

NOTICE OF COUNCIL MEETING

PUBLIC SUPPLEMENTARY

AGENDA - A

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, 11 July 2022 at 6:30pm.

Brett Newman
CHIEF EXECUTIVE OFFICER

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

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.7
SUBJECT	LATE REPORT: Response to the finalisation of the Parramatta CBD Planning Proposal and changes made by the Department of Planning and Environment
REFERENCE	F2022/00105 - D08601296
REPORT OF	Group Manager, Strategic Land Use Planning

CSP THEME: INNOVATIVE

WORKSHOP/BRIEFING DATE: 11, 18 & 30 May, 15 June & 6 July 2022

PURPOSE:

The Department of Planning and Environment ('**Department**') finalised the Parramatta CBD Planning Proposal ('**CBD PP**') on 6 May 2022. In finalising the CBD PP, the Department made several key policy changes to the final version of the CBD PP (as endorsed by Council on 15 June 2021). The purpose of this report is to establish Council's response to the key policy changes made by the Department.

RECOMMENDATION

Guiding Principles

- (a) **That** in responding to the changes the Department of Planning and Environment ('**Department**') made to the Parramatta CBD Planning Proposal ('**CBD PP**') Council seek to address the following 'Key Planning Outcomes':
 - i. Restore office and commercial floor space market certainty and investment confidence in the CBD
 - ii. Ensure Activation of Parramatta River
 - iii. Provide a Planning Framework for land north of the Parramatta River
- (b) **That** Council seek to address the 'Key Planning Outcomes' in accordance with the following 'Key Principles':
 - i. Principle 1 - Equitable process and opportunity for involvement
 - ii. Principle 2 - Consistent application of policy
 - iii. Principle 3 - Efficient use of resources for Council and applicants
 - iv. Principle 4 - Manage planning risk for Council and applicants
 - v. Principle 5 - Timely delivery of new planning controls

Commercial Floorspace and Phillip St Block

- (c) **That** Council write to the Minister for Planning and the Department seeking:
 - (1) An increase to the permitted commercial floor space as resolved by Council on 15 June 2021 in the existing B3 Commercial Core and shown in **Figure 1** via the preparation of a State Environmental Planning Policy ('**SEPP**'), and that the SEPP become effective at the same time as the CBP PP (Amendment 56), that is 14 October 2022.
 - (2) That the Department prepare a separate SEPP as shown in **Figure 2** for certain land zoned B4 Mixed Use and B3 Commercial Core (not covered

by the SEPP referred to in (c)(1) above), to introduce additional floor space that allows for commercial uses consistent with Council's resolution of 15 June 2021, that is informed by a study prepared in consultation with Council and addresses the concerns raised by the Department in its 'Plan Finalisation Report' dated April 2022 when the CBD PP was finalised, and that this SEPP become effective by December 2022.

- (3) That the Department provide advice on amendments to the exhibited Draft Parramatta CBD Development Control Plan to align with the proposed SEPPs above for Council's consideration.
- (4) Confirmation from the Department that existing and any new Site Specific Planning Proposals ('**SSPPs**') may continue to be assessed by Council, after the preparation of the relevant SEPP, and note that this will necessitate an extension to the timeframe within the Gateway Determination for the St John's Planning Proposal.
- (5) That Council be consulted on the draft SEPPs.
- (6) That should any SEPP process described above result in an increase in permitted density for the Phillip Street block that:
 - a. The Parramatta CBD Local Contributions Plan endorsed by Council on 14 June 2022 and subsequently forwarded to the Department for consideration be amended to apply the following rates to the Phillip Street Block:
 - Residential Accommodation or Mixed-Use Development where the total development cost is over \$250,000 — 5%
 - Other development where the total development cost is over \$250,000 — 4%
 - Any development where the total development cost is \$250,000 or less — Nil.
 - b. The Minister be requested to ensure enabling changes required to the regulations, to enable the application of the higher rate proposed in the Parramatta CBD Contributions Plan, also reflect this change to the Plan.

North Paramatta

(d) **That** Council write to the Minister for Planning and the Department:

- (1) Seeking funding for a Study for North Parramatta that incorporates urban design, heritage and economic analysis and additional temporary staff to manage the project (estimated at up to \$500,000).
- (2) Advising that Council will not commence the Study until confirmation of funding and in-kind support has been provided.

- (3) Seeking advice on how Council manage any new SSPPs lodged for sites north of the river prior to completion of the Study and associated plan amendment.

EXCEPTIONS

- (e) **Further, that** Council note that new SSPPs for sites within any part of the CBD that do not:
 - 1 seek any increase in FSR, or
 - 2 seek to amend other planning controls that are being considered in the SEPP process(es) described in (c) abovewill be processed by Council (examples include proposals for minor changes in height with no increase in FSR or changes to parking rates or land reservation acquisitions).

BACKGROUND

1. Preparation of the Parramatta CBD Planning Proposal ('**CBD PP**') has occurred over many years. The planning process has involved significant research and studies and extensive consultation with various stakeholders. The purpose of the CBD PP is to establish a new planning framework for the Parramatta CBD so as to ensure the area achieves its full potential as Greater Sydney's "Central City".
2. In summary, the CBD PP, as endorsed by Council on 15 June 2021, pursued the following outcomes:
 - a. Significant increases to development capacity for the Parramatta CBD, allowing for an increase of over 59,100 additional jobs and almost 15,340 additional dwellings (including an allowance of about 13,000 additional jobs not previously accounted to estimate a yield for the unlimited office space policy in the B3 Commercial Core zone).
 - b. Over 1.97 million sqm of additional new commercial floor space (including the allowance of about 312,000 sqm of office space under the unlimited office space policy in the B3 Commercial Core zone).
 - c. The land area where tall towers would be permissible would have more than quadrupled from the current planning controls, allowing for towers up to 243m in height (approx. 60 storeys commercial, 75 storeys residential), which will completely transform the city skyline.
 - d. Protects solar access to key public spaces and also improves the environmental performance of new towers.
 - e. Mandate a network of active streets throughout large sections of the Parramatta CBD and broadens the scope for where design excellence competitions are required in new towers.

- f. Establish a new framework to better manage flood risk in new developments.
 - g. Significantly minimise traffic impacts through lowering maximum parking controls and allowing for some road widening.
 - h. Improves heritage controls above the normal standard requirements and also preserves existing controls in and around the World Heritage Item at Old Government House.
3. The CBD PP was publicly exhibited from 21 September 2020 to 2 November 2020. Following the exhibition period and detailed consideration of the submissions received, on 15 June 2021, Council resolved to finalise the CBD PP and submit it to the Department of Planning and Environment (**'Department'**) for finalisation. Accordingly, the CBD PP was submitted to the Department on 1 July 2021 in accordance with the Council resolution.
4. Following an assessment process by Department officers, the Department finalised the CBD PP on 6 May 2022 through notification of the *Parramatta Local Environmental Plan 2011 (Amendment No 56)* (**'LEP Amendment 56'**) on the NSW Legislation website. LEP Amendment 56 formalises the planning control changes as proposed under the CBD PP and formally takes effect on 14 October 2022. A copy of LEP Amendment 56 is provided at **Attachment 1**. In finalising the CBD PP, the Department made several key policy changes to the original version endorsed by Council on 15 June 2021. These key policy changes include:
 - a. Opportunity Sites – the Opportunity Sites control which allowed for a bonus 3:1 FSR for certain sites has been removed.
 - b. Unlimited Commercial Premises FSR – the unlimited commercial premises FSR control in certain parts of the B4 Mixed Use zone has been removed.
 - c. Unlimited Office Premises FSR – the unlimited office premises FSR control in the B3 Commercial Core zone has been removed.
 - d. Community Infrastructure Principles – the community infrastructure principles provision has been removed (and base/incentive height/FSR maps consolidated accordingly).
 - e. North Parramatta – the area north of the river has been removed from the proposal and will retain its existing controls at this stage. A further review of this area will be required.
 - f. Phillip Street Block – the street block bound by the river, Charles, Phillip and Smith Streets has been removed from the proposal and will retain its existing controls.
5. A copy of the Department's Plan Finalisation Report is provided at **Attachment 2**, which provides their supporting justification for these changes.

BROADER IMPACTS OF THE MINISTER FOR PLANNING'S DECISION

6. Most critically the Minister for Planning's decision has decreased the floor space that can be developed to deliver jobs in the CBD PP due to the removal of the unlimited commercial and office space provisions.
7. A secondary impact is that a reduction in residential capacity has also occurred particularly due to the deferral of changes to planning controls in North Parramatta and the Phillip Street block and removal of opportunity sites FSR bonus.
8. The policy changes resulted in a reduction of theoretical development capacity across the CBD, equating to an estimated loss of 15,280 jobs and 3,440 dwellings. Most of this loss, approximately 13,000 jobs, is due to the removal of the "unlimited" office floor space control in the B3 Commercial Core zone. Office floor space capacity should be maximized to ensure the maximum number of jobs is provided in the CBD, i.e. that sites are not under-developed.
9. Council Officers are of the view that the Key Planning Outcomes Council should consider as part of its response to the changes to the CBD PP are:

Key Planning Outcome 1 – Restore office and commercial floor space market certainty and investment confidence in the CBD

- The focus should be on increasing density south of the river to support capacity for jobs.

Key Planning Outcome 2 – Ensure Activation of Parramatta River

- Ensure regeneration along the southern side of the river is facilitated by reviewing the controls in the Phillip Street block whilst addressing the Department's concerns about transition in building form.

Key Planning Outcome 3 – Provide a Planning Framework for land north of the Parramatta River

- Provide certainty for redevelopment along the light rail route and more broadly north of the river by developing a planning strategy that addresses the Department's urban design and heritage concerns.

10. The State Government's decision has created planning risk. There is no assurance that the Department would support a Site Specific Planning Proposal ('SSPP') for additional density without sufficiently addressing their concerns in a cumulative and holistic manner. This creates uncertainty for Council and applicants for SSPPs. It means decisions to progress new planning controls via a SSPP have a higher degree of risk. This high-risk planning environment creates an uncertain investment environment for development in the City.
11. Council has a significant role in influencing and managing this risk, by providing leadership and sound planning guidance to address the concerns of the Department and industry. It is important that developments that will deliver jobs capacity for the Parramatta CBD are not lost or unnecessarily delayed. Sustainable and efficient investment patterns occur when investors have increased certainty and confidence about planning application outcomes. Council officers are therefore recommending that the Department amend the LEP via a SEPP to address the concerns regarding commercial floorspace and

the Phillip Street Block (as described in the recommendation). A SEPP process is the most efficient and effective way to address Key Planning Outcomes 1 and 2.

12. The principles that have influenced the Council officer's recommendation are:

Principle 1 - Equitable Process and Opportunity for Involvement

- All landowners/stakeholders should follow the same consistent process and/or have the same opportunity to be involved in the process.

Principle 2 - Consistent Application of Policy

- Council should establish, support and advocate a policy framework that is applied consistently. This represents good decision making and maximises certainty and confidence for the investment market.

Principle 3 - Efficient Use of Resources

- Minimise the resources/ time Council and applicants use to get to final outcomes.

Principle 4 - Manage Planning Risk for Council and Applicant

- Obtaining the Department's formal agreement and approach to address the concerns of Council and industry to minimise uncertainty and risk.

Principle 5 - Timely

- Council should seek to provide market certainty as soon possible.

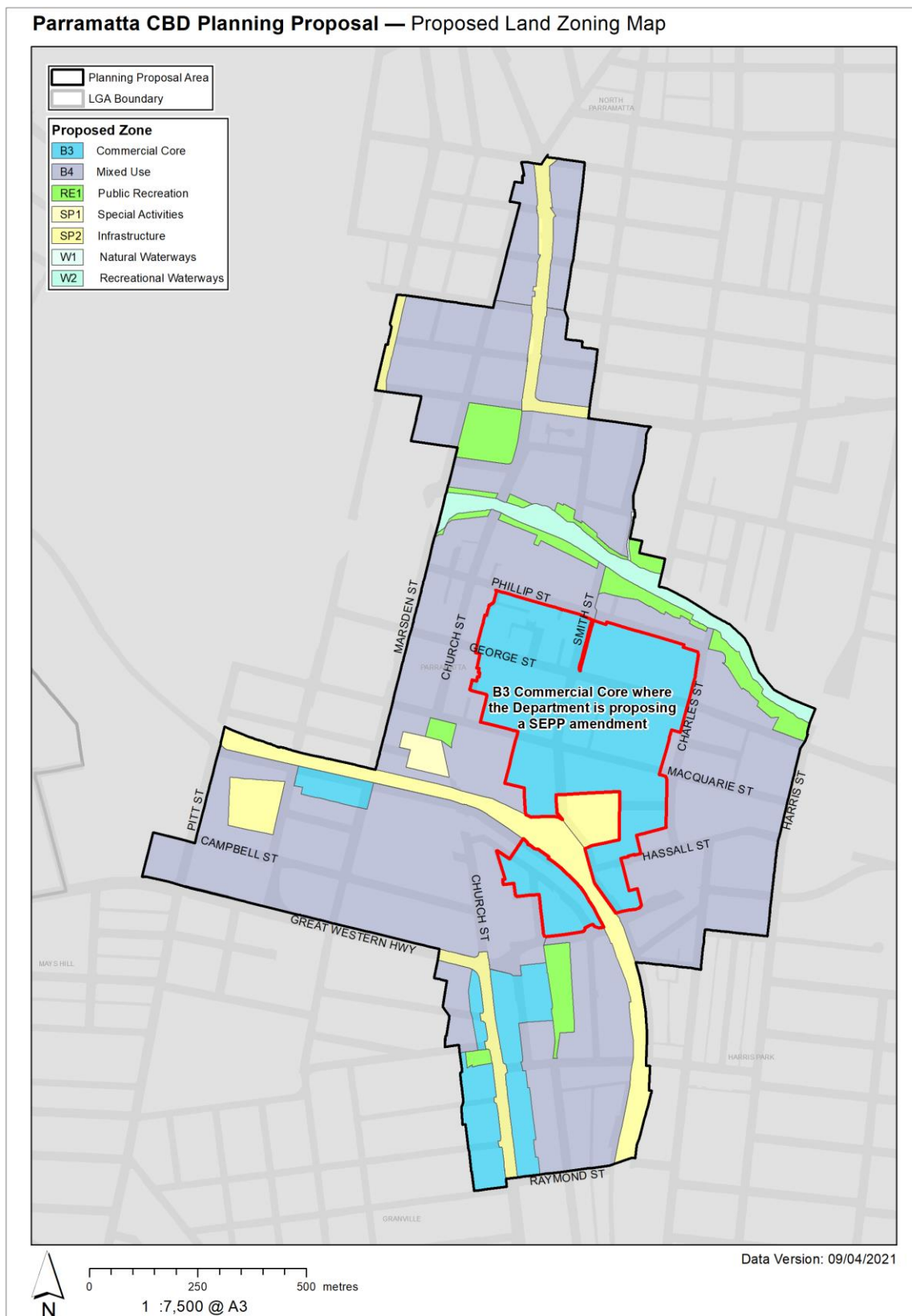
ISSUES/OPTIONS

Unlimited Commercial Premises FSR / Unlimited Office Premises FSR

13. The CBD PP that was endorsed by Council on 15 June 2021 allowed for:
- unlimited commercial premises FSR on certain land in the B4 Mixed Use zone as shown on the Additional Local Provisions Area Map.
 - unlimited office premises FSR in the B3 Commercial Core zone.
14. Both provisions were only meant to apply to sites that had an area of at least 1,800sqm. The intention of these provisions was to facilitate more employment generating development in the Parramatta CBD. Council Officers estimate that just in the Commercial B3 zoned land there was capacity for approximately 13,000 additional jobs in the CBD, which is now foregone due to their removal.
15. In finalising the CBD PP, the Department has removed both of these bonus provisions. The Department's Plan Finalisation Report notes the following in relation to this matter:

"However, in finalising the proposal the Department undertook built form modelling which identified concerns that maximum building heights, inclusive of bonus (up to 243m) and unlimited FSR provisions could lead a proliferation of bulky buildings, homogenous built form outcomes, poor solar outcomes, walls of development fronting the Parramatta River, Church Street, George Street and Prince Alfred Park, all areas of key historical importance. Concerns were also raised about the loss of blue-sky, potential for wind tunnel effects and a lack of built form transition."

16. Council officers in briefings to Councillors on 11, 18 and 30 May and 15 June 2022 have discussed progression of an urban design study and economic study to retrieve jobs capacity lost because of the Department changes. The studies, at a cost of \$60,000, could be undertaken by Council and inform a Council led Planning proposal to seek to change the controls.
17. Council officers have since held discussions with officers from the Department who introduced another option for Council to consider when responding to these issues. The Department is considering pursuing a State Environmental Planning Policies (SEPPs) which would amend the LEP.
18. The Department have suggested that this mechanism could be used to introduce some of the floorspace previously proposed by Council but would seek to introduce an additional planning clause to address the urban design issues raised by the Department in it's Plan Finalisation Report (refer to **Attachment 2**).
19. This SEPP (first SEPP) would introduce unlimited office floorspace in the B3 Commercial Core as shown in **Figure 1**, and that it could proceed without any public exhibition/consultation as the provision for unlimited office floorspace was exhibited as part of the CBD PP process endorsed by Council on 15 June 2021.
20. Council officers are recommending that a second SEPP be pursued to introduce additional FSR for commercial uses on certain land in the B4 Mixed Use zone as shown on the Additional Local Provisions Area Map, as well as B3 Commercial Core zoned land (not covered in the first SEPP) as shown in **Figure 2**. Council endorsed additional FSR on the land to be included in the second SEPP when the CBD PP was endorsed by Council on 15 June 2021. The difference however now is the FSR that would be introduced through this second SEPP would be allocated or specified (i.e. not unlimited commercial FSR) and based on urban design analysis prepared by the Department and in consultation with Council that addresses the issues identified in the Department's Plan Finalisation Report.

Figure 1: SEPP Amendment for the Commercial Core

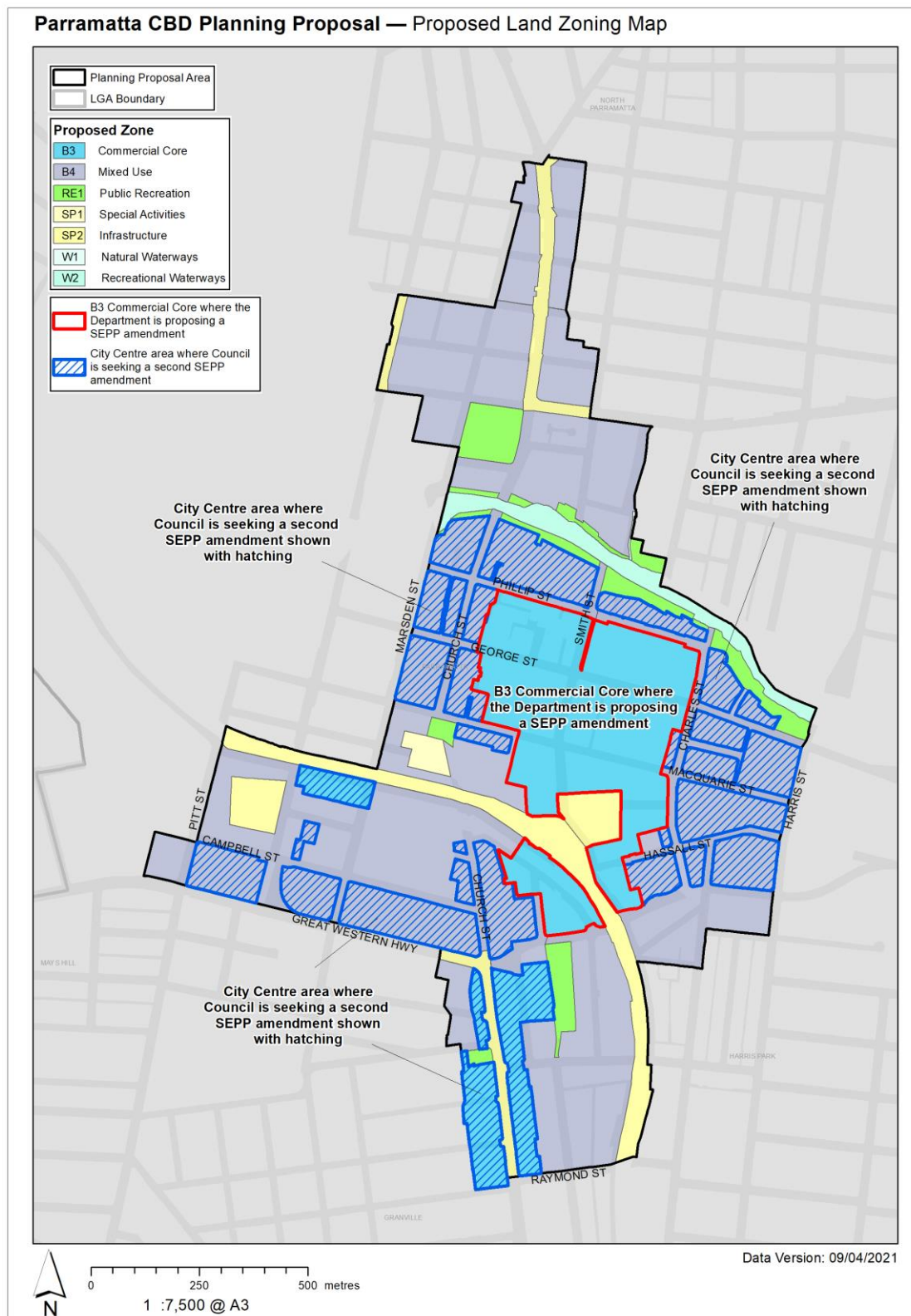
21. **Table 1** below assesses the original option presented to Councillors (Option 1) being that Council prepare the required studies that inform a Council-led Planning Proposal, and the SEPP option (Option 2) against the planning principles described above.

Table 1: Comparison of Council led Planning Proposal v SEPP process to restore office floorspace capacity

	Option 1 – Council pursue studies and Council led Planning Proposal	Option 2 - Department led SEPP process (as recommended – i.e. 2 SEPPs)
Key Planning Outcome 1 - Restore office and commercial floor space market certainty and investment confidence in the CBD.	Council process would address this, albeit it the process will take longer	The Department's option would address this quickly
Principle 1 - Equitable Process and Opportunity for Involvement	Allows applicable land to be considered via one process.	Prioritises increasing FSR for office uses in the B3 zoned commercial area as shown in Figure 1 ; and then considers increases to FSR for commercial and office uses in areas in Figure 2 .
Principle 2 - Consistent Application of Policy	Allows for a consistent application of policy	Allows for a consistent application of policy.
Principle 3 - Efficient Use of Resources	It would only be efficient if Council did not process SSPPs.	SEPP process is the most efficient way to amend the LEP compared to a Planning Proposal with lower impact on council resources.
Principle 4 - Manage Planning Risk for Council and Applicant	Manages planning risk as it provides an assessment framework, albeit it the process will take longer	Manages planning risk as it provides assessment framework for all sites in CBD quickly.
Principle 5 - Timely	Timely if Council does not pursue SSPPs at the same time otherwise both Council study and SSPPs will be slowed down	Provides a more timely outcome

22. Council officers note that the Department legally can pursue the SEPP approach without Council's agreement. It is noted that some landowners in the areas subject to the possible SEPPs, have been advocating to senior Council officers about the need to reflect Council endorsed position in the final LEP, and have also advised they have been making similar representations to the Minister for Planning and the Department. The areas subject to the SEPPs are strategically important areas. Promoting jobs growth and investment in these precincts is a key pillar in delivering economic and other complementary benefits to the CBD and the residents of Parramatta and Western Sydney, and there has been substantial development interest in this precinct in recent years.

Figure 2: Areas to be subject of the second SEPP amendment recommended by Council officers (area hatched)



23. Given the benefits to the City, it is recommended that:
 - a. Council request the Department pursue a SEPP to increase commercial floor space in the existing B3 Commercial Core (as per **Figure 1**); and
 - b. Council request the Department to pursue a SEPP to increase commercial floor space on certain land in the existing B4 Mixed Use and B3 Commercial Core zones not covered by the first SEPP (as per

Figure 2), that is based on urban design analysis in consultation with Council.

24. If the Department agreed to pursue the SEPP processes this would deliver amended planning controls in a manner that achieves the key planning outcomes and be more equitable, efficient in terms of resources and timely than a Council led approach. This approach would also better address the principles Council officers are recommending should guide the process.

Phillip Street Block

25. The CBD PP endorsed by Council on 15 June 2021 included the street block bound by Parramatta River, Charles, Phillip and Smith Streets (referred to as the “Phillip Street Block”) for up-zoning. The CBD PP allowed for an incentive FSR of 10:1 (12:1 with bonuses), incentive height of 211m(RL) (243m(RL) with bonuses), unlimited commercial premises FSR and also Opportunity Sites FSR of 3:1.
26. In finalising the CBD PP, the Department has removed this area. As a consequence of this removal, the Phillip Street Block retains its existing controls, which allow for a height of 80m (25 storeys) (92m/100m* (32 Storeys) with bonuses) and 6:1 FSR (6.9:1/7.5:1* with bonuses).

***Note.** A 25% bonus would be applicable for a purely commercial development under existing controls.

27. The Department notes urban design related issues as justification for its removal of this precinct from the CBD PP. The Department’s Plan Finalisation Report notes the following in relation to this matter:

“Submissions from the National Trust of Australia (NSW Branch) raised concerns about the proposal in relation to river, advising it considered the heights of the buildings and their setbacks adjacent to the river need to acknowledge the cultural and historical significance of this landscape.

The Department’s built form modelling similarly raised concerns that the proposed building heights and FSRs along the river foreshore permit development that would visually dominate the scale of the river. In response to Department’s modelling an independent rapid urban design assessment was commissioned.

This report found that Parramatta has a unique relationship with its river and the CBD PP risks jeopardising this relationship for future generations. The report also notes recent development along the river appears to commercialise the foreshore and visually dominates the river corridor. This type of development is similar to Barangaroo in Sydney, but the river is substantially different in scale and aspect to Sydney Harbour. The resulting massing controls could result in built form that detracts from the character of the river and could adversely impact Parramatta’s identity and its desirability as a place to live and work.”

28. The option Council officers presented at Councillor briefings on 11, 18 and 30 May and 15 June 2022 was for Council to pursue an urban design analysis. However, it is now recommended that this block be included in the second

SEPP. Council Officers could work with the Department in a partnership that deliver a more timely response to restore market confidence. The justification for this is as follows:

- a. Significant urban design analysis has already been undertaken in this precinct. This previous study work just needs to be reworked in a form that supports a new SEPP.
- b. Based on the previous analysis undertaken, Council officers are comfortable that an FSR greater than the current FSR of 6:1 can be achieved in this precinct, without adversely impacting the river.
- c. Given the concerns raised by the Department pursuing the previously endorsed planning controls is unlikely to be successful.
- d. In accordance with Key Planning Outcome 2 Council needs to make regeneration of these sites feasible if we are going to get a better interface with the river, including with active frontages. It is noted that the existing buildings in this precinct 'turn their backs' to the river and there is a poor interface currently. Some up-zoning is required to encourage urban regeneration. This will help to facilitate Council's vision for the river as a vibrant and activated public space.

North Parramatta

29. The CBD PP endorsed by Council on 15 June 2021 included the area north of the Parramatta River for up-zoning as a part of the overall CBD precinct. The endorsed CBD PP generally allowed for incentive heights of 80m (25 storeys) (92m (29 storeys) with bonuses) and incentive FSRs of 6:1 (7.2:1 with bonuses).
30. In finalising the CBD PP, the Department has removed the area north of the Parramatta River from the proposal and consequently the area will retain its existing planning controls. Existing controls generally allow for 24m/36m height (7-11 storeys) and 3:1/4:1 FSR, although it is noted that there are two sites currently with higher FSRs of 4.8:1 and 6:1 and higher heights of 49m and 80m, (15 or 25 storeys) respectively. The Department notes a number of urban design and heritage concerns as justification for their position on the removal of this area. The Department's Plan Finalisation Report notes the following in relation to this matter:

"In response to these concerns the Department recommends the area of land known as Parramatta North not be progressed as part of this plan. This allows further consideration to be given to the provision of development within proximity to the Parramatta Light Rail, transitions, solar access, lower building heights and FSR along the river, consideration of the adjoining HCA and heritage attributes generally, community concerns, amenity, and character. It is noted that Council is currently undertaking a review of planning provisions within the planning investigation areas and this may provide opportunity to review holistically providing a more complete picture of future character and built form transition."

31. Council officers recommend Council pursue a comprehensive study for North Parramatta that incorporates urban design, heritage and economic analysis, and then following this study, prepare a Precinct Planning Proposal to implement the findings of this study.
32. The issues identified in the Department's Plan Finalisation Report for North Parramatta have a level of complexity that is greater than the issues south of the river. The following issues contribute to the complexity of resolving planning controls:
 - The Department suggested any future review should consider adjoining areas, so a review of the study area boundary is required
 - The previous studies undertaken may not cover some of the areas included in any future study area. South of the river any review would be assisted by previous studies; however, this may not be the case north of the river
 - Council received numerous submissions when the CBD PP was exhibited highlighting community concern about the future character of this area with potentially disparate view of how any change should be managed. There is a broader consensus south of the river that greater densities are required to support the growth of the CBD than there are north of the river
33. In order to address the complexity above, Council officers are of the view that Council are better placed to review the controls and determine what the future character of the North Parramatta area should be.
34. However, this exercise would involve significant resources (estimated cost – up to \$500,000), and Council should seek funding from the Department to undertake this work given the significant expense of previous studies prepared and that it was the Department's decision to have the precinct removed from the CBD PP. The justification for this approach is as follows:
 - a. In accordance with 'Key Planning Outcome 3' regeneration of this area should be supported given the introduction of Parramatta Light Rail - it would be a missed opportunity not to review the controls in this area in light of the significant infrastructure investment by Government. Further, the area is already identified as a part of the "Parramatta City Centre" under the current Parramatta LEP 2011.
 - b. The Department has agreed to provide assessment criteria for the review so as to ensure their heritage and urban design concerns are addressed in this new phase of work.
 - c. Enables a visioning/consultation exercise with landowners and other stakeholders, including Councillors, to be undertaken so as to help guide the future for this precinct. A visioning document could then be endorsed by Council which would then inform a Precinct Planning Proposal.
35. The planning controls for North Parramatta are a contentious issue with 76 submissions being received during the CBDPP consultation period. During the preparation of the CBD PP various studies were pursued to look at the

contentious issues. Areas were deferred from the CBD PP to enable further analysis. The removal of these precincts led the Department to conclude in their Plan Finalisation Report that Council has not looked at the precinct holistically.

36. It is important that stakeholders are engaged and differing views about the future character of the precinct dealt with transparently so that a holistic approach can be taken. It is for this reason that Council officers recommend that consultation to establish a vision be undertaken and that the vision be endorsed by Council prior to commencing a Planning Proposal process. It will be important to involve and inform stakeholders during this process.
37. It is expected that the next 6 months would involve securing funding from the State Government, using the funding to recruit a Project Manager and then engaging consultants to enable work to commence in 2023. The Project would involve the following key milestones:
 - Quarter 3 and 4 of 2022 – Secure funding, engage Project Manager and consultants, and determine revised study area based on the Department's Plan Finalisation Report
 - Quarter 1 and 2 of 2023 – Engage with community, landowners and key stakeholders to establish a vision for North Parramatta
 - End of Quarter 2 2023 – Council endorse a vision document for the purposes of public consultation
 - End Quarter 3 2023 – Council endorse commencement of Council led Planning Proposal
 - Mid 2024 – Expected finalisation of Planning Controls
38. This timetable is contingent on receiving funding from the Department, how SSPPs are managed in this area and the Department agreeing to pursuing the recommended 2 SEPPs for land identified in **Figures 1 and 2**.

