and their decision-making power undermined. This could result in strategic planning decisions that affect how a community live, work and interact with their localised environments not being fully considered.

Policy is determined by government - whether it be local, state or federal government. Policy is not determined through the legal system (courts) or non-elected panels such as the Independent Planning Commission. Rezoning applications should be determined by Government - councils or the State Government, and any appeal on a Council decision should be considered by the Minister (an elected community representative) and not an unelected official(s) who is not accountable to the community for their policy decisions. If an appeals system is to be introduced clear criteria should be set that identify grounds on which decisions that vary from the Council determination can be justified. It is expected that these would require demonstration of why a variation to existing strategic planning controls is to be permitted, as the most appropriate approach would normally be to seek a review the relevant policy.

In addition to removing policy-making decisions from councils (elected officials), an appeals process would potentially add significant delay to the assessment / determination of a rezoning application. As with DAs, should conciliation not be reached (common for complex matters), court dates are often set for hearing some 12 months ahead. Lengthy joint expert reports are required, with evidence provided from a multitude of experts. Such a hearing for a rezoning application would be even more extensive and the joint reporting phase exhaustive. It would also be likely that court hearings would stretch across several days, thus likely resulting in hearing dates being set greater than 12 months ahead.

Should an appeals mechanism be put in place, third party appeal rights for stakeholders and for Council would need to be clarified and appeal rights should be provided for councils.

Discussion Paper questions:

What do you think? Do you think public authorities (including councils) should have access to an appeal? Which of these options – the Land and Environment Court or the Independent Planning Commission (or other non-judicial body) – do you believe would be most appropriate?

Council response: In the first instance, such an appeal process should not be implemented for reasons given above. Should an appeal process be implemented, appeal rights should be afforded to public authorities and to Council should a rezoning application be approved and not align with Council's strategic vision. Should an appeals process be introduced, Council's preference would be for the IPC to oversee this process to minimise timeframes and costs.

4. CONCLUSION

This submission identifies Council's support for the process to be more efficient and transparent however it raises objections and some concerns with elements of the proposed new approach. In addition there are other issues, questions and recommendations about the process that Council has raised that are set out in Appendix A – Detailed Assessment Issues.

The overarching concern in this submission is the undermining of strategic planning with any appeal process taking critical policy decisions away from elected representatives, effectively giving the Court power to override the statutory policy decision making of Council.

The intention of the Planning Reform Action Plan is to build a faster, simpler planning system to support jobs, homes and public spaces. Although the Discussion Paper outlines a strong desire to align with the Planning Reform Action Plan, there are concerns that the oversimplification of the rezoning application process will result in a less efficient planning system and potentially create greater uncertainty for the community and applicants.

Whilst some comparisons might be drawn between the proposed rezoning application process and that of a DA or SSDA assessment process, the latter are innately different to rezoning applications by virtue of the set parameters they must abide by. Rezoning applications are complex, and this must be better understood and considered before such radical changes are implemented. In this regard, Council welcomes the opportunity to provide clarification and further comment on the contents of this submission, and to be involved in ongoing discussions with the Department of Planning and Environment.

Appendix A - Detailed assessment issues

Reforms to the NSW Planning Process: “aim for a ‘plan-led’ system - an approach that ensures strategic planning is the foundation for all decisions about potential land-use changes”

The City of Parramatta Council supports the move by the NSW Government towards a “plan-led” approach to the planning process in lieu of *ad hoc* rezoning applications being lodged and assessed, often in isolation.

Any proposal to improve efficiencies in the planning system whereby requiring a rezoning application to be consistent with wider strategic planning documents is supported, conditional on the rezoning authority being able to refuse upfront such applications where they deviate significantly from the strategic planning framework. In the event a rezoning application seeks to deviate from the strategic framework, the strategy should be reviewed in the first instance to ensure the rigour of a ‘plan-led’ basis to support (or refute as the case may be) the rezoning application.

The Discussion Paper suggests that the first (and only) chance to reject a rezoning application for the lack of strategic merit is after public exhibition during the final assessment phase. This is considered very inefficient as it commits the rezoning authority and the community to consider and respond to applications that should not have been supported to begin with *because* of their lack of strategic merit and/or inconsistency with strategic frameworks. It also raises the expectation to some private applicants that a rezoning authority must receive, exhibit and consider their application – even if it does not necessarily have strategic merit at the outset. This could lead to an increase in rezoning applications submitted on speculative propositions with the perverse result of significant council and agency resources being committed to reviewing and then rejecting rezoning applications.

The City of Parramatta Recommends:

- A rezoning authority can refuse to issue study requirements or submission requirements at the scoping stage where an application is clearly inconsistent with the strategic planning framework and/or lacks strategic merit at the outset. This should prevent speculative applications being lodged, and consequently committing Council and agency resources to review or progress such applications. It could also ensure that the strategy or plan is reviewed in the first instance before an inconsistent rezoning application is entertained – thereby reinforcing the primacy of a ‘plan-led’ system.
- There needs to be a formalised structure in place given this new phase will have resource implications for councils, especially as applicants will be keen to obtain early officer support before formal lodgement.
- Timeframes and expectations will need to be set for the scoping phase. For example, is it proposed to be a forum whereby Council identifies key issues, or is it intended for these key issues to be resolved before lodgement (i.e. allowing applicants to respond to key issues as part of this phase)?
- Council must have discretion to list requirements for assessment, which varies based on the local planning context. Council does not want to be in a position

where it requires a particular study, but the applicant refuses because it is not on the state mandated list. The assessment of rezoning applications depends on the local and planning context and therefore, Council must have the ability to ask for information relevant to its context. This context varies across the state so the list must not be too prescriptive. In this regard, Council objects to any state government mandated list of rezoning application requirements.

Process Issue: Council role for assessment of rezoning applications.

The role of councils to have almost full carriage as a rezoning authority of private applicant rezoning applications is supported in principle. It is recognised that efficiencies can be gained by delegating the authority to councils to fully manage the rezoning application process for private applicant-initiated requests provided the relevant council is suitably resourced to handle the entire process, which may require some reworking of internal business processes and allocation of staff. Councils have significant knowledge of their local area and communities; and the strategies developed for their area. This knowledge is particularly relevant where changes to local policy and planning controls will be sought through the rezoning application process.

There is a concern, however, at councils' role where a public authority applicant is seeking to amend local planning controls. The intentions of the public authority applicant may be significantly inconsistent with the established local planning framework (e.g. Council's LSPS, LHS, etc.). A public authority applicant seeking to amend local planning controls through a rezoning application should not be allowed to be in a position that disregards the local planning framework; as to do so diminishes the value of a 'plan-led' system. The Department, as the rezoning authority, must work in partnership (not just consultation) with the council to ensure that interests of the local community are fairly represented in a situation where the applicant for a rezoning application is a public authority.

The City of Parramatta Recommends:

- Council's role as the rezoning authority and carriage of the entire process for private applicant-initiated rezoning applications is supported, in principle.
- The role of councils in considering public authority applicant applications needs to be undertaken in partnership with the Department as the rezoning authority to ensure local and community interests are upheld in the consideration of such applications and the integrity of local strategic planning frameworks (e.g. LSPS, LHS, etc) are maintained in a 'plan-led' system.

Process Issue: Involving Councillors in the endorsement or establishment of submission requirements for a rezoning application as part of the scoping process.

The role of Councillors is to make decisions on matters of policy affecting the council area and is an important one to ensure the interests of the community are duly represented. A rezoning application, ostensibly, makes changes to policy within the council area by amending the Local Environmental Plan. The removal of Councillors from the rezoning application process until the final assessment stage

may cause delays to the process if a particular issue (or issues) is requested to be addressed by the rezoning authority that has not previously been considered.

Additionally, if the issue or issues substantially change the rezoning application from that previously submitted, exhibited, and assessed, the process would effectively have to start again with a revised rezoning application, exhibition and assessment along with the commensurate increases in processing time and resource commitment.

The City of Parramatta Recommends:

- The rezoning process considers the need to involve Councillors in their role as policy decision makers at the Scoping stage – for example endorsement of the Submission Requirements before issuing them to the applicant. This may have implications for the scoping timeframes to take account of reporting.

Process Issue: Consideration of submissions by an applicant after exhibition.

The revised process suggests the applicant (rather than the rezoning authority) is responsible for assessing and responding to submissions. Procedurally, this is a concern as any applicant would have a vested interest to ensure their rezoning application is successful. Consequently, the perception that the community's issues are being independently and neutrally considered by the rezoning authority are potentially removed by this process. If the applicant is to be responsible for the assessment and response to submissions; that summary response document should be subject to a peer review by an independent party (e.g. the rezoning authority) to ensure the applicant has adequately and fairly addressed the matters raised by submitters.

The City of Parramatta Recommends:

- The rezoning process considers the need to have the summary of submissions and response to submissions document independently reviewed by the rezoning authority or a third party to the applicant to ensure that matters raised in submissions are adequately and fairly addressed by the applicant in any response to those matters raised.

Process Issue: Category 3 – Complex Rezoning applications, VPAs and DCPs

The Discussion Paper recognises rezoning applications that may require accompanying additional infrastructure investment (e.g. requiring a contributions plan) as complex. The Discussion Paper is, however, silent on any rezoning applications that may require amendments to a Development Control Plan (DCP) or the creation of new controls for a precinct in the DCP. Ideally, a site-specific DCP accompanying a rezoning application should be exhibited concurrently. The proposed timeframe for a 7-day suitability assessment of a rezoning application before it is exhibited does not consider any need to provide for an accompanying DCP amendment and the requisite statutory process it has to follow before it can be considered and exhibited.

It is unreasonable to assume that a draft DCP or contributions plan or VPA is prepared as part of the scoping process if the principal planning controls in the rezoning application are still being finalised. Certainty and consistency must be afforded to the rezoning authority and the community during exhibition where a rezoning application involves, where relevant, additional changes to DCPs, planning agreements, and contributions plans.

In the case of VPA offers for physical works, internal consultation with relevant council staff (such as asset owners and managers) must occur up front to ensure the suitability of the works meets requisite specifications and council/community needs. There is a risk where a VPA offer places a council in a conflict of interest position that the council can be sidelined in the rezoning process, for example if the Department becomes the rezoning authority, assesses and determines the rezoning application, and then amends Council's LEP.

In a situation involving VPAs, the negotiation of the VPA could be undertaken by council staff separate to (and apart from) those assessing the rezoning application. This would reduce some of the perceived interaction between an applicant and the rezoning authority on a VPA matter - i.e. the negotiations are conducted "at arm's length" to the assessment of the rezoning application. The Department could maintain an independent oversight role in the event of a conflict of interest between a council as the party involved in VPA negotiations and a private applicant to case manage the conflict of interest issues.

When there is a VPA, the matter should remain with Council but there should be some oversight by the Department before the matter is finalised to manage the conflict of interest issue raised.

The City of Parramatta Recommends:

- The rezoning process needs to reconsider the provision of benchmark timeframes, particularly where they involve accompanying changes to a DCP, contributions plan, or consideration of a VPA offer which, ideally, should accompany the exhibition of a rezoning application to enable a comprehensive and complete presentation of the rezoning to the community and agencies.
- The rezoning process needs to consider complications to the process and timeframes that may eventuate if, for example, a VPA offer places council in a conflict of interest position that needs to be resolved by a third party.
- There needs to be qualifying criteria to identify conflicts of interest.

Process Issue: Category 4 – Comprehensive Rezoning Applications

The Discussion Paper suggests that a comprehensive rezoning application affecting an entire LGA could have a 6-week exhibition period. The City of Parramatta considers this length of time may be insufficient, especially if the changes are significant and of strategic importance to the community within the LGA.

As examples, Council's CBD Rezoning application and Harmonisation Rezoning application were publicly exhibited in statutory terms for six weeks. However, both

of these included significant non-statutory public consultation and public access to draft controls *before* being placed on statutory exhibition. Iterations of draft planning controls for the CBD Rezoning application had been in the public arena since its initial endorsement in April 2016 with formal statutory exhibition in September 2020. The Harmonisation rezoning application had a separate Discussion Paper, which was separately exhibited for a further 6 weeks in 2019, to canvas community opinions on matters that informed the draft rezoning application which was also exhibited in 2020. Additional comments in the section pertaining to exhibition and effective community engagement are also relevant for this matter.

The City of Parramatta Recommends:

- The rezoning process needs to reconsider whether 6 weeks is suitable for a public exhibition of a complex and/or comprehensive rezoning application. Flexibility should be considered for further prolongation of the exhibition period – for example up to 12 weeks (3 months) – to enable sufficient consideration of a comprehensive change by the broad set of stakeholders and public agencies.

Process Issue: Iterative or amended rezoning applications

The Discussion Paper does not clearly articulate the potential for rezoning applications to be modified mid-stream in the process. The timeframes proposed may be optimistic (best case) scenarios where all matters are comparatively simple to consider and resolve.

Experience with complex rezonings in the City of Parramatta LGA often involves a process of multiple iterations of a rezoning application – such as revised concept designs or requests for changes to controls – as the proposal progresses. These may either be at the request of the applicant, at the council's request, at the request of other state agencies, or to address conditions in the Gateway Determination. In most cases these iterative changes occur before commencing public exhibition. Consequently, the version released for public consideration has often been refined from the proposal originally submitted.

If this iterative process is to occur as part of the scoping process, the proposed timeframe of 12 weeks is extremely optimistic and, in many cases, cannot reasonably be achieved. The iterative process is often very fluid and relies on back-and-forth discussions between the applicant, relevant agencies, and the rezoning authority. There is a risk an applicant may delay responding to matters raised by the rezoning authority and agencies, or stubbornly not addressing the matters raised, but then expecting the rezoning application to be accepted and exhibited.

The City of Parramatta Recommends:

- The scoping process is not subject to a fixed time limit, or the proposed benchmark time frame is a minimum to allow for iterative work on a concept design that informs the relevant planning controls.

The proposed process would allow only one further opportunity for the rezoning authority to request additional information after the exhibition of the rezoning

application. This is unreasonable and could result in poorer quality assessment. A rezoning application can involve potentially a significant policy change to planning controls within a council area. The Parramatta CBD Rezoning application, for example, has had multiple requests by the Department for additional information at various stages throughout the process – both before and after exhibition. This may seem frustrating and appear to slow the process down. However, Council's preparedness to respond in a timely manner to these requests is considered crucial to the success and enable the best possible assessment of the proposal by the Department in the interests of the community.

The City of Parramatta Recommends:

- Limiting to a single request for further information post-exhibition is insufficient. A rezoning authority should have the capability to request information as many times as deemed necessary and reasonable to ensure the best possible assessment of a rezoning application.
- A process to review a claim of a vexatious use of this process – e.g. the applicant claims the rezoning authority is asking for unnecessary information or to deliberately delay the process – could be considered. If proven by an independent review, the rezoning authority could be penalised by having to refund a portion of the assessment fees; or the Department may choose to call-in the rezoning application and continue the assessment.

Process Issue: Exhibition shortly after lodgement and effective community engagement

The proposed process includes a public exhibition of the rezoning application shortly after lodgement. This is of concern as it raises the expectation to the community that the rezoning application has been subject to some degree of assessment by the rezoning authority and has been, at least, tacitly endorsed by the rezoning authority for the purposes of public exhibition.

Any early public exhibition needs to clearly indicate that the rezoning application, as lodged, has not been endorsed nor has it been assessed by the rezoning authority. Early public scrutiny can be useful to gauge initial public opinion; however if this scrutiny results in significant changes to the rezoning application from the submissions received, the application will have to be amended and then re-exhibited. This may create confusion with stakeholders being subject to multiple exhibitions of the application; and disenfranchisement if the matters raised by the community to the first exhibition are not comprehensively discussed and responded to in a subsequent iteration of the rezoning application.

Additionally, the more complex rezoning applications (Category 3 and 4) often require a longer lead time for logistics to support more comprehensive exhibitions – including, for example, drop-in sessions, public meetings or briefings, etc. A 7-day timeframe from lodgement to commencement of exhibition effectively precludes the capability to provide this level of engagement with the community who may have an interest in the application and may also be significantly impacted by the application.

Reliance on the Planning Portal as the primary source of engagement for rezoning applications will also be insufficient, particularly for persons and communities of disadvantage who may not have reliable computer and internet access – such as those in areas where reliable internet access has been compromised by natural disasters or extreme weather events.

A letter to affected owners accompanied by a “Plain English” summary of the rezoning proposal prepared by the applicant is insufficient engagement, particularly in diverse communities where English may not be the primary language. Allowances may also be necessary for translation into dominant community languages to facilitate effective engagement. Furthermore, the “Plain English” document will also need to be reviewed by the rezoning authority to ensure accuracy and fair and reasonable portrayal of the proposal. Any applicant, again, has a vested interest to ensure the success of their rezoning application so communication with the community needs to be unbiased and not overtly depict the proposal in a favourable position.

The City of Parramatta Recommends:

- The 7-day timeframe from lodgement to commencing exhibition may be insufficient, especially for larger or more complex rezoning applications that would warrant a greater level of community engagement in addition to the Planning Portal – such as public meetings, drop-in sessions, etc.
- Any early public exhibition must clearly indicate that the contents on exhibition have not been assessed by the rezoning authority, nor does the rezoning authority endorse or support the contents. The rezoning application will then be subject to detailed assessment post-exhibition. Council should be required to provide a preliminary response to the applicant’s summary as part of the exhibition material.
- The Planning Portal must be able to handle multiple languages and, more importantly, accurate translation where required of a “Plain English” summary into local community languages to ensure full and comprehensive engagement with the community where English may not be a primary language.
- The rezoning application process should allow a feedback loop to enable additional exhibition/s where a rezoning application is significantly changed post-exhibition and as part of any assessment by the rezoning authority where required.

Process Issue: Application Requirements and Studies

The proposed process suggests adopting “standardised” information requirements for particular categories of rezoning applications. This position is not supported as each rezoning application is unique – either in the requested changes to the planning controls or the circumstances applying to the site/s subject to the rezoning application. Council / state agencies should have the ability to list specific requirements.

Should standardised information requirements be applied, rather than providing a conclusive list, a minimum benchmark could apply for the studies to be undertaken to be consistent across most rezoning applications, such as:

- an urban design study if the proposal changes controls like height or FSR,
- heritage study if the property is a heritage item or in a conservation area,
- flood study if the property is within a flood prone area,
- transport study if the proposal is likely to generate additional traffic by a change of use, intensification of use, or is likely to have impacts on a classified road, etc.

The City of Parramatta Recommends:

- Any standardisation of information requirements should not be introduced.
- The rezoning authority must be able to require the additional information / studies as deemed necessary for a full and proper assessment of the rezoning application relevant to the local context and conditions.

Process Issue: Fees and Refunds

Establishing standardised fees across the State is not supported. As outlined previously, each rezoning application is unique. While there may be some consistency in basic process terms, the time taken to process the rezoning application will inevitably vary between applications. Experience with rezoning applications for the City of Parramatta have often had more complex applications received – varying from a site-specific change seeking significant uplift (i.e. St John's Cathedral or 2 O'Connell St in Parramatta CBD) to a large master planned precinct (i.e. Melrose Park or 14-16 Hill Road). The commitment of resources and time to process these larger applications in terms of internal referrals to other Council business units (e.g. urban design, traffic, assets, open space, etc.) may not necessarily be recognised with standardised fees.

Council seeks the capability to fully recover the costs associated with private applicant-initiated rezoning applications as they inevitably result in a benefit to the applicant rather than the council or community *per se*. Council could establish baseline fees for respective stages/complexity of the rezoning application process. This may be determined on an averaged number of hours allocated to the application based on its complexity. Any additional commitment of resources above the baseline will then be recoverable from the applicant at the end of the stage in the rezoning process. Payment of those additional fees will be a prerequisite to the rezoning application moving to the next stage. If the applicant does not pay the fees in a timely manner, the rezoning application process will conclude at that stage. In the event the work commitment is less than the benchmark, the difference may either be refunded to the applicant or credited towards fees for a subsequent stage in the rezoning process.