Opportunity Sites

39. "Opportunity Sites" were identified in the CBD PP as endorsed by Council on 15 June 2021. Opportunity Sites were shown mapped on an Opportunity Sites Map, and were significantly reduced by Council following a review in response to a Gateway Determination condition prior to exhibition. These sites were able to access a bonus FSR of 3:1, generally taking them from an FSR of 12:1 (including bonuses) to an FSR of 15:1, subject to meeting certain requirements, including:
 - a. Minimum site area of 1800sqm and minimum dimensions of 40m x 35m (corner sites) and 40m x 40m for all other sites.
 - b. Preparation of a site-specific DCP.
40. In finalising the CBD PP, the Department removed the Opportunity Sites control and supporting map. The Department's Plan Finalisation Report discusses urban design related concerns in the rationale for their position, including the pressure an FSR of 15:1 would have on setbacks, resulting in bulky built form, and the impacts this would have on tower slenderness and tower separation.
41. Council officers recommend Council not pursue any controls that seek to re-introduce the Opportunity Sites bonus as removed by the Department. The

justification for this is as follows:

- a. Opportunity Sites were only intended to apply to a limited number of particular sites in the B4 Mixed Use Zone. The removal of the control does not have a broader effect on the wider CBD area.
- b. Opportunity Sites were originally introduced as part of Council's proposed infrastructure funding strategy, linked to a "Phase 2" value uplift of 50%. This has been replaced by the new s7.12 contributions plan and is no longer relevant.
- c. In accordance with Key Planning Outcome 1 detailed in the previous section of the report any additional floor space to be pursued on these sites should be focused on jobs rather than housing.
- d. Bonus FSR on these sites could be considered as part of the response to the removal of the Unlimited Commercial Floor Space bonus (refer to discussion below).
- e. Council already undertook a review of Opportunity Sites in response to a Gateway Determination condition, so there is potentially little value in undertaking a further review given the previous work undertaken.

Community Infrastructure Principles

42. The CBD PP endorsed by Council on 15 June 2021 included a provision that allowed for community infrastructure principles. The provisions were intended to operate in a way that required development to comply with the community infrastructure principles to access increased heights and FSRs. The draft plan contained base height and FSR controls which identified the controls in place prior to the CBD PP commencing with the new higher FSR and height shown on incentive maps. To be able to develop to the incentive height and FSR a contribution to community infrastructure was required. The contribution was based on a value capture model where the contribution would be calculated as a proportion of the land value uplift attributable to the extra development potential allowed by the incentive height and FSR.
43. The origin of these provisions related to Council's infrastructure funding strategy through a proposed value sharing mechanism that was changed as a result of the release of a Department Practice Note on Planning Agreements that restricted the use of value capture (and was then effectively replaced with a S7.12 Contributions Plan). The proposed community infrastructure principles read as follows:
 - a. *Public access to the community infrastructure network has been maximised in the design of the development.*
 - b. *There is appropriate community infrastructure in place or planned to meet the needs of the proposed development acknowledging the additional density permissible under this clause.*
 - c. *The development includes community infrastructure where the size of the site, the location of the site, and the nature of the development will allow for the provision of that community infrastructure.*

44. In finalising the CBD PP, the Department has removed the community infrastructure principles provisions and also consolidated the base/incentive FSR and height maps into standard format FSR and height maps, with the incentives height and FSR identified as the maximum provisions for each site. The Department's Plan Finalisation Report notes the following in relation to this matter:

"In February 2021 the Department released the Practice Note on Planning Agreements confirming that value capture should not be the primary purpose of planning agreements. In its post exhibition consideration of the proposal, Council noted this policy and amended the planning proposal to include community infrastructure principles, rather than requirements. Council has also since adopted a draft 7.12 contribution plan to capture contributions towards local infrastructure, which is currently being considered by the Department due to the requested increase levy rate requiring approval of the Minister.

The Department acknowledges that Council has sought to address this policy direction through its post exhibition changes and that work is underway to plan strategically for the delivery of local infrastructure. It is considered that the amended proposal's community infrastructure principles would still suggest a level of value capture is required to access the higher planning controls. As such, the Department has made a further post exhibition change to remove the community infrastructure clause and consolidate the building height and FSR provisions into one map, retaining the incentive provisions as the maximums. This will also provide greater certainty to potential development outcomes and allow for ease of understanding when viewing controls."

45. Council officers recommend Council not pursue any controls that seek to re-introduce Community Infrastructure principles in the LEP. The justification for this is as follows:
- a. These principles were originally recommended to support the Council's infrastructure funding strategy through a proposed value-sharing approach. This approach was changed due to the effect of a Department Practice Note on Planning Agreements that restricted their use for value capture.
 - b. Given that Council has now switched to a Section 7.12 Contributions Plan with higher rates to fund infrastructure this is no longer relevant.

Site-Specific Planning Proposals in the Parramatta CBD

46. Council currently has eight (8) site-specific planning proposals ('SSPPs') in the CBD area that are under assessment. Some of these SSPPs have now been adversely affected by the changes made by the Department to the CBD PP, as they were relying on policy outcomes that had been previously endorsed by Council in the CBD PP, for example the unlimited office premises FSR provisions being removed. As result of this, Council officers are anticipating that applicants may want to pursue these SSPPs on their individual merits, given the CBD PP has not delivered the policy outcomes they were expecting. Further, Council officers are anticipating the lodgment of new SSPPs for other sites that were relying on the policy outcomes of the original CBD PP as

endorsed by Council. These new SSPPs are also likely to argue their case to be considered on their own individual merits.

47. There are numerous learnings Council officers have gained whilst pursuing the CBD PP process. One key issue that significantly contributed to the CBD PP timeframe (it took 9 years to reach finalisation) was the impacts of progressing SSPPs. At its peak the number of SSPPs in the CBD was in the order of 30 applications. Progressing these applications had the following impacts:
- Early in the process it created a difficult environment where SSPPs were being assessed at the same time as the detailed analysis to support the CBD PP framework was being progressed. There was significant planning risk at that time. This meant SSPPs would sit dormant for long periods because Council Officers were unable to progress them without a policy framework. Pre-lodgment meetings, responding to applicant enquires and preliminary assessment of these SSPPs meant resources were diverted away from formulating the CBD PP framework. This delayed both the CBD PP and caused frustration for applicants and Councillors about the time it was taking to process SSPPs.
 - Once Council had endorsed the CBD PP for the purpose of requesting a gateway it was possible to assess these against Council's endorsed policy framework. The SSPP applications could proceed because there was a clear framework but there was a significant number of SSPPs all trying to be progressed at once. Both the CBD PP and SSPPs were proposing to deliver the same set of planning controls but in a very inefficient manner. Council was effectively pursuing two separate processes to achieve exactly the same planning policy outcome on these sites. This resulted in significant delay for both SSPPs and the CBD PP.
 - Progressing of some of these SSPPs ultimately resulted in inconsistent policy outcomes. Some SSPP sites achieved opportunity site bonuses and unlimited FSR because they were able to be finalised before the CBD PP and before the Department made its decision to amend the CBD PP.
48. Progressing SSPPs at the same time as Council is progressing a Council led Planning Proposal (in the case for North Parramatta), or the Department is pursuing a SEPP based review is inconsistent with the guiding principles officers are suggesting should be pursued refer to **Table 2**.

Table 2 – Consistency of SSPPs with the Guiding Principles

<p><u>Principle 1 - Equitable Process and Opportunity for Involvement</u></p>	<p>SSPPs require Council to consider some sites via a different process to those being pursued by a Council or Department led process.</p> <p>For Planning Proposals there are different exhibition periods at different times and the ability to consider cumulative impact issues is significantly decreased.</p>
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<u>Principle 2 - Consistent Application of Policy</u>	<p>Progressing SSPPs and the CBD PP at the same time meant some sites in the CBD achieved controls (ie 470 Church Street achieved 6:1 in North Parramatta, 2 Valentine Avenue achieved unlimited commercial floor space in B4 Zone) that by the end of the process were not part of the controls finalised by the Department through Amendment 56.</p> <p>SSPPs significantly increase the risk the planning policy will not be applied consistently.</p>
<u>Principle 3 - Efficient Use of Resources</u>	<p>Pursuing SSPPs and Council led PP/ Department led SEPPs at same time is effectively pursuing the same outcome via two separate and parallel processes. It is not efficient to pursue two processes to achieve the same outcome. When the task is complete one of the processes will have been a waste of time.</p> <p>The experience with the CBD PP and SSPPs is recent evidence of this and results in significant delays and longer periods of uncertainty.</p>
<u>Principle 4 - Manage Planning Risk for Council and Applicant</u>	<p>Pursuing SSPPs without the foundation of a Planning Policy Framework increases the risk that SSPPs will not be supported by Council and/or Department officers and that Council and applicants will utilise resources to pursue SSPPs that do not lead to any of the Key Planning Outcomes being achieved.</p>
<u>Principle 5 - Timely</u>	<p>The experience with the CBD PP is that the insistence by applicants that they could not wait for the CBD PP led to an influx of SSPPs that resulted in very long processing times for SSPPs and contributed to the CBD PP process extending across 9 years.</p> <p>Focusing on a Council led PP or Department led SEPPs without SSPP to deflect resources and attention will result in a more timely outcome for all parties in the CBD.</p>

SSPPs for sites south of the River within the areas subject to the two SEPPs

49. Council officers remain concerned that submission of a number of SSPPs at the same time as Council or the Department are undertaking a review will delay achievement of an amended planning framework in a timely manner. However, the extent of the impact depends on the Department's approach. If the Department are willing to undertake a review of the identified land in **Figures 1 and 2** via two SEPP based reviews within the timeframe as recommended, the likelihood that Council will receive an influx of new SSPPs is reduced.
50. **Table 3** below identifies the SSPPs that will be influenced by the two SEPPs.

Table 3 – status of SSPPs within the areas subject to the two SEPPs

SSPP Site	Status	Zoning / Location
110 George Street	SSPP not reported to Council as controls were consistent with that being delivered via CBD PP. The Minister's decision to remove unlimited office floor space means the SSPP is now inconsistent with the Minister endorsed CBD PP (through Amendment 56).	B3 Commercial Core Located within the area that will be addressed by the first SEPP process.
90-96 Phillip Street	SSPP not yet reported to Council. Proposed controls consistent with Council endorsed CBD PP but inconsistent with Minister endorsed CBD PP (through Amendment 56).	B4 Mixed Use Located in the area that will be addressed by the second SEPP process.
57 Macquarie Street	SSPP not yet reported to Council. SSPP not consistent with Council or Minister endorsed PP due to sliding scale application.	B4 Mixed Use Would not be subject to the second SEPP as the site is not shown on the Additional Local Provisions Map in the CBD PP, therefore will continue as a SSPP post finalisation of the second SEPP
St John's Church Site	Gateway issued by Department requires SSPP to be finalised by 30 August 2022. SSPP seeks FSR consistent with the principles of the CBD PP, but not as endorsed by the Minister through Amendment 56. An understanding of the Department's responses to Council's recommendation for	B4 Mixed Use seeking part rezoning to B3 Commercial Core

	<p>the two SEPPs is required prior to progression of this SSPP.</p> <p>The recommendation of this report notes the necessity for an extension to the timeframe within the Gateway Determination for the finalisation of St John's Planning Proposal.</p>	
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SSPPs for sites north of the Parramatta River

51. Council have had discussions with a number of applicants interested in lodging SSPPs north of the Parramatta River to seek to progress FSR increases of a similar scale to those proposed in the Council endorsed CBD PP. Until the study discussed in the previous section of this report for this area is complete and sufficiently addresses the concerns of the Department, Council will have no framework to assess these SSPPs. For this reason it is recommended that Council write to the Department/Minister seeking advice on how new SSPPs north of the River should be managed.
52. The only current SSPP with Council in this area is for the McDonalds site (corner of Victoria Road and Church Street) which seeks to apply a site specific car parking rate for the McDonalds restaurant. The applicant has advised that they are considering their position and it is possible that this application will be withdrawn. However, this SSPP does not involve any increase in density and there is no planning reason why this application can not proceed.
53. It is noted that the applicant originally sought a site specific FSR of 6:1 consistent with the CBD PP as endorsed by Council in June 2021 to enable a new mixed use development including new McDonalds restaurant. However, during the assessment process, those planning controls consistent with the CBD PP were removed from the SSPP, and therefore the car parking rate remained the only matter for the SSPP.

Development Contributions Plan

54. The Parramatta CBD Local Infrastructure Contributions Plan endorsed by the Council on 25 October 2021 proposed Section 7.12 levies within the entire Parramatta City Centre be increased from the current 3% to the following:
 - a. Residential Accommodation or Mixed-Use Development where the total development cost is over \$250,000 — 5%
 - b. Other development where the total development cost is over \$250,000 — 4%
 - c. Any development where the total development cost is \$250,000 or less — Nil.
55. The CBD PP the Minister endorsed on 6 May 2022 did not permit any increase in permitted density in the Phillips Street block (as defined previously in this report) or any land north of the Parramatta River. As a result, a further report was presented to Council on 14 June 2022 advising that given no uplift in

density had been permitted, developers of sites in these precincts should not be required to pay the increased contribution rate but instead retain the current rate of 3%.

56. If the Department is willing to pursue the second SEPP this results in increases in the permitted FSR for the Phillips Street block, the increased rates described above should be applied to this block.
57. Any changes to the rates applied for the land north of the Parramatta River should be considered as part of future studies and process described above in this report.

Exceptions

58. Planning Proposals in any part of the CBD that do not seek increases in the permitted density of development will not impact on these studies and can still be assessed ahead of the studies being finalised. Examples include changes to planning standards such as parking rates or land reservations. One example that officers are pursuing is a minor increase in the building height at the Riverside Theatre site to enable the redevelopment of the theatre without any increase in FSR proposed for the site.

CONSULTATION & TIMING

Stakeholder Consultation

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

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
18 May 2022	Department	General discussion about CBD PP finalisation.	Council officers advised that Council is currently formulating its response to the Department's changes (which includes consultation with Councillors).	Strategic Land Use Planning Team
28 June 2022	Property Council and Western Sydney Business Chambers including impacted members	Raised concerns about timing of response, impact on investment and any proposal to limit progression of SSPPs	Issues addressed in body of this report. The Department's proposal to pursue a SEPP is likely to address the concerns of a number of these stakeholders.	Executive Director City Planning and Design
29 June 2022	Department – Senior Executive	Department is proposing to lead a review and utilise a SEPP to amend CBD planning	Officers support this approach but consider it should be used to address concerns across a wider portion of the CBD.	Executive Director City Planning and Design

7 July 2022	Department – Senior Executive	controls to the existing B3 zoned area to address commercial floor space capacity. Department in response to issues raised by Council officers on 29 June 2022 are supportive of a second SEPP for certain B4 and B3 land.	Officers support this approach	Executive Director City Planning and Design
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Councillor Consultation

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

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
11, 18 & 30 May and 15 June 2022	Councillor Workshops	Councillors were broadly supportive of Officer positions about the Key Planning Outcomes but there were varying views on whether a SSPP moratorium should be supported	This report has sought to address the concerns raised by Councillors.	Strategic Land Use Planning Team
6 July 2022	Councillor briefing session	Councillors were broadly supportive of Council officer positions in regard to the SEPPs; and emphasised the importance of Department consultation with Council particularly in relation to the preparation of the study that will	This supplementary report has sought to address the concerns raised by Councillors.	Strategic Land Use Planning Team

		inform the second SEPP.		
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LEGAL IMPLICATIONS FOR COUNCIL

61. There are no legal implications for Council in association with this matter.

FINANCIAL IMPLICATIONS FOR COUNCIL

62. In relation to the comprehensive study incorporating urban design, heritage and economic analysis at North Parramatta that is estimated to cost up to \$500,000, including staff resources and consultant study costs, this work is not proposed to commence until there is a funding commitment from the Department to fully fund the project work program. This work is not budgeted within existing staff resources and consultancy budgets and therefore cannot be undertaken without Department funding. However, should funding be received from the Department then the work could be undertaken and consequently there would be no financial implications for Council in relation to this matter.

63. The table below summarises the financial impacts on the budget arising from approval of the Council officer recommendations, as detailed in this report.





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

Robert Cologna
Group Manager, Strategic Land Use Planning

John Angilley
Chief Financial and Information Officer

Jennifer Concato
Executive Director City Planning and Design & Acting Chief Executive Officer

ATTACHMENTS:

- | | | | |
|---|---|--|-------|
| 1 |  | Parramatta Local Environmental Plan 2011 (Amendment No 56) | 24 |
| |  | as made | Pages |
| 2 |  | Amendment 56 Plan Finalisation Report - NSW Department of | 63 |
| |  | Planning and Environment | Pages |

REFERENCE MATERIAL



Parramatta Local Environmental Plan 2011 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.



**Deputy Secretary, Planning and Land Use Strategy
Department of Planning and Environment
as Delegate for the Minister for Planning**

3 May 2022

Parramatta Local Environmental Plan 2011 (Amendment No 56) [NSW]

Parramatta Local Environmental Plan 2011 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Parramatta Local Environmental Plan 2011 (Amendment No 56)*.

2 Commencement

This Plan commences on 14 October 2022 and is required to be published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land within Parramatta City Centre under the *Parramatta Local Environmental Plan 2011*.

4 Maps

The maps adopted by *Parramatta Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Parramatta Local Environmental Plan 2011 (Amendment No 56) [NSW]
Schedule 1 Amendment of Parramatta Local Environmental Plan 2011

Schedule 1 Amendment of Parramatta Local Environmental Plan 2011

[1] Land Use Table

Omit “; Tourist and visitor accommodation” from Zone B3 Commercial Core, item 3.

[2] Land Use Table, Zone B3 Commercial Core, item 3

Insert “Backpackers’ accommodation; Bed and breakfast accommodation;” in alphabetical order.

[3] Part 7

Omit the Part. Insert instead—

Part 7 Additional local provisions—Parramatta City Centre

Division 1 Preliminary

7.1 Land to which Part applies

- (1) This Part applies to land in Parramatta City Centre.
- (2) A provision in this Part prevails over another provision of this Plan to the extent of an inconsistency.

7.2 Definitions

- (1) In this Part—

additional GFA for a building on land means the gross floor area equal to the amount by which the floor space ratio of the building exceeds the applicable FSR.

applicable FSR for a building on land means the higher of the following—

- (a) the maximum permissible floor space ratio, or
- (b) if applicable—the floor space ratio permitted under clause 7.3, 7.4 or 7.13.

BASIX target means a target for water or energy efficiency set by the Planning Secretary for BASIX certificates issued under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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 to wash vehicles,
- (b) a place primarily used to load or unload goods,
- (c) a place primarily used to store 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—

- (a) owns or manages and maintains vehicles for shared or communal use, and

Parramatta Local Environmental Plan 2011 (Amendment No 56) [NSW]
Schedule 1 Amendment of Parramatta Local Environmental Plan 2011

- (b) hires the vehicles exclusively to members of the scheme for occasional use, on demand and on a pay-as-you-go basis.

competitive design process means an architectural design competition carried out in accordance with procedures approved by the Planning Secretary.

maximum permissible FSR for a building on land means the maximum floor space ratio shown for the land on the Floor Space Ratio Map.

maximum permissible HOB for a building on land means the maximum height of buildings shown for the land on the Height of Buildings Map.

Parramatta City Centre means the area identified as “Parramatta City Centre” on the Additional Local Provisions Map.

Sun Access Protection Map means the Parramatta Local Environmental Plan 2011 Sun Access Protection Map.

- (2) In this Part, the **car parking formula** is—

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

where—

M is the maximum number of parking spaces.

G is the gross floor area of certain premises in the building in square metres, as specified in the provision in which the formula is used.

A is the site area in square metres.

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

Division 2 Development standards generally

7.3 Floor space ratio

- (1) This clause applies to Parramatta City Centre, other than land identified as “Area A”, “Area 8” or “Area 11” on the Special Provisions Area Map.
- (2) The maximum floor space ratio for a building on land for which the maximum permissible FSR is specified in the following table is the floor space ratio specified for the site area of the building—

Maximum permissible FSR	Site area less than 1,000m ²	Site area of at least 1,000m ² but less than 1,800m ²
4:1	3:1	(3 + X):1
6:1	4:1	(4 + 2X):1
7:1	4.5:1	(4.5 + 2.5X):1
8:1	5:1	(5 + 3X):1
10:1	6:1	(6 + 4X):1

- (3) In the table to subclause (2), **X** is calculated according to the following formula—
- $$X = (\text{site area in m}^2 - 1000) / 800$$
- (4) Subclause (2) does not apply to a building on a site area that is at least 1,000m² and less than 1,800m² if—
- (a) the consent authority is satisfied that the site of the building is an isolated site, and
- (b) the building has been subject to a competitive design process, and

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Schedule 1 Amendment of Parramatta Local Environmental Plan 2011

- (c) the consent authority is satisfied the building exhibits design excellence considering the matters specified in clause 7.11(2).
- (5) In this section—
 - isolated site** means a site—
 - (a) where amalgamation with adjoining sites is not—
 - (i) physically possible, or
 - (ii) reasonably feasible because of the nature of surrounding development, or
 - (b) that has a reduced development potential because of its size, shape or location.

7.4 Floor space ratio—Parramatta Park and Park Edge Highly Sensitive Area

- (1) The objective of this clause is to preserve built form controls for Parramatta Park, the Park Edge Highly Sensitive Area and certain land on the fringes of Parramatta City Centre.
- (2) This clause applies to land identified as “Area A” on the Special Provisions Area Map, other than land identified as “Area 11” on the Special Provisions Area Map.
- (3) The maximum floor space ratio for a building on land for which the maximum permissible FSR is specified in the following table is the floor space ratio specified for the site area of the building—

Maximum permissible FSR	Site area less than 1,000m ²	Site area of at least 1,000m ² but less than 1,800m ²
6:1	4:1	(4 + 2X):1
8:1	5:1	(5 + 3X):1

- (4) In the table to subclause (3), X is calculated according to the following formula—

$$X = (\text{site area in m}^2 - 500) / 1500$$

7.5 Sun access

- (1) The objective of this clause is to protect the following land from overshadowing—
 - (a) public open space in Parramatta Square and Jubilee Park,
 - (b) heritage items and curtilage at the Lancer Barracks site and Experiment Farm.
- (2) This clause applies to the following land—
 - (a) land shown purple on the Sun Access Protection Map,
 - (b) land identified as “Block A” and “Block B” on the Sun Access Protection Map.
- (3) Development consent must not be granted for development on land to which this clause applies if a building resulting from the development will create additional overshadowing, on 21 June in any year, on the land shown with blue hatching on the Sun Access Protection Map during the following times—
 - (a) for Experiment Farm—between 10am and 2pm,

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- (b) for Jubilee Park—between midday and 2pm,
 - (c) for the Lancer Barracks site—between midday and 2pm,
 - (d) for Parramatta Square—between midday and 2pm.
- (4) Development consent must not be granted for development on land identified as “Block A” or “Block B” on the Sun Access Protection Map if a building resulting from the development will create additional overshadowing in Parramatta Square, between 1pm and 2pm on 21 March and 23 September in any year (the *relevant period*), on the land shown with blue hatching on the Sun Access Protection Map unless an open space area is provided—
 - (a) on the land shown with orange hatching on the Sun Access Protection Map, and
 - (b) that is accessible by the public, and
 - (c) that is at least as large as the area of land in Parramatta Square that is overshadowed during the relevant period, and
 - (d) that is not overshadowed during the relevant period.
- (5) A building resulting from development is taken to create additional overshadowing if the amount of overshadowing on the land after the development is carried out, during the period specified in subclause (3) or (4) as the case requires, will be greater than the amount of overshadowing on the land immediately before the commencement of this clause.
- (6) In this clause, additional overshadowing does not include minor additional overshadowing on Parramatta Square caused by the following parts of a building, other than an excluded part—
 - (a) decorative or architectural elements of the building, including the following—
 - (i) structural elements of the building,
Example— Columns and pillars.
 - (ii) spires,
 - (iii) flag poles,
 - (iv) public art, including sculptures or artwork,
 - (v) signage associated with the building,
 - (b) parts of the building that form part of the restoration of a heritage item on the site,
 - (c) amenities provided at ground level, including the following—
 - (i) shelters,
 - (ii) playground equipment,
 - (iii) shade structures,
 - (iv) awnings,
 - (v) street furniture.
- (7) In this clause—
excluded part of a building means the following—
 - (a) an advertising structure,
 - (b) equipment for servicing the building.
Example— Plant, lift motor rooms and fire stairs.

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7.6 Serviced apartments

- (1) Development consent must not be granted to development on land in Zone B3 Commercial Core for the purposes of the strata subdivision of a building that is or has been used for serviced apartments.
- (2) Development consent must not be granted to development on land in Zone B4 Mixed Use for the purposes of the strata subdivision of a building that is or has been used for serviced apartments unless the consent authority has considered the following—
 - (a) the design quality principles under *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*,
 - (b) the design principles set out in the Apartment Design Guide under that Policy.
- (3) Development consent must not be granted to development for the purposes of serviced apartments on the following land in Parramatta, comprising the eastern part of the land bounded by Macquarie Street, Smith Street, Darcy Street and Church Street—
 - (a) the eastern part of Civic Place, being the parts of Lots 100 and 101, DP 1262317 in Zone B3 Commercial Core,
 - (b) Lot 41, DP 1238612, 153 Macquarie Street,
 - (c) Lot 10, DP 1228279, 169 Macquarie Street,
 - (d) Lot 1, DP 1136922, 1 Smith Street.

7.7 Airspace operations

- (1) The objective of this clause is to protect airspace around airports.
- (2) Development consent must not be granted for development that is a controlled activity on land unless the applicant has obtained an approval for the controlled activity under regulations made for the purposes of the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.
- (3) In this clause—
controlled activity has the same meaning as in the *Airports Act 1996* of the Commonwealth, Part 12, Division 4.
Note— **Controlled activities** include the construction or alteration of buildings or other structures that cause an intrusion into airspace around airports.

7.8 Active frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street, public space and river foreshore frontages in Zone B3 Commercial Core and Zone B4 Mixed Use.
- (2) This clause applies to land identified as “Active Frontage” and “Civic Link” on the Active Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied the building will have an active frontage for the part of the ground floor of the building facing the street, river or a public space.
- (4) An active frontage is not required for the part of a building used for one or more of the following—
 - (a) entrances and lobbies, including as part of mixed use development,
 - (b) access for fire services,

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- (c) electrical services,
- (d) vehicular access.
- (5) In this clause—
Active Frontages Map means the Parramatta Local Environmental Plan 2011 Active Frontages Map.

7.9 Floodplain risk management

- (1) The objective of this clause is to enable occupants of buildings in certain areas subject to floodplain risks to—
 - (a) shelter in a building above the probable maximum flood level, or
 - (b) evacuate safely to land above the probable maximum flood level.
- (2) This clause applies to land identified on the Floodplain Risk Management Map.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied the building—
 - (a) contains an area that is—
 - (i) located above the probable maximum flood level, and
 - (ii) connected to an emergency electricity and water supply, and
 - (iii) of sufficient size to provide refuge for all occupants of the building, including residents, workers and visitors, and
 - (b) has an emergency access point to land above the 1% annual exceedance probability event, and
 - (c) is able to withstand the forces of floodwaters, debris and buoyancy resulting from a probable maximum flood event.
- (4) Subclause (3)(a) does not apply if there is pedestrian access located between the building and land above the probable maximum flood level.
- (5) In this clause—
annual exceedance probability has the same meaning as in the Floodplain Development Manual.
Floodplain Development Manual has the same meaning as in clause 5.21.
Floodplain Risk Management Map means the Parramatta Local Environmental Plan 2011 Floodplain Risk Management Map.
probable maximum flood has the same meaning as in the Floodplain Development Manual.

Division 3 Design excellence

7.10 Application of Division

- (1) The objective of this Division is to deliver the highest standard of architectural, urban and landscape design.
- (2) This Division applies to development involving the erection of a building on land in Parramatta City Centre.

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7.11 Design excellence

- (1) Development consent must not be granted to development to which this Division applies unless the consent authority is satisfied the development exhibits design excellence.
- (2) In considering whether development exhibits design excellence, the consent authority must consider the following—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors,
 - (d) how the development addresses the following—
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage and archaeological issues and streetscape constraints or opportunities,
 - (iv) the location of any proposed tower, having regard to the need to achieve an acceptable relationship with other existing or proposed towers on the same site or on a neighbouring site in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
 - (x) the impact on, and proposed improvements to, the public domain,
 - (xi) the impact on any special character area,
 - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
 - (xiii) excellence and integration of landscape design.

7.12 Competitive design process

- (1) This clause applies to the following development to which this Division applies—
 - (a) development involving a building that has, or will have, a height above ground level (existing) greater than 40m,
 - (b) development on land identified as “Area A” on the Special Provisions Map involving a building that has, or will have, a height above ground level (existing) greater than 55m,
 - (c) development involving a building referred to in clause 7.3(4),
 - (d) development involving a building on land, other than land identified as “Area A” on the Special Provisions Area Map, that—
 - (i) will have a floor space ratio of at least 3:1, and

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- (ii) involves or adjoins a heritage item,
 - (e) development on land identified as “Area A” on the Special Provisions Area Map on a site greater than 1,000m² and up to 1,800m² seeking to have the maximum permissible FSR, where amalgamation with adjoining sites is not physically possible,
 - (f) development with a capital value of more than—
 - (i) \$10 million on a “Key site” identified on the Key Sites Map, or
 - (ii) otherwise—\$100 million,
 - (g) development for which the applicant has chosen to participate in a competitive design process.
- (2) Development consent must not be granted to development to which this clause applies unless a competitive design process has been held in relation to the development.
- (3) A competitive design process is not required if the consent authority is satisfied that—
- (a) a competitive design process is unreasonable or unnecessary in the circumstances, and
 - (b) the development—
 - (i) involves only alterations or additions to an existing building, and
 - (ii) does not significantly increase the height or gross floor area of the building, and
 - (iii) does not have a significant adverse impacts on adjoining buildings or the public domain, and
 - (iv) does not significantly alter an aspect of the building when viewed from a public place.
- (4) This clause does not apply to development in relation to which the Planning Secretary had, immediately before 18 December 2015, issued a certificate under *Parramatta City Centre Local Environmental Plan 2007*, clause 22B(5).

7.13 Additional building height and floor space ratio

- (1) This clause applies to development that—
 - (a) is a winner of a competitive design process, and
 - (b) the consent authority is satisfied exhibits design excellence under this Division.
- (2) A building resulting from the development may exceed the following by up to 15%—
 - (a) the maximum permissible HOB for the land,
 - (b) the maximum permissible FSR for the land.
- (3) If development is on land in Zone B4 Mixed Use on land identified as “Area A” on the Special Provisions Area Map and involves a building containing only non-residential floor space, the building may exceed the following by up to 25%—
 - (a) the maximum permissible HOB for the land,
 - (b) the maximum permissible FSR for the land.

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Division 4 Car parking

7.14 Application of Division

- (1) The objectives of this Division 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 in relation to development.
- (2) This Division does not apply to development for the purposes of car parks.
- (3) If the maximum number of car parking spaces calculated under this Division is not a whole number, the number of car parking spaces must be rounded to the nearest whole number.
- (4) If more than 1 provision in this Division applies to mixed use development—
 - (a) the maximum number of car parking spaces is the sum of the number of spaces permitted under each provision, and
 - (b) a reference in each provision to a building is taken to be a reference to the parts of the building in which the relevant land use occurs, and
 - (c) a reference in each provision to the gross floor area is taken to be a reference to the gross floor area of the parts of the building in which the relevant land use occurs.
- (5) This Division does not require a reduction in the number of car parking spaces provided in an existing building.

7.15 Car parking—general

- (1) This clause applies to development—
 - (a) involving a land use specified in the table to subclause (2) if the development includes a car parking space that is ancillary to the land use, and
 - (b) that is not on land identified as “Area A” on the Special Provisions Area Map.
- (2) The maximum number of car parking spaces, including existing car parking spaces, for development to which this clause applies is the number calculated for the land use in accordance with the following table—

Land use	Maximum number of car parking spaces
Business premises and office premises	<ol style="list-style-type: none"> (a) for a building with a floor space ratio of less than or equal to 3.5:1—1 space for every 175m² of gross floor area, or (b) otherwise—as calculated using the car parking formula
Centre-based child care facilities	1 space plus 1 parking space for every 100m ² of gross floor area
Dwelling houses, attached dwellings and semi-detached dwellings	1 space for each dwelling
Health consulting rooms and medical centres	2 spaces for each consulting room

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Land use	Maximum number of car parking spaces
Hotel or motel accommodation and serviced apartments	The sum of the following— (a) 1 space for every 4 bedrooms up to and including 100 bedrooms (b) 1 space for every 5 bedrooms above 100 bedrooms
Information and education facilities	1 space for every 200m ² of gross floor area
Light industries	1 space for every 150m ² of gross floor area
Places of public worship and entertainment facilities	The greater of— (a) 1 space for every 10 seats, or (b) 1 space for every 30m ² of gross floor area
Residential flat buildings, dual occupancies and multi dwelling housing	The sum of the following— (a) 0.1 space for each studio dwelling (b) 0.3 space for each dwelling containing 1 bedroom (c) 0.7 space for each dwelling containing 2 bedrooms (d) 1 space for each dwelling with 3 or more bedrooms
Retail premises	(a) if the building has a total of less than 2,000m ² of retail premises and a floor space ratio of no more than 3.5:1—1 space for every 90m ² of gross floor area, or (b) otherwise—as calculated using the car parking formula

- (3) For the purposes of the car parking formula in the table to subclause (2), *G* is the gross floor area of all non-residential premises in the building in square metres.