The City of Parramatta Recommends:

- Rezoning authorities should be able to establish fees based on a full cost recovery model for private applicant-initiated rezoning applications. This

ensures the costs of processing these applications are not subsidised by ratepayers or the community as the benefits derived from the rezoning application are often limited to the applicant.

Council does not support a mechanism to require refunds under the terms of a proposed “planning guarantee”. Any requirement for refunds to be paid to an applicant for not meeting timeframes is onerous and, effectively, is a stick to the rezoning authority to process applications with the risk of not ensuring a full and the best possible assessment of a rezoning application. As identified previously, rezoning applications will change local council policies through amendment to planning controls. A rezoning application is not a DA which *applies* the local planning controls to a particular development. Any timeframes should be seen as a benchmark in ideal conditions for assessment of a rezoning application.

If planning guarantees are to be established, like any contractual arrangement between parties, there needs to be a process for independent mediation or arbitration of a dispute between the parties. If timeframes are not met, for example, then either party may seek an independent review to establish whether the breach may have been the deliberate fault of the rezoning authority, or a situation where the applicant caused delay in a request for information, or other no-fault situation that contributed to the timeframe not being met. The proposed process is unclear about what could establish grounds for a dispute on timeframes (e.g. re-exhibition due to substantial changes of the rezoning application; or reasonable requests for additional information by the rezoning authority to ensure full and best possible assessment of the application). The independent review would then determine the sanction to be applied – such as a proportional refund of fees, or the rezoning application is terminated.

The City of Parramatta Recommends:

- Rezoning authorities and applicants have a process to enable resolution of disputes between the parties in the event of a timeframe breach. Automatic assumption that the rezoning authority is at fault for not meeting timeframes, and a resulting refund on fees, is an unreasonable proposition that will risk a poor planning outcome for the community in favour of meeting a nominal processing timeframe.
- Should a planning guarantee occur, an independent body should be established to determine the refund amount with each party putting forward their case before the amount is decided. If an independent arbiter finds Council was causing unreasonable delay, they should order a refund, but this process should not be automatic as it may be exploited.
- A potential option for fee payment could be asking for a bond upon lodgement of the rezoning application. Staff could then log hours worked to deduct it from the bond. Any remaining funds would then be returned to the applicant. Should the 3 options be introduced, Council should be given the ability to adopt its preferred option.

Appeals

Council strongly objects to proposals that enable appeals to the strategic merit or outcome of a rezoning application where policy decisions are further removed from elected representatives of the local community and become the responsibility of unelected officials. Local Environmental Plans, and any changes thereto, constitute local development policy within a statutory framework.

Councils are elected to establish policy direction for the local area as representatives of the local community. An applicant appealing a policy outcome for their rezoning application simply because they are dissatisfied with the decision (i.e. they don't get their desired result) diminishes the importance of clear policy direction in the interests of the local community. The risk of speculative or vexatious appeals in the early stages of this process would result in delays to the rezoning process as council and agency resources end up committed to responding to appeals by dissatisfied applicants and undermine the role and function of councils to establish policy. Related to this is the need for cost recovery provisions for councils to be included in any appeals process.

Any decision-making of the council in respect of rezoning applications is already visible to the community through council reports and business papers being publicly accessible; and the councillors themselves are held accountable to the community by way of their election. In the event of a council-initiated proposal where the Department is the rezoning authority, the Minister as an elected official is ultimately accountable to the community for their decision-making.

The current framework where an appeal can be lodged to the Land and Environment Court on a *procedural failure* in the rezoning process may still be reasonable.

The City of Parramatta Recommends:

- Any appeals mechanism for a rezoning application on the basis of a final decision by the rezoning authority is not supported. The risk of speculative or vexatious appeals because an applicant does not get their desired outcome would undermine the policy framework and commit significant council and agency resources to respond to such claims.
- Rezoning applications should be determined by councils or the Minister, and any appeal on a Council decision should be considered by the Minister (an elected community representative) and not an unelected official who is not accountable to the community for their policy decisions.
- Should an appeals mechanism be put in place, cost recovery provisions for councils, third party appeal rights for stakeholders and for Council would need to be clarified and appeal rights for councils should be provided.

FOR COUNCIL DECISION

ITEM NUMBER	13.5
SUBJECT	Naming Proposal for Unnamed Epping Pedestrian Way (Deferred Item)
REFERENCE	F2022/00105 - D08386015
REPORT OF	Senior Project Officer Place Services
CSP THEME:	THRIVING

This matter was deferred from the Council Meeting of 8 November 2021 due to the new term of Council commencing in 2022.

WORKSHOP/BRIEFING DATE: A Councillor Briefing Note was circulated to Councillors on 20 August 2021 via the Councillor Portal and the Councillor Weekly Newsletter.

PURPOSE:

To endorse the preferred name for an unnamed pedestrian thoroughfare that connects Forest Grove to Essex Street, Epping NSW 2121.

RECOMMENDATION

- (a) **That** Council endorse the preferred name, Fruit Tree Way for an unnamed pedestrian thoroughfare that connects Forest Grove to Essex Street, Epping NSW 2121. The name and location for the unnamed laneway are illustrated in the Site Map (see **Attachment 1**).
- (b) **Further, that** this name be referred to the Geographical Names Board (GNB) of NSW for formal assignment and Gazettal under the Geographical Names Act 1996.

BACKGROUND

- 1. The unnamed laneway is situated south of the property boundaries at 17 Forest Grove and 58 Essex St, Epping NSW 2121 and north of the property boundaries at 19 Forest Grove, 60 and 60A Essex St, Epping NSW 2121 (as shown in **Attachment 1**).
- 2. Under City of Parramatta Council's Road Naming Policy (Policy 283) and the NSW Address Policy and User Manual (May 2021) developed by NSW Geographical Names Board (GNB), Council is the responsible authority for the provision of address numbering to all properties and road names to all local and private roads situated within the Parramatta Local Government Area (LGA). Council is also responsible for endorsing the authoritative road name and ensuring it is endorsed by the GNB.
- 3. The naming of road infrastructure is necessary to provide accurate addressing of the units within the development, not only to identify an owners' individual dwelling, but also for navigation, emergency response, service delivery (utilities, post) and for statistical analysis.

4. To ensure that all road naming is comprehensible, clear, accepted, unambiguous and readily communicated, property addresses and road names must comply with Chapter 6 “Addressing Principles” of the NSW Address Policy and User Manual (2021). In the preparation of this project, Council utilised preferred sources in line with this policy and section 3.2 in Council’s Road Naming Policy (Policy 283), which identifies desirable sources as:
 - a. Aboriginal names,
 - b. Local history, including early explorers, settlers, and other eminent persons,
 - c. Thematic names such as flora and fauna,
 - d. Landmarks, and
 - e. Names appropriate to the physical, historical or cultural character of the area.
5. Council’s Cultural, Heritage & Tourism (CHT) team researched the history and identity of the area and proposed several names for consideration. These names were then submitted to the GNB for ‘pre-approval’ to check the eligibility of the proposed names. This evaluation ensured that only names that meet the uniqueness requirements of the NSW Address and User Manual (2021) are publicly exhibited and then presented to Council for consideration. Uniqueness is considered the most essential quality to be sought in proposing a new road name. Within the GNB’s evaluation, a road name will be regarded as a duplicate (and therefore rejected for use) if it is the same or similar in spelling or sound to an existing name, regardless of the road type.

ISSUES/OPTIONS/CONSEQUENCES

6. The exhibited names, pre-approved for use by the GNB, are listed with their description in the table below. A list of all shortlisted names (including those rejected by the GNB due to ‘duplication’) are at **Attachment 2**.

Proposed Name	Context
<i>Abel Way</i>	In acknowledgement of builder David Abel (d. 8 November 1941) who lived on Essex Street, Epping and was an Epping Forest Park Trustee. He owned and subdivided his property which is in the subject area.
<i>Fruit Tree Way</i>	Based on the Hammond Estate subdivision whereby ‘fruit trees’ is written across the lots to be sold. This is also a reference to the neighbouring nurseries in the area in particular a reference to Epping’s first nursery established by M.F. Vollmer and later business partner C. E. Vessey’s nursery before they moved to Eastwood to establish Mount Tomah.

7. The Research & Engagement team developed and arranged public consultation on the proposed names via Council’s engagement portal, Participate Parramatta. Public consultation ran for three weeks (15 business days) from Wednesday 1 September to Wednesday 22 September 2021. A letter was sent via Australia Post to 414 impacted residents and targeted social media was also utilised to alert residents and nearby businesses of the opportunity to provide feedback.
8. Overall, the opportunity to provide feedback for this project was presented to an estimated 14,111 persons culminating in 41 formal contributions. Of those that

made formal contributions, the community sentiment was positive, with 'Fruit Tree Way' the preferred of the two exhibited names with 64% of survey respondents expressing support for this name. 56% of all community submissions expressed support for the use of Fruit Tree Way as the name for the unnamed pedestrian way.

9. Both names satisfy the addressing requirements of the Geographic Names Board (GNB), which has given prior concurrence for the use of either of the proposed names at this location.