7.16 Car parking for particular land in Parramatta City Centre

- (1) This clause applies to the following land at Parramatta—
- (a) Lot 1, DP 1041242, 220 Church Street,
 - (b) Lot 1, DP 702291, 230 Church Street,
 - (c) Lot B, DP 394050, 48 Macquarie Street,
 - (d) Lot 11, DP 1115358, Lot 30, DP 1115365 and Lot 20, DP 1115360, 184–188 George Street,
 - (e) Lot 10, DP 789520, 128 Marsden Street,
 - (f) Lot 2, DP 1119257, 10 Valentine Avenue,
 - (g) Lot 1, DP 1009227 and Lot 100, DP 632636, 87 Church Street and 6 Great Western Highway,
 - (h) Lot 4, DP 310151, 55 Aird Street,
 - (i) Lot 11, DP 790287, 142–154 Macquarie Street,
 - (j) Lot 1, DP 785930, 470 Church Street.

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- (k) SP 20716, 5 Aird Street,
- (l) Lot 156, DP 1240854, 12 Hassall Street,
- (m) Lot 1, DP 501663 and Lot 1, DP 503651, 20 Macquarie Street.
- (2) This clause also applies to Lot 10, DP 128882, Lots 13 and 14, DP 1077402 and Lot 2, DP 128524, 14–20 Parkes Street, Harris Park.
- (3) The maximum number of car parking spaces for a building with a floor space ratio greater than 3.5:1 on land to which this clause applies is the number calculated using the car parking formula.
- (4) For the purposes of the car parking formula in subclause (3), *G* is the gross floor area of all non-residential premises in the building in square metres, except as follows—
 - (a) for land referred to in subclause (1)(k) and (m)—*G* is the gross floor area of all commercial premises in the building in square metres,
 - (b) for land referred to in subclause (1)(l)—*G* is the gross floor area of all commercial premises and community facilities in the building in square metres.

7.17 Car parking—Parramatta Park and Park Edge Highly Sensitive Area

- (1) This clause applies to development—
 - (a) on land identified as “Area A” on the Special Provisions Area Map, and
 - (b) involving a land use specified in the table to subclause (2) if the development includes a car parking space that is ancillary to the land use.
- (2) The maximum number of car parking spaces, including existing car parking spaces, for development to which this clause applies is the number calculated for the land use in accordance with the following table—

Land use	Maximum number of car parking spaces
Centre-based child care facilities	1 space for every 4 child care places
Commercial premises	1 space for every 100m ² of gross floor area
Drive-in take away food and drink premises with seating	The lesser of— <ul style="list-style-type: none"> (a) 1 space for every 10m² of gross floor area, or (b) 1 space for every 6 seats
Health consulting rooms	1 space for every 300m ² of gross floor area
Hostels and residential care facilities	The sum of the following— <ul style="list-style-type: none"> (a) 1 space for every 10 beds, (b) 1 space for every 2 employees, (c) 1 ambulance space
Hotel or motel accommodation	The sum of the following— <ul style="list-style-type: none"> (a) 1 space for every 5 hotel rooms or suites, (b) 1 space for every 2 motel rooms or suites, (c) 1 space for every 3 employees

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Land use	Maximum number of car parking spaces
Multi dwelling housing with 1, 2 or 3 bedrooms and residential flat buildings	The sum of the following— (a) 1 space for every dwelling, (b) 1 visitor space for every 5 dwellings
Restaurants or cafes	The lesser of— (a) 1 space for every 10m ² of gross floor area, or (b) 1 space for every 4 seats
Seniors housing, other than residential care facilities	The sum of the following— (a) 1 space for every 10 dwellings, (b) 1 visitor space for every 10 dwellings
Shops	1 space for every 30m ² of gross floor area
Warehouse or distribution centres	1 space for every 300m ² of gross floor area

- (3) The consent authority may approve additional car parking spaces in excess of the maximum number of car parking spaces under this clause if the additional car parking spaces will be included as part of the building's gross floor area, whether the car parking space is below or above ground level (existing).

7.18 Use of car parking spaces by persons other than occupiers of building

If the consent authority is satisfied an existing building has more car parking spaces than are needed by the occupiers of the building, the consent authority may grant development consent to the use of the car parking spaces by persons other than the occupiers of the building.

Division 5 Provisions for Parramatta City Centre other than "Area A"

7.19 Application of Division

This Division applies to Parramatta City Centre, other than land identified as "Area A" on the Special Provisions Area Map.

7.20 Managing heritage impacts

- (1) The objective of this clause is to ensure development in Parramatta City Centre—
 - (a) relates appropriately to heritage items and heritage conservation areas, and
 - (b) responds positively to the heritage fabric of the area, the street and surrounding areas.
- (2) This clause applies to development involving the erection of a building on the following land—
 - (a) land on which a heritage item is located,
 - (b) land in a heritage conservation area,
 - (c) land adjacent to land referred to in paragraph (a) or (b).
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—

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- (a) the extent to which the carrying out of the development is likely to affect the heritage significance of the relevant heritage item or heritage conservation area,
- (b) a heritage impact statement,
- (c) if the development involves a lot amalgamation, which includes a lot that contains, or is adjacent to, a heritage item—a heritage conservation management plan that identifies whether—
 - (i) further lot amalgamations will be required to support the development of the land, while retaining the heritage significance of the heritage item, and
 - (ii) the significance of the heritage item has been prioritised in the amalgamation of the lots.

7.21 End of journey facilities

- (1) The objective of this clause is to facilitate pedestrian and cycling access to commercial premises.
- (2) This clause applies to development involving the erection of a building that—
 - (a) will be used only for the purposes of commercial premises, or
 - (b) involves mixed use development with at least 600m² gross floor area to be used for the purposes of commercial premises.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied the building includes all of the following facilities together in 1 area of the building—
 - (a) showers,
 - (b) change rooms,
 - (c) lockers,
 - (d) bicycle storage areas.

7.22 Dual water systems

- (1) The objective of this clause is to ensure the security of water supply in Parramatta City Centre.
- (2) Development consent must not be granted to the erection of a building unless the consent authority is satisfied the building uses a dual water reticulation system containing pipes for potable water and recycled water for all inside and outside water uses.

7.23 High performing building design

- (1) The objectives of this clause are as follows—
 - (a) to encourage high performing building design that minimises energy and water consumption for development for the following purposes—
 - (i) hotel or motel accommodation,
 - (ii) office premises,
 - (iii) residential flat buildings,
 - (iv) large retail premises,
 - (v) serviced apartments,
 - (vi) mixed use development,
 - (b) to increase amenity to occupants in the long term,

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- (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 reflect new technologies and commercial viability.
- (2) This clause applies to development for the following purposes—
- (a) office premises with a gross floor area of at least 1,250m²,
 - (b) retail premises with a gross floor area of at least 5,000m²,
 - (c) hotel or motel accommodation,
 - (d) serviced apartments,
 - (e) residential flat buildings and mixed use development that includes residential accommodation if the lot on which the development will be carried out—
 - (i) is at least 24m wide at the front building line, and
 - (ii) has a site area of at least 1,800m², and
 - (iii) has a maximum permissible FSR of at least 6:1,
 - (f) significant alterations or additions to an existing building if the development has a capital value of more than \$5 million and the building is used for the purposes of—
 - (i) retail premises with a gross floor area of at least 5,000m², or
 - (ii) office premises, or
 - (iii) hotel or motel accommodation, or
 - (iv) serviced apartments.
- (3) A building resulting from development to which this clause applies may exceed the maximum permissible FSR by up to 5% if the consent authority is satisfied of the following—
- (a) the additional GFA will be used for the purposes of residential accommodation,
 - (b) the development will not adversely impact on neighbouring land in terms of visual bulk or overshadowing,
 - (c) the part of a building used for the purposes of retail premises is capable of achieving the following—
 - (i) a maximum energy target of 52.8kg CO₂e/m² per year,
 - (ii) a maximum water target of 1.1kL/m² per year,
 - (d) the part of a building used for the purposes of office premises is capable of achieving the following—
 - (i) a maximum energy target of 63.8kg CO₂e/m² per year,
 - (ii) a maximum water target of 0.5kL/m² per year,
 - (e) the part of a building used for the purposes of hotel or motel accommodation or serviced apartments is capable of achieving the following—
 - (i) a maximum energy target of 5,220kg CO₂e/m² per room each year,
 - (ii) a maximum water target of 76.1kL/m² per room each year,
 - (f) the part of a building that is a dwelling, whether or not as part of a residential flat building or mixed use development, is capable of exceeding—

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- (i) the applicable BASIX target for water by at least 15 points or equivalent, and
- (ii) the applicable BASIX target for energy by at least the amount of points specified for the building in the following table, or equivalent—

	Building with FSR of at least 6:1 but less than 14:1	Building with FSR of at least 14:1
Height of building	BASIX points	BASIX points
5–15 storeys	25	15
16–30 storeys	20	10
31–40 storeys	10	10
41 or more storeys	10	10

- (4) This clause does not apply to development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 applies.

7.24 Commercial premises in Zone B4 Mixed Use

- (1) The objective of this clause is to facilitate development for the purposes of commercial premises on land in Zone B4 Mixed Use.
- (2) This clause applies to land in Zone B4 Mixed Use identified on the Additional Local Provisions Area Map.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied—
 - (a) for land identified as “Area 20” on the Special Provisions Area Map—a gross floor area equal to a floor space ratio of at least 3:1 will be used only for non-residential purposes, and
 - (b) otherwise—a gross floor area equal to a floor space ratio of at least 1:1 will be used only for the purposes of commercial premises.

7.25 Concurrence of Planning Secretary

- (1) Development consent to development in Zone B3 Commercial Core must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
 - (a) the impact of the development on—
 - (i) designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (b) the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.

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- (3) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the development.
- (4) This clause does not apply to development if all or part of the land on which the development will be carried out is in a special contributions area to which a determination under the Act, section 7.23 applies.
- (5) In this clause—
designated State public infrastructure means public facilities or services that are provided or financed by the State, or if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State, of the following kinds—
 - (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) light rail infrastructure,
 - (d) regional open space,
 - (e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

Division 6 Site specific provisions

7.26 Church and Early Streets, Parramatta

- (1) This clause applies to the following land at Parramatta—
 - (a) Lot 10, DP 733044, 83 Church Street and Lot B, DP 304570, 44 Early Street (*Site 1*),
 - (b) Lot 20, DP 732622, 63 Church Street (*Site 2*).
- (2) The objectives of this clause are to ensure that development on land to which this clause applies—
 - (a) provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes, and
 - (b) the scale and bulk of the development does not adversely impact the amenity of the precinct.
- (3) Development consent must not be granted for development, including staged development, involving the erection of a building on Site 1 unless the consent authority is satisfied that—
 - (a) at least 40% of the gross floor area of Site 1 will be used for purposes other than residential accommodation or serviced apartments, and
 - (b) the floor space ratio of Site 1 will not exceed—
 - (i) if the development includes a basement to be used for commercial purposes—7.2:1, or
 - (ii) otherwise—6.4:1, and
 - (c) the gross floor area of each storey of a building above a height of 40m will not exceed 700m².
- (4) Development consent must not be granted for development, including staged development, involving the erection of a building on Site 2 unless the consent authority is satisfied that at least 40% of the gross floor area of Site 2 will be used for purposes other than residential accommodation or serviced apartments.

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7.27 160–182 Church Street, Parramatta

- (1) This clause applies to land marked “Area 3” on the Special Provisions Area Map.
- (2) A building on land to which this clause applies may have a gross floor area of up to 95,000m² if the consent authority is satisfied that—
 - (a) at least 10% of the gross floor area will be used for common areas, such as common rooms, communal gardens, corridors, foyers and recreation facilities (indoor), and
 - (b) at least 5% of the gross floor area will be used for private open space.

7.28 189 Macquarie Street, Parramatta

- (1) This clause applies to land marked “Area 4” on the Special Provisions Area Map.
- (2) A building on land to which this clause applies may exceed the maximum permissible FSR and the maximum permissible HOB if the consent authority is satisfied of the following—
 - (a) the design of the development is the result of a competitive design process,
 - (b) the development exhibits design excellence, considering the matters specified in clause 7.11(2), and
 - (c) the development continues to include a public car park on the site, and that area is not subject to paragraph (e) or (f), and
 - (d) the building height does not exceed 167m above natural ground level, and
 - (e) the gross floor area does not exceed 60,000m², excluding floor space used only for enclosed communal areas and enclosed private balconies, and
 - (f) the gross floor area used for enclosed communal areas and enclosed private balconies does not exceed 2,750m².

- (3) In this clause—

enclosed communal area means an area provided for recreational use by tenants, including gymnasiums, common rooms and enclosed communal gardens.

enclosed private balcony means an enclosed balcony, deck, terrace or winter garden attached to a dwelling for private use.

7.29 7 Charles Street and 116 Macquarie Street, Parramatta

- (1) This clause applies to the following land at Parramatta—
 - (a) Lots 3 and 4, DP 17466, 7 Charles Street,
 - (b) Lot 12, DP 706694, 116 Macquarie Street.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that at least 6,000m² of the floor space of the building will be used for commercial premises.

7.30 153 Macquarie Street and part of 1A Civic Place, Parramatta

- (1) This clause applies to land marked “Area 5” on the Special Provisions Area Map.

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- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied of the following—
 - (a) the design of the development is the result of a competitive design process,
 - (b) the development exhibits design excellence, considering the matters specified in clause 7.11(2),
 - (c) the gross floor area does not exceed 46,200m²,
 - (d) at least 90% of the floor space of the building will be used for business premises, office premises or retail premises,
 - (e) no part of the building will be used for residential purposes,
 - (f) the development does not result in additional overshadowing on the land shown with blue hatching on the Sun Access Protection Map between 12 noon and 2pm on 21 June in each year.

7.31 180 George Street, Parramatta

- (1) This clause applies to land marked “Area 6” on the Special Provisions Area Map.
- (2) The minimum floor space ratio for a building used for one or more of the following purposes on land to which this clause applies is 1:1—
 - (a) commercial premises,
 - (b) tourist and visitor accommodation,
 - (c) centre-based child care facilities,
 - (d) serviced apartments.
- (3) The maximum number of car parking spaces for a building on land to which this clause applies is the number calculated using the car parking formula if the building—
 - (a) is used for one or more of the following purposes—
 - (i) commercial premises,
 - (ii) tourist and visitor accommodation,
 - (iii) centre-based child care facilities,
 - (iv) serviced apartments, and
 - (b) has a floor space ratio greater than 3.5:1.
- (4) For the purposes of the car parking formula in subclause (3), *G* is the gross floor area of all commercial premises, tourist and visitor accommodation, centre-based child care facilities and serviced apartments in the building in square metres.

7.32 2–10 Phillip Street, Parramatta

- (1) This clause applies to land marked “Area 7” on the Special Provisions Area Map.
- (2) A building on land to which this clause applies may exceed the maximum permissible FSR by up to 5.5:1 if the consent authority is satisfied the additional gross floor area will be used only for the purposes of hotel or motel accommodation or commercial premises.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that—

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- (a) part of the building will be used for the purposes of commercial premises, and
- (b) the part used for the purposes of commercial premises will have a minimum gross floor area that equates to a floor space ratio of 1:1.
- (4) Gross floor area used for the purposes of commercial premises may be counted only to satisfy either subclause (2) or (3).
- (5) The maximum number of car parking spaces for a building on land to which this clause applies is the number calculated using the car parking formula if the building—
 - (a) is used for the purposes of hotel or motel accommodation or commercial premises, and
 - (b) has a floor space ratio greater than 3.5:1.
- (6) For the purposes of the car parking formula in subclause (5), *G* is the gross floor area of all hotel or motel accommodation or commercial premises in the building in square metres.

7.33 2–6 Hassall Street, Parramatta

- (1) This clause applies to Lot 22, DP 608861, Lot 62, DP 1006215 and Lot 7, DP 128820, 2–6 Hassall Street, Parramatta.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies with a gross floor area that exceeds 10,000m² unless the consent authority is satisfied the building complies with the following standards—
 - (a) the energy target is a maximum 140kg CO₂e/m² per year,
 - (b) the water target is a maximum 0.65kL/m² per year.
- (3) The maximum number of car parking spaces for a building on land to which this clause applies is the number calculated using the car parking formula if the building—
 - (a) is used for the purposes of educational establishments, and
 - (b) has a floor space ratio greater than 3.5:1.
- (4) For the purposes of the car parking formula in subclause (3), *G* is the gross floor area of educational establishments in the building in square metres.

7.34 87 Church Street and 6 Great Western Highway, Parramatta

- (1) This clause applies to land marked “Area 10” on the Special Provisions Area Map.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied—
 - (a) part of the building will be used for one or more of the following purposes—
 - (i) commercial premises,
 - (ii) tourist and visitor accommodation,
 - (iii) centre-based child care facilities,
 - (iv) serviced apartments, and
 - (b) that part of the building will have a gross floor area that equates to a floor space ratio of at least 1:1.

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- (3) A building on land to which this clause applies may exceed the maximum permissible FSR if the consent authority is satisfied the gross floor area of the part of the building used for the purposes of residential accommodation is equal to a floor space ratio of no more than—
 - (a) 9:1, or
 - (b) if the consent authority is satisfied the building exhibits design excellence—10.5:1.

7.35 55 Aird Street, Parramatta

- (1) This clause applies to land marked “Area 14” on the Special Provisions Area Map.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied—
 - (a) part of the building will be used for non-residential purposes, and
 - (b) that part of the building will have a gross floor area that equates to a floor space ratio of at least 1:1.

7.36 142–154 Macquarie Street, Parramatta

- (1) This clause applies to land marked “Area 12” on the Special Provisions Area Map.
- (2) Development consent must not be granted to erection of a building on land to which this clause applies unless the consent authority is satisfied that at least 21,000m² of floor space on the building will be used for purposes other than residential accommodation.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has obtained the concurrence of Transport for NSW.
- (4) In deciding whether to grant concurrence, Transport for NSW must consider the potential effects of the development on proposed future road and public transport infrastructure in the locality.

7.37 10 Valentine Avenue, Parramatta

- (1) This clause applies to land marked “Area 9” on the Special Provisions Area Map.
- (2) Development consent must not be granted for the strata subdivision of any part of a building on land to which this clause applies that is above ground level (existing) and used for the purposes of car parks.
- (3) A building on land to which this clause applies may exceed the applicable FSR if the consent authority is satisfied the additional gross floor area will be used only for the purposes of office premises.

7.38 197 and 207 Church Street and 89 Marsden Street, Parramatta

- (1) This clause applies to land identified as “Area 19” on the Special Provisions Area Map.
- (2) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied—
 - (a) part of the building will be used for commercial premises, and
 - (b) that part of the building will have a gross floor area that equates to a floor space ratio of at least 1:1.

Parramatta Local Environmental Plan 2011 (Amendment No 56) [NSW]
Schedule 1 Amendment of Parramatta Local Environmental Plan 2011

- (3) A building on land to which this clause applies may exceed the applicable FSR if the consent authority is satisfied that the additional gross floor area will be used only for non-residential purposes.

7.39 5 Aird Street and 12 Hassall Street, Parramatta

- (1) The objectives of this clause are as follows—
- (a) to encourage high performing building design that minimises energy and water consumption for mixed use development in the Parramatta City Centre,
 - (b) to provide increased amenity to occupants over the long term,
 - (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 reflect new technologies and commercial viability.
- (2) This clause applies to land identified as “Area 16” or “Area 17” on the Key Sites Map.
- (3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied of the following—
- (a) the building will appropriately transition to neighbouring heritage items and heritage conservation areas,
 - (b) a gross floor area that equates to a floor space ratio of at least 1:1 will be used only for the purposes of commercial premises,
 - (c) the part of the building used for the purposes of commercial premises is capable of achieving the following—
 - (i) a maximum energy target of 140kg CO₂e/m² per year,
 - (ii) a maximum water target of 0.65kL/m² per year,
 - (d) if at least 5,000m² of the gross floor area of the building will be used for the purposes of retail premises—that part of the building is capable of achieving the following—
 - (i) a maximum energy target of 100kg CO₂e/m² per year,
 - (ii) a maximum water target of 0.95kL/m² per year.
- (4) A building on land to which this clause applies may exceed the applicable FSR by the following—
- (a) 0.5:1 if the consent authority is satisfied that—
 - (i) the building comprises commercial premises and dwellings, and
 - (ii) the part of the building that is a dwelling is capable of exceeding the applicable BASIX target for water and energy by at least 10 points each or equivalent,
 - (b) for land identified as “Area 16” on the Key Sites Map—1.2:1 if the consent authority is satisfied that the additional GFA will be used only for the purposes of commercial premises,
 - (c) for land identified as “Area 17” on the Key Sites Map—1:1 if the consent authority is satisfied that the additional GFA will be used only for non-residential purposes.

Parramatta Local Environmental Plan 2011 (Amendment No 56) [NSW]
Schedule 1 Amendment of Parramatta Local Environmental Plan 2011

7.40 20 Macquarie Street, Parramatta

- (1) This clause applies to land identified as “Area 18” on the Special Provisions Area Map.
- (2) A building on land to which this clause applies may have a floor space ratio of up to 10:1 if the consent authority is satisfied that the additional GFA will—
 - (a) be used only for the purposes of hotel or motel accommodation.
 - (b) not be used for the purposes of residential accommodation or serviced apartments.

[4] Schedule 1 Additional permitted uses

Insert after clause 8(2)—

- (3) This clause does not apply to the erection of a new building if the floor space ratio of the building exceeds 6:1.

[5] Schedule 1, clause 9(2)

Omit the subclause. Insert instead—

- (2) Development for the purposes of retail premises is permitted with development consent on land in Zone B5 Business Development.
- (3) Development for the purposes of vehicle repair stations is permitted with development consent on land in Zone B3 Commercial Core.

[6] Dictionary, definition of “Parramatta Development Control Plan”

Omit the definition. Insert instead—

Parramatta Development Control Plan means the Parramatta Development Control Plan 2011, as in force on the commencement of *Parramatta Local Environmental Plan 2011 (Amendment No 56)*.



IRF21/2879

Plan Finalisation report – PP-2020-2616

Parramatta Local Environmental Plan – Parramatta
CBD – Amendment No. 56

April 2022



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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Parramatta Local Environmental Plan 2011 (Amendment No. 56).

1.1.2 Planning proposal and LEP overview

The Local Environmental Plan (LEP) (**Attachment LEP**) seeks to guide the growth and development of the Parramatta central business district (CBD). The intent of the planning proposal (**Attachment A1**) associated with this LEP is to grow Parramatta as Sydney's Central River City, as outlined in the Greater Sydney Commission's Greater Sydney Region Plan.

At Council's Ordinary Meeting on 15 June 2021, City of Parramatta Council resolved to proceed with the planning proposal with a number of generally minor post-exhibition changes (**Attachment F**). These changes were made in response to submissions and the changing planning landscape, and are discussed in Section 5.2.

In reviewing the proposal for finalisation, the Department has considered the public exhibition submissions, public agency responses, Council's post exhibition changes and key issues, such as flooding, traffic, public amenity, heritage, solar access and urban design.

The Department also commenced a built form modelling exercise to comprehensively understand the built form outcomes facilitated by the proposal. Concern was raised with the potential height and scale of development possible through the proposed controls. The scale of buildings possible were seen to have the potential to impact the amenity, character and urban design outcomes in several areas in the Parramatta CBD. In particular, the Parramatta River foreshore, Parramatta North and areas on the edge of the proposal, where there is adjoining open space, heritage conservation areas and lower density residential areas.

While this planning proposal focuses on the creation of jobs and housing through built form outcomes, it is recognised that the CBD has significant cultural, social, historical and aesthetic qualities and the intended growth needs to support the aspirations set out in the Central City District Plan for Parramatta as a desirable place to live and work.

In recognition of the balance between place making and development outcomes, the Department has recommended most of the proposal to proceed to be finalised, however, land north of the Parramatta River and the block located between the Parramatta River and Phillip Street, Wilde Avenue/Smith Street and Charles Street, hereby referred to as the Phillip Street Block are recommended to be removed to allow further consideration of the built form outcomes and impacts on heritage, public open space, solar access and amenity. Additional changes to provisions relating to opportunity sites, unlimited commercial floor space ratio and incentives for community infrastructure are also proposed and discussed within this report.

1.1.3 Site description

Table 1. Site description

Site Description	The Planning Proposal (Attachment A1) applies to land across the Parramatta CBD. Refer to Figure 1. The land recommended to proceed is shown in Figure 2. The land recommended not to proceed is shown in Figure 3.
Type	Area
Council / LGA	City of Parramatta
LGA	Parramatta LEP 2011

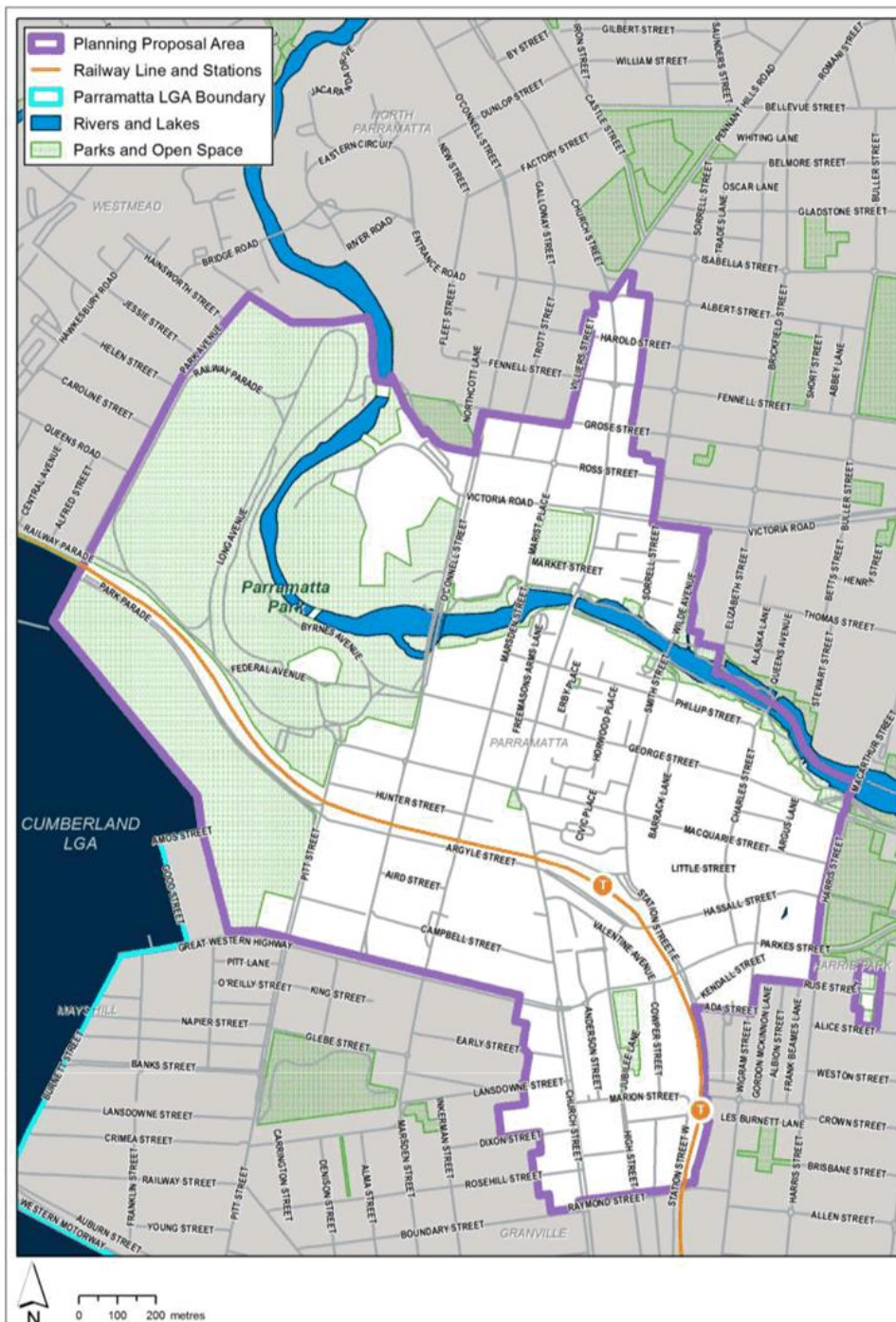
The Parramatta CBD consists of a clearly defined and zoned commercial core. This is surrounded by a mixed-use zone that supports commercial and residential development through the permissibility of shop-top housing and commercial premises and other complementary land uses. Within the boundary of the CBD planning proposal there are also pockets of land zoned R2 Low Density Residential, R3 Medium Density Residential, SP2 Defence and Railway Corridor and RE1 Public Recreation.

The Parramatta CBD is divided by the Parramatta River. Parramatta North currently is distinctly lower scale and is adjoined by heritage items and conservation areas. The CBD is also traversed by the existing rail line providing access east to Sydney CBD and west to Penrith, Blue Mountains and beyond. Parramatta Light Rail Stage 1 is currently under construction and will provide finer grain public transport linking Parramatta CBD to Westmead, through Parramatta North, and to Carlingford in the north-east. The future Sydney Metro West will provide fast access to the Sydney CBD and Sydney Olympic Park with future transport corridors identified to traverse Parramatta in Future Transport 2056.

The Parramatta CBD contains many significant heritage items of world, national, state and local significance. The locality immediately surrounding the Parramatta CBD is dominated by heritage conservation areas, parkland and heritage precincts. The planning proposal does not seek any changes to the planning controls within the Park Edge Highly Sensitive Area on the western edge of the city centre adjacent to the World Heritage-listed Old Government House and Domain. A conservation agreement exists with respect to World Heritage-listed Old Government House and Domain and development in Parramatta CBD between the federal, state and local governments, signed in 2015. This agreement defines the Park Edge Highly Sensitive Area which has the potential to impact the heritage values and as such, no growth beyond the existing planning controls is considered.

The Department notes that some areas adjoining the Parramatta CBD boundary have been identified as Planning Investigation Areas, where future Council led planning is intended to occur.

Figure 1. planning proposal area in purple



1.1.4 Area progressing under the amending plan

The amending plan applies to majority of the land south of the Parramatta River, except for the Phillip Street Block, refer to **Figure 2**.

1.1.5 Areas not progressing under the amending plan

Two areas identified under the planning proposal are not progressing under the amending plan to allow further investigation, refer to **Figure 3**. These areas are:

- Parramatta North, and
- The Phillip Street Block.

These areas are considered sensitive due to heritage and public amenity values. To ensure these values are adequately considered and conserved, it is recommended these areas are removed to allow further investigation.