CONSULTATION & TIMING

Stakeholder Consultation

10. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
01.09.21 – 22.09.21	The community, via Council's Participate Parramatta Engagement Portal	Feedback was captured through a survey hosted on the project page. Verbatim responses provided by community members is provided in Attachment 3 .	The project page saw 663 unique visitors and 800 views. This resulted in a conversion of 33 completed surveys. Responses received from the community were reviewed against the Geographical Names Board of NSW 'NSW Address Policy and User Manual' (May 2021) guidelines for naming roads. No feedback identified the proposed names to be offensive, racist, derogatory or demeaning.	Senior Project Officer, Place Services Community Engagement Officer, Research & Engagement
30.08.21	414 impacted residents, via direct mail out	Verbatim responses that may have been generated following the mail out are provided in Attachment 3 .	Letters detailing the exhibition and how to submit formal feedback were sent to residents and businesses near the development site.	Senior Project Officer, Place Services Printing Officer, Corporate Services
01.09.21 – 22.09.21	The community, via 4 corflute signs	Verbatim responses that may have been generated by accessing the	A poster was designed to support and promote the exhibition. The poster also included	Senior Project Officer, Place Services

		survey from the poster's QR code are provided in Attachment 3.	a QR code which received a total of 67 scans.	
01.09.21 – 22.09.21	The community, via Social Media	Feedback was captured through a survey hosted on the project page. Verbatim responses provided by community members is provided in Attachment 3.	A paid campaign across Facebook and Instagram. Overall, the social media combined campaign garnered a reach of 3584 resulting in 166 clicks to the project page.	Community Engagement Officer, Research & Engagement
02.09.21	The community, via Participate Parramatta Newsletter	Verbatim responses provided by community members and a summary of engagement findings is provided in Attachment 3.	Electronic direct notification was issued via the Participate Parramatta Newsletter (10,313 subscribers), seeing a 32% open rate.	Community Engagement Officer, Research & Engagement

Councillor Consultation

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

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
20.08.21	All - via a Councillor Briefing Note distributed through the Councillor Portal and the Councillor Weekly Newsletter.	No comments provided	NA	Senior Project Officer, Place Services

LEGAL IMPLICATIONS FOR COUNCIL

12. There are no legal implications for Council associated with this report.

FINANCIAL IMPLICATIONS FOR COUNCIL

13. If Council resolves to approve this report in accordance with the proposed resolution, the financial impact on the budget is set out in the table below. Council should note:
- External operating costs associated with this project are \$48.92 for paid advertisements to support engagement as part of the community consultation component of this project and are budgeted within Service Code 420097 – Road Naming and funded from General Revenue.
 - Once the naming proposal is approved, including gazettal by the GNB, Council is the responsible authority for the fabrication and installation of street signs (including the subject street poles and sign blades).
 - The notification to relevant government authorities and publishing in the Government Gazette is currently provided without charge by the GNB.
14. The financial impacts to the budget, as set out in this section, will be included in the next Quarterly Budget Review for endorsement by Council.
15. The table below summarises the financial impacts on the budget arising from approval of this report.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	Nil			
Funding Source				
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil			
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil			

Michael Northey
Place Manager

Bruce Mills
Group Manager Place Services




Fariha Chowdhury
Acting Chief Financial Officer

Bryan Hynes
Executive Director Property & Place

Brett Newman

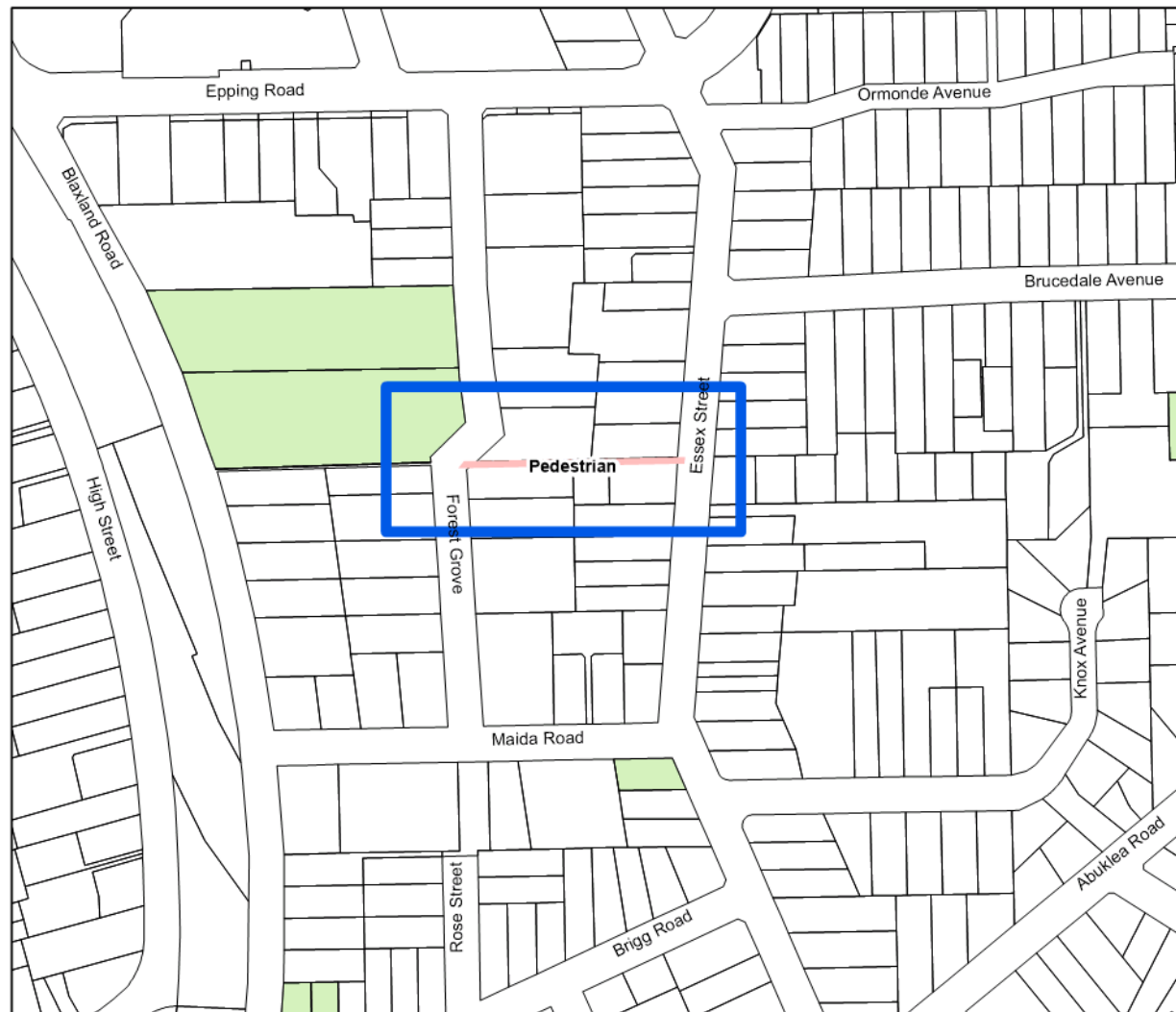
Chief Executive Officer

ATTACHMENTS:

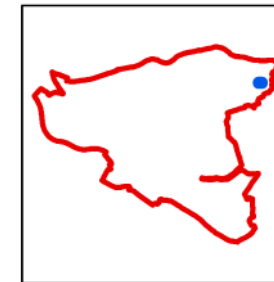
1 	Attachment 1 - Site Plan	1 Page
2 	Attachment 2 - List and description of Proposed Names	5 Pages
3 	Attachment 3 - Unnamed Pedestrian Way Epping Engagement Evaluation Report	19 Pages

REFERENCE MATERIAL

Unnamed Pedestrian Laneway, Epping



0 0.075 0.15 0.3 Kilometers



Legend

Site Location

Proposed Roads

Way

Parcels

Watercourse

Park Reserves



1:3,465

Maps Updated and Published by Land Information Section
Copyright: Parramatta Council 2021
Base data supplied from NSW Land Property Registry
Projection - Map Grid of Australia (MGA94)
Data - Geocentric Datum of Australia (GDA94)




Printed
06/05/2021


While every effort has been made to ensure the correctness of the information on this map at the time of its Production, City of Parramatta Council does not warrant their information or plans do not contain errors and the Council shall be in no way liable for any loss, damage or injury as a result of any such errors.


Attachment 2 – List and description of proposed names for the unnamed pedestrian Way in Epping

Based on the research provided by Council's archivists, the following names are recommended for use (in specific order):

Proposed name	Reason
Abel Way or David Abel Way	<p>In acknowledgement of builder David Abel (d. 8 November 1941) who lived on Essex Street, Epping and was a member of the Epping Forest Park Trustee. He owned and subdivided his property which is in the subject area.</p> <p>Note: there is an Abel Lane in Wallsend NSW 2287 (near Newcastle)</p> <p>5 potential issue(s) found</p> <p>Similar Sounding</p> <ul style="list-style-type: none"> ! Abel sounds similar to ABELIA CLOSE in CHERRYBROOK - View on map ! Abel sounds similar to ISABEL CLOSE in CHERRYBROOK - View on map ! Abel sounds similar to ISABEL STREET in RYDE - View on map ! Abel sounds similar to ARABELLA STREET in LONGUEVILLE, NORTHWOOD - View on map ! Abel sounds similar to AMBERLEA COURT in CASTLE HILL - View on map <p>9 potential issue(s) found</p> <p>Similar Sounding</p> <ul style="list-style-type: none"> ! David Abel sounds similar to DAVID AVENUE in NORTH RYDE - View on map ! David Abel sounds similar to DAVID STREET in CONCORD - View on map ! David Abel sounds similar to DAVID ROAD in CASTLE HILL, DURAL, WEST PENNANT HILLS - View on map ! David Abel sounds similar to DAVID CLOSE in ST IVES CHASE - View on map ! David Abel sounds similar to DAVID STREET in DUNDAS VALLEY - View on map ! David Abel sounds similar to DAVIES STREET in NEWINGTON - View on map ! David Abel sounds similar to DAVIES STREET in CHATSWOOD - View on map ! David Abel sounds similar to DAVIES COURT in BAULKHAM HILLS - View on map ! David Abel sounds similar to DAVIES STREET in NORTH PARRAMATTA - View on map <div> <div>  Abel Way </div> <div> <div>Road Location</div> <div>EPPING</div> <div>Road Name Validity</div> <div>5 Potential Issues found</div> </div> <div> <div>Proposal status</div> <div>Pre-Approved</div> </div> </div>
Forest Way or Henry Way	<p>Directional reference to Forest Park and Forest Grove. Forest park received its name from a single forest tree that was originally on Henry Brown's paddock. The park has since been known as a little forest</p>