Figure 2. Areas to proceed through the LEP shown in dashed blue line

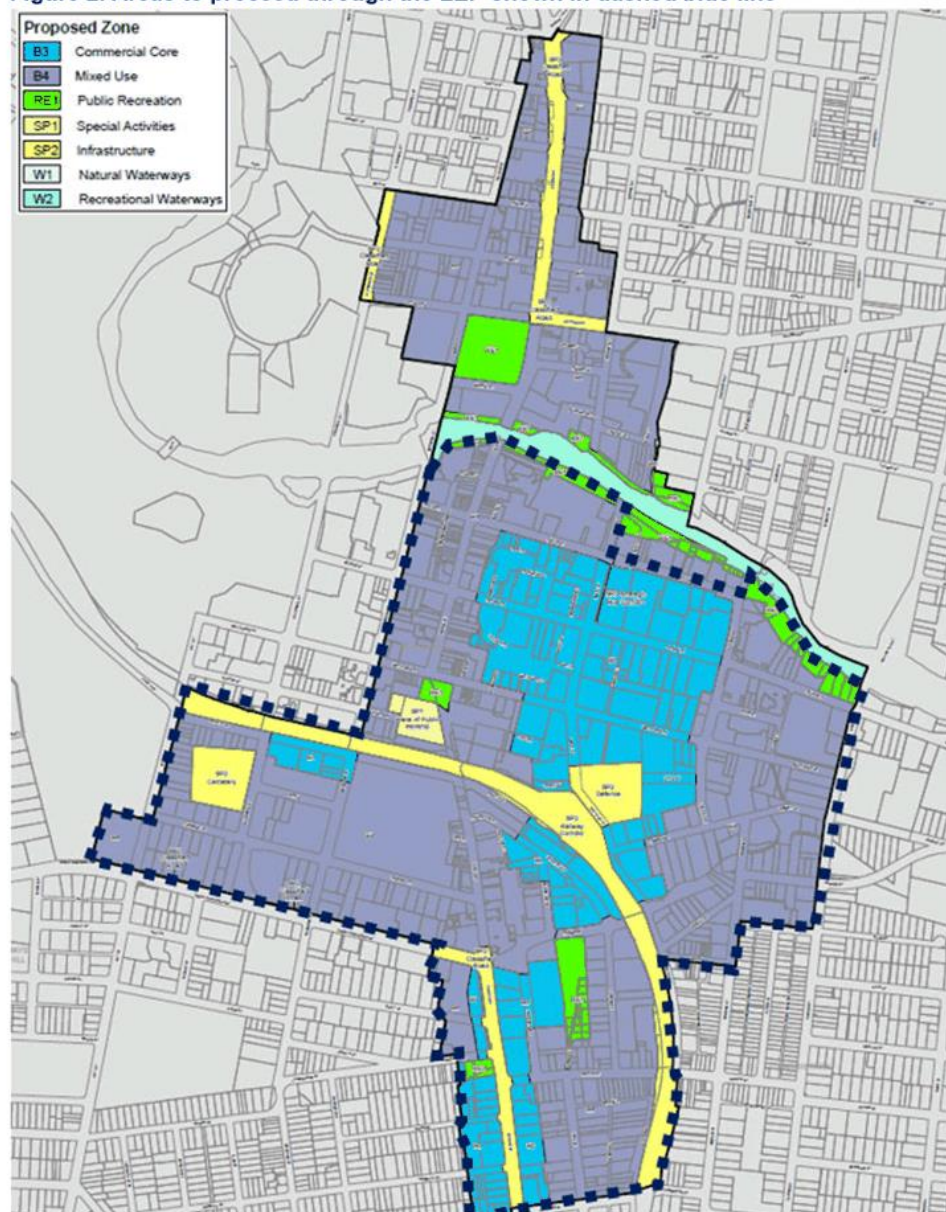
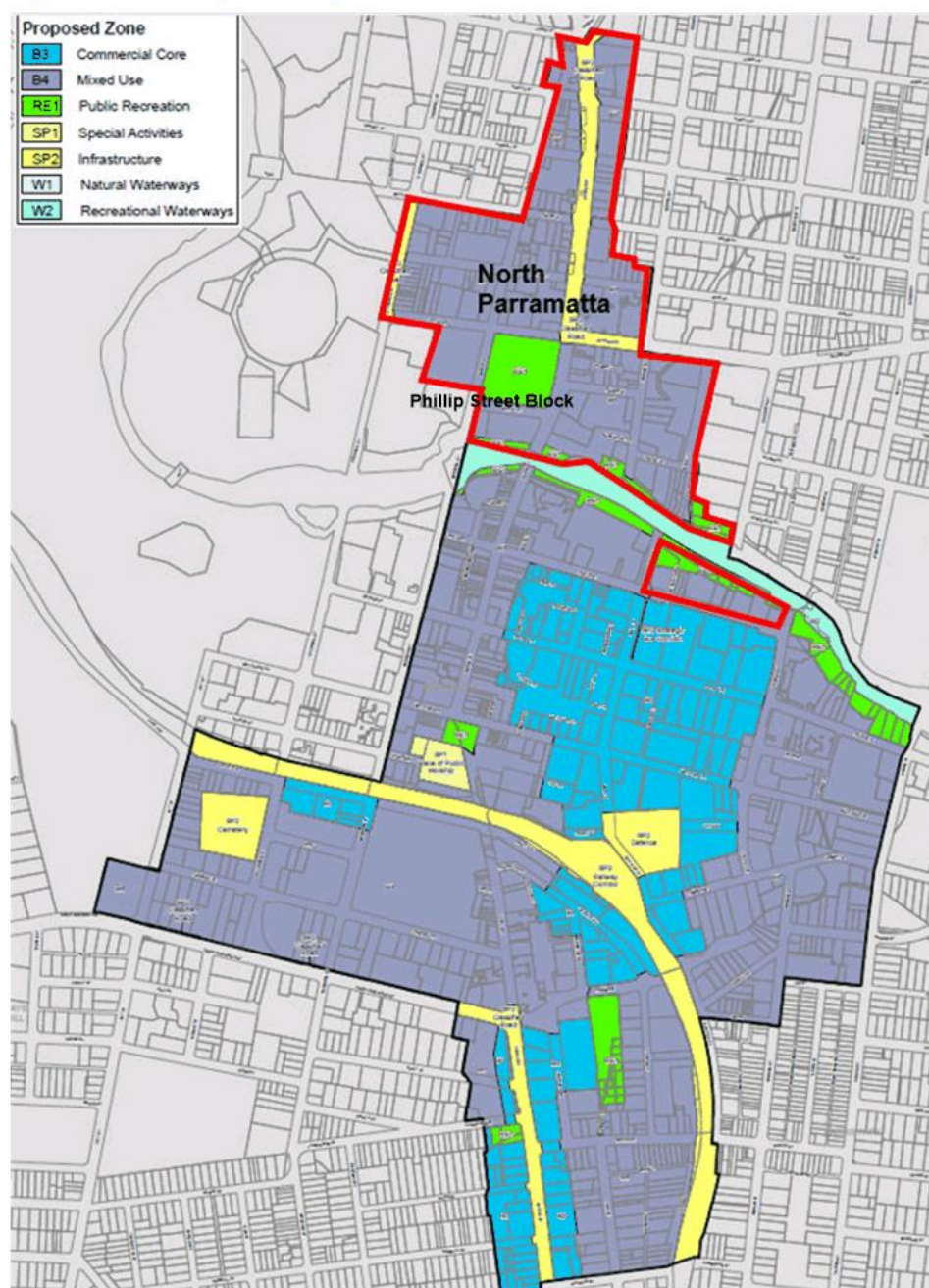


Figure 3. Areas not proceeding under the LEP in red



1.2 Purpose of plan

The LEP seeks to introduce a new planning framework for the Parramatta CBD and is estimated by Council to provide capacity for approximately 11,900 new dwellings and 43,300 new jobs, the Department's internal calculations suggest a lower number of jobs may be facilitated. It is noted these numbers are a hypothetical capacity and actual dwellings and jobs delivered will be dependent on take up, composition of uses and configuration of design and the Department considers the job generation estimate excessive.

1.2.1 Summary of proposed controls

The amending LEP recommended to be finalised seeks to make the following changes:

- rezoning of some sites, including expanding the commercial core of the CBD, through rezoning land along Church St at 'Auto Alley' from B5 Business Development to B3 Commercial Core;
- increase maximum height and FSR provisions;
- amend the permitted land uses within the B3 Commercial Core zone;
- introduce a solar plane access controls to restrict building height to protect identified areas of the public domain or of heritage significance in and surrounding the Parramatta CBD from overshadowing;
- amend the FSR sliding scale and introduce an out-clause to waive FSR sliding-scale provisions in certain circumstances;
- include definitions for certain terms to improve clarity and legibility of these terms;
- amend the airspace operations control to apply across the Parramatta CBD;
- introduce an active frontages clause to promote uses that attract pedestrian activity along certain ground floor street and public spaces in certain B3 Commercial Core and B4 Mixed Use zones;
- introduce a new flood planning clause to apply development controls to land affected by the probable maximum flood (PMF);
- amend the car parking clause to reduce maximum car parking rates to encourage active and public transport;
- introduce a new heritage clause requiring consideration be given to the impacts on heritage where development adjoining areas or items of heritage significance;
- introduce provisions that seek to preserve the built form and planning controls for land within the Parramatta Park and Park Edge Highly Sensitive Land and areas otherwise not subject to change, including Parramatta North and the Phillip Street Block;
- introduce a requirement for end of journey facilities in commercial premises to encourage pedestrian and cycle activity;
- introduce a clause to encourage the provision of dual water systems, to assist in future proofing the security of water supply;
- introduce a clause to encourage commercial development in the B4 Mixed Use by requiring a minimum FSR of 1:1 for commercial development;
- amend the existing design excellence clause;
- include an incentive 'high performing building design' clause which permits additional floor space up to 5% of the maximum FSR for development which includes residential uses where certain requirements are met;
- minor amendments to ensure references to Lot and DP numbers and legislation are accurate; and
- minor administrative amendments to reflect new structure of the LEP Part, consequential amendments and to site specific clauses to avoid duplication and inconsistency.

1.2.2 Mapped controls

Amendments are proposed to the following maps (**Attachment Maps**):

- land zoning map;
- height of building map;
- floor space ratio map;
- heritage map;

- land reservation acquisition map;
- additional local provisions map;
- additional permitted uses map; and
- special provisions area map.

The amending plan seeks to introduce the following maps (**Attachment Maps**):

- sun access protection map;
- active frontages map; and
- floodplain risk management map.

The written and mapped controls aim to provide opportunity for accommodating additional growth within the CBD whilst considering urban design, public amenity and as well as the constraints to development such as heritage, flooding and protecting solar access to public spaces.

1.3 Draft Parramatta City Centre Development Control Plan

Council has prepared and exhibited the Draft Parramatta City Centre Development Control Plan (draft DCP). The draft DCP will apply to all land under the CBD PP and will support the LEP controls anticipated under the proposal. The draft DCP introduces detailed controls that address design quality and built form, public domain, heritage, flood risk, vehicular access and parking.

The draft DCP will replace Section 4.3.3 in Parramatta DCP 2011. Minor consequential amendments are also required to section 4.4 of the Parramatta DCP.

The draft DCP was exhibited between 15 November and 13 December 2021. Council is currently considering the submissions received during the exhibition period.

1.4 State electorate and local member

The site falls within the Parramatta state electorate. The Hon. Dr Geoff Lee MP is the State Member.

The Hon. Dr Lee MP has made a number of representations to the Minister primarily concerned with delays to the progression of the planning proposal, representations on behalf of a constituent relating to the exclusion of areas zoned R4 High Density Residential from the planning proposal, and on behalf of City of Parramatta Council outlining concern for changes to the infrastructure planning framework (**Attachment B**).

The site falls within the Parramatta federal electorate. Julie Owens MP is the Federal Member.

To the team's knowledge, Ms Owens MP has not made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 13 December 2018 (**Attachment C**) determined that the proposal should proceed subject to a number of conditions. Conditions of the Gateway determination required Council to make a series of amendments to the planning proposal, undertake pre-exhibition consultation with State agencies and resubmit the proposal to the Department for approval prior to public exhibition.

A brief overview of the changes that occurred to the proposal between the issue of the Gateway determination and Department endorsement of the proposal for exhibition, including changes in response to early agency feedback, is as follows:

- the planning proposal was amended to include the findings of new studies and in response to studies that have been updated or completed since the Gateway determination was issued to address specific issues identified in the Gateway determination;
- the FSR sliding scale out clause was amended to increase the site area thresholds from 1000m² to 1,800m² for sites with an incentive FSR of 4:1, 6:1 and 10:1, are considered an isolated site and exhibit design excellence. A definition of 'isolated site' was also introduced;
- the inclusion of a new heritage clause, in addition to standard LEP heritage provisions, which includes specific heads of consideration for the CBD to provide guidance on what constitutes an appropriate transition;
- the removal of the West Auto Alley Precinct, the block east of Elizabeth Street and land within and adjacent to the Sorrell Street Heritage Conservation Area (HCA), zoned R4 High Density, to allow further heritage analysis to be undertaken;
- changes to FSR and HOB for certain sites in response to heritage study recommendations;
- additional analysis of the Marion Street precinct resulted in amendments to the incentive FSR and HOB controls and the introduction of active street frontages on certain streets in this precinct;
- the controls for the Church Street precinct were reviewed in response to additional studies including heritage and urban design. In response the controls for this precinct were amended to apply the following:
 - a 12m upper level (tower) setback to Church Street
 - maximum 12m podium height,
 - a maximum FSR of 10:1 (inclusive of bonuses) for most sites,
 - a maximum FSR of 3:1 for some smaller, narrow sites that mostly contain heritage items, and
 - the removal of Opportunity Sites for all sites within the Church Street Precinct, except for the site at 286-302 Church Street identified on the Opportunity Site Map as "Area 1", subject to certain criteria;
- the unlimited commercial FSR clause was amended to require the site to a minimum of 1,800m² in size;
- solar access provisions were amended to include a Solar Access Plane that protects sunlight access to Parramatta Square during 12pm and 2pm, and Experiment Farm and nominated curtilage between 10am and 2pm, on 21 June. A further subclause has been included to allow for a merit-based assessment of 'minor intrusions' of additional overshadowing to the Parramatta Square Protected Area;
- building heights have been reduced on various blocks across the CBD to reduce overshadowing to open space areas and land within Heritage Conservation Areas (HCAs);
- the Opportunity Site clauses were refined by:
 - removing certain sites from being eligible,
 - removing the unlimited commercial FSRs from the sites where the opportunity sites clause was removed, including the Church Street Precinct, and
 - the introduction of criteria to determine the land to which the bonus is suited.

The Gateway determination required that Council seek the Department's endorsement of the amended planning proposal prior to public exhibition. The Department issued this endorsement on 27 July 2020, in conjunction with an Alteration to the Gateway determination (**Attachment D1**) to allow the proposal to be publicly exhibited. The alteration provided conditions relating to solar access to Parramatta Square, drafting of high performing buildings and requiring the integrated transport plan be completed by finalisation.

The Gateway determination was also altered on 21 March 2021 to extend the timeframe for finalising the LEP to 30 September 2021 (**Attachment D2**). An additional requirement was also

applied to ensure that the proposal was submitted to the Department for finalisation by 1 July 2021. Council has satisfied this timeframe with the submission of the proposal by this date.

On 25 June 2021, the Department also amended the Gateway to require the consideration of a specific site in its finalisation at 18-40 Anderson Street, Parramatta (**Attachment D3**). This responded to the inability to finalise a site-specific planning proposal due to legal proceedings preventing the execution of the supporting planning agreement to deliver public benefits.

The Department notes that at the time of finalisation, the planning agreement for this site has now been signed and as such the LEP has been amended to reflect the intended outcomes exhibited site specific planning proposal. This is discussed further in Section 5.2.

The Department is satisfied that Council has met all the Gateway determination conditions (**Attachment C**).

3 Public Exhibition

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 21/09/2020 to 2/11/2020.

A total of 309 community submissions were received from the community including:

- 234 submissions from residents and individuals,
- 51 submissions from major landowners and developers,
- 14 submission from organisations, institutions and interest groups, and
- 10 submissions from public authorities and service providers.

Council's summary and response to these groups are at **Attachment E**.

This section addresses general submissions received from the community and agencies.

Community and agency submissions relating to specific topics such as transport, heritage and flooding are addressed under the relevant topic sections in this report.

3.1 General submissions

This section addresses general submissions received from major land holders, developers, residents and individuals, organisations, institutions and interest groups.

3.1.1 Variations to proposed controls

A total of 51 submissions were received on behalf of major landowners and developers. Of these, ten were from landowners who had a site-specific planning proposal underway with Council. The issues raised predominately sought variations to the proposed controls, as follows:

- increases in height and FSR controls or changes to the land use zone, exemption from the FSR sliding scale, challenging the definition of an 'isolated site' or the 1,800 sqm site area requirement to access incentives, including the high performing building bonus and additional commercial FSR requests to have their sites identified as an Opportunity Site or on the Additional Local Provisions Map in order to benefit from incentive FSRs,
- variation to allow the eventual demolition or significant alteration of a heritage item and/or its curtilage,
- concerns raised about implications of a land reservation acquisition notation over a site or request removal of a notation,
- incorporation of sites outside the CBD planning proposal boundary,
- amendments to the wording of draft clauses to address a technical issue, and
- for existing site-specific planning proposal progressing – some submissions identified a potential issue in the proposed clauses and subsequent impact on their proposal.

Council's Response

In reviewing these submissions, Council identified whether the requests were consistent/inconsistent with the CBD planning proposal and/or recent statutory process and/or whether the requested change would trigger re-exhibition and categorised the submissions into three decision pathways (**Attachment E**), as follows:

- **Decision Pathway 1 – Support a proposed change**

Some amendments were supported as seen as consistent with Council's policy framework for the Parramatta CBD including, supporting technical studies, Gateway determination and Alterations, a State Agency comment, or are of relatively minor impact that do not warrant re-exhibition of the CBD planning proposal. When considering numerical requests to increase densities Council adopted a 10% maximum exceedance to determine whether a request was substantive or not.

- **Decision Pathway 2 – Do not support a proposed change**

Council concluded that most of the requests should not be supported as the issues are inconsistent with Council policy or recent statutory process, and/or the change requested is substantial and would trigger re-exhibition of the CBD planning proposal.

- **Decision Pathway 3 – merit in further investigating a proposed change**

Some submissions were supported by Council officers as having merit for further investigation; however, these changes would require re-exhibition, consequently, to enable the change a separate planning proposal process is recommended.

It is noted that some sites are within a previously endorsed Planning Investigation Area and will be dealt with as part of Council's future Planning Investigation Area (PIA) work at a later stage.

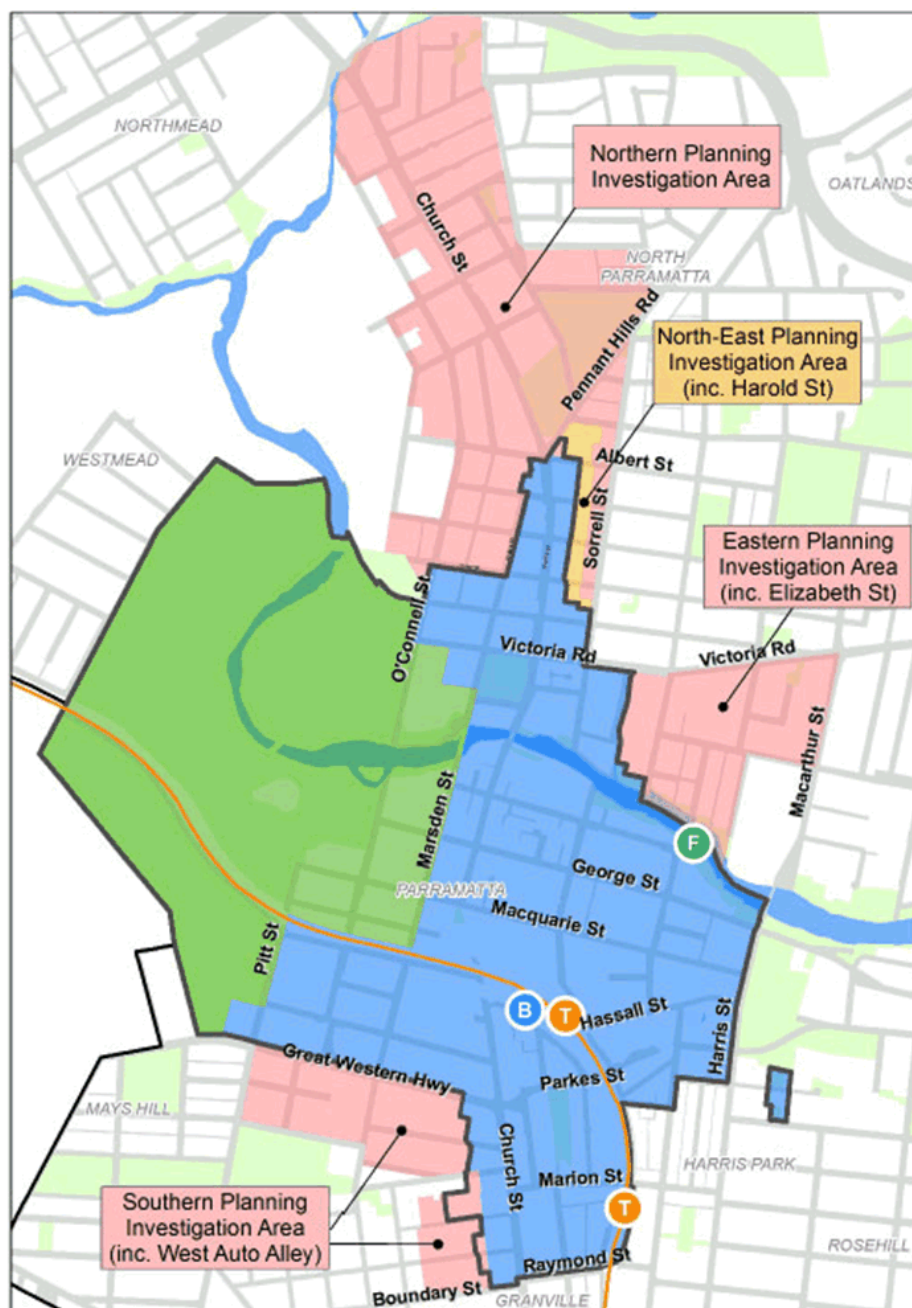
Department response

The Department agrees with Council's position on matters which were not supported. Council's post exhibition changes (Pathway 1) are discussed in Section 5.1. The Department notes that Council intends to undertake further investigation on matters in Pathway 3.

3.1.2 Inclusion of the excluded R4 zoned land

Submissions requested land zoned R4 High Density Residential, specifically, West Auto Alley, Elizabeth Street and Harold Street be re-introduced into the CBD PP (refer to **Figure 4** for a map of these areas, noting West Auto Alley is part of the 'Southern PIA', Elizabeth Street is part of the 'Eastern PIA' and Harold Street is part of the 'North-East PIA').

Figure 4. planning investigation areas



Council's response

On 25 November 2019 (**Attachment K**), Council resolved to remove these areas from the planning proposal and include them as Planning Investigation Areas within the Parramatta CBD Planning Strategy. It is noted this approach will allow for further investigation for uplift in these areas whilst balancing the impacts on heritage and open space. Introducing these areas now would be a substantial change to the version of the CBD planning proposal as exhibited and would trigger the need for the re-exhibition of the proposal.

Department response

The Department supports Council's comment that reintroducing these areas would be a substantial change to what was exhibited. The Department also supports further work being undertaken in these areas to determine suitable controls, that balance heritage attributes, the provision and protection of open space and support the recently constructed Parramatta Light Rail. Further, the Department's decision to not proceed with the proposed planning controls for Parramatta North may allow for opportunity to review holistically with Planning Investigation Areas.

3.1.3 General objections or concerns

Several individual and organisation submissions have raised objections or concerns with the planning proposal as follows:

- heritage – concerns that the planning proposal does not adequately consider the CBD's heritage, the increased density will have a detrimental effect on heritage items, need for additional heritage protection including increased setbacks, and request for the deferral of North Paramatta from the proposal;
- overdevelopment – concerns that the proposed density will have negative impacts on heritage, amenity, including solar access, open space, schools and car parking. Concerns also identified issues with the quality of current development and a lack of supporting infrastructure;
- COVID 19 – concern that high density development does not promote social distancing to reduce the spread of COVID 19, and a decreased need for residential dwellings and/or commercial floorspace due to lack of population growth;
- environment – concerns identified a current lack of open space and suggested the provision of additional green space to support the proposal as well as an increased focus on green buildings;
- solar access – concern that the proposed solar access protection between 12pm and 2pm was too short and should be extended to be provided from 10am – 2pm at midday on 21 June; and
- parking – concern about the lower car parking rates proposed in the CBD planning proposal, which will discourage visitors.

Council's response

Council noted these concerns and advised that the majority of the issues did not warrant changes to the proposal.

The proposed controls have regard to both the existing character and heritage and the need to evolve the city in a way that will achieve a range of objectives and actions. Council has prepared various studies related to urban design, overshadowing, parking, bulk and scale and heritage to seek to put in place controls to guide future development of all parts of the proposed CBD while protecting heritage, character, solar access, parking and urban design (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations).

Department response

The Department notes that the CBD PP is accompanied by a range of studies that have considered heritage, overshadowing and urban design. Additional heritage controls have been introduced that seek to protect and conserve heritage items and Heritage Conservation Areas (HCA). Overshadowing controls have been introduced that seek to protect key locations at certain times. The Department supports the provision of reduced car parking rates as lower parking rates are likely to encourage the use of public and active transport options.

The Department has also made post exhibition changes to not proceed with the proposed changes to Parramatta North planning controls of which a number of submissions objected to. Post exhibition changes have also been made to remove some provisions which facilitated additional

density for opportunity sites or for commercial and office premises uses. This change may assist in addressing concerns raised in relation to overdevelopment and the impact of density proposed. These changes are discussed further in Sections 4.3 and 4.5.

The Department is otherwise satisfied Council has adequately addressed the issues raised.

3.2 Advice from agencies

In accordance with the Gateway determination, Council undertook pre-exhibition consultation and public exhibition consultation with the identified agencies.

Council summarised the submissions received from the various agencies in **Attachment E**. This section addresses general advice received from various agencies (**Attachment H**).

Council noted the following comments from agencies and advised that no further amendments to the CBD planning proposal are required in response to the following:

- Commonwealth Department of Agriculture, Water and the Environment advised that the Commonwealth and State Governments have all entered into an agreement to protect the area of Special Significance related to the Old Government House and its domain and notes the CBD PP is consistent with this agreement;
- Sydney Water supports Council's proposal to set higher BASIX targets and introduce dual water pipes. To assist Sydney Water's investigations into an integrated water management plan, Sydney Water requests early and ongoing engagement with Council;
- Endeavour Energy provided general comments on future service requirements;
- Property and Development NSW and Department of Education notes the challenges associated with the development of the CBD and maintaining solar access to existing and likely future dwellings, civic spaces and parks;
- NSW Environment Protection Authority (EPA) recommended that specific building design criteria be included for future development in the Parramatta CBD to manage air quality, noise impacts, water quality, waste and resource recovery. In addition, suggests the need to ensure an appropriate assessment of contamination is undertaken, including preparation of a DCP for key sites such as the Auto Alley precinct before the site is occupied/used.
- The Hills Shire Council notes that the reduction in car parking may not deter Hills residents from utilising private cars due to bus only access which could exacerbate traffic congestion. Further advocacy for additional capacity on Windsor Road and critical intersections (such as grade separation of Baulkham Hills Junction) and some satellite car parking areas would also contribute to improved accessibility between the Hills and Parramatta. Council welcome any opportunities to discuss the identification of a preliminary corridor and station options for mass transit from Parramatta to Norwest. Further, The Hills Shire Council's comments primarily relate to land north of Parramatta River, which will be addressed as part of a future stage PP as the Department has removed Parramatta North from the CBD PP. The issues raised do not require amendment to the CBD PP;
- Ryde Council and the Government Architect NSW were notified and requested to provide comments in response to the CBD PP, however submissions were not received from either.

Council's response

Council noted these concerns but advised that the majority of the issues did not warrant changes to the proposal.

The proposed controls have regard to both the existing character and heritage and the need to evolve the city in a way that will achieve a range of objectives and actions. Council has prepared various studies related to urban design, overshadowing, parking, bulk and scale and heritage to seek to put in place controls to guide future development of all parts of the proposed CBD (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations).

Department response

Most of these submissions are general comments or are matters for Council to address through local policy. Many of the issues raised can be appropriately considered through the future DCP and development application process. The Department understands that City of Parramatta Council works collaboratively with TfNSW to improve public transport and active transport options not only in the CBD but also in seeking connections with neighbouring LGAs. These are matters outside the scope of the CBD PP. However, as discussed under Section 4.7 of this report, the LEP includes provisions which seek to ensure infrastructure can support growth enabled by the CBD PP.

4 Assessment of key matters

The following section provides a thematic discussion of key matters associated with the amending plan, including consideration of public and agency submissions, Council's responses and resolved post exhibition changes, the Department's assessment of these matters and any additional post exhibition changes.

4.1 Transport

The amending plan will result in substantial uplift in new dwellings and jobs, generating a significant demand on the transport infrastructure within the Parramatta CBD.

To ensure traffic and transport impacts were adequately considered the Gateway determination issued on 13 December 2018 (**Attachment C**) required Council to prepare a Mesoscopic Traffic model, and an Integrated Transport Plan (ITP), in consultation with Transport for NSW. The intent was to identify and quantify the traffic and transport impacts of the CBD PP, formally consult with TfNSW prior to exhibition and again during exhibition and identify appropriate responses by Government.

A Strategic Transport Study (STS) was completed in 2017 and Council in partnership with TfNSW built on the STS to prepare a Mesoscopic Traffic Model and Integrated Transport Plan (ITP). The ITP is a strategic plan providing a detailed analysis of the transport required to support the CBD across all modes: walking, cycling, public transport and private vehicles, and provides guidance on when actions will need to be taken.

On 26 July 2021, Council endorsed the ITP (**Attachment I**).

4.1.1 Submissions

The majority of concerns raised related to traffic, transport and parking. The submissions received from community members and Transport for NSW (TfNSW) are discussed below.

4.1.1.1 Community submissions

Community submissions were concerned that the increase in development would intensify traffic congestion and lead to a shortage of car parking, particularly on street parking. Other submissions raised concerns that proposed parking rates would discourage future development and negatively impact land outside the CBD.

4.1.1.2 Agency submissions

Transport for NSW

TfNSW submissions (**Attachment H**), acknowledged the proposal will strengthen Parramatta's position as Sydney's second CBD, supported the objectives and intended outcomes that promote active and public transport, supported the new maximum parking rates, and reinforced its commitment to work collaboratively with Council on the CBD proposal. The submission also raised the following issues:

Parking

TfNSW, while supportive of the new parking rates, raised concerns that parking rates may increase post exhibition and encouraged requirements for coach parking, end of trip facilities and controls aimed at reducing conflict with the Parramatta Light Rail.

Active street frontages

TfNSW was also supportive of the provision of active frontages within the CBD, however, suggested further work is required in certain locations to ensure adequate pedestrian areas are provided with emphasis on bus interchanges. TfNSW advised it will work with Council to identify bus bay infrastructure needs on a case-by-case basis.

Infrastructure contributions

TfNSW recommended Council should not finalise the planning proposal until a mechanism was in place to capture funding towards regional infrastructure due to a Special Infrastructure Contributions (SIC) not yet being in effect for the Greater Parramatta to Olympic Park Peninsula (GPOP) area.

Land reservations

TfNSW noted the CBD PP outlines that 'the current road network has limited capability to expand; and new surface transport infrastructure like light rail further impacts on the road space allocation for private vehicles'. With Council proposing road widening through an amendment to the Land Reservation Acquisition Map, it is important to note that, whilst an array of investigations that aim at bridging the gaps between the long term vision set in Future Transport 2056 and short term initiatives are being undertaken, TfNSW has not concluded on a position to comment on the amendments to this map.

However, TfNSW identify that further studies could be undertaken to identify further improvements to capacity of the existing road network and public transport capability but would be unlikely to be completed prior to the finalisation of the CBD PP. However, TfNSW support the retention of the existing land reservation acquisitions identified under the current PLEP 2011.

Integrated Transport Plan

TfNSW submissions acknowledged it had worked collaboratively with Council on the delivery of the ITP and supporting modelling. In its response to the public exhibition of the ITP, TfNSW also advised it was supportive of the Parramatta CBD Planning Proposal and the ITP, however, there were a number of items that require resolution prior to the finalisation of the proposal, as follows:

- required the ITP be completed to the satisfaction of TfNSW prior to the finalisation of the proposal;
- TfNSW suggested the inclusion of an action in the ITP identifying Council will work with TfNSW to investigate new bus layover areas to support additional bus services; and
- TfNSW required the integrity of all existing SP2 Classified Road LRA reservations identified within Council's current PLEP 2011 must be maintained.