	<p>24 potential Issue(s) found</p> <p>Duplication within boundary</p> <ul style="list-style-type: none"> ! A road name of FOREST WAY already exists in GLENHAVEN - View on map ! A road name of FOREST KNOLL already exists in CASTLE HILL - View on map ! A road name of FOREST GROVE already exists in EPPING - View on map ! A road name of FOREST GLEN already exists in CHERRYBROOK - View on map ! A road name of FOREST CLOSE already exists in CHERRYBROOK - View on map ! A road name of FOREST CLOSE already exists in NORTHMEAD - View on map ! A road name of FOREST ROAD already exists in BAULKHAM HILLS - View on map <p>10 potential Issue(s) found</p> <p>Duplication within boundary</p> <ul style="list-style-type: none"> ! A road name of HENRY STREET already exists in GORDON - View on map ! A road name of HENRY STREET already exists in PARRAMATTA - View on map ! A road name of HENRY STREET already exists in BAULKHAM HILLS - View on map ! A road name of HENRY STREET already exists in RYDE - View on map <p>Similar Sounding</p> <ul style="list-style-type: none"> ! Henry sounds similar to HENRY LAWSON AVENUE in ABBOTSFORD - View on map ! Henry sounds similar to HENLEY STREET in LANE COVE WEST - View on map ! Henry sounds similar to HENLEY CLOSE in CASTLE HILL - View on map ! Henry sounds similar to HENRICKS AVENUE in DRUMMOYNE - View on map ! Henry sounds similar to HENRICKS AVENUE in NEWINGTON - View on map <p>Previously rejected</p> <ul style="list-style-type: none"> ! Cannot contain roadnames that have been previously rejected. <p>5 potential Issue(s) found</p> <p>Similar Sounding</p> <ul style="list-style-type: none"> ! Henry Brown sounds similar to HENRY LAWSON AVENUE in ABBOTSFORD - View on map ! Henry Brown sounds similar to HENRY STREET in BAULKHAM HILLS - View on map ! Henry Brown sounds similar to HENRY STREET in GORDON - View on map ! Henry Brown sounds similar to HENRY STREET in PARRAMATTA - View on map ! Henry Brown sounds similar to HENRY STREET in RYDE - View on map
Fruit Tree Way	<p>Based on the Hammond Estate subdivision whereby 'fruit trees' is written across the lots to be sold. This is also a reference to the neighbouring nurseries in the area in particular a reference to Epping's first nursery established by M.F. Vollmer and later business partner C. E. Vessey's nursery before they moved to Eastwood to establish Mount Tomah.</p> <p>Note: There is a business in 43 Helidon Dip Rd, Helidon QLD 4344 called Fruit Tree Lane https://fruittreelane.com.au/</p>

	<p>1 potential issue(s) found</p> <p>Similar Sounding</p> <p>! Fruit Tree sounds similar to FIR TREE AVENUE in WEST RYDE - View on map</p> <div> <div>  <p>Fruit Tree Way</p> </div> <div> <p>Road Location</p> <p>EPPING</p> <p>Road Name Validity</p> <p>1 Potential issues found</p> </div> <div> <p>Proposal status</p> <p>Pre-Approved</p> </div> </div>
Mullins Way	<p>In acknowledgement of John, George and Thomas Lane Mullins who were the earliest known land grant owners of the land portion 352 and 353 of the Field of Mars parish. Received on 5 May 1893 (volume 1095 folio 247)</p> <p>Note: there is a Mullins Street in Sydney and Mullins Avenue in Penrith</p> <p>1 potential issue(s) found</p> <p>Similar Sounding</p> <p>! Mullins sounds similar to MURRILLS CRESCENT in BAULKHAM HILLS, WINSTON HILLS - View on map</p>
Felix Way or Felix McRory Way or McCrory Way or McRory Way	<p>In acknowledgement to the earliest known land grant owner Felix McCrory (also found spelt McRory) who owned the land between Essex Street, the unnamed lane, Forest Grove (former Tyne Avenue) and Maida Road being portions 349 to 351. As well as portion 367-369.</p> <p>Note: no McRory or McCrory lanes or streets found in Australia.</p> <p>✓ 0 potential issues found</p>
Hammond Way or Robert Hammond Way	<p>Based on the Hammond Estate subdivision plan in 1907 where the unnamed lane first appears. Name in acknowledgement of Robert Hammond who held the land and later subdivided. There are also references in the newspapers that his land was later forced to be sold by Hornsby Shire Council due to overdue rates.</p> <p>Note: There is a Hammond Lane in Chatswood NSW 2067</p> <p>3 potential issue(s) found</p> <p>Duplication within boundary</p> <p>! A road name of HAMMOND AVENUE already exists in NORMANHURST - View on map</p> <p>! A road name of HAMMOND LANE already exists in CHATSWOOD - View on map</p> <p>Similar Sounding</p> <p>! Hammond sounds similar to HAMPTON CLOSE in CASTLE HILL - View on map</p>

	<p>9 potential issue(s) found</p> <p>Similar Sounding</p> <ul style="list-style-type: none"> ! Robert Hammond sounds similar to ROBERTSON STREET in PARRAMATTA - View on map ! Robert Hammond sounds similar to ROBERT ROAD in CHERRYBROOK - View on map ! Robert Hammond sounds similar to ROBERT STREET in ARTARMON - View on map ! Robert Hammond sounds similar to ROBERT STREET in TELOPEA - View on map ! Robert Hammond sounds similar to ROBERT STREET in RYDE - View on map ! Robert Hammond sounds similar to ROBERT STREET in GORDON - View on map ! Robert Hammond sounds similar to ROBERTS CLOSE in LIBERTY GROVE - View on map ! Robert Hammond sounds similar to ROBERTS ROAD in CABARITA - View on map ! Robert Hammond sounds similar to ROBERTS AVENUE in WAHROONGA - View on map
Tyne Way	<p>In reference to the former Tyne Avenue (renamed in the 1940s, now the southern section of Forest Grove)</p> <p>The street name origin of Tyne as given in the late local historian McAndrew's book (p. 187):</p> <ul style="list-style-type: none"> Reference to the River Tyne in North England A convict ship, Tyne that left Cork, England on 16 July 1818 and arrived in Port Jackson, NSW Australia on 13 January 1819 with 179 Irish convicts. <p>Note: there is Tyne Lane in Nunawading VIC 3131 and Tyne Crescent in North Richmond NSW 2754</p> <p>✓ 0 potential issues found</p> <div> <div>  Tyne Way </div> <div> <p>Road Location</p> <p>EPPING</p> <p>Road Name Validity</p> <p>0 Potential Issues found</p> </div> <div> <p>Proposal status</p> <p>Rejected</p> </div> </div> <p>The proposal was rejected. There is a Lyne Road (similar spelling) approximately 1.8kms away in Cheltenham.</p>
Nicholas Way	<p>In acknowledgement of David Thomas Nicholas who lived at 60 Essex Street Epping. Based on the late local historian McAndrews' research (2001, p. 188) Nicholas donated the unnamed lane to Hornsby Shire Council in 1923. Although this can not be confirmed as we do not have the minutes to Hornsby Shire Council.</p> <p>Note: There is a Nicholas Street in Epping VIC 3076 and Nicholas Lane in Kangaroo Ground VIC 3097</p>

	<p>12 potential Issue(s) found</p> <p>Duplication within boundary</p> <p>! A road name of NICHOLAS STREET already exists in LIDCOMBE - View on map</p> <p>! A road name of NICHOLAS CRESCENT already exists in NORMANHURST - View on map</p> <p>! A road name of NICHOLAS AVENUE already exists in CONCORD - View on map</p> <p>Similar Sounding</p> <p>! Nicholas sounds similar to NICHOLS LANE in CHATSWOOD - View on map</p> <p>! Nicholas sounds similar to NICHOLSON STREET in CHATSWOOD - View on map</p> <p>! Nicholas sounds similar to NICHOLSON AVENUE in THORNLEIGH, WESTLEIGH - View on map</p> <p>! Nicholas sounds similar to NICHOLSON AVENUE in ST IVES - View on map</p> <p>! Nicholas sounds similar to NICHOLI PLACE in CHERRYBROOK - View on map</p> <p>! Nicholas sounds similar to NICOLL AVENUE in RYDE - View on map</p> <p>! Nicholas sounds similar to NOLA ROAD in ROSEVILLE - View on map</p> <p>! Nicholas sounds similar to NOLA LANE in ROSEVILLE - View on map</p> <p>! Nicholas sounds similar to NOLA STREET in MARSFIELD - View on map</p>
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Unnamed Laneway, Epping

Engagement Evaluation
September 2021

cityofparramatta.nsw.gov.au

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1. INTRODUCTION

In September 2021, Council sought the community's feedback on two proposed names for the unnamed pedestrian thoroughfare that connects Forest Grove to Essex Street.

The aim of the consultation was to ensure that the proposed names reflect current community values, prior to recommending a single name for Council endorsement and gazettal.

Council worked with the NSW Geographical Names Board (GNB), ensuring the proposed names adhere to guidelines set out in Council's Road Naming Policy (no. 283) and the NSW Address Policy and User Manual (May 2021), including that they do not sound similar to other place names within a 10km radius of the site. The GNB also encourages the creation of distinctive place names that reflect the local heritage of the area and are memorable for residents and the wider community.

This naming project was instigated by community members requesting a name to identify the space for both locals and visitors.

Please refer to the map below to see where the pedestrian way is located.



2. EXECUTIVE SUMMARY

Council sought the community's feedback on two proposed names for an unnamed pedestrian thoroughfare in Epping from Wednesday 1 September to Wednesday 22 September 2021.

The objectives of the consultation were:

Engagement Level	Objectives
Inform	Communicate that Council had worked with the Geographic Names Board (GNB) to investigate site appropriate names that reflect the local area.
Consult	Obtain feedback from the community and stakeholders on the two proposed names for the unnamed laneway

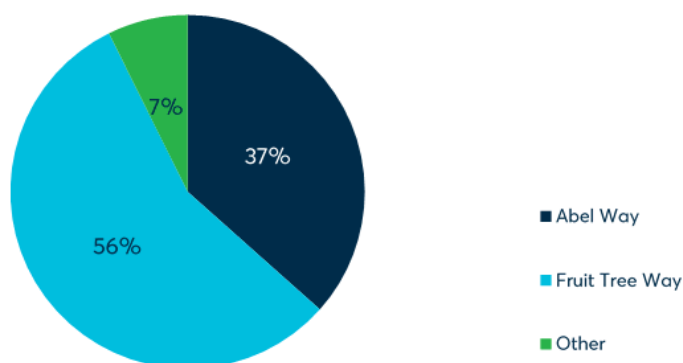
2.1. SUMMARY OF KEY FINDINGS

Council received 41 submissions over the consultation period:

- 32 via Participate Parramatta (website submission form)
- 9 via email

Overall, the community sentiment was positive with 56% of submissions providing a preference for 'Fruit Tree Way'.