Council response

Council officers worked with TfNSW and RMS to deliver the STS, the mesoscopic model and the ITP. The STS quantified the likely travel demand resulting from the growth envisaged in the Parramatta CBD under the CBD Planning Proposal. Consequently, the CBD PP includes reduced parking rates and new controls to facilitate sustainable transport modes (pedestrian and cycling) to create a significant mode shift from private vehicle use to public transport, cycling and walking, to minimise to adverse transport impacts associated with increased development.

The Parramatta LEP 2011 contains provisions for development on certain land to require satisfactory arrangements be made for the provision of designated State public infrastructure. The Parramatta CBD will be identified as land subject to this provision, which will ensure a funding mechanism is in place to capture infrastructure costs.

In relation to car parking, end of trip facilities and requirements for coach parking, Council advised:

- the car parking rates will be retained as exhibited;
- the amending plan includes a clause requiring the provision of end of trip facilities for buildings which consist of entirely commercial uses and in mixed use development where more than 6,000 square metres of commercial premises is provided; and
- requirements for coach parking will be addressed under the CBD DCP and transport will be provided an opportunity to comment when this goes on public exhibition.

Council notes that active frontages and footpath widths are matters appropriate for the CBD DCP. Submissions in response to exhibition of the draft DCP are currently being considered by Council.

In relation to Land Reservation Acquisitions, Council notes TfNSW advice and confirms it is not in a position to comment on the proposed road widenings identified on the LRA Map. Council also notes that amendments have been made to the Land Reservation Map with the local road widening reservations being removed or reduced.

4.1.2 Section 9.1 Direction 5.1 Integrating Land Use and Transport

This direction seeks to ensure all development designs, land use locations and urban structures improve access to housing, jobs and services by walking, cycling and public transport and to reduce car dependence. This direction applies as the proposal will create and alter zones and/or provisions relating to urban land.

The amending plan is supported by an STS, mesoscopic model and an ITP which were developed in consultation with TfNSW and give effect to the relevant guidelines specified under this Direction. Parramatta Council also has several plans and strategies aimed at improving active transport within the LGA. The amending plan is considered consistent with this direction.

4.1.3 Department assessment and response

The Department notes State Environmental Planning Policy (Transport and Infrastructure) 2021 provides further guidance for development relevant to this LEP. The proposal is considered to be consistent with the SEPP and the referral requirements identified are noted.

Parking

The TfNSW submission raised concern that there would be changes to the exhibited car parking rates, for locations over 800m from Parramatta Train Station, planned Parramatta Metro Stations and over 400m from Harris Park Station.

It is noted that the ITP does include additional 'category B' car parking rates for residential development located over 800m from Parramatta Train Station, planned Parramatta Metro Stations and over 400m from Harris Park Station, however, the amending plan does not seek to make changes to the exhibited car parking rates.

In its submission, TfNSW also suggested the LEP should include requirements for the inclusion of passenger pick up/set down areas onsite, including minimum parking rates for coaches and point to point transport vehicles for hotels, serviced apartments, and community facilities.

Council has advised parking rates for coach, freight and servicing were considered in the drafting of the CBD DCP. The draft DCP includes provisions for service lanes but does not address parking rates for coaches and freight.

Active frontages

The Department notes that TfNSW are generally supportive of the active frontage provisions and acknowledged it would work with Council on a case-by-case basis in relation to bus bay infrastructure. Council's comments indicated the DCP includes controls to guide active ground floor frontages in commercial and residential zones and for flood affected land and that it would consult with TfNSW when the draft DCP was exhibited. TfNSW was invited to comment on the draft DCP when it was exhibited in late 2021. Council is reviewing the submissions received. The Department is satisfied that Council will continue to work closely with TfNSW to resolve any issues associated

with the active street frontage provisions and that post-exhibition changes regarding active street frontages are not required.

Infrastructure funding

In its submission, TfNSW identified the need for a funding mechanism to be in place to support regional transport infrastructure and recommended the proposal not be finalised until a mechanism to ensure the provision of State public infrastructure was in place.

The Parramatta LEP 2011 contains provisions for development on certain land to require satisfactory arrangements be made for the provision of designated State public infrastructure. The Parramatta CBD will be identified as land subject to this provision. This is discussed further in Section 4.7

Road Reservations

Council has retained the existing SP2 Classified Road reservations within Council's current PLEP 2011.

Integrated Transport Plan

The Department is satisfied that Council has worked closely with TfNSW on the ITP and has adequately addressed TfNSW comments, including the provision of an action to work with TfNSW to investigate new bus layover areas.

The Department has reviewed the supporting studies, agency advice, Council reports and relevant submissions and has considered the relevant 9.1 Direction, State Environmental Planning Policies (SEPPs) and strategic documentation and is satisfied there are no outstanding traffic and transport issues.

4.1.4 Post exhibition amendments

Submissions from TfNSW and landowners raised concerns about land identified for acquisition for road widening, strategic bus corridors and regional cycleways. In response to these submissions, Council resolved to remove or reduce the following reservations:

- the local road widening on O'Connell St / Victoria Rd, Smith St north of Phillip St (west side) and the eastern side of Smith Street between Macquarie and George Streets were removed due to lack of space;
- the local road widening reservation on Smith St between George St and Macquarie St (east) has been partly reduced from 7m to 4m;
- the regional cycle way reservations on the southern side George Street, along the east side of Marsden Street and some portions of the regional cycle way reservation on the northern side of George Street have been removed;
- the local road widening reservation on the corner of Parkes and Harris Street has been reduced; and
- all existing SP2 Classified Road reservations identified within Council's current PLEP 2011 have been retained, as required by TfNSW.

The Department has also made some general post-exhibition amendments to the Land Reservation Acquisition map to ensure it is up to date and removes any land reservations that have already been acquired or are redundant. Further, as outlined in Section 4.7 in this report, the Department has amended the draft LEP to include provisions for the consideration of the delivery of State and regional infrastructure to support growth enabled by the CBD PP.

4.2 Heritage

Parramatta and its river is of great significance to Aboriginal and European heritage. A number of convict and colonial era developments and infrastructure remain and has resulted in places of

significant World, National, State, and local cultural heritage located within and in the vicinity of the Parramatta CBD. Views and vistas are also an essential part of and contribution to the quality of Parramatta's cultural landscape. Due to Parramatta's rich and varied history there are a number of areas with archaeological significance.

No changes are proposed to the existing heritage items under the LEP, however, the Harris Park West Heritage Conservation Area (HCA) has been reduced on the northern portion of the block bound by Ada, Wigram and Kendall Streets to exclude the redeveloped section as it does not contribute to the HCA.

In recognition of Parramatta's significant heritage, the planning proposal process has sought to recognise and preserve the significant values and character of the heritage items, conservation areas, views and vistas and the Parramatta River, while providing for urban intensification and integration of new development. The CBD PP is supported by a number of heritage studies (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations) including:

- Heritage Study, CBD Planning Controls, prepared by Urbis in 2015,
- Parramatta CBD, Heritage Study of Interface Areas, prepared by Hector Abrahams Architects in June 2017,
- Heritage Interface Areas, Parramatta CBD, Peer Review, commissioned by the Department and prepared by GML Heritage in August 2018, and
- Church Street, Parramatta, Independent Review of Proposed Planning Controls, commissioned by the Department and prepared by GLM Heritage in September 2019.

The following studies (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations). are also considered or related to heritage within and adjoining the Parramatta CBD:

- Marion Street, Precinct Plan, prepared by SJB Urban in September 2019,
- Parramatta CBD Planning Proposal, Review of Opportunity Sites, prepared by City of Parramatta Council in October 2019,
- Overshadowing in the Parramatta CBD, Technical Paper, prepared by City of Parramatta Council, in August 2020, and
- Preliminary Site Investigation, Auto Alley Precinct, Parramatta LGA, prepared by JBSG in February 2016.

The advice and recommendations of several technical experts in the heritage field and the concerns raised in community, agency and organisation submissions have been considered and where relevant incorporated into the final proposal.

4.2.1 Submissions

4.2.1.1 Community submissions

Many of the community submissions generally opposed the proposal on the grounds of heritage concerns, and Parramatta North was an area of particular concern. Submissions suggest that the planning proposal does not adequately consider the CBD's heritage, that the increased density will have a detrimental effect on heritage items, identified the need for additional heritage protection including increased setbacks, and requested for Parramatta North to be deferred from the proposal.

4.2.1.2 Agency submissions

Heritage NSW, National Trust of Australia (New South Wales) and National Trust of Australia (Parramatta Branch)

Submissions were provided by Heritage NSW, National Trust of Australia (New South Wales) (**Attachment H**) and National Trust of Australia (Parramatta Branch) and while it is noted that the National Trust is not a State agency, they are identified as a reputable organisation in the heritage

field. These submissions were concerned about the impacts the proposal would have on many of the city's heritage items, areas, places and views. Key concerns raised are discussed below.

Conservation Agreement

Parramatta Park, Old Government House and Domain are subject to a conservation agreement between the Commonwealth, State and Local tiers of government and seeks to protect and preserve the significant values of these sites and potential impacts in adjoining land identified as highly sensitive edge area.

Heritage NSW requested Council ensure that the requirements of the Conservation Agreement (under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* to protect the World and National Heritage values of Old Government House and Domain in relation to its significant views and settings) continue to be upheld, and if necessary, make changes to the planning proposal to address these requirements.

It noted that while no changes are proposed in this heritage area the inclusion of this land within the mapped area of the proposal is misleading, and requested the maps excise Parramatta Park, Old Government House and the Government Domain from the proposal area.

Proposed incentive height and FSR controls

The National Trust's Parramatta Branch found the proposed height standards confusing, stating it was unclear why there were two standards in some cases and incredibly large differences in the two and made the same argument for floor space ratio controls.

Heritage NSW acknowledged the objective of the incentive controls is to allow greater density and height where certain requirements are met and stated the intensification of development within the vicinity of heritage items may have adverse impacts, suggesting the following:

- new development should demonstrate an appropriate transition to heritage items and HCAs;
- Council should identify guidelines as to what constitutes an appropriate transition as the interface areas between proposed areas of uplift and heritage items or HCAs has the potential to cause adverse impacts on heritage items, including overshadowing, abrupt transitions in height and scale and deactivation of streets and smaller shopfronts;
- give consideration to revising the incentive height and FSRs to minimise the potential for heritage items to become isolated by large scale development;
- retain existing height and FSR controls on significant state heritage items; and
- give consideration to how overshadowing impacts can be mitigated to avoid any increase in overshadowing on Centenary Square, and St John's Anglican Cathedral.

Site amalgamation

Heritage NSW noted that the proposal would allow for additional FSR through amalgamation of local heritage items with adjacent sites which may have positive impacts as a means of transferring unrealised heritage floor space and for heritage item to be retained and conserved as an independent streetscape element. Further, the amalgamation of lots should not result in the isolation of heritage items.

Council should also ensure that design competitions in the design excellence provisions respect and enhance the heritage of Parramatta.

Solar Access Protection

Heritage NSW advised that solar access to State and National Heritage items/places, including Prince Alfred Square, Centenary Square and St John's Church, Hambledon Cottage, Elizabeth Farm and Experiment Farm Cottage are to be maintained..

Heritage NSW recommended further solar access modelling be undertaken for future development applications to minimise overshadowing as a result of taller tower development permitted under the proposal.

Protection of views

To ensure the protection of heritage views, it is recommended that a list of significant view corridors within the Parramatta CBD are identified and protected through the planning proposal.

Church Street

Church Street is historically important to the Parramatta CBD, and the section of Church Street north of the river has been a key historical entry point to the settlement of Parramatta for over 160 years and retains several locally significant heritage items. The National Trust found the proposed FSRs and 80m height limit are inappropriate for the following reasons:

- creates a disruptive backdrop of buildings to the Sorrell Street conservation area and reduces the existing blue-sky views;
- creates a visual clutter of various building materials, colours and reflective surfaces, and detracts from the aesthetic significance of the heritage places as seen around Marion Street; and
- allocating realistic achievable FSR and heights where heritage restrictions or heritage considerations exist to ensure the expectations of the developer and those who would like heritage values conserved are closer aligned.

The National Trust (NSW) recommended a maximum building height of 24m accompanied by a podium level with a height of 3 storeys along Church Street.

Prince Alfred Square

The National Trust (NSW) notes Prince Alfred Square has been a public reserve and meeting place for the people of Parramatta for over 180 years, remains a centre for local gatherings north of the river and the growing population and workforce of Parramatta CBD will require more public open space.

The controls proposed under the CBD PP seek to prevent overshadowing to the southern half of the park between 12 noon and 2pm on 21 June, however, the development proposed on the block adjoining the park to the north will cast shadows across the northern portion and into the southern portion of the park earlier in the day which represents a significant loss of amenity and solar access for the park users.

As an important public open space and place of State heritage significance, the National Trust recommends Prince Alfred Park should not be overshadowed.

Centenary Square

Under the proposal, some land around Centenary Square will be subject to a FSR of 10:1 and maximum building heights restricted by prohibiting further overshadowing to the Parramatta Square, between 12 noon and 2pm on 21 June.

In the National Trust (NSW)'s submission Centenary Square is described as a notable place for passive recreation and that significantly contributes to the character of Parramatta. It advises that allowing towers around the square will:

- hem the square in and result in the loss of its heritage setting;
- potentially block the sun at times outside the 12pm – 2pm protected timeslot;
- result in accelerated down winds created by downdrafts off high buildings which will result in a notable reduction of amenity in the square ; and
- create detrimental impacts on the ambience and cultural significance of the square and its associated heritage items.

The National Trust (NSW) recommends the FSR and building heights around Centenary Square and its associated heritage items should reflect and protect the cultural value and the sense of place that the square currently possesses, and minimise or ameliorate any negative impacts on amenity, such as loss of solar access and the creation of downdrafts.

Experiment Farm

Council's Overshadowing Technical Paper found that protecting Experiment Farm from all day over shadowing is compromised by existing and approved development, and to prevent further all-day overshadowing impacts, the maximum building height would need to be reduced for 205 sites. However, the National Trust submission states that building heights below the proposed 243 RL maximum would ameliorate impacts on Experiment Farm and recommended further building shadow analysis be undertaken for Experiment Farm.

Roxy Theatre

The submissions supported the retention of the 18m building height and the conservation of the Theatre in its entirety and protected from unsympathetic redevelopment.

Absence of a DCP

The National Trust (Parramatta) raised concerns that the corresponding DCP which provides the necessary detail to fully understand the outcomes of the draft LEP is not available. The Trust is concerned outcomes using the LEP height and floor space ratio standards cannot be holistically understood, without DCP controls for setbacks, landscaping, materials, building form at upper levels and curtilage. The National Trust (Parramatta) also considers the proposed planning controls are not sympathetic, specifically noting that that heritage items are mapped on a separate map and blanket FSR and building heights have been applied which do not distinguish heritage items. This gives the unrealistic expectation that sites containing heritage items may achieve these standards.

Ad-hoc Planning

Concerns were raised about the number of 'spot rezoning' development applications that have been approved which have resulted in greatly increased heights and heritage buildings being delisted and targeted for demolition, overshadowed or compromised in their setting. The National Trust (Parramatta) notes a preference for Parramatta to be planned through a strategic approach.

Council response

Conservation Agreement

In response to Heritage NSW, Council has confirmed there are no proposed changes to the World Heritage listed items and land protected by the Conservation Agreement. The CBD Planning Proposal also identifies the Park Edge Highly Sensitive Area to ensure the current controls in Parramatta LEP continue apply to the land.

Overshadowing

Council has prepared an overshadowing analysis which considered the impacts of development proposed through the CBD PP. Overshadowing impacts are proposed to be managed through the application of a sun access plane which applies height limitations to mitigate significant overshadowing to certain sensitive areas at nominated times.

Overshadowing testing revealed that Hambledon Cottage and Elizabeth Farm would only experience overshadowing in the late afternoon. Testing to the Harris Park West HCA found 75% of allotments achieved the benchmark which was deemed to be an acceptable degree of overshadowing and that some of the overshadowing impacts were caused by existing development.

Further, development application requirements include the need for solar access modelling where an increase in building height is proposed.

Transition, interface and site amalgamation

In response to concerns about transition, interface areas and site amalgamation, Council advised in addition to standard clause 5.10 Heritage Conservation, an additional clause seeking to manage heritage impacts has been proposed, which requires development to demonstrate an appropriate relationship to heritage items and heritage conservation areas that responds positively to heritage fabric, the street and the wider area.

The design excellence clause which applies to the erection of a new building, or alterations and additions to an existing building; requires certain development to undergo an architectural design competition. Through this process, development must address heritage and archaeological matters, streetscape constraints and opportunities, impacts on any special character area, ground level interfaces, adverse impacts on adjoining buildings as well as overshadowing and solar access.

Additionally, Council has prepared a draft Parramatta CBD DCP which includes heritage controls which seek to protect heritage values and provide a suitable mechanism to ensure impacts to heritage are ameliorated or mitigated.

Roxy Theatre

Council notes the support for retention of the Roxy Theatre and 18m height limit under the CBD PP. However, Council notes that as the Roxy Theatre is located within Council's Civic Link Precinct which may be subject to further review in the future, building heights for the site and surrounding block may change.

Absence of a DCP

Council has prepared a supporting draft Parramatta CBD DCP that will include heritage controls and outline development requirements for heritage items and nearby properties that adjoin heritage items and HCAs.

Ad Hoc Planning Controls

Council notes that the *Environmental Planning and Assessment Act 1979* establishes the requirements for amending planning controls which is undertaken through a site-specific planning proposal. This process requires the proposed amendment/s to be considered against the broader strategic framework for an area and are subject to a separate process outside of the CBD PP process. Council note the CBD PP does not propose any changes to the listings of heritage items and that development application processes are beyond the scope of the CBD PP. Council also noted that the majority of site specific planning proposal are consistent with the exhibited CBD PP.

Council officers consider the proposed LEP and DCP controls will seek to reduce negative impacts to heritage items.

4.2.2 Section 9.1 Direction 3.2 Heritage Conservation

This Direction is applicable as the planning proposal applies to land comprising heritage items, objects, and places of environmental and indigenous heritage significance. To be consistent, a proposal must contain provisions that seek to conserve these items and areas. At the time of Gateway determination, this direction was unresolved and required further consideration after community and public agency consultation had occurred.

The proposal seeks to protect and conserve heritage items and areas through the provision of an additional heritage clause in the LEP. The additional clause requires development within the CBD to demonstrate an appropriate relationship with heritage items and areas by considering and mitigating impacts to heritage items. The clause also requires the submission of a heritage impact statement.

Solar access provisions in the additional heritage clause will seek to protect solar amenity on key places, with many of the areas identified having historical values. Further, the draft Parramatta CBD DCP contains a section on heritage which includes a range of controls that seek to protect and respect heritage within the Parramatta City Centre. The LEP also protects solar access to Lancer Barracks and Experiment Farm at certain defined times.

As discussed above and in Sections 4.3 Parramatta North and 4.5 Built form, a number of post-exhibition changes have been made to the CBD PP to ensure the proposal is consistent with this Direction.

4.2.3 Department assessment and response

Conservation Agreement

The Department supports the retention of the existing controls that apply to the Park Edge Highly Sensitive Area and will continue to work with both the Commonwealth and City of Parramatta Council to uphold these controls. The Department notes the inclusion of these areas within the planning proposal supports the administrative changes required to the LEP to ensure existing controls are maintained.

Overshadowing

Under the proposal, building heights for some sites are determined by Sun Access Planes. This seeks to prevent overshadowing at certain times of certain areas such as, the Parramatta River foreshore, key public open spaces and items of heritage significance. However, it is not possible to determine a maximum building height without undertaking modelling and further solar analysis. To enable detailed consideration of the proposed built form outcomes, including solar access provisions, the Department undertook 3D urban design modelling.

Generally, the modelling demonstrated that the solar access plane prevents additional overshadowing to the key areas identified during the specified times and that built form outcomes were considered satisfactory. Additionally, the draft DCP also contains controls to limit overshadowing impacts to additional key areas of open space within the city centre between certain times. Solar access is discussed in detail in Section 4.6 Solar Access.

However, the modelling showed the built form outcomes that could be achieved under the solar access provisions on the northern river foreshore and north of Prince Alfred Square were likely to lead to poor urban design and public amenity outcomes and require further consideration. This is discussed in greater detail under the Section 4.3 Parramatta North.

Transition, and interface

The Department notes that Council has undertaken a number of studies to understand urban design outcomes, heritage impacts and to inform the transition to lower density and heritage conservation areas that adjoin the CBD. It is understood that these studies did not agree on all matters, including the best approach for managing transition. In response to the recommendations in these studies Council made some changes to FSR and building heights to assist in the conservation of heritage items, to prevent overshadowing and to retain the prominence of historic views or areas such as Church Street. Council have also introduced an additional heritage clause that requires development to demonstrate an appropriate relationship with heritage items.

In response to the studies and submissions, the Department undertook built form modelling and commissioned an independent urban design report to assist in its consideration of the proposed controls and potential adverse impacts. Further consideration of transition and interface is discussed under Section 4.5 Built Form.

Roxy Theatre

The Department notes the 18m building height for the Roxy Theatre has been retained and notes that the draft Parramatta City Centre DCP includes controls to protect the Roxy Theatre. The draft controls aim to ensure the Roxy has a visual setting that allows it to be visually dominant in the immediate streetscape and not visually overwhelmed by new development. Street walls facing the Roxy must be 6 storeys high and designed with a restrained architectural expression, limited materials, finishes and colour palette and limited decorative detail.

The Department is satisfied that the proposed building height, heritage controls and draft DCP controls will ensure adequate consideration is given to the heritage attributes of the Roxy Theatre site.

Absence of a DCP

The draft Parramatta City Centre DCP was exhibited between 15 November and 13 December 2021 which includes controls to guide built form, setbacks, landscaping, materials, building form at upper levels. The draft DCP also includes controls for development adjoining or nearby heritage items and HCAs. The Department notes that at the time of writing, the DCP is yet to be adopted, but is being progressed by Council. A deferred commencement of the draft LEP is proposed for six months to allow these matters to be finalised.

Ad Hoc Planning Controls

The Department notes preference for strategic planning raised in submissions, rather than ad hoc site specific proposals. The Department notes any site specific planning proposals progressed ahead of the CBD PP have had to demonstrate site and strategic merits and be subject to community consultation. The Department is satisfied that the CBD PP is consistent with a strategic planning approach for the area.

Proposed incentive height and FSR controls

The proposal sought to provide base and incentive height and FSR controls. The base set the general height and FSR provisions and the incentive controls could be achieved where development satisfied certain community infrastructure requirements. As discussed in Section 4.7, the Department has made a post exhibition change to consolidate the incentive provisions with the base height and FSR maps to identify the incentives as the maximum provisions for each site.

4.3 Parramatta North

The proposal, as exhibited, incorporated land north of Parramatta River. Parramatta North is characterised by distinctly lower scale development with existing commercial and retail premises fronting Church Street, with a cluster of recent mixed use developments occurring at the intersection of Pennant Hills Road and Church Street. Parramatta Light Rail Stage 1 will traverse Church Street through Parramatta North.

Prince Alfred Square, a central formal civic park, is located at the junction of Church Street and Victoria Road in Parramatta North and is identified as being of State heritage significance. Parramatta North also includes a number of local items clustered around the Catholic Primary and High Schools, and State listed Roseneath Cottage and Kings School group of items. Further to the west is the boundary of the World Heritage and State Heritage listings of Parramatta Park and the Old Government House.

This area also contains the Parramatta River northern foreshore, an area of key open space, important to both residents and people who work in the Parramatta CBD. The northern foreshore comprises a children's play area, public seating, a paved pedestrian shared pedestrian/cycle path and pedestrian footbridge connecting south Parramatta to north Parramatta. The northern foreshore is also traversed by an 15km regional bike route that connects Parramatta Park to Wentworth Point. The area also contains the Western Sydney Stadium, completed in 2019, which provides capacity for 30,000 attendees and includes public play areas and sports courts.

4.3.1 Submissions

4.3.1.1 Community submissions

Many of the community submissions generally opposed the proposal particularly in relation heritage concerns in Parramatta North. Submissions requested Parramatta North be removed from the proposal to allow further consideration of heritage values and a review of the proposed controls. Generally, the submissions were concerned that Parramatta North contains a significant number of heritage items and the proposed building heights, bulk and scale was not compatible with this area and would diminish heritage values, green streetscapes, amenity, and solar access and result in Parramatta North losing its heritage values and consequently its character.

4.3.1.2 Agency submissions

The Heritage NSW, National Trust of Australia (New South Wales branch) and the National Trust of Australia (Parramatta branch) submissions specifically identified concerns with the area north of the Parramatta River, matters raised include:

- the proposed building height of 80m along Church Street in North Parramatta would result in Church Street being lined by 30-storey tower buildings which would divide the two HCAs and completely disregards the significant heritage that exists in Parramatta North. Retention of the existing controls was sought;
- suggested State Heritage Registered items are not be subject to increased height and density;
- seeks the removal of incentive heights and FSRs and supports the retention of existing height and FSR controls at the corner of Villiers Street and Church Street to avoid overshadowing of Prince Alfred Square and St Patrick's Cathedral and to retain the prominence of the Church Street precinct;
- recommends solar access be maintained to Price Alfred Square, beyond the parameters set by the proposal; and
- the scale of proposed development along the culturally and historically significant Parramatta River is inappropriate. It is necessary to prevent development from dominating the river by maximising green space, retaining blue open sky, transition development down to the river and protecting view lines to the Lennox Bridge.

Council response

Council acknowledges that the proposed controls promote the introduction of tower building forms that are not part of the current fabric of the area north of the river and that the character of the area will change, particularly with the introduction of the light rail and the density needed to support that new infrastructure. However, Council argues the proposal aims to evolve the CBD so it can realise its role of the metropolitan centre for Western Sydney. Council states the proposal has to balance the integration of land use and transport to make the most efficient use of new infrastructure by ensuring it is accessible to greater numbers of residents and businesses against the issues of heritage and character.

Council also advises the amending plan is supported by heritage and urban design studies that consider heritage items and precincts within and surrounding the new CBD boundary, including the land north of the river and the findings of these studies have led to Council implementing an additional LEP clause to manage heritage impacts. The intent of this clause is to ensure development demonstrates an appropriate relationship to heritage fabric, the street and the wider area. The protection of heritage is intended to be further strengthened through supporting DCP controls that outline development requirements for heritage items and properties that adjoin heritage items and HCAs.

Council also note that overshadowing impacts to Prince Alfred Square are mitigated through the Sun Access Protection (SAP) provisions, which recognise the significance of Prince Alfred Square and seek to ensure sunlight access is maintained to 50% of the Square between 12pm and 2pm.

Council flagged that the Department may consider the issues raised by these agencies to be an unresolved Public Authority objection requiring closer consideration once Council has forwarded the plan to the Department for finalisation.

4.3.2 Department assessment and response

In consideration of the substantial number of submissions that raised concerns with the proposed controls for Parramatta North, the Department undertook an analysis of this area, examining the difference between the existing and proposed controls and the potential benefits and impacts from these controls. The Department also undertook its own built form modelling of this area to better understand the potential maximum built form outcomes.

The proposal seeks to apply a maximum incentive building height of 80m and FSR of 6:1 along the Church Street spine. Where development takes up the bonus provisions building heights could reach 92m and FSR could reach a maximum of 7.2:1. The Church Street spine also comprises a number of heritage items and adjoins the North Parramatta and Sorrel Street Conservation Areas, refer to **Figure 6**.

The Department's analysis notes that the proposal is seeking to balance growth in this area to leverage greater accessibility provided by the Parramatta Light Rail Stage 1 and seeks to introduce active frontage provisions to assist in the activation of Church Street in Parramatta North. However, following further analysis and built form modelling, the Department identifies the following concerns:

- the proposed controls in this area may compromise the area's unique heritage attributes, either through the demolition of heritage items or through development that poorly or unsympathetically incorporates heritage items or in built form dominating heritage items. Consequently, this may reduce the heritage fabric and character of Parramatta North and result in a general disruption between heritage items, views, and character;
- the provision of uniform FSRs and building heights may result in homogenous built forms where there is little building modulation, leading to a lack of interesting and varied development;
- the uniform controls also lead to a hard transition between the Church Street spine and the adjoining heritage conservation areas, noting Council investigation into the future of these adjoining areas is still underway providing difficulty in understanding the adjoining context. The Department's modelling incorporated building setbacks and certain design criteria as set out in the Apartment Design Guide, such as best practice floor plate size and building separation.
- **Figure 7** shows a 3D image of possible development in Parramatta North under Council's proposal as modelled by the department, noting the hard transition to the adjoining low density heritage conservation area. The 3D modelling has been undertaken to understand the maximum expression of controls, and it is noted that this is hypothetical and development of all sites is unlikely and would need to respond to land constraints. **Figure 8** shows modelling undertaken by Council as part of the draft planning strategy for the North East Planning Investigation Area showing a more varied skyline due to differing assumptions of the model; and
- building heights and FSRs should be commensurate with the scale of the Parramatta River and should seek to protect the natural, historical and cultural qualities of the river that are central to the identity of Parramatta and its place as the Central River City.
- the exhibited proposal seeks to protect half of Prince Alfred Park and the southern foreshore of the Parramatta River from overshadowing at select times, and submissions which suggest this is insufficient are acknowledged. The Department's modelling has also noted that in some cases the sun access plane leads to heights in excess of the adjoining land, which appears to be an unintended consequence of the provision. While maintaining solar access is a key consideration, it should not be the only input to urban design considerations.

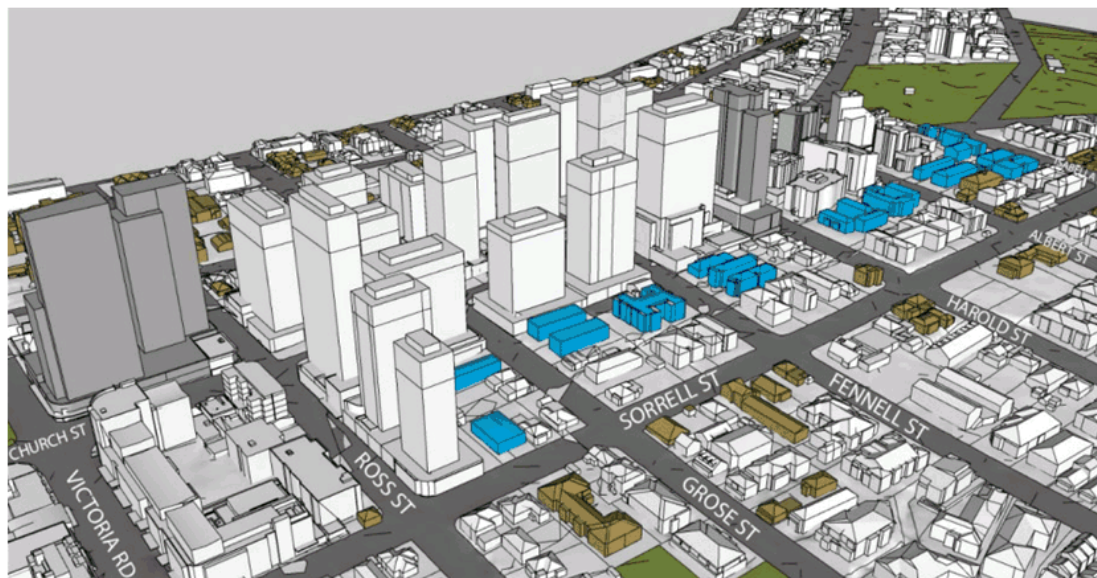
Figure 6. Parramatta LEP 2011 Heritage map, Parramatta North area of the CBD proposal in blue hatching



Figure 7. image taken from DPE modelling for Parramatta North



Figure 8. image taken from City of Parramatta Council modelling for Parramatta North, as part of the North-East Planning Investigation Area Draft Planning Strategy (November 2020)



4.3.3 Post exhibition amendments

In response to these concerns the Department recommends the area of land known as Parramatta North not be progressed as part of this plan. This allows further consideration to be given to the provision of development within proximity to the Parramatta Light Rail, transitions, solar access, lower building heights and FSR along the river, consideration of the adjoining HCA and heritage attributes generally, community concerns, amenity, and character. It is noted that Council is currently undertaking a review of planning provisions within the planning investigation areas and this may provide opportunity to review holistically providing a more complete picture of future character and built form transition.