Proposed Laneway Name Preferences



Answer	%	Count
Abel Way	37%	15
Fruit Tree Way	56%	23
Other	7%	3
Total	100%	41 responses

In addition to this, a total of 6 suggestions for alternative names were made. These suggestions were accompanied by descriptive background information and reasoning for the alternative names.

Three respondents who **did not have a preference** between the two proposed names and instead provide other suggestions:

- **Pool Trek Way** (email)
- **Volmers Way** (email)
- **Doris Brauer Way** (email)

Three respondents who **provided preferences** also provided alternative suggestions for names:

- **Orchard Way** (online survey)
- **Tom Nicholson Way** (email)
- **Suggestion to use a First Nations name/word** (online survey)

3. ENGAGEMENT EVALUATION

The following section provides a snapshot of the communications and engagement channels used to promote the public exhibition to people who live in Epping.

Several methods and channels were used to reach the Epping community and direct them to Council's online engagement portal Participate Parramatta to provide feedback. Overall, the opportunity to provide feedback for this project was presented to an estimated 14,11 persons culminating in 41 formal contributions.

Resources

A poster was designed to support and promote the exhibition. The poster also included a QR code which received a total of 67 scans.

Direct mail out

414 letters detailing the exhibition and how to submit formal feedback were sent to residents near the site.

Social Media

The exhibition was promoted via a paid campaign across Facebook and Instagram. Overall, the social media combined campaign garnered a reach of 3584 resulting in 166 clicks to the project page.

Paid Advertisements	
Reach	3584
Link clicks	166
Engagements	188
Total spend	\$48.92

Electronic direct notification

Channel	Subscribers	Date	Open rate
Participate Parramatta Newsletter	10,313	02/09	32%

Participate Parramatta

The exhibition was hosted on the Participate Parramatta engagement platform.

Project Page Events	
Views	800
Visitors	663
Contributions	33
Contributors	33

The following documents were hosted on the project page:

Page Events	
Hammond Estate Subdivision*	18

*Historic document (PNG format)

View the project page here:
participate.cityofparramatta.nsw.gov.au/laneway-name-epping

CITY OF PARRAMATTA Home Our approach Burramatta portal All projects My profile

Unnamed Laneway in Epping

Have your say on your preferred name before 5pm on Wednesday 22 September 2021

Home / A new name for an unnamed laneway in Epping

Have your say on the unnamed pedestrian thoroughfare that connects Forest Grove to Essex Street, Epping.

Council is currently undertaking community consultation on the proposed names for an existing pedestrian thoroughfare that connects Forest Grove to Essex Street, Epping. Council would like to make sure that the proposed names reflect current community values, prior to recommending a single name for Council endorsement and gazettal.

Council has worked with the NSW Geographical Names Board (GNB), ensuring the proposed names adhere to guidelines set out in Council's Road Naming Policy (no. 263) and the NSW Address Policy and User Manual (May 2021), including that they do not sound similar to other place names within a 10km radius of the site. The GNB also encourages the creation of distinctive place names that reflect the local heritage of the area and are memorable for residents and the wider community.

Please refer to the map below to see where the pedestrian way is located.

Map identifying the location of the unnamed pedestrian way connecting Forest Grove and Essex Street, Epping.

We have worked with the NSW Geographical Names Board (GNB) and other key stakeholders to identify proposed names that meet a number of requirements, including that names reflect the heritage of an area.

Click on each of the below names to learn more about why they have been proposed, and then scroll down the page to find out how you can HAVE YOUR SAY!

- + Abel Way
- + Fruit Tree Way

Have your say

Council is now inviting the community's feedback on the proposed names. Feedback can be submitted during the exhibition period using the online submission form below, or may also be sent via email or by post.

Have your say before 5pm on Wednesday 22 September 2021.

If you need assistance preparing a submission, or you would like information in another language or format, please contact the Place Services Team via 1300 617 058 or placeservices@cityofparramatta.nsw.gov.au.

If you would like to speak to someone over the phone in another language, call TIS National on 131 450 for a free interpreting service. Let them know you want to speak to City of Parramatta Council and your chosen language and they will connect you.

Open

Timeline

- July - August 2021**
Research and initial stakeholder consultation to inform naming proposals.
- September 2021**
Invite feedback through community consultation commencing Wednesday 1 September and closing at 5pm Wednesday 22 September.
- October - November 2021**
Review of community feedback and anticipated period for Council to consider naming proposals. Pending endorsement from Council, recommended name proposals are submitted to the NSW Geographical Names Board for approval and gazettal.
- December 2021 - February 2022**
Anticipated final approval from the NSW Geographical Names Board. Once approved, names are gazetted and data effect. Place names are then installed on signs.

See less

Resources

Hammond Estate Subdivision
PNG (14.50 MB)
Historical document

Contact Us

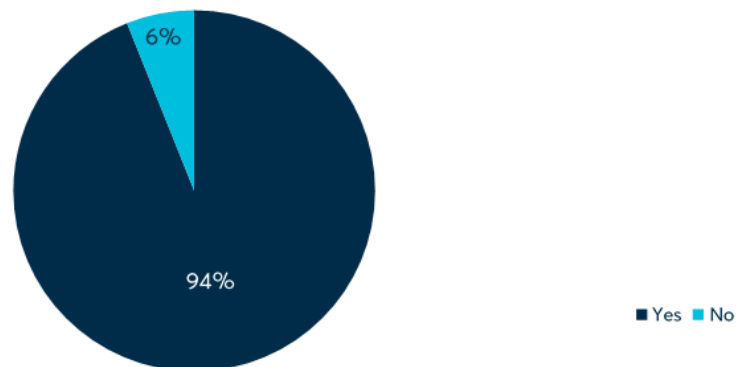
Have questions or want to learn more about a project, contact us below:

- Name: Place Services Team
- Phone: 1300 617 058
- Email: placeservices@cityofparramatta.nsw.gov.au

4. KEY FINDINGS

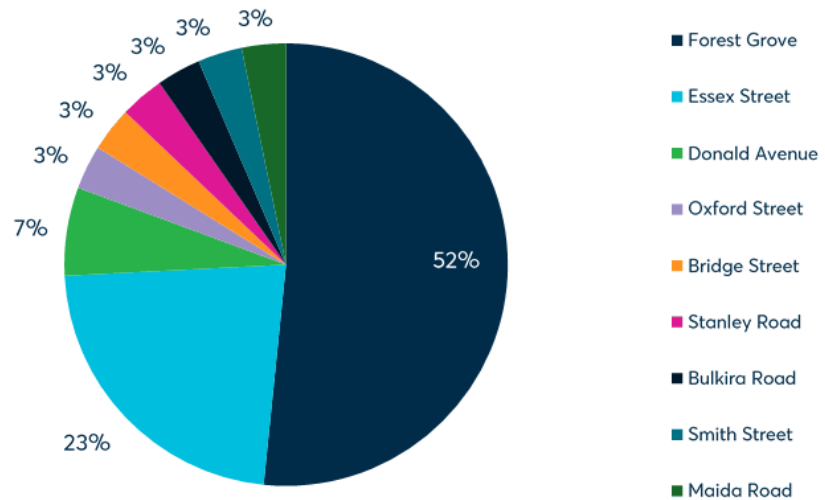
4.1. Online submissions

Q. 1 Do you live in Epping?

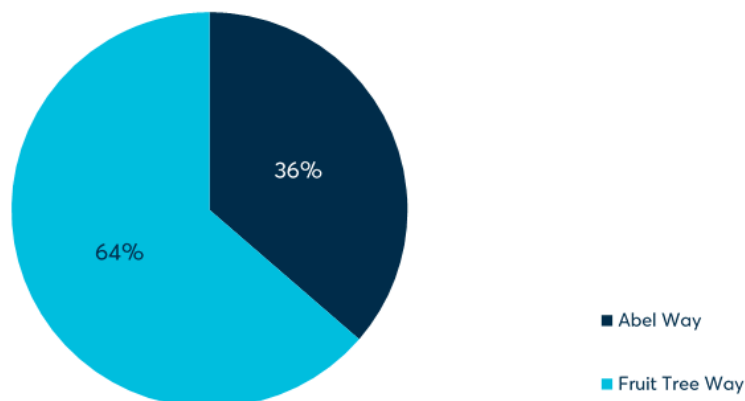


For those who answered 'no', both respondents advised they live in *Carlingford*.

Q. 2 What street do you live on?



Answer	%	Count
Forest Grove	52%	16
Essex Street	23%	7
Donald Avenue	7%	2
Oxford Street	3%	1
Bridge Street	3%	1
Stanley Road	3%	1
Bulkira Road	3%	1
Smith Street	3%	1
Maida Road	3%	1
Total	100%	31 responses

Q. 3 Which of the following proposed names do you prefer?

Answer	%	Count
Abel Way	36%	12
Fruit Tree Way	64%	21
Total	100%	33 responses

For those who preferred '**Abel Way**', the following comments were provided (appendix 6.1):

- Pays tribute to a local person who has close connection with community and land
- Name reflects history of area
- David Abel lived in the area and provided the land for the walkway
- Sounds 'smoother' phonetically to say

"This name honours a person who lived in the area and obviously cared about green spaces such as Epping Forest Park and thus seems fitting since this laneway provides access to Forest Park..."

For those who preferred '**Fruit Tree Way**', the following comments were provided (appendix 6.2):

- Suggestion for 'Orchard Lane'
- Suggestion for First Nations name
- Sounds 'cute', 'safe', 'Joyous' and easy to remember
- Directly acknowledges Epping's history of orchards and fruit trees

"Based upon the provider's reasons, as "fruit tree way" was the name of Epping's first nursery, this brings forth a tad of nostalgia and historical presence to the road, adding significance for generations to come..."