4.4 Flooding

A significant proportion of the Parramatta CBD is situated within the floodplain of the Parramatta River and its tributaries (refer to **Figure 9**). Flooding within the Parramatta CBD is typical of flash flood catchments with floodwaters arriving quickly without significant warning, cutting access to areas and buildings, before receding quickly. The management of flood risk and stormwater within the Parramatta CBD has been a key consideration throughout the plan making process.

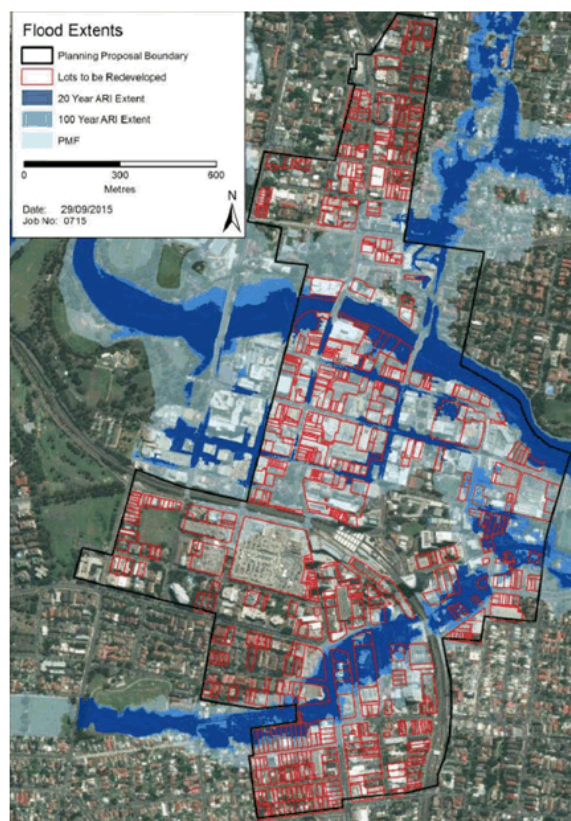
The proposal has considered the impacts of flooding within the Parramatta CBD, as well as the impacts of development on the floodplain. The CBP PP is supported by the following studies (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations):

- update of Parramatta Floodplain Risk Management Plans, prepared by Molino Stewart Pty Ltd in October 2021;
- Parramatta CBD Flood Evacuation Assessment, prepared by Molino Stewart Pty Ltd in September 2017; and
- Horizontal Evacuation Pilot Study – Parramatta CBD, prepared by SJB dated 29 August 2017.

On 11 October 2021, Council resolved to approve the Updated Parramatta Flood Risk Management Plans (**Attachment J**).

The advice and recommendations of above studies were considered and where relevant incorporated into the final proposal.

Figure 9. flood extents through the Parramatta CBD



4.4.1 Submissions

4.4.1.1 Community submissions

Concerns raised by the community in relation to flooding primarily relate to the impact of flooding on the Parramatta CBD and the importance of providing shelter and emergency egress in a flood event. Some of the submissions request implementation of flood related development controls and appropriate consideration of flood management and risk as a result of the changes to height and density controls. Some submissions also note the information relied upon for the draft report should be updated considering the frequency and duration of large weather events and the impact on the floodplain.

4.4.1.2 Agency submissions

Environment, Energy and Science Group (formerly the Office of Environment and Heritage now Environment and Heritage)

EES considers the amendments and analyses in these reports to be reasonable. While EES does not object to the plan, it does note that shelter in place is not an evacuation method, as evacuation means to move people away from the risk area and advises that all matters regarding flood evacuation, community education and awareness and sheltering in place are the primary responsibility of the NSW SES, and its endorsement is considered essential. EES noted flooding levels and design need to account for changes with climate change.

NSW State Emergency Service (SES)

SES was consulted by Council formally on 19 December 2019, and again on 21 September 2020, but has not provided a formal submission to date.

Council response

Council's responses to community submissions confirm flood modelling was being undertaken at the time, which has since been completed and endorsed by Council.

Council notes the majority of the comments by EES and advises that SES have not made any formal submissions to date despite contact being made via the statutory requirements of the Gateway determination Conditions 2 and 4 to invite a submission. Should SES provide a submission after the planning proposal is endorsed by Council, Council will rely on the Department to address any matters arising from a late submission.

4.4.2 Department assessment and responses

The Department notes that consultation with the SES occurred through both formal consultation periods and through briefing and discussions on the proposal including following exhibition, however, a formal submission was not provided. While EES has suggested endorsement by SES as essential, the Department considers that Council has provided many opportunities for feedback from SES and has suitably considered flood risk and proposes appropriate mitigation measures.

Review and update of the Floodplain Risk Management Plans (upper and lower Parramatta River catchments)

In response to the Gateway conditions Council has reviewed and updated the Floodplain Risk Management Plans for the upper and lower Parramatta River catchments that covers the Parramatta CBD area. This was endorsed by Council at its meeting on 11 October 2021.

The updated Floodplain Risk Management Plans (**Attachment A2** – Link to supporting studies) state that while the planning proposal increases the overall population at risk, it will also provide the opportunity to decrease the risk to that population through encouraging redevelopment which is more compatible with the flood risk. The report concludes that the intensification of development in the Parramatta CBD represents a tolerable risk to life and property providing that amendments are made to the Parramatta LEP 2011, and Parramatta Development Control Plan (DCP) 2011, to better manage some of the risks of flooding to life.

Evacuation analysis

Council undertook detailed evacuation analysis for the Parramatta CBD, assessing the feasibility of various evacuation options and evacuation infrastructure upgrades, and subsequently prepared the Parramatta CBD Flood Evacuation Assessment and Horizontal Evacuation Pilot Study.

The evacuation assessment considered three evacuation approaches, based on the 20-year ARI, 100-year ARI and PFM flood events, as follows:

- Horizontal Street Level (HSL) evacuation. This would be achieved by vehicle, before roads are cut by floodwaters, and was not considered to be realistically achievable, noting evacuation would take between 8-11 hours and due to the flash flooding nature in the CBD evacuation may be required with just one to two hours notice;
- Horizontal High Level (HHL) evacuation. This approach would be achieved on foot, by using a network of elevated walkways, and would allow for late evacuation. The assessment found this option would be costly, have significant impacts on the CBD urban landscape and heritage buildings and evacuation times would be consistent with the flood duration; and
- Vertical Evacuation through Sheltering in Place (SIP). In this approach evacuees would reach a refuge above the flood level within their building and wait for floodwaters to recede. The assessment found SIP is the most suitable flood emergency response strategy for Parramatta CBD, as most of the buildings are multi storey. Noting that provisions would need to be made for building access for people in the public domain and development controls would need to be imposed, on development, to ensure adequate provisions are provided.

Both the report and pilot study reiterated that the Parramatta CBD is subject to flash flooding with floodwaters rising within a few hours from the beginning of the rainfall, and there may be less than one hour of warning before an event. The analysis concluded the short time available for evacuation and the current lack of a flood warning system make flood emergency response in Parramatta CBD a difficult exercise and determined that shelter in place is considered the most achievable and practical solution.

Introduction of flood risk management planning provisions to the PLEP 2011 and Parramatta City Centre DCP

In recognition of flood behaviour, flood history and hazards posed by flooding in the Parramatta CBD, Council were granted 'exceptional circumstances', which enabled Council to prepare a flood risk management control for its LEP, beyond the flood planning level. Consequently, the amending plan is seeking to introduce a clause which would require buildings on flood affected land, up to the PMF within the Parramatta CBD to:

- provide a shelter in place area, connected to emergency electricity and water supply and of sufficient size to provide refuge for all occupants of the building (including residents, workers and visitors); or
- provide flood free pedestrian access between the building and land that is above the PMF level; and
- be able to withstand the forces of floodwaters, debris and buoyance resulting from the PFM.

This clause is in addition to controls under the prescribed Standard Instrument clause 5.21 Flood Planning.

Further, the draft Parramatta City Centre DCP proposes flood risk management controls to support the LEP provisions and to provide guidance and regulation for development on flood affected land. The draft Parramatta CBD DCP has been publicly exhibited and it is understood Council is currently reviewing submissions and considering the need for amendments. The draft CBD DCP includes a chapter specifically related to flood risk management which establishes controls to guide future development on flood prone land.

4.4.3 Section 9.1 Direction 4.1 Flooding

This direction applies as the amending plan seeks to create or alter provisions that affect flood prone land.

At the time the Gateway determination was issued, Section 9.1 Direction 4.1 Flooding (formerly 4.3 Flood Prone Land) remained unresolved. The determination included conditions requiring Council to provide additional information to satisfy the requirements of the direction and to consult with State agencies EES and SES.

Due to the local flood behaviour, Council was also granted 'exceptional circumstances' to enable consideration of a new LEP provision that would apply flood planning controls up to the probable maximum flood level, within the CBD.

The Department considers the CBD PP has adequately addressed the objectives of this direction, for the following reasons:

- Council has updated the Floodplain Risk Management Plans that covers the Parramatta CBD area (Upper and Lower Parramatta River Catchments) and undertaken a detailed evacuation analysis for the Parramatta CBD;
- the updated Floodplain Risk Management Plan and evacuation analysis documents (Parramatta CBD Flood Evacuation Assessment 2017 and Horizontal Evacuation Pilot Study for Parramatta CBD 2017) support the amending plan and conclude that the intensification of development in the Parramatta CBD:
 - represents a tolerable risk to life and property providing that amendments are made to the Parramatta LEP 2011 and Parramatta Development Control Plan (DCP) 2011 to better manage some of the risks of flooding to life,
 - that while the planning proposal increases the overall population at risk, it will also provide the opportunity to decrease the risk to that population through encouraging redevelopment which is more compatible with the flood risk, and
 - that shelter in place is considered the most achievable and practical evacuation solution due to the short time available for evacuation which makes flood emergency response in Parramatta CBD a difficult exercise.
- the Department and EES recognises flooding in the Parramatta CBD warranted the granting of exceptional circumstances. This enabled Council to prepare and consult on a new LEP flood provision for flood affected land within the CBD, up to the PMF level;
- the proposed flood clause seeks to ensure buildings provide optimal flood emergency evacuation outcomes and can withstand the force of floodwater, debris and buoyancy resulting from a PMF event;
- EES advises the amendments and analyses in these reports are reasonable, and raise no objections, however, it is advised that NSW SES endorsement of the amending plan is essential;
- Council has consulted with NSW SES, however, no response was received.

Noting Council's response to the submissions, general support from the EES, and the advice and recommendations contained within the technical reports, the Department is satisfied that flooding has been adequately addressed and the LEP's inconsistency with this direction is justified through supporting studies and mitigation measures introduced.

4.5 Built form

The proposal seeks to expand and intensify commercial activities and support higher density mixed use and residential development in the CBD, through the provision of tall slender towers. To achieve these outcomes the proposal is seeking to significantly increase building heights and FSRs and to introduce additional bonus FSR or building height where development meets certain criteria, such as design excellence.

To understand the built form outcomes sought through the proposal the Department undertook built form modelling which took into account building heights, FSR controls, bonus FSR and building height provisions, solar access controls, as well as provisions taken from the Apartment Design Guide and draft Parramatta DCP including building separation, floor plate sizes, setbacks and building steps. The Department has undertaken this thorough assessment to ensure controls are appropriate for finalisation given the significance of the Central River City and the evolution of the planning proposal.

A number of recent significant developments within the CBD have been approved or constructed, including sites along the river. Modelling undertaken by the Department has incorporated these future forms to understand the context, noting concerns regarding controls for land between Phillip Street and the River.

4.5.1 Unlimited FSR provisions for office and commercial premises in the B4 and B3 zone

To encourage A-grade office development within the B3 Commercial Core the planning proposal introduced a clause that would exempt office development from any FSR controls provided the site has an area of greater than 1,800m². This essentially allows for unlimited FSR for this use, establishing height as the primary determinant of built form in the LEP.

Similarly, in the B4 Mixed Use zone the planning proposal sought a minimum FSR of 1:1 for commercial uses and exempted any additional FSR above the 1:1 on certain sites, identified on the Additional Local Provisions Map, with a site area of greater than 1,800m².

The intent of the clause is to exempt commercial development from the overall maximum FSR controls to activate land on the edge of the B3 Commercial Core zone and facilitate the provision of a range of commercial uses (business, office and retail) that will contribute to the long term economic and jobs growth of the CBD. As with the provisions for B3 zoned land, this allows for unlimited FSR to be provided with the height limit the primary control in the LEP for built form.

However, in finalising the proposal the Department undertook built form modelling which identified concerns that maximum building heights, inclusive of bonus (up to 243m) and unlimited FSR provisions could lead a proliferation of bulky buildings, homogenous built form outcomes, poor solar outcomes, walls of development fronting the Parramatta River, Church Street, George Street and Prince Alfred Park, all areas of key historical importance. Concerns were also raised about the loss of blue-sky, potential for wind tunnel effects and a lack of built form transition.

The Department's Height and Floor Space Ratio Practice Note advises that height and FSR controls should be adopted for all strategic centres and in areas where urban growth is planned. The use of height and FSR controls establish a primary building envelope, to ensure the size of the building is appropriate to the land size and compatible with the surrounding area. The provision of an unlimited FSR combined with significant building heights is likely to result in large bulky buildings and risks undermining Council's objective for tall slender towers. Further there are no development guidelines for commercial development such as the Apartment Design Guide for residential and Council is reliant on DCP controls to guide setbacks and tower separation.

In light of these concerns and noting that once controls are approved, the resulting development could irreversibly impact the amenity, character and identity of the Parramatta City Centre. Consequently, the Department engaged an independent consultant to undertake a rapid assessment of the proposed controls and urban design outcomes associated with the CBD PP.

The assessment suggests that the proposal was at risk of:

- permitting and encouraging over development within the CBD that risks significant adverse impacts to the existing public domain, heritage qualities and the natural environment of Parramatta, and
- risks visual dominance over the Parramatta River which is critical to the cultural identity of Parramatta as the Central River City and its role in creating a desirable place to live and work.

In response to the concerns about poor development outcomes demonstrated by the modelling and the recommendations made in the independent design review, the unlimited FSR provisions are recommended to be removed. In doing so, the Department considers that the objective to create a CBD of tall slender towers is more likely to be achieved, and that by allowing the maximum height to be retained, greater flexibility is available to allow for density to be expressed within the height limits. The Department notes the recommendations of independent design review and notes that Council may consider further justification to support this control in a future planning proposal.

The Department acknowledges the intent of the provisions is to encourage employment generating uses which will be important for the development of Parramatta as Sydney's second CBD, however these incentives should not be at the expense of amenity and design considerations which will also influence the success of the Central River City as a desirable place to live and work.

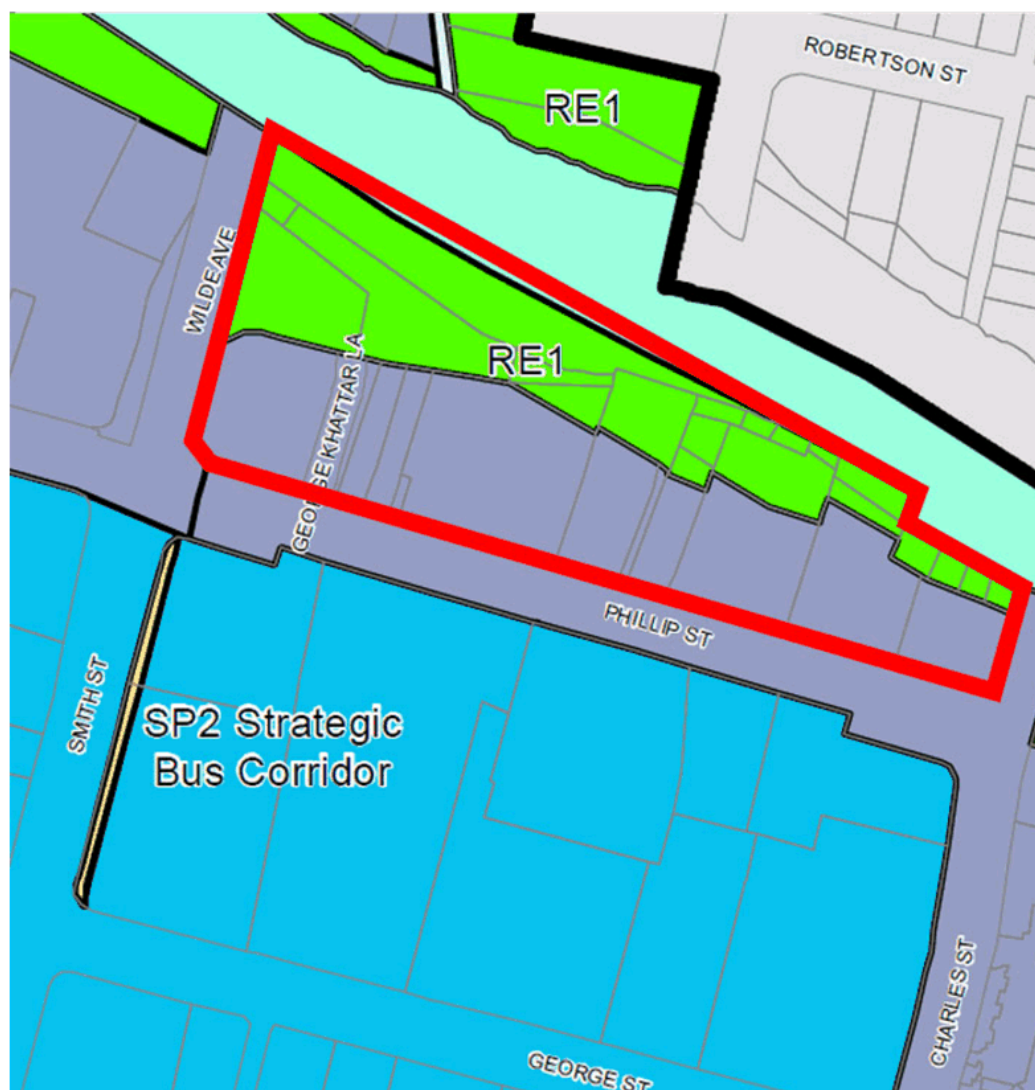
While the incentive provisions are proposed to be removed, the requirement for development to provide a minimum commercial FSR of 1:1 on land in the B4 zone is to be retained.

4.5.2 Phillip Street Block

The Phillip Street Block (**Figure 10**) is located between the southern foreshore of the Parramatta River and Phillip Street and between Wilde Avenue and Charles Street. Existing development in this block comprises a mix of medium density, 5 – 6 storey commercial and residential developments. The Parramatta Ferry Wharf is located at the western end of the block.

The southern foreshore comprises public picnic tables and seating, a paved, shared pedestrian/cycle path and the Elizabeth Street footbridge connects south Parramatta to north Parramatta. The shared path joins the 15km regional bike route located on the northern foreshore, that connects Parramatta Park to Wentworth Point. The southern foreshore area also contains a number of large shady trees, areas of green open space and adjoins the Powerhouse Museum's Parramatta site. The importance of the southern foreshore area is recognised under the Parramatta CBD as the proposal included controls seeking to prevent overshadowing to the southern foreshore at certain times.

Figure 10. Extract from the Proposed Land Use Zoning Map of the 'Phillip Street Block' outlined in red (Source: Revised Proposed LEP Maps – Attachment A4)



Council officers in its post-exhibition report to the 15 June 2021 Council meeting (**Attachment F**), recommended further analysis was required for the land parcels on the northern side of Phillip Street fronting the River between Smith Street and the Charles Street Ferry, as preliminary urban design work identified potential unsatisfactory outcomes from building heights along the river and to respond to the issues raised in submissions including those from National Trust (Parramatta Branch) and the Parramatta Heritage Advisory Committee. The report advised, that if the recommendation was adopted by Council it would mean that any controls proposed under the CBD PP within this block including increased heights and FSRs, opportunity sites and minimum commercial provisions would not be progressed.

However, at the 15 June 2021 Council meeting, Council resolved to proceed with the proposed amendments to this site including incentive building heights and FSR, minimum commercial provisions and the opportunity sites bonus (**Attachment F**).

Department assessment

Submissions from the National Trust of Australia (NSW Branch) raised concerns about the proposal in relation to river, advising it considered the heights of the buildings and their setbacks adjacent to the river need to acknowledge the cultural and historical significance of this landscape.

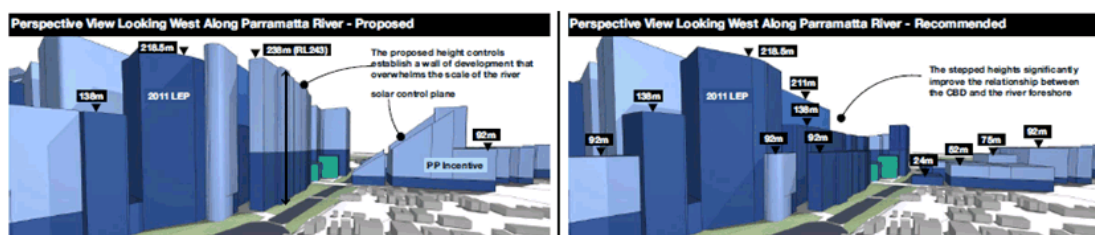
The Department's built form modelling similarly raised concerns that the proposed building heights and FSRs along the river foreshore permit development that would visually dominate the scale of the river. In response to Department's modelling an independent rapid urban design assessment was commissioned.

This report found that Parramatta has a unique relationship with its river and the CBD PP risks jeopardising this relationship for future generations. The report also notes recent development along the river appears to commercialise the foreshore and visually dominates the river corridor. This type of development is similar to Barangaroo in Sydney, but the river is substantially different in scale and aspect to Sydney Harbour. The resulting massing controls could result in built form that detracts from the character of the river and could adversely impact Parramatta's identity and its desirability as a place to live and work.

Figure 11 demonstrates maximum building heights under the Parramatta CBD and the report's recommendations.

In consideration of Council officer comments, submissions, the Department's built form modelling and the findings of the independent design study, the Department has recommended that the Phillip Street Block not progress as part of the CBD PP and that the block retains its current controls.

Figure 11. Proposed and recommend building controls along the Parramatta River (source Bennett & Trimble Parramatta CBD Planning Proposal Rapid Assessment)



4.5.3 Opportunity Sites

In response to concerns about bulk and scale, the Department has also reviewed the proposed opportunity sites clause, which would facilitate additional FSR of 3:1 where development meets certain conditions and is identified on the proposed Opportunity Site Map.

The intent of this clause is to allow additional residential development, within the B4 Mixed Use zone, providing the site is greater than 1,800m², meets certain dimensions and the applicant demonstrates, via a site specific DCP, that the site can accommodate the additional FSR, design excellence and satisfaction of high performing building provisions. Initially this clause was also linked to the provision of community infrastructure.

The following studies were prepared to support the opportunity sites provisions proposed by Council (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations):

- Urban Design and Feasibility Study for the Church Street Precinct (June 2019)
- Urban Design and Feasibility Study Parramatta CBD Planning Proposal – Review of Opportunity Sites, prepared by City of Parramatta Council (October 2019)
- Parramatta CBD Opportunity Sites – Heritage Review, prepared by City of Parramatta, (October 2019)

- Overshadowing in the Parramatta CBD Technical Paper, prepared by Parramatta City Council, dated 12 August 2020

Department response

The Gateway determination (**Attachment C**) required the proposed opportunity sites be reviewed in response to concerns it may result in overdevelopment. The assessment at this stage suggested the provision may result in a proliferation of large towers, where one or two of towers may be acceptable. The Gateway condition required the opportunity sites provision be reviewed in relation to site depth, site isolation, and impacts to heritage areas and heritage streetscapes. The Gateway required the clause to be removed where the additional bulk and scale could have an adverse impact on the surrounding amenity and heritage. A further condition required consideration be given to removing opportunity site provisions from Church Street if the additional height and FSR would have an adverse impact.

Consequently, Council undertook additional studies to review the opportunity sites, including those sites located along Church Street. The supporting studies found a significant portion of land identified as opportunity sites were not suitable for the additional FSR, due to overshadowing and visual impacts, impacts on adjacent heritage items, bulk and scale, conservation of blue sky views, inability to meet minimum site requirements or obscuring views. As a result, the majority of opportunity sites were removed from the Opportunity Sites Map, prior to the exhibition of the planning proposal (**Figures 12 and 13**). It is noted that Council did not support all recommendations of the review and provided additional analysis in support of these departures.

Figure 12. Opportunity Sites Map submitted with the planning proposal for Gateway (April 2016)

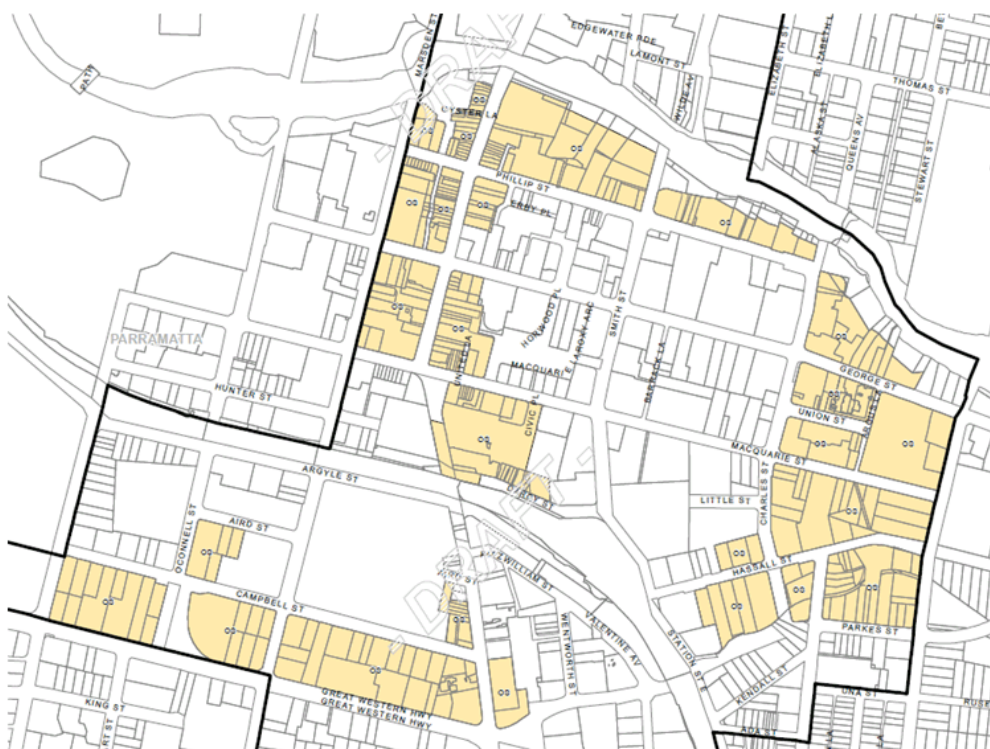
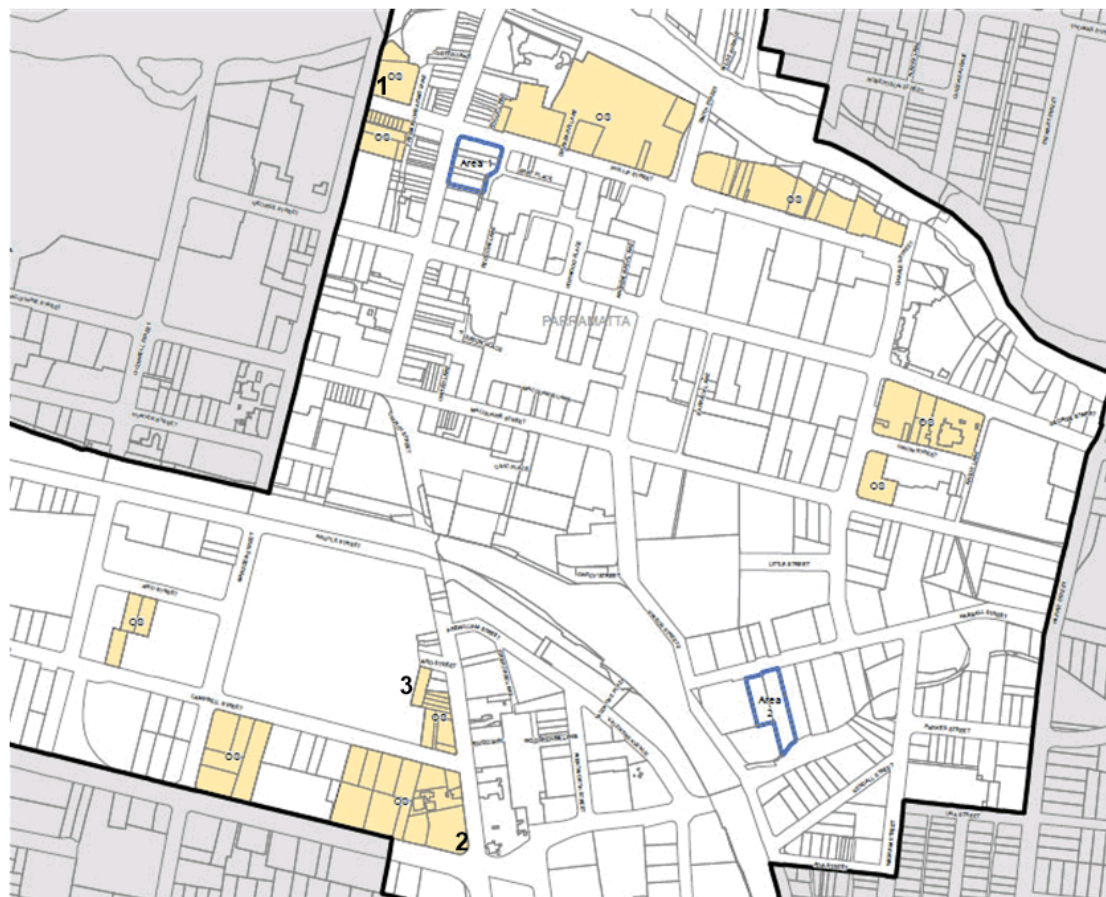


Figure 13. Opportunity Sites Map submitted for finalisation (June 2020)



The Department notes that the exhibited planning proposal required a site specific DCP process to be completed prior to achieving the additional FSR. This process was intended to require a DCP or concept development application to demonstrate that the site was capable of the additional FSR and could respond to any site constraints. However the inclusion of the provision through mapping of identified locations, will likely set expectations that this FSR can be achieved.

The Department also notes that in the proposal as exhibited, Opportunity Sites were only able to access additional 3:1 FSR where community infrastructure requirements had been met. However, post exhibition changes to the LEP have removed this requirement due to changes to the planning agreement framework discussed in this report under Section 4.7.

Concerns for the potential negative impacts of unlimited FSR provisions have also led to a removal of this provision, discussed in Section 4.5. This would then mean opportunity sites, typically on the fringe of the CBD, are the sites with greatest development capacity.

In light of this, the Department has undertaken a review of Opportunity sites, recommending they not proceed. The Department's assessment found that generally a 10:1 FSR (plus other design excellence and high performing buildings bonuses) provides an appropriate balance between development objectives and public amenity, overshadowing and heritage considerations. As noted in Section 4.5.2 the Department has recommended that Phillip Street Block not be progressed under this amendment.

The Department notes that for many opportunity sites, heritage and overshadowing have been key considerations, and are discussed within the proposal's supporting studies, including sites on the corner of Church St and Phillip and the corner of Phillip and Marsden Streets (refer to **Figure 13**). Both sites adjoin the Church Street Precinct, a historic streetscape comprising of a large number of heritage items. The Park Edge Highly Sensitive Area adjoins the site to the west and has a maximum building height of 54m.

The Review of Opportunity sites recommended a limited building height Phillip and Marsden Streets to mitigate visual impacts in relation to scale and view lines to adjacent heritage and recommended the opportunity site bonus may be retained for the southern site if supported by further work. The review for Area 1 similarly raised concerns and recommended Council remove the Opportunity Site FSR and unlimited commercial FSR bonuses for this precinct acknowledging the heritage and overshadowing constraints. The bonuses were recommended to be retained on both sites as there was considered to be no perceivable difference in overshadowing at Phillip and Marsden and Area 1 provided opportunities for amalgamation.

The independent design review commissioned by the Department, considered the scale of development outcomes more broadly within the CBD and did not support the abrupt transition to the Park Edge Highly Sensitive Area. The review suggested the proposed height controls have the potential to impact the scale, character and significance of the Park Edge Special Area, Parramatta Park and the Old Government House and Domain and recommended reduced heights of 103m in this area.

The Department has reviewed the proposed controls for these sites and the suite of supporting documents within the planning proposal and is satisfied that the removal of the unlimited commercial FSR bonuses and a maximum FSR of 12:1 inclusive of bonuses would result in satisfactory development outcomes which achieve the objectives of the planning proposal and that does not compromise the adjoining heritage along Church Street and George Street.

Opportunity sites are also proposed for sites between the Parramatta River and Phillip Street, which is a key location within the CBD, recommendations regarding the removal of the eastern portion of this land is discussed in Section 4.5.2. Much of this remainder of these opportunity sites are proposed to be occupied by the Powerhouse Museum, the development of which is currently underway. Given the museum site will be a key community asset and cultural institution, and is a distinctly lower scale than adjoining sites, further consideration would be required to understand how any additional FSR would relate to the museum site and Parramatta River foreshore.

The Department also notes site specific proposals have been finalised for a number of sites proposed to be subject to opportunity sites bonus, including 2 – 10 Phillip Street, 87 Church Street and 6 Great Western Highway and 55 Aird Street, identified as 1-3 in **Figure 13** respectively. These site specific proposals introduced bespoke controls which for some sites includes incentives to facilitate particular uses. Additional residential FSR beyond these provisions is not considered appropriate.

5-7 Hassall Street is identified as Area 2 (**Figure 13**) and can avail the Opportunity Sites bonus if the sites amalgamate. Under the CBD PP the site is proposed to have a maximum building height of 122m and FSR of 10:1. If the design excellence and high performing building bonus were achieved this would allow maximum building heights of 146m with an FSR of 12:1. The Opportunity Site bonus would see a permissible FSR up to 15:1 on this site.

Council's Technical Paper on overshadowing identified this block for revised incentive height controls to reduce overshadowing impacts on the Harris Park Heritage Conservation Area. As part of the review of Opportunity Sites, it was recommended that this site be removed due to an inability to achieve the yield through the additional FSR and concerns for overshadowing impacts. Council responded to this recommendation suggesting that if the sites were amalgamated, they would have the potential to achieve the FSR without significantly overshadowing.

The Department's modelling exercise reviewed this site considering bulk, scale overshadowing and solar access, while considering building setbacks, tower separation and tower slenderness. With reduced height available for this site, an FSR of 15:1 put greater pressure on setbacks, resulting in bulky built form. It is noted that development in this location will overshadow the Harris Park HCA and additional density will likely increase the severity of overshadowing.

Similar concerns are expressed for sites for sites either side of Union Street, subject to a maximum FSR of 10:1 and maximum building heights of 211m. A small part of the southern portion of the northern block is subject to sun access provisions that seek to protect Experiment Farm. If all bonus provision were taken up the maximum building height would be 243m and the maximum FSR would be 15:1. The site is noted to be partially subject to recent mixed use development.

The Department's modelling exercise reviewed this area giving consideration to bulk, scale overshadowing and solar access, while considering building setbacks, tower separation and tower slenderness. The Department's review suggests that additional FSR on these sites will put greater pressure on setbacks and reduce solar access. This area provides a transition point as maximum building heights to the south and east are impacted by sun access planes and built form outcomes will be denser. The Department is not satisfied that an additional 3:1 FSR on this site is appropriate and consequently, does not support the retention of the opportunity sites clause in this location.

The Department has also considered the proposed controls for land to the south of the railway line. The Department notes that some of these sites are upon the highest topography in the CBD and form a transition point as the southern edge of the CBD. Sites to the south of this area are identified as planning investigation areas, and as such their future character is not known. The Department considers that this is not an appropriate location to provide additional density through the opportunity sites provisions.

The Department notes that opportunity sites between Campbell Street and the Great Western Highway have been reduced through the opportunity sites review. The area in the middle of the block was removed from the original Opportunity Sites Map to retain the visual setting down to St John's Church and beyond.

The provision of the opportunity sites bonus has been considered for the sites identified to progress to finalisation, and the opportunity sites bonus is not supported for the following reasons:

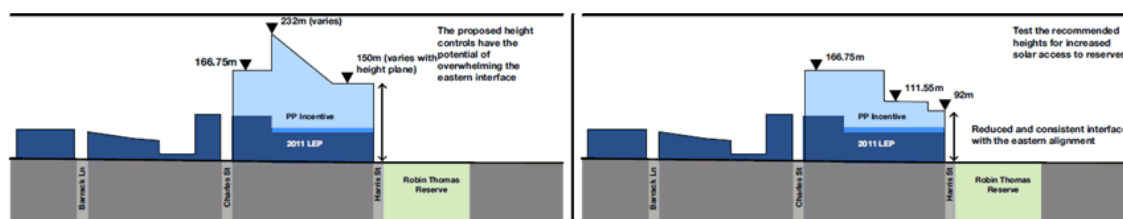
- additional FSR has not been supported across the CBD as the provision of a FSR of 12:1 is considered to facilitate a more appropriate built form, while maintaining adequate tower separation, tower slenderness as per the Apartment Design Guideline. Additionally, lower FSRs mitigate overshadowing impacts and maximum solar access to the development, adjoining development and the CBD in general;
- the opportunity sites provision initially required satisfaction of provisions related to providing community infrastructure, and community infrastructure is now proposed to be facilitated through alternative mechanisms;
- additional FSR through opportunity sites provision would lead to these sites being of greatest scale within the CBD, following amendments proposed by the Department; and
- additional FSR raises concerns about bulk and scale and impacts of bulk and scale on heritage within the CBD.

Consequently, the opportunity sites clauses have been removed from the draft LEP and mapping as a post exhibition change by the Department. This change is considered appropriate and will result in reduced environmental impacts.

4.5.4 Transition

The Department notes that Council have taken a 'hard edge' transition approach where development maintains a consistent height and then has a sudden reduction in height and scale to the adjoining area, typically outside of the CBD boundary. The Department notes the alternative approach often taken includes the 'stepping' of built form through gradual increases in height and density. **Figure 14** shows the different approaches, with the hard-edge transition on the left and a stepped transition approach on the right.

Figure 14. comparison of a hard edge (left image) and stepped transition (right image)



To understand the built form outcomes along the western (Church Street) and eastern (Harris Street) boundaries of the CBD, the Department undertook 3D modelling, to examine possible built form outcomes.

This modelling exercise typically applied a maximum FSR of 12:1, consistent with the Department's recommendation to remove proposed unlimited FSR provisions. An FSR of 12:1 is generally the maximum FSR achievable on sites, using base FSR and bonus FSR provisions.

The modelling found that Council's recommended hard transition approach used in conjunction with a reduced FSR as recommended by the Department may allow for building outcomes which are sufficiently varied and would not result in a homogenous wall or tower like development along the eastern or western edges of the city. Given the CBD location, the Department considers this approach strikes the right balance between built form outcomes and growth of the CBD.

4.6 Solar Access

The Gateway determination for the Parramatta CBD PP dated 13 December 2018 (**Attachment C**) and the Alteration of Gateway determination dated 27 July 2020 (**Attachment D1**), include specific requirements relating to solar access within the Parramatta CBD.

In summary, the Gateway required prior to exhibition for further assessment of the overshadowing impact of the proposed controls on public open spaces and specific sites (including Experiment Farm, Parramatta Square and Heritage Conservation Areas) in and surrounding the CBD compared to the existing controls.

Further, the Alteration of Gateway determination included an additional condition relating to solar access to ensure protection of compensatory area of solar access at the eastern end of the Parramatta Square at the Spring and Autumn equinox. This condition recognised that the proposed maximum built form under the Parramatta CBD proposal would result in overshadowing to approximately half of the protected area of Parramatta Square between 1.30pm and 2pm at the Spring and Autumn Equinoxes. At this time, an equivalent period of the eastern end of Parramatta Square is in sun which provides compensatory solar access which the condition sought to protect.

To address the Gateway conditions the following studies were undertaken (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations):

- Overshadowing in the Parramatta CBD Technical Paper, prepared by City of Parramatta Council, dated 12 August 2020; and
- supplement to the Overshadowing Technical Paper, prepared by City of Parramatta Council, dated 7 April 2021.

Post exhibition changes to the plan are proposed by the Department which will further limit the impact of overshadowing expected in some areas of the CBD discussed in Sections 4.3 and 4.5, however the Department notes that the items raised in the Gateway determination conditions have generally been addressed.

4.6.1 Submissions

4.6.1.1 Community submissions

The submissions provided by members of the community illustrated common themes as summarised below:

- supported the inclusion of solar access provisions;
- recommend sun access protection should be provided from 10am – 2pm at 21 June;
- concerns that high density development will impact on solar access and will result in overshadowing;
- submissions repeatedly raised concerns that heritage buildings, Heritage Conservation Areas and public spaces would be overshadowed;
- several submissions raised concern about overshadowing impacts on Experiment Farm;
- some submissions requested a detailed urban design plan for North Paramatta be prepared to have proper regard for heritage, orientation, overshadowing and the public domain; and
- many submissions requested a review of the height controls for various sites stating they are likely to result in substantial overshadowing of adjoining properties.

Council comment

The CBD PP has incorporated a solar access plane to protect certain areas between nominated times on 21 June. Council officers consider the proposed solar access provisions reasonably protect solar access and amenity to the land and spaces as required by the Gateway. Additionally, a clause has been introduced that seeks to manage adverse impacts to heritage items and HCAs. Further, future residential development will be required to comply with the Apartment Design Guideline which includes specific solar access controls for apartments, and the draft Parramatta DCP contains provisions to achieve standards of amenity in relation to solar access.

4.6.1.2 Agency submissions

A total of 12 agency submissions raised concerns about solar access and overshadowing. Submissions were received from Heritage NSW, National Trust (Parramatta and NSW branches), Property and Development NSW with the Department of Education, School Infrastructure NSW, and Environment, Energy and Science.

Heritage NSW

Heritage NSW raised concerns about potential increased overshadowing on Prince Alfred Square, Centenary Square, St John's Church, Hambledon Cottage, Elizabeth Farm and Experiment Farm and recommended Council consider how to mitigate this to avoid any increases. It also identified part of the Harris Park HCA as vulnerable to overshadowing and recommended appropriate building controls be established to protect solar access and recommended further solar modelling for future development applications to minimise overshadowing impacts of tower development in the CBD.

The NSW and Paramatta Branches of the National Trust

These groups raised concern that maximum building heights will lead to overshadowing of heritage listed buildings, recommended that all of Prince Alfred Square should not be overshadowed and noted that allowing sunlight is critical to health. It recommended extending solar access protections to all day not just between 10am and 2pm on 21 June and requested additional shadow analysis be undertaken for Experiment Farm.

Property and Development NSW

Property and Development NSW supported robust solar access protection controls to key locations such as civic spaces and parks and requested the CBD PP make it clear that overshadowing is expected in a high density area such as the Parramatta CBD.

Department of Education

The Department of Education requested the following:

- Development Applications not be approved if the development adversely overshadows government schools. At least 70% of school spaces, including outdoor school play space should receive direct sunlight between 9am and 3pm in midwinter;
- recommended compliance with the sun access and overshadowing controls contained in the DoE School Site Selection and Development Guide and Educational Facilities Standards, and
- Roof top solar panels should not be overshadowed so they can successfully capture sufficient sunlight to feasibly power the school and that existing PV cells are protected.

Environment, Energy and Science

The submission from Environment, Energy and Science states the foreshore area of the Parramatta River should be protected from additional overshadowing to mitigate impacts on the riparian corridor and future revegetation.

Council response

Council advised that several measures have been considered in the protection of solar access to heritage listed items within the Parramatta CBD and surrounds, these include:

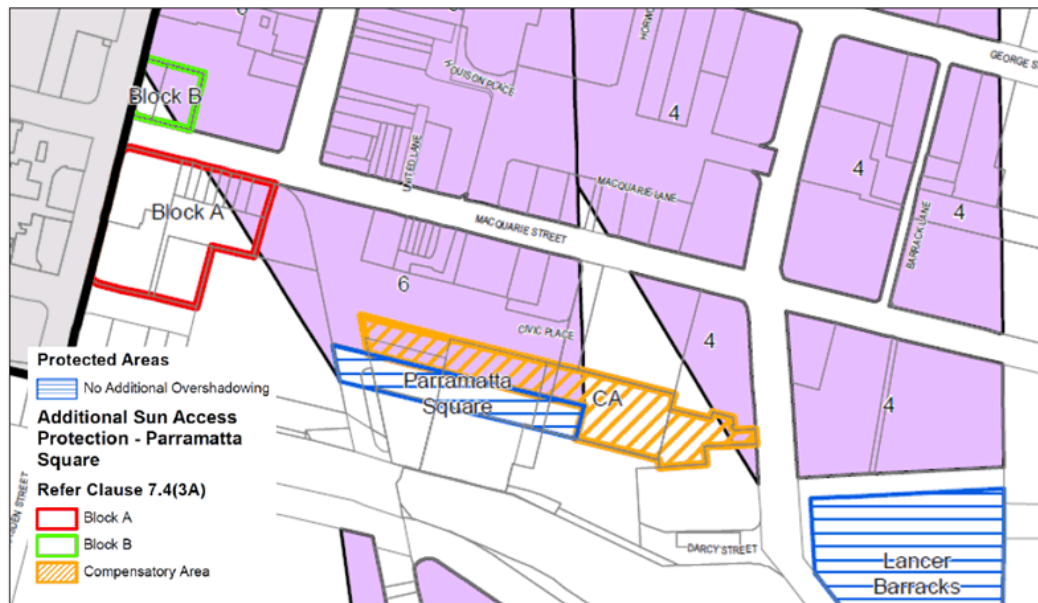
- The implementation of a Sun Access Protection (SAP) surface on the Special Provisions Map, to avoid any increase in overshadowing on heritage items. The application of the SAP surface, theoretically, would reduce the impact of overshadowing by limiting building heights to prevent additional overshadowing to the Parramatta Square Protected Area.
- The application of height limitations under the SAP for buildings located directly to the north, northeast and northwest of the St Johns cathedral and Parramatta Square prevents tall buildings above 54m being constructed in the area, mitigating opportunities for significant overshadowing and limiting the impacts of overshadowing to the cathedral.
- Solar access modelling undertaken as part of the technical papers confirms the potential overshadowing created as part of the CBD PP is unlikely to be substantially greater than the potential overshadowing based on current controls.
- Council's current Development Application requirements include the need for solar modelling (overshadowing testing) where an increase in building height is proposed and this is considered sufficient for any future development applications within the CBD.

Council states adequate consideration has been given to the concerns raised in submissions from the community and agencies, and further amendments to the CBD PP are not supported.

4.6.2 Council Post-exhibition changes

In response to further overshadowing assessment, the draft sun access clause has been amended to ensure development on two blocks, referenced to as Block A and Block B, does not cause overshadowing to the protected area of Parramatta Square between 1pm and 2pm on 21 March and 23 September in any year unless there is a compensatory publicly accessible area (**Figure 15**). The compensatory area must be at least equivalent in size to the area of overshadowing to the protected area of Parramatta Square that is unaffected by overshadowing at that time and which immediately adjoins and is contiguous to the eastern end of Parramatta Square. The Sun Access Protection Map has also been amended to include the identification of the compensatory area in orange hatching.

Figure 15. Extract from the Solar Access Protection Map showing the 'Protected Area' and 'Compensatory Area' that together form the 'Parramatta Square public domain area'. (Source: Council's post-exhibition report – Attachment F)



4.6.3 Department assessment and response

The Department notes that solar access benchmarks have been utilised in determining solar access outcomes and that the amending plan includes sun access provisions which seek to protect certain key areas at nominated times from overshadowing. The clause seeking to manage impacts on heritage items and HCAsc. As discussed previously land north of the river and the Phillip Street block have been removed from the plan to allow further consideration be given to the planning controls on these sites and any future changes to these areas will be required to address solar access.

The Department notes the majority of the concerns raised relate to the overshadowing of public open spaces and heritage items within and surrounding the Parramatta CBD.

The proposed measures to address overshadowing, including the application of height limits, established based on advice provided in relevant studies and the insertion of an SAP clause in the LEP and controls relating to solar access and overshadowing in the draft CBD DCP, are considered appropriate to mitigate any potential future overshadowing.

Further, all land north of Parramatta River will not proceed as part of the CBD PP which removes the potential for overshadowing of Prince Alfred Park and the river foreshore. Additional changes which reduce the scale of development permissible may also lead to improved solar access.

The Department concludes that the majority of the concerns about solar access can be addressed through the proposed Sun Access Protection clause and map in the LEP, and the provisions of the draft DCP relating to solar access and overshadowing. The implementation of these controls will ensure that the impacts of new development will maintain adequate solar access to key open space areas and heritage items before development consent can be granted.

However, concerns raised in relation to the overshadowing and solar access impacts to properties in Parramatta North have been addressed by way of removing all land north of Parramatta River from the CBD PP as discussed in this report under Section 4.3 Parramatta North.

4.7 Infrastructure and supporting services

Growth of the Parramatta CBD will increase demand for infrastructure and supporting services including electricity, gas, water and sewer services arising from intensification of development in the CBD.

4.7.1 Submissions

4.7.1.1 Community submissions

Community submissions raised concerns about the increased demand on services, facilities and infrastructure, overcrowding which may result in the reduction in quality of life, amenity and public infrastructure and services.

4.7.1.2 Agency submissions

Comments were received from Endeavour Energy, Sydney Water, Schools Infrastructure NSW (as part of the Department of Education) and Transport for NSW (TfNSW) in relation to the provision of services, infrastructure and existing assets as summarised below.

Endeavour Energy

Endeavour Energy identified it owned 7 substations within the vicinity of the Parramatta CBD and advised it intends to ensure the network meets future challenges through integrating traditional network supply arrangements with distributed renewable generation and enabling the provision of energy storage capability to assure supply security. It also recognises that Council's planning controls achieve a reduction in CBD peak electricity demand and urges applicants/customers to contact an electrical consultant prior to submitting DAs.

Sydney Water

Generally, Sydney Water supports the proposed measures for higher BASIX targets, high performing buildings and dual piping for alternative water sources. They request early and ongoing engagement with Council on precincts and sub-precincts for intensification of dwellings and jobs. Sydney Water also note to assist with investigations into an integrated water management plan, Sydney Water requests early and ongoing engagement with Council on intensification of dwellings and jobs and the anticipated yearly staging of growth. This information is critical for assessing the total impact of the proposed changes and enables Sydney Water to effectively plan for water related infrastructure and funding.

Department of Education

In response to the anticipated uplift and growth enabled by the CBD PP, Schools Infrastructure NSW (SINSW) as part of the Department of Education has noted (**Attachment H**) this is likely to result in an increase of future student populations and demand. In response, SINSW have identified the need for improvements to various government schools within and surrounding the Parramatta CBD as well as for additional school sites. SINSW request for the LEP to include appropriate provisions to ensure sufficient school infrastructure is in place to support future development under the Parramatta CBD PP.

Further, SINSW requests that solar access to existing schools are retained, for public and active transport be enhanced and delivered to support growth in the Parramatta CBD and for schools to remain exempt from local contribution plans.

Transport for NSW

In its submission, discussed more broadly in Section 4.1, TfNSW identified the need for a funding mechanism to be in place to support regional transport infrastructure and recommended the proposal not be finalised until a mechanism to ensure the provision of State public infrastructure was in place.

Council response

In response to comments raised by community submissions Council advised the proposal seeks to address sustainability and liveability through the provision of a high performing building clause which seeks to provide an FSR bonus where certain development types meet energy and water targets. The proposal also includes provisions seeking to future proof the security of water supply within Parramatta by requiring all new development to install dual water reticulation systems. Public and active transport modes have been encouraged through reduced parking rates to encourage mode shift to public transport, walking or cycling and through the provision of end of journey facilities in new commercial development.

The draft DCP includes a section on urban cooling which outlines provisions to address the urban heat island effect by encouraging the use of green walls and roofs, heating and cooling systems and electric vehicle charging stations.

Council notes the comments from Endeavour Energy and Sydney Water and indicated it was supportive of ongoing engagement with Sydney Water to address appropriate mechanisms to support increased population.

In response to matters raised by SINSW, Council notes improvements to schools and new school sites to meet increased enrolment demand are noted but beyond the Council's authority and scope of the CBD PP. With regard to overshadowing, in summary Council state to reduce the impact to the Arthur Philip and Parramatta Public schools, reductions in height controls of up to 60% of the exhibited heights will be necessary, which will result in a sizeable loss of employment-generating yield in the core of the Parramatta CBD which is inconsistent with the long-standing policy position of the Parramatta CBD Planning Proposal to facilitate employment-generating development and is not supported by Council.

In response to SINSW request for Council to consider infrastructure to support the amenity and serviceability of schools and the surrounding area, Council notes the supporting Local Contributions Plan, Development Control Plan and other policies (such as the Integrated Transport Plan) as well as future development applications will enable the delivery of the initiatives identified by SINSW.

4.7.2 Department assessment and response

The Department has reviewed the submissions provided by the relevant agencies and the Sustainability and Infrastructure Study prepared by Kinesis (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations). The Department notes the Utility agencies have confirmed servicing of the anticipated growth can be accommodated provided ongoing consultation and requirements are met as part of future development applications.

The Department notes the LEP seeks to introduce a new high performing buildings clause which requires different energy and water targets to be met by certain commercial developments and is encouraged to be met by residential development through an additional 5% FSR.

Based on the above, the proposal is considered satisfactory from supporting services perspective and the Department is satisfied this component of the CBD PP has been addressed. The Department notes that augmentation of utility infrastructure will be required as development occurs and can be subject to further review as development take up occurs.

State Infrastructure

The Gateway determination required that the planning proposal be amended to identify that a satisfactory arrangements clause would apply to the CBD to support regional infrastructure needs.

The Department notes that since Gateway determination, the contributions framework has been subject to reform which is ongoing. Consideration for a Regional Infrastructure Contribution is underway which would introduce a set contribution for development towards regional infrastructure. As this reform is not yet in place, interim solutions have been considered to ensure that Parramatta CBD's growth is supported by the required infrastructure.

The Parramatta LEP 2011 contains provisions that require satisfactory arrangements be made for the delivery of designated State public infrastructure, before the development of land for residential purposes, where the land is identified on the Intensive Urban Development Area map. To ensure the delivery of State infrastructure the areas where residential development is permitted within Parramatta CBD will be identified on the Intensive Urban Design Area Map.

As the Parramatta LEP 2011 provisions outlined above only relates to residential development, the concurrence of the Planning Secretary will also be required where development is proposed in the B3 Commercial Core. This reflects the generation of infrastructure needs from workers and visitors to the CBD. The Department notes this mechanism was not considered through the planning proposal or Gateway determination but the mechanism ensures that commercial development also provides a contribution where not captured under the existing satisfactory arrangements clause.

The combination of this approach will ensure new growth contributes towards infrastructure in the interim while broader reform is underway.

Local Infrastructure

At Gateway assessment, the Department highlighted some concern for the proposal's approach to value capture, including conditions which required the removal of this language and consideration of alternative funding mechanisms for local infrastructure. The planning proposal sought a community infrastructure clause and two sets of FSR and building height provisions. A base FSR and height provision was set, with an incentivised height and FSR that could be achieved where development provided community infrastructure.

In April 2020 a draft planning agreements policy framework was released by the Department which sought to provide certainty of development outcomes while ensuring that development is supported by infrastructure through good strategic planning. The framework discouraged the use of planning agreements for value capture. In its endorsement of the proposal to proceed to exhibition, the Department noted this point of tension and allowed exhibition to occur acknowledging this matter would require further resolution at the finalisation stage.

In February 2021 the Department released the Practice Note on Planning Agreements confirming that value capture should not be the primary purpose of planning agreements. In its post exhibition consideration of the proposal, Council noted this policy and amended the planning proposal to include community infrastructure principles, rather than requirements. Council has also since adopted a draft 7.12 contribution plan to capture contributions towards local infrastructure, which is currently being considered by the Department due to the requested increase levy rate requiring approval of the Minister.

The Department acknowledges that Council has sought to address this policy direction through its post exhibition changes and that work is underway to plan strategically for the delivery of local infrastructure. It is considered that the amended proposal's community infrastructure principles would still suggest a level of value capture is required to access the higher planning controls. As such, the Department has made a further post exhibition change to remove the community infrastructure clause and consolidate the building height and FSR provisions into one map, retaining the incentive provisions as the maximums. This will also provide greater certainty to potential development outcomes and allow for ease of understanding when viewing controls.

4.8 Environment

Consideration has been given to the potential impact on the built and natural environment as a part of the CBD planning proposal.

It is noted, the proposal is supported by a Sustainability and Infrastructure Study prepared by Kinesis (**Attachment A2** – Council's links to supporting studies, Gateway determination and Alterations) which considers the impact of growth on infrastructure demand and environmental factors and recommends measures which have been included within the draft LEP. Dual water piping, high performing buildings, reduced maximum car parking rates and end of trip facility

provisions have been introduced to ensure that new development is of high sustainability performance and caters to reductions in water and energy consumption and car dependency.

It is noted that flooding has been discussed separately in Section 4.4 Flooding of this report.

4.8.1 Submissions

4.8.1.1 Community submissions

A small number of submissions raised concern regarding the perceived lack of consideration of the environment, including the information around assessing environment quality, within the planning proposal. Some submissions request that the scope of infrastructure be extended to ensure that environmental infrastructure is considered and funded. Other submissions noted that the planning proposal must highlight the importance of the Parramatta CBD to support sustainability outcomes, especially in relation to the health of the Parramatta River and the tree canopy.

4.8.1.2 Agency submissions

Environment, Energy and Science Group (EES)

EES noted that a nationally important Grey-headed Flying-fox camp occurs along the Parramatta River, in proximity to the CBD PP. Any proposed amendments should not allow an intensification of use in the vicinity of the flying-fox camp or lead to either direct or indirect impacts on flying-fox habitat.

EES suggested it does not support primarily hard pavement surfaces along Parramatta River and recommends the river is enhanced by planting a mix of local native vegetation that once occurred along the river in this area to mimic a more natural system. Additionally, an E2 Environmental Conservation zone is recommended to protect the river corridor. Furthermore, EES recommends that increased greenery in the CBD contains local native vegetation and the design excellence provision contains wording to address this matter.

NSW Environment Protection Authority (EPA)

The EPA notes measures such as public transport, precinct based design based on active transport and parking measures to manage demand are supported to contribute to improved air quality outcomes and healthy liveable spaces. EPA also suggest that criteria based on protecting sensitive land uses from traffic pollution should be included in the CBD PP.

Positive features of the proposal were also highlighted by the EPA for promoting and delivering sustainable high performing buildings, however EPA suggested it appears these design elements have not considered the effects of wind and overshadowing of roadways. EPA also noted the need to consider air quality and noise impacts in development.

EPA highlighted that contamination management should be considered holistically across the entire CBD PP area and detailed contamination assessments are recommended prior to development and occupation in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021.

EPA states the planning proposal does not include information on how the design of key sites in the CBD will support actions to protect and improve the health and enjoyment of the District's waterways. The EPA encourage integrated water cycle management as this can provide a least cost approach. In this regard, the EPA support the provision of dual water pipes.

Sydney Water provided a submission also supporting the inclusion of the dual piping requirements.

4.8.2 Council Response

Council notes that the planning proposal is consistent with Council's Environmental Sustainability Strategy 2017 which aims to protect and enhance the health of Parramatta's unique natural ecosystem and is supported by the Sustainability and Infrastructure Study 2015.

The proposal also includes provisions to manage increased demand for electricity, gas, water and sewer services from more intense development by introducing a new clause encouraging high performing buildings throughout Parramatta CBD which is discussed in Section 4.7.2 of this report.

The comments provided by EES are acknowledged by Council. It is noted that foreshore land south of Parramatta River does not contain native vegetation or other significant habitat and the predominant function is for recreation and events consistent with the current RE1 Public Recreation zoning. Council considers EES' proposed E2 Environmental Conservation zone along the river is inappropriate for high use public open space as it is highly restrictive and prohibits development other than for environmental or flood mitigation purposes. Council officers suggest that additional RE1 Public Recreation zone objectives related to protection and enhancement of ecological values and facilitate public enjoyment of these areas could be investigated as part of a future planning proposal process.

Council notes the matters raised by EPA and that wind effects, air quality and noise quality protection, and water quality are matters that have been considered in the draft DCP. Council support and have included references to the *NSW Government's 20 Year Waste Strategy* in the CBD PP.

4.8.3 Department assessment and response

High performing building standards

The Department notes the introduction of a high performing buildings clause in the CBD PP provides incentive for developers to achieve targets for energy efficiency and aligns with the NSW climate change policy framework.

Contamination

Council undertook a preliminary (desktop) investigation of the area within the planning proposal boundary and a site-specific contamination assessment of the Church Street (Auto Alley) precinct.

While the investigation identified potential soil and groundwater impacts, it did not identify the potential for gross or widespread contamination that may preclude a rezoning. The investigation recommended that a detailed site investigation be undertaken at the development application stage for the redevelopment of any land within the CBD.

SEPP (Resilience and Hazards) 2021 includes guidance for the remediation of land which can be further considered through future development applications. The Department is satisfied that satisfactory measures are in place to provide for the remediation of contaminated land and notes that the planning proposal is consistent with SEPP (Resilience and Hazards) 2021 and Section 9.1 Direction 4.4 Remediation of Contaminated Land.

Acid Sulfate Soils

The Parramatta CBD is mapped as containing acid sulfate soils. Under the planning framework, any land in the Parramatta CBD that is subject to a development application is required to consider the presence of acid sulfate soils in accordance with clause 6.1 of the Parramatta LEP. Given the extent of development in the Parramatta CBD, the relative difficulties in carrying out further testing and the ability to consider acid sulfate soils at the development application stage, it is considered that any potential inconsistency with Section 9.1 Direction 4.5 Acid Sulfate Soils is minor and no further consideration of this issue is warranted at the planning proposal stage.

The Department has considered the submissions made by the community and relevant agencies in relation to environmental matters. The Department considers Council's response to issues raised to be sufficient. The existing strategies applicable to the Parramatta CBD and the draft Parramatta CBD DCP provide appropriate mechanisms for protection and enhancement of the environment. Further, the Department notes Council's response to EES' proposed E2 Environmental

Conservation zoning along the Parramatta River and agrees that retaining the existing RE1 Public Recreation zoning is more appropriate for the foreshore given its primary purpose for recreation and the urbanisation which has occurred.

5 Post-exhibition changes

5.1 Council's Post Exhibition Changes

As discussed in Council's post-exhibition report and resolution dated 15 June 2021 (**Attachment F**) Council has made a number of post-exhibition amendments to the planning proposal document (**Attachment A1**) and proposed example draft Local Environmental Plan (**Attachment A3**).

These amendments include minor changes to draft clauses and maps in response to changes in strategic planning framework, as a result of site-specific proposals or to improve legibility. These amendments are also outlined in Council's 'Summary of changes to the planning proposal documentation' attached to the planning proposal (**Attachment G**).

Minor amendments to the planning proposal document include:

- the inclusion of brief explanatory notes within the planning proposal. These notes provide short explanations of the post exhibition changes made to the proposal. For example, notes have been added to explain the changes the high performing building clause, the amendment from the term 'commercial premises' to 'non-residential development' in relation to achievement of incentive heights and densities, and to acknowledge that heavy and metro rail were added to the state contribution list;
- an update to the 'Miscellaneous Amendments' section of the planning proposal so that it is noted all site-specific clauses notified as part of a site specific planning proposal continue to apply as per the existing situation in the case where the site-specific clause does not exactly reflect the CBD PP endorsed clause for finalisation;
- a new section in the planning proposal advising that the maximum FSR and height of building controls may not be achieved as a result of other planning controls;
- an update to the job and housing target section of the planning proposal to confirm 24sqm per job is an appropriate benchmark;
- a new section in the planning proposal discussing the progress of the Integrated Transport Plan;
- a new section in the planning proposal advising Council is preparing a new section 7.12 development contributions plan with an increase levy to ensure a funding framework is in place for the Parramatta CBD;
- an assessment of the planning proposal under *SEPP Amendment (Build-to-rent Housing) 2021* and *SEPP No 70 Affordable Housing (Revised Schemes)*;
- an update to the 'Utilities, waste management and recycling services' section of the planning proposal to advise these services will be available and can support the increased population; and
- a new sub-section of the planning proposal under State and Commonwealth Interest discussing the main submission points on sustainability raised by the NSW Environment Protection Agency (**Attachment H**) including a subsequent amendment elsewhere in the planning proposal referencing the *NSW Government's 20 Year Waste Strategy*.