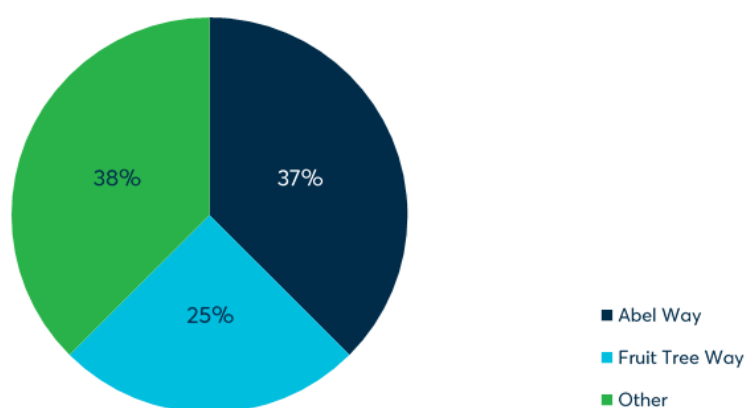
One respondent advised in the comments that they prefer neither name proposed.

4.2. Email submissions

9 emails were received by the Place Services team during the consultation period.

- 1 email asked for maintenance of the laneway and surrounds, but did not refer to the proposed names feedback opportunity

Proposed Laneway Name Preferences



Answer	%	Count
Abel Way	37%	3
Fruit Tree Way	25%	2
Other	38%	3
Total	100%	8 responses

4 email submissions suggested alternative names for the laneway:

Pool Trek Way - Pool Trek Way is a name that would be informative, functional in suggesting a sense of activity and adventure, and promote use of the pool complex.

Volmers Way - as Volmer owned the Epping Park site adjoining the lane.

Tom Nicholson Way - the land for the creation of the laneway was donated by the then owner of 60 Essex Street (which borders the laneway, Mr Tom Nicholson.

Doris Brauer Way - The Brauer family lived in the house immediately adjacent to the laneway for more than 40 years. Doris Brauer – who ran for parliament – lived in the house adjacent to the laneway. She and her husband, Frank, had seven children and throughout her life she was a "pioneer", active community member, and "possibly a founding member of the Epping Civic Trust".

View all de-identified emails in appendix 6.3.

4.3. Other submissions

The Place Services Team also received 1 phone call enquiry about the consultation.

5. RECOMMENDATIONS

This report presents and analyses the key findings and sentiment from the recent exhibition for the unnamed laneway in Epping.

Careful consideration should be given to all the feedback (including the appendices) and views presented in this report before a decision is made.

Council should respond to each concern and suggestion raised.

A summary of findings should also be reported back to the community (when appropriate but in a timely manner), highlighting how community feedback has influenced the project. The final decision and reasons why should be made public and reported back to those who provided feedback.

These recommendations are in line with Council's engagement principles and commitments outlined in the Community Engagement Strategy and Community and Stakeholder Engagement Policy.

"We make our decisions in an open and transparent way and provide feedback to our stakeholders in order to explain our decisions and let them know how their input has been considered".

6. APPENDIX

6.1. Abel Way Comments (preferred name)

This name honors a person who lived in the area and obviously cared about green spaces such as Epping Forest Park and thus seems fitting since this laneway provides access to Forest Park.
As a tribute to David Abel
Because it has a more personal connection, with David Abel having lived here and the laneway being part of his property. Also his participation in the community with his trusteeship of Forest Park.
Because it dedicates to a special person who left epping and is an important part of history.
I like the connection to a former resident of Epping. Furthermore it makes more sense, as currently there are no fruit trees along the pathway.
Let's pay a tribute to someone who lived nearby and whose life story is somehow to this pedestrian way
Abel way connects more with the history
Abel Way has a smoother sound to it and also is more unique to the location. Fruit Tree Way seems a bit generic but also a bit of a mouthful.
ABEL had been living in Essex Street. In memory of him.
It is appropriate as Mr. Abel had been living here.
as Mr Abel actually gave the land for the walkway.
Acknowledging David Abel

6.2. Fruit Tree Way Comments (preferred name)

The freshness of the name and appropriate to the environment of the area - lots of the residents have fruit trees in their backyard. When the area is changing so much we want to encourage the growth of fresh trees in our neighbourhood. It's a healthy eating example for children. As a resident who's lived in Epping for more than 30 years I feel it is perfect name for this lovely green area. Trees are so important for our climate and natural beauty.
Don't like either. Prefer Orchard Lane. As there were Orchard there in the early days.
Actually I would have preferred an aboriginal name. But of the two suggested names Fruit Tree Way is much preferable because its meaning is readily identifiable. While I gather that Mr Able was no doubt a very staunch citizen who contributed to the development of this locality simply putting his name on the laneway will not ensure that his memory is preserved. I can't imagine that anyone will go to the trouble of investigating why the laneway has been given the name "Abel", whereas the name "Fruit Tree Way" is much more likely to trigger someone's interest as to whether there were previously orchards nearby. If Mr Abel's name is indeed worthy of commemorating then a much better option would be to put up a historical plaque somewhere in Forest Park with some information about where and when he lived in the neighborhood and what his contributions were.
directly attributes to eppings old orchard history
*further suggest to pls have laneway pressure sprayed as it is covered in mould and slippery and to widen the laneway....currently difficult push a pram through it, impossible to for 2 prams to cross

at same time and also very difficult to walk with umbrella or with a dog in such a narrow laneway It's exactly what it should be as it makes the lane friendly and I don't particularly care for a name that doesn't give off any second meaning. Fruit tree is pleasant, prosperous and makes A lane sound safer. A lot of kids walk through that lane and its A pathway for a lot of school children. Fruit tree is much easier so remember and has A joyful ring to it. More fruitful then somebodys name and has a unique feel. Although the council decided to chop most of the trees in the neighbouring lot as part of the approved development at 19-21, it would be a good token to the area
Fruit Tree sounds more beautiful and a nicer place to explore. Sound better and cute. based upon the provider's reasons, as "fruit tree way" was the name of Epping's first nursery, this brings forth a tad of nostalgia and historical presence to the road, adding significance for generations to come I think it shows a lot about the environmental factors of that street. 'Fruit Trees' reflects the history and heritage of the location across the lots. This also connects to the historical event reference to the neighbouring nurseries in the area in particular a reference to Epping's first nursery established by M.F. Vollmer and later business partner C. E. Vessey's nursery before they moved to Eastwood to establish Mount Tomah. So the name will tell the story of the site that is more interesting and has common connectivity to the community now and then. 'Abel Way' seems relate only to a person or one family that will not have a wider community heritage and historical connectivity.
It's cute and easy to remember. My parents walk this path everyday and like the name. We need a name that is fun and easy for people to relate to for such a small laneway. I think it sounds nicer. It sounds more welcoming and fosters a friendlier atmosphere in the suburb. I think it should be Fruit Tree Way in deference to the history of the area. I am a fourth generation Epping resident and believe too much of the heritage of Epping has already been lost. Epping was a significant fruit growing area in the early 20th century It sounds better and more relevant. I believe this name has a longer historical significance than Abel Way - although, I must admit, it sounds a bit silly. The name Abel does not mean anything - if we were going to name it after a person, I would prefer to honour Margaret McCartney who was instrumental in protecting Forest Park. Fruit Tree way resonates more with me, due to number of fruit trees in this part of Epping.

6.3. Email submissions

Hi **** I was told that there is a Council 'Have Your Say' on an unnamed laneway in Epping at the moment asking residents to give input on two possible names - 'Abel Way' and 'Fruit Tree Way'.	Abel Way
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<p>Found on Council's website:</p> <p>1. Abel Way - In acknowledgement of builder David Abel (d. 8 November 1941) who lived on Essex Street, Epping and was an Epping Forest Park Trustee. He owned and subdivided his property which is in the subject area.</p> <p>2. Fruit Tree Way - Based on the Hammond Estate subdivision whereby 'fruit trees' is written across the lots to be sold. This is also a reference to the neighbouring nurseries in the area in particular a reference to Epping's first nursery established by M.F. Vollmer and later business partner C. E. Vessey's nursery before they moved to Eastwood to establish Mount Tomah.</p> <p>Whilst either of these two names seem worthy, did Council explore any Aboriginal names that may be associated with this local area? Just a question that passed through my mind on the subject.</p> <p>Thanks *****.</p> <p>Regards *****</p> <p>-----</p> <p>Hello ****,</p> <p>Thanks for your detailed email. Much appreciated.</p> <p>I went to the Council link to leave my feedback on the laneway naming, but I was unable to give this feedback through this portal. So hopefully you can pass on my thoughts to the relevant area within Council.</p> <p>My preference of the two names suggestions would be:</p> <p>'Abel Way' - In acknowledgement of builder David Abel (d. 8 November 1941) who lived on Essex Street, Epping and was an Epping Forest Park Trustee. He owned and subdivided his property which is in the subject area.</p> <p>This is based on the fact that David Abel seems to have been a Epping Forest Park Trustee and that it was a community member from the current Park Committee who initiated its naming.</p> <p>I would like to know more about the history of Epping Forest Park and its trustees. If possible could you please provide me with any information relating to the builder David Abel and the original Epping Forest Park establishment.</p> <p>Many thanks. *****</p>	
<p>Place Services Team</p> <p>We write in response to the invitation to 'have our say' on the unnamed pedestrian way between Essex Street and Forest Grove in Epping. We write as local residents and regular users of the laneway over many years.</p> <p>Should Council decide that there is a need to name this laneway, and that the name needs to be one of the 2 being proposed (ie. Abel Way or Fruit Tree Way), we would suggest the name Abel Way as the more appropriate name, since this recognises a local resident (the information reflects David Abel as a one-time resident Essex Street</p>	Abel Way