In summary, Council's notable post-exhibition amendments to the proposed LEP are:

- For 75 George Street, amend the Local Road Reservation (LRA) Map notation as it applies to this site from 7 metres to 4 metres.

- For the Westfield landholdings, amend the Land Zoning Map to replace the proposed B3 Commercial Core zone (as exhibited) with the existing B4 Mixed Use Zone and to make consequential amendments to retain existing controls for this land, being: amend the Height of Buildings Map to show existing heights of part 36m / part “Area 2” (Sun access protection surface); amend the Incentive Height of Buildings Map to remove all proposed controls for this land; and amend the Floor Space Ratio map to show the existing FSR of part 4.2:1/part 6:1.
- For the Walker Corporation landholdings at Parramatta Square, amend subclauses 7.6C(3) and 7.10(8)(b) to replace the words, “wholly of commercial premises”, with the words, “wholly of non-residential development” as they are consistent with the policy intent of the CBD PP in relation to this matter.
- For 14-20 Parkes Street, Harris Park, amend the Incentive Height of Building Map to increase the mapped height from 122 metres to 134 metres.
- Amend Clause 7.6A High performing buildings by including brief explanatory notes and title references to assist with implementation.
- Technical changes to terminology in Clause 7.4 Sun access protection, 7.6G Arrangements for contributions to designated State public infrastructure and Clause 7.6M Parramatta Park and Park Edge Highly Sensitive Area and other fringe areas, Clause 7.10 Design Excellence, Clause 7.6J Opportunity sites, and Clause 7.6H Community Infrastructure.
- Amend Clause 7.6H Community Infrastructure to require compliance with community infrastructure principles, rather than the provision of community infrastructure on site. One of the key elements proposed in Council’s exhibited CBD PP is that access to Incentive FSR and Opportunity Site FSR was to be through the inclusion of community infrastructure on site. Council’s proposed process for provision of the community infrastructure was intended to be stipulated through a separate Development Guideline, which would have included “value capture” monetary contribution rates to calculate the quantum of community infrastructure required, the contribution of which would be formalised through a planning agreement. Changes to the contributions framework led to this change and are discussed in Section 4.7.
- Amend Clause 7.4 Sun Access Protection and the Solar Access plan (SAP) Map to show the Compensatory Publicly Accessible Area that forms the balance of the Parramatta Square public domain area outside the already ‘Protected Area’ as described in the associated exhibited Clause 7.4.
- The following consequential changes are proposed to ensure that Council’s previous decisions on these site specific planning proposals are retained when the new CBD PP is finalised. In particular the existing provisions, and the existing and proposed maps where relevant will be inserted into the CBD PP, given that these site specific planning proposals have been finalised after the commencement of the exhibition period:
 - a. 87 Church Street and 6 Great Western Highway, Parramatta (Amendments 30 and 58)
 - b. 189 Macquarie Street, Parramatta (Amendment 51)
 - c. 55 Aird Street, Parramatta (Amendment 55)
 - d. 142-154 Macquarie Street, Parramatta (Amendment 48)
 - e. 470 Church Street, Parramatta (Amendment 47)
 - f. 33-43 Marion Street, Parramatta (Amendment 57)
 - g. 5 Aird Street, 12 Hassall Street and 20 Macquarie Street, Parramatta (Amendment 54)
- In response to submissions from TfNSW and landowners, remove or reduce some local road widening and regional cycle way reservations (as outlined in this report under section 4.1 Transport).

5.2 Department Post Exhibition Changes

Following the receipt of the revised planning proposal from Council, the Department has made further changes to the proposal.

Through the drafting process, the Department has undertaken its own reconciliation of the site-specific clauses and has removed clauses/sub clauses where they duplicate the provisions introduced under the amending plan. These generally relate to car parking, flooding and high performing building provisions as follows:

- Removal of site specific car parking provisions under Part 7 that are consistent with the general car parking provisions proposed under the CBD PP – under Clauses 7.9, 7.12, 7.13, 7.15, 7.16 and 7.23.
- Removal of site specific flooding provisions under Part 7 that are consistent with the general flooding provisions proposed under the CBD PP – under Clauses 7.16, 7.18 and 7.22.
- Removal of the site specific reference to the Design Excellence clause under Clause 7.20 Development on land at 55 Aird Street, Parramatta – as it no longer applies to this site.
- Removal of site specific high performing building provisions from 7.22 Development on land at 33 – 43 Marion Street, Parramatta that are consistent with the general high performing building provisions proposed under the CBD PP.

The finalisation of site-specific planning proposals during the evolution of the Parramatta CBD as well as a detailed review of the proposed maps and provisions has resulted in a number of further housekeeping post exhibition changes to:

- Additional Local Provisions map to ensure it only includes applicable sites under Part 7 Additional local provisions – Parramatta City Centre of the LEP.
- Heritage map to ensure it only includes applicable sites identified in Schedule 5 Environment Heritage of the LEP.
- Update Lot and DP references in Clause 7.5 Service apartments.
- Land Reservation Acquisition Map to ensure it is up to date in removing references to land that is no longer to be acquired and includes up to date references to the purpose of land reservation acquisitions.
- Special Area Provisions map to ensure it includes applicable sites under Part 7 Additional local provisions – Parramatta City Centre of the LEP that have been introduced through site-specific planning proposal since the CBD PP was exhibited.
- Correction of height for 135 George Street and 118 Harris Street, Parramatta which was exhibited at 130m despite a Council resolution to increase height to 144m. This increased height was subsequently exhibited through a site specific planning proposal and is considered appropriate to include in the CBD PP.

Changes have also occurred during the legal drafting of the LEP by Parliamentary Counsel. These changes generally seek to retain Council's intent of the planning proposal but depart from language and structure from Council's envisaged draft LEP (**Attachment A3**). In some cases, changes have occurred to ensure legal integrity. It is noted that Council provided this draft LEP to assist with consultation and it included explanatory notes outlining that it would be subject to legal drafting which could result in changes.

As noted in Section 2, the Department has amended planning controls for 18-40 Anderson Street, to reflect the exhibited outcomes of a site specific planning proposal which was unable to be finalised. This proposal seeks to rezone the land to B4 Mixed Use, require a minimum 3:1 commercial floor space, and increase height to part 0 metres and part 120 metres and FSR of 6:1. While this not consistent with the exhibited CBD Planning Proposal, the Department considers it is an appropriate amendment and has been subject to community consultation. The proposal is

supported by a planning agreement which provides public benefits including the expansion and embellishment of adjoining Jubilee Park.

As discussed earlier in this report throughout Section 4 Assessment of key matters the Department has also made the following post exhibition changes to the planning proposal:

- The introduction of provisions requiring the concurrence of the Department's Secretary regarding the potential effects of the development in the B3 Commercial Core on existing and proposed infrastructure in the locality prior to issuing of any development consent.
- Removal of proposed amendments to Parramatta North. All land north of Parramatta River will not proceed as part of the CBD PP which removes the potential for overshadowing of Prince Alfred Park and the river foreshore and protects the heritage character of the area. The existing planning controls under PLEP 2011 are to continue to apply by removing proposed amendments for this area in the proposed mapping.
- For the block bound by Smith Street, Parramatta River, Charles Street and Phillip Street referred to as the "Phillip Street Block" for the existing planning controls under PLEP 2011 to continue to apply by removing proposed amendments in the CBD PP to this block.
- Removal of unlimited commercial/office premises FSR provisions. This amendment is in response to the concerns about poor development outcomes demonstrated by built form modelling as discussed in this report under Section 4.5 Built form.
- Remove the Opportunity Site provisions and map from the proposal. This amendment is in response to concerns about poor development outcomes demonstrated by built form modelling and analysis as discussed in this report under Section 4.5 Built form.
- Retain the minimum commercial FSR of 1:1 on land in the B4 Mixed Use zone.
- Removal of community infrastructure provisions.
- Consolidate the Incentive Height of Buildings map and Height of Buildings map to retain the proposed incentive provisions as a maximum.
- Consolidate the Incentive Floor Space Ratio map and Floor Space Ratio map to retain the proposed incentive provisions as a maximum.

Table 2 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	<Number> maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment L) Council provided comments on the draft LEP that have been considered in finalisation of the instrument (Attachment M)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On <date> , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

5.3 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified as outlined throughout this report and do not require re-exhibition. It is considered that the post-exhibition changes:

- Are a reasonable response to comments provided by the public authorities and community.
- Ensure that infrastructure provision and where required, investigation of built form outcomes, are matters to be further addressed at the development stage.
- Allow for the achievement of the objectives of the proposal and the vision of the Central River City while balancing against public amenity, heritage and built form considerations.

6 Local Planning Panel

The proposal was reported to Parramatta Local Planning Panel on 11 May 2021 who supported the findings of Council's assessment report and endorsed the reasons for the recommendation to approve the revised CBD PP.

7 Strategic merit

The site is within the Central City District and the former Greater Sydney Commission (GSC) released the Central City District Plan on 18 March 2018.

The District Plan commits to additional housing supply with access to jobs and services (Planning Priority C5) through a 21,650 five-year housing supply target for the Parramatta LGA, but this housing growth is intended to be supported by liveability, productivity and sustainability outcomes. The structure plan for the Central City District demonstrates that Greater Parramatta is the metropolitan centre of the Central City District.

The planning proposal seeks to deliver the vision of the Central River City through additional jobs and dwellings. The draft LEP seeks to balance this growth with the liveability and other priorities within the Plan.

The Department is satisfied that the draft LEP gives effect to the District Plan in accordance with section 3.8 of the EPA Act.

8 Ministerial 9.1 Directions and State Environmental Planning Policies

It is noted that since Gateway determination, Section 9.1 Directions have been renumbered and SEPPs have been combined and renamed.

8.1 Ministerial 9.1 Directions

At the time of Gateway determination the following 9.1 Directions remained unresolved:

- 3.2 Heritage Conservation (formerly 2.3 Heritage Conservation)
- 5.3 Development Near Regulated Airports and Defence Airfields (formerly 3.5 Development Near Licensed Aerodromes)
- 4.1 Flooding (formerly 4.1 Flood Prone Land)
- 1.3 Approval and Referral Requirements (formerly 6.1 Approval and Referral Requirements)
- 5.2 Reserving Land for Public Purposes (formerly 6.2 Reserving Land for Public Purposes)
- 1.4 Site Specific Provisions (formerly 6.3 Site Specific Provisions)

- 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (formerly 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan)

The CBD PP is now consistent or justifiably inconsistent with these Section 9.1 Directions as outlined in the following table.

Section 9.1 Ministerial Directions	Consistency (or justifiably inconsistent)
1.3 Approval and Referral Requirements	<input checked="" type="checkbox"/> Yes, refer to below
1.4 Site Specific Provisions	<input checked="" type="checkbox"/> Yes, refer below
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<input checked="" type="checkbox"/> Yes, refer below
3.2 Heritage conservation	<input checked="" type="checkbox"/> Yes, refer to section 4.2.2
4.1 Flooding	<input checked="" type="checkbox"/> Yes, refer to section 4.4.3
4.4 Remediation of Contaminated Land	<input checked="" type="checkbox"/> Yes, refer to section 4.8.3
4.5 Acid Sulfate Soils	<input checked="" type="checkbox"/> Yes, refer to section 4.8.3
5.1 Integrated Land Use and Transport	<input checked="" type="checkbox"/> Yes, refer to section 4.1.2
5.2 Reserving Land for Public Purposes	<input checked="" type="checkbox"/> Yes, refer below
5.3 Development Near Regulated Airports and Defence Airfields	<input checked="" type="checkbox"/> Yes, refer below
6.1 Residential Zones	<input checked="" type="checkbox"/> Yes, consistent at Gateway
7.1 Business and Industrial Zones	<input checked="" type="checkbox"/> Yes, consistent at Gateway

Direction 5.3 Development Near Regulated Airports and Defence Airfields

Airspace above Parramatta is affected by operational requirements of Sydney and Bankstown Airports and the 9.1 Direction 5.3 Development Near Regulated Airports and Defence Airfields notes that where land is affected by the Obstacle Limitation Surface (OLS), the planning authority must prepare appropriate development standards.

The planning proposal submitted at Gateway determination sought to remove maximum heights for certain sites and noted that tall buildings may need to consider any impacts to airspace. The Gateway determination (**Attachment C**) required the implementation of a maximum height of buildings in the Parramatta CBD as there are known height limits associated with the operation of airports, or the provision of additional justification to support the removal of these heights. The Gateway also outlined additional consultation with authorities responsible for the management of air space and airport operations to ensure the amended planning proposal was appropriate prior to consultation. Direction 5.3 remained unresolved at the time the Gateway was issued.

Council undertook consultation with the Civil Aviation Safety Authority (CASA) and the federal Department of Infrastructure, Regional Development and Cities (DIRDC) (now Department of Infrastructure, Transport, Regional Development and Communications) as part of the pre-exhibition consultation required by the Gateway determination. This consultation led to a minor amendment to the plan to add an explanatory note and clarification on referral requirements.

The Department considers that the proposed airspace operations clause which outlines further requirements at the development application stage, consultation with relevant agencies and the inclusion of maximum mapped building heights allow for this direction to be satisfied.

Direction 5.2 Reserving land for public purposes

Consistency with this direction remained unresolved at the time the Gateway was issued. While the proposal does not propose to change any land reservations for public purposes, there is a significant amount of infrastructure required to support the growth of the Parramatta CBD and the planning proposal contains few new SP2 Infrastructure zones to support infrastructure provision in the CBD.

Council note the draft Land Reservation Acquisition map is proposed to be amended to reflect road widening to identify strategic opportunities to improve capacity and capability of the existing road network, opportunities to improve public transport capability through localised intersection improvements and augmentation of existing bus lanes, and opportunities for a regional cycleway network within the Parramatta CBD.

Further, as discussed in Section 4.7 Infrastructure and supporting services of this report, the draft LEP is to include provisions to ensure sufficient infrastructure is provided to support any future development applications enabled by the proposed amendments.

The Department is satisfied the draft LEP includes sufficient mechanisms to enable supporting infrastructure can be delivered which is consistent with this Direction.

Direction 1.4 Site specific provisions

The planning proposal contains site-specific planning controls and is therefore inconsistent with this Direction as it imposes development requirements in addition to those already contained in those zones. At Gateway determination, two site specific provisions were particularly noted:

- land principally along Church Street within the Auto Alley precinct; and
- certain land at Dixon, Rosehill and Boundary Streets.

These provisions seek to provide flexibility in permissible uses for an area in transition. At the time of Gateway determination this direction was unresolved as Council was to carry out further investigations into these precincts.

The Department notes that the draft LEP also includes consequential amendments to site specific provisions to allow for ease of use, ensure intent of planning proposal is reflected and removal of duplicate controls. While inconsistent with the objectives of the Direction, the Department considers these provisions are appropriate and the inconsistency is of minor significance.

Direction 1.3 Approval and Referral Requirements

The planning proposal seeks to apply the Airspace Operations Clause to the entire CBD which has the potential to significantly increase the number of controlled activity approvals required from the federal government under the Airports Act 1996. At the time of Gateway determination, this direction remained unresolved until consultation with CASA and DIRDC had occurred.

As noted in Section 8.1.1 Council undertook consultation with the CASA and the DIRDC as part of the pre-exhibition consultation. This consultation led to a minor amendment to the plan to add an explanatory note and clarification on referral requirements.

To ensure State and regional infrastructure is appropriately considered to support growth, the LEP applies an existing Satisfactory Arrangements clause to land zoned B4 Mixed Use, and introduces a new concurrence clause for B3 Commercial Core land.

The Department notes that these provisions will increase referrals from future development applications, they are important inclusions to ensure that infrastructure and airspace operations are appropriately considered.

Direction 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

At the time of Gateway determination, it was noted the planning proposal has the potential to be consistent with this Direction; however, it does not address the LUIIP and that Council had to address this to demonstrate consistency with this direction.

The Interim LUIIP also recognises the need for additional regional infrastructure to support growth. Council has adequately address the LUIIP in the CBD PP and further the Department has made post-exhibition amendments to the CBD PP to include provisions for the consideration of state and regional infrastructure as discussed in this report under Section 4.7 Infrastructure and supporting services.

The proposal is consistent with this direction.

8.2 State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Consistency
SEPP (Housing) 2021	<input checked="" type="checkbox"/> Yes, refer below
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/> Yes, refer to 4.8.3
SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/> Yes, refer to section 4.1.2

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 came into effect on 26 November 2021. The SEPP seeks to provide diversity in housing and encourage affordable and rental housing. The SEPP includes provisions transitioned from a number of other policies, including those in place at the time of Gateway determination and assessment. The planning proposal seeks to encourage additional housing in a well serviced location and does not prevent the principles of the Housing SEPP from being achieved.

It is noted that Council has highlighted concern with the potential of Build-to-rent provision of the SEPP undermining the objectives of the planning proposal and the provision of commercial floorspace within the CBD. While these concerns are noted, this is outside of the scope of the planning proposal.

9 Recommendation

It is recommended the delegate of the Secretary:

- agree that the draft LEP's inconsistency with section 9.1 Directions 1.4 Site specific provisions and 4.1 Flooding is justified in accordance with the terms of the Directions.

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the draft LEP has strategic merit as it facilitates the vision for Parramatta CBD as a key component of the Central River City as identified in the Greater Sydney Region Plan and Central City District Plan;
- the draft LEP includes new provisions to manage heritage impacts, reduce car dependency, encourage sustainable building design and activation of streets to create a vibrant CBD fitting of its strategic vision;

- issues raised during consultation have been generally addressed, including through post exhibition changes made by Council and the Department;
- post exhibition changes proposed by the Department will allow for the right balance between growth of the CBD and protecting amenity, heritage and will ensure Parramatta is a great place to live and work.

[REDACTED]
Tim Raimond 03/05/2022

Deputy Secretary, Planning and Land Use Strategy

[REDACTED] 21/04/2022

Brendan Metcalfe

Acting Executive Director, Metro Central and North

[REDACTED] 20/04/2022

Jazmin van Veen

Acting Director, Metro Central (GPOP)

[REDACTED] 11/04/2022

Angela Hynes

Acting Manager, Metro Central

Assessment officer

Alicia Hall

Senior Planner, Metro Central

02 9860 1587

Attachments

Attachment	Document
A1	Planning proposal
A2	Links to planning proposal's supporting studies
A3	Council's revised proposed LEP Instrument
A4	Council's revised proposed LEP Maps
B	Local MP Representations
C	Gateway determination
D1-3	Alterations of Gateway determination
E	Council's submissions summaries
F	Council report and resolution
G	Council's summary of post-exhibition changes
H	Agency submissions
I	Council minutes 26 July 2021
J	Council minutes 11 October 2021
K	Council minutes 25 November 2019
L	Council consultation on draft LEP
M	Council comments on draft LEP

NOTICE OF MOTION

ITEM NUMBER	14.1
SUBJECT	Preservation of Publicly Owned Land at Wentworth Point for Open Space and Recreation
REFERENCE	F2022/00105 - D08584912
FROM	Councillor Paul Noack

MOTION

- (a) **That** Council approve an advocacy program to the NSW Government to convert that part of the Transport for NSW (TfNSW) site at Wentworth Point which is currently proposed to be redeveloped by TfNSW (with Landcom as the developer) ("**Site**") to public open space purposes.
- (b) **That** Council write to the Minister for Transport, Local Member for Parramatta Geoff Lee, TfNSW, Local Member for Auburn Lynda Voltz and Landcom to:
- Advocate for the Site to be converted to public open space; and
 - Seek meetings with the relevant Ministers, CEO of Landcom and Secretary of TfNSW.
- (c) **Further, that** Council note that converting the TfNSW/Landcom development site east of the High School, currently planned for residential development, to public open space will provide health benefits to residents and the broader community, being that it will:
- Increase the area of public space through expanded access and availability of community and recreational areas in Wentworth Point.
 - Enhance the peninsula's liveability through access to outdoor community sporting facilities and promote community interaction and healthy lifestyles in and around Wentworth Point.
 - Provide a major increase in open space with direct access to the High School and proposed marina and waterfront activity at Wentworth Point.

BACKGROUND

1. The Wentworth Point peninsula is the waterfront gateway to the city of Parramatta LGA and one of the fastest growing suburbs in the LGA, with a current population of almost 15,000, growing to more than 25,000 by 2040. The suburb has no dedicated sporting fields, lacks Parks, in need of childcare (50% of households have children), and has no areas for active recreation.
2. In 2014 the Department of Planning and Environment approved the rezoning of the land in the northern end of the peninsula in the area situated north of Burroway Road (the TfNSW/Landcom development site), as part of the Wentworth Point Priority Precinct. This included plans for housing, a new primary school, marina and a 3.9 hectare Park.

3. In late 2020, the NSW Government announced that a portion of the TfNSW/Landcom development site would be allocated for the new Sydney Olympic Park High School to accommodate up to 1,500 students, along with more residential development, resulting in a significant reduction in the overall size of the Peninsula Park.
4. Families and children in Wentworth Point are in desperate need of open space, playing fields, child care facilities and recreation PP
5. The Peninsula is part of the Wentworth Point Precinct Development Control Plan 2014.
 - Section 5.3 Ecology on page 32 of the attached 2014 DCP states "Coastal Saltmarsh Threatened Ecological Community on the eastern point of the peninsula park is to be protected and regenerated to increase the diversity and density of the community's indicator species (including *Wilsonia backhousei* species) and weeds are to be eradicated.
 - This site would be only the fourth site for priority management of Coastal Saltmarsh Threatened Ecological Community in metropolitan Sydney. Two of the other three sites are located in close proximity and are also part of the Parramatta River catchment at Duck River and Newington Nature Reserve. These key management sites for this threatened species have been identified by the NSW Government.
 - The 2014 DCP also notes the need to preserve the food supply for endangered Migratory birds that are known to utilise the nearby Newington reserve for food and high-tide roosting. Within the reserve Saltmarsh is the key feeding area of the migratory birds.
 - The 2014 DCP states the importance of the need to "limit the time of construction works to avoid impacts on the White-bellied Sea-eagle". A pair of Sea Eagles successfully breed in Newington Reserve most years and the Eagles are frequently seen in the area and on the Eagle Cam.
 - The Ecological objectives of the DCP are to 'ensure that any development does not impact on the ecological values of the adjoining Newington Nature Reserve and Homebush Bay". An adjoining environmentally sensitive site that was sold by Transport for NSW was the subject of an 82 page environmental impact assessment. The shadowing and construction impacts alone would be catastrophic to sustaining this unique ecosystem.

EXECUTIVE DIRECTOR CITY PLANNING & DESIGN RESPONSE

6. The Site is owned by the NSW State Government which is proposing a high density residential development. Council does not have ownership of the land, and hence Council's role in determining its future use is that of the local consent authority which assesses development proposals for the site. Importantly, the determination of development proposals on this site would rest with the NSW Department of Planning and Environment, if a Planning Proposal (a proposal to change the planning controls), or the Sydney Central City Planning Panel, if a Development Application.

7. The existing planning provisions that apply to the land currently enable the State Government to submit a development application for high density residential development on part of the land in the form of residential towers. However the State Government has indicated to Council officers that it is preparing a proposal to amend the current planning controls that apply to the land to change the design of the development to take into account the new high school that the State Government is proposing in this area.
8. If the State Government submits a proposal to change the planning controls for the site (Planning Proposal) it will be the role of Council to assess this proposal on its merits, taking into account all existing planning considerations including those identified in the Wentworth Point Precinct Development Control Plan (DCP) 2014.

FINANCIAL AND RESOURCE IMPLICATIONS

9. The advocacy program and letters can be managed and prepared within existing resources.

	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Revenue				
Internal Revenue				
External Revenue				
Total Revenue				
Funding Source	Nil	Nil	Nil	Nil
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil	Nil	Nil	Nil
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil	Nil	Nil	Nil

Paul Noack
Councillor

Jennifer Concato

Executive Director City Planning and Design

John Angilley

Chief Financial and Information Officer

Brett Newman

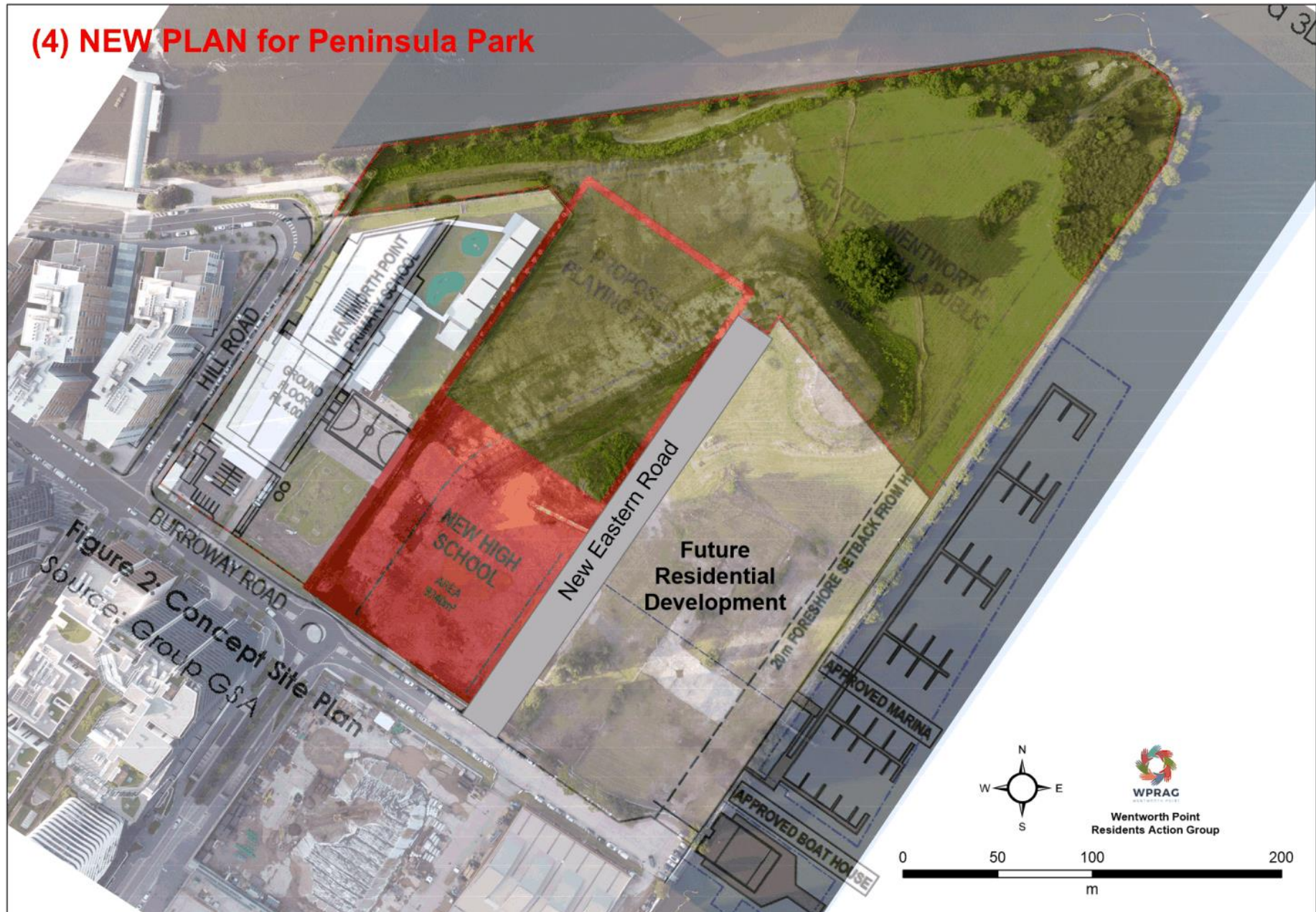
Chief Executive Officer

ATTACHMENTS:

1   WPRAG maps 3 Pages

(2) ORIGINAL PLAN for Peninsula Park





(5) Original Plan overlayed with New Plan



QUESTIONS WITH NOTICE

ITEM NUMBER	15.1
SUBJECT	Questions Taken on Notice - 27 June 2022 Council Meeting
REFERENCE	F2022/00105 - D08588952
REPORT OF	Governance Manager

QUESTIONS TAKEN ON NOTICE FROM THE COUNCIL MEETING OF 27 JUNE 2022

Item	Subject	Councillor	Question
8.4	Aboriginal Flag in the Parramatta CBD	Garrard	Do we have an indication as to when the building will be completed and the flag will be back up?
13.7	Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38	Prociv	With relation to grasses in G.4., does grasses include playing fields?
13.7	Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38	Prociv	Are the shrub layers height-related? Meaning, is there a height for shrubs, and anything above that counts as a tree?
13.7	Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38	Prociv	In "thriving", why don't we have universities and higher education providers as key partners? And then, for "innovative", is there a reason why TAFE and industry groups are not included as key partners?
13.7	Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38	Pandey	Do we have interim targets? If not, why not? And would we be able to put some interim targets in so that we can measure something in this term of Council? Can staff come back with a plan as to what can be done to include interim targets.
16.2	Write Off of Sundry Debtor Accounts – Bad Debts	Esber	<i>Question asked in closed session. See below note*</i>
16.2	Write Off of Sundry Debtor Accounts – Bad Debts	Pandey	<i>Question asked in closed session. See below note*</i>

16.2	Write Off of Sundry Debtor Accounts – Bad Debts	Prociv	<i>Question asked in closed session. See below note*</i>
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*Please note, for the questions taken on notice with regard to Item 16.2 – Write Off of Sundry Debtor Accounts – Bad Debts, as the questions were raised in closed session, responses to the questions will be provided to Councillors by the relevant ED separately.

BACKGROUND

1. 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 8.4 – Aboriginal Flag in the Parramatta CBD

Question from Councillor Garrard

During discussion on the motion moved by Lord Mayor Davis, Councillor Garrard asked the following question:

Do we have an indication as to when the building will be completed and the flag will be back up?

Executive Director, Community Services Response

The current target date for the completion of the Town Hall capital works is the 31st October 2023.

Item 13.7 – Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38

Question from Councillor Prociv

During discussion on the motion moved by herself, Councillor Prociv asked the following question:

With relation to grasses in G.4., does grasses include playing fields?

Group Manager, City Strategy Response

Yes, these are considered vegetation under the 2016 Office of Environment and Heritage dataset.

Further detail on the methodology used in the creation of the dataset can be found here.

[Greater Sydney Region Urban Vegetation Cover to Modified Mesh Block 2016 | Dataset | SEED \(nsw.gov.au\)](#)

Item 13.7 – Post-Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38

Question from Councillor Prociv

During discussion on the motion moved by herself, Councillor Prociv asked the following question:

Are the shrub layers height-related? Meaning, is there a height for shrubs, and anything above that counts as a tree?

Group Manager, City Strategy Response

Yes, the 2016 Office of Environment and Heritage dataset identifies the percentage of vegetation coverage and includes a further breakdown based on the following vegetation height categories - grass (0 to 0.5m), shrub (0.5 to 3m), trees in three height classes (3 to 10m, 10 to 15m, greater than 15m).

Item 13.7 – Post Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38

Question from Councillor Prociv

During discussion on the motion moved by herself, Councillor Prociv asked the following question:

In “thriving”, why don’t we have universities and higher education providers as key partners?

And then, for “innovative”, is there a reason why TAFE and industry groups are not included as key partners?

Group Manager City Strategy Response

As agreed in the Council meeting, higher education providers and TAFE will be added as key partners as part of the administrative/proofing adjustments prior to publication.

Item 13.7 – Post Exhibition: Endorsement of the Amended Community Strategic Plan 2018-38

Question from Councillor Pandey

During discussion on the motion moved by Councillor Prociv, Councillor Pandey asked the following question:

Do we have interim targets? If not, why not?

And would we be able to put some interim targets in so that we can measure something in this term of Council?

Can staff come back with a plan as to what can be done to include interim targets.