<p>and Forest Park Trustee, before moving away from Essex Street (we understand Mr Abel resided on Chelmsford Avenue Epping at the time of his death)).</p> <p>As long-term residents of Essex Street, we understand the land for the creation of the laneway was donated by the then owner of 60 Essex Street (which borders the laneway, Mr Tom Nicholson. Whilst we consider it appropriate for the laneway to be named in recognition of Mr Nicholson, we have been advised that this name had been proposed to the Geographical Naming Board but had been rejected due to other laneways with same/similar name in the vicinity of this laneway. We are not aware of the existing duplicate place name in the local vicinity (ie. Tom Nicholson Way), however if these are the 'rules', then we suppose these are the rules.</p> <p>Thank you for the opportunity to provide our view on this laneway project. Should you need to discuss this matter, please contact **** by return email or 04** *** **.</p> <p>Regards</p> <p>*****</p> <p>*ADDRESS removed</p>	
<p>My name is ***** and I am a resident at Essex Street, Epping, where I have lived for *** Years.</p> <p>I propose that the laneway be named DORIS BRAUER WAY.</p> <p>The Brauer family lived in the house immediately adjacent to the laneway (60 Essex Street, I think) for more than 40 years. Doris ran for parliament at least once (there is a little bit of information on The Australian Women's Register about her). She and her husband, Frank, had seven children and throughout her life she was a pioneer, fearless in her advocacy on a number of issues, a very active woman in the community, possibly a founding member of the Epping Civic Trust.</p> <p>I attempted to make my submission through the participate@cityofparramatta website but it did not seem to work.</p> <p>I trust the format of my email is acceptable.</p> <p>Regards,</p> <p>****</p>	Doris Brauer Way
<p>Hi,</p> <p>Im a resident on Essex street and go to forest grove park daily.</p> <p>Had a few suggestions/community request:</p> <ol style="list-style-type: none"> 1. upgrade forest grove park walkway lighting- the northern side has received new led floodlamps which are very bright, the main walkway currently has very old fluorescent tubes and upgrading these too to brighter energy efficient led lights- make the walk safer, and more usable by community as kids play in the park some evenings before dark 2. widening essex street to forest grove laneway- it is very narrow, cant walk with umbrella and 2 prams or dogs or even people cant pass easily 3. pressure spray essex street to forest grove laneway- its very mouldy and slippery 	Maintenance request

Thanks ***	
Please put us down for 3 votes for fruit tree lane! *** We live ** forest grove Epping.	Fruit Tree Lane
Suggest Volmers Way as Volmer owned the Epping Park site adjoining the lane. I moved to Epping in 1946 and although we lived in *** Street West Epping we caught bus to Epping station and played in Epping park because there were not many public parks in those days. Did you know that in those days there were alternate Illawarra Flame and Jacaranda trees on the eastern border of the park. Passengers on the trains stood up to look if they both flowered in November. **** now of Carlingford. Sent from my iPhone	Volmers Way
Hi, My choice for the name is Fruit Tree Way. Thanks for consulting with us. ***	Fruit Tree Lane
As a resident of Epping who has often used the subject laneway through the years, I would like to make a submission on the name. I would like to support Abel Way as an appropriate name in acknowledgement of builder David Abel who lived on Essex Street, Epping and was an Epping Forest Park Trustee given he owned and subdivided his property which is in the subject area. Regards, **** *ADDRESS REMOVED	Abel Way
Hi there, Suggestion for the naming of the laneway between Forest Gove and Essex Street, Epping, as an alternative to the rather obscure historical references in Abel Way and Fruit Tree Way. My suggestion is that a more functional name be selected instead: that of Pool Trek Way to highlight the utility of a more attractive walk to the new Dence Park pool and aquatic centre. (Through Forest Park, a short section of Essex Street, and then via Brucedale Avenue, as a more pleasant alternative to walking down busy Epping Road.) Pool Trek Way is a name that would be informative, functional in suggesting a sense of activity and adventure. It would create a sense of place and a meaningful mental-map for residents and visitors alike. Most importantly it would be promoting use of the pool complex, a project to which Parramatta City Council has committed millions of dollars. Financial self interest should mean that serious consideration to this alternative name. The trek component of the name could also reference the bush walks along Terry's Creek that can be accessed from either adjacent to the Dence Park Pool, or from the	Pool Trek Way

<p>south end of Essex Street near Abuklea Road. Interpretive signage could be placed strategically to promote those walks. Yet another functional name for this laneway that could give its name to wider walks, would be Bush Pool Way. However, only if Council to some degree; intended to promote the new pool complex as the 'pool in the bush'. Though again, historically there were local swimming holes along Terry's Creek and the Lane Cove River.</p> <p>Again, I stress the need for the lane's name to convey a current, wider sense of place and purpose, rather than historically obscure ones..</p> <p>There are also arguments against the 'fruit tree' name because that place reference is already well covered within five kilometres of the laneway. (In West Epping, and in the former Hornsby Council areas of Carlingford and Beecroft). While the biblical connotations of Cain and Abel may see a more colloquial term for this pathway to be known as Fratricide Alley.</p> <p>Kind regards *** (Epping resident)</p>	
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NOTICES OF MOTION

21 FEBRUARY 2022

14.1	Workforce Diversity	510
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NOTICE OF MOTION

ITEM NUMBER 14.1
SUBJECT Workforce Diversity
REFERENCE F2022/00105 - D08411342
FROM Deputy Lord Mayor

MOTION

- (a) **That** Council note:
- i) The diversity within the City of Parramatta and opportunities for employment.
 - ii) The growth and development opportunities in the LGA.
- (b) **Further, that** Council report on:
- i) Current known workforce diversity profile of Council workforce against current diversity profile within the LGA.
 - ii) Current Traineeship and Apprenticeship programs and potential future strategies within City of Parramatta.
 - iii) Current internship participation and potential opportunities for expansion.
 - iv) Opportunities for Traineeship and pathways for employment for people from Indigenous background as well as people with disability.
 - v) Options for Local employment targets.
 - vi) Options for embedding diversity targets in contracts that council issues.
 - vii) Industry benchmark for Local Government areas in diversity profile of staff.
 - viii) Employment assistance/opportunities for veterans.

BACKGROUND

1. No background information has been provided.

Cr Sameer Pandey

EXECUTIVE DIRECTOR, CORPORATE SERVICES RESPONSE

2. A written staff response will be provided to Councillors in a supplementary agenda prior to the Council Meeting.

FINANCIAL AND RESOURCE IMPLICATIONS

3. A written staff response will be provided to Councillors in a supplementary agenda prior to the Council Meeting.

Sameer Pandey
Deputy Lord Mayor

Fariha Chowdhury
Acting Chief Financial Officer

Jillian Khoo
Executive Director Corporate Services

Brett Newman

ATTACHMENTS:

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QUESTIONS WITH NOTICE

21 FEBRUARY 2022

15.1 Questions Taken on Notice from Council Meeting - 7 February 2022 ..514

QUESTIONS WITH NOTICE

ITEM NUMBER 15.1
SUBJECT Questions Taken on Notice from Council Meeting - 7 February 2022
REFERENCE F2022/00105 - D08408534
FROM Governance Manager

QUESTIONS TAKEN ON NOTICE FROM THE COUNCIL MEETING OF 7 FEBRUARY 2022

Item	Subject	Councillor	Question
12.4	Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013	Prociv	DA/42/2021 – 55-57 Thomas Street, Parramatta: Does this mean that they don't have to provide open space on the ground if they provide it on the roof?
13.1	Chief Executive Officer Delegations	Darley	How many tenders under \$500k were finalised in the years 2020 and 2021?
13.5	Classification of Lot 5 DP 1238944 as Operational Land	Garrard	1. That development was finished quite a period of time ago. I know residents have actually moved in because they've reached out and contacted me. When was that? 2. What is the road for? What is the purpose of it? 3. For what? [does there have to be a condition for an access road to dedicate it back to Council]
		Wearne	1. Where is the road going to and why? 2. Why was it perceived to be acceptable as part of a VPA as open space, if in fact there is going to be a road to [God knows] where and how big through the middle of it?
14.1	CBD Lighting Project	Garrard	1. What is the CBD Revitalisation Program? 2. If \$300k is being dedicated, if it's granted to the CBD lighting project, where is the other \$700k going?
		Wearne	1. Where have the funds gone from the Winterlight event? 2. Where have the funds gone from the other events?

BACKGROUND

- Paragraph 9.23 of Council's Code of Meeting Practice states:

"Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council."

STAFF RESPONSE

Item 12.4 – Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

During discussion on the motion moved by Councillor Esber, Councillor Prociv asked a question in relation to 55-57 Thomas Street, Parramatta:

Does this mean that they don't have to provide open space on the ground if they provide it on the roof?

Executive Director City Planning & Design Response

A written staff response will be provided to Councillors in a supplementary agenda prior to the Council Meeting.

Item 13.1 – Chief Executive Officer Delegations

Question from Councillor Darley

During discussion on the motion by Councillor Pandey, Councillor Darley asked the following question:

How many tenders under \$500k were finalised in the years 2020 and 2021?

Executive Director Corporate Services Response

A written staff response will be provided to Councillors in a supplementary agenda prior to the Council Meeting.

Item 13.5 – Classification of Lot 5 DP 1238944 as Operational Land

Questions from Councillor Garrard

During discussion on the motion by Councillor Prociv, Councillor Garrard asked the following questions:

That development was finished quite a period of time ago. I know residents have actually moved in because they've reached out and contacted me. When was that?

What is the road for? What is the purpose of it?

For what? [does there have to be a condition for an access road to dedicate it back to Council]

During discussion on the Amendment by Councillor Garrard, Councillor Wearne asked the following questions:

Where is the road going to and why?

Why was it perceived to be acceptable as part of a VPA as open space, if in fact there is going to be a road to [God knows] where and how big through the middle of it?

Executive Director Property & Place Response

A written staff response will be provided to Councillors in a supplementary agenda prior to the Council Meeting.

Item 14.1 – CBD Lighting Project

Questions from Councillor Garrard and Wearne

During discussion on the motion by Councillor Garrard, Councillor Garrard asked the following questions:

What is the CBD Revitalisation Program?

If \$300k is being dedicated, if it's granted to the CBD lighting project, where is the other \$700k going?

Councillor Wearne asked the following questions:

Where have the funds gone from the Winterlight event?

Where have the funds gone from the other events?

Executive Director City Engagement & Experience Response

Patricia Krzeminski
Governance Manager

Jennifer Concato
Executive Director City Planning and Design

Jillian Khoo
Executive Director Corporate Services

Bryan Hynes
Executive Director Property & Place

Carly Rogowski
Executive Director, City Engagement & Experience

Brett Newman
Chief Executive Officer

ATTACHMENTS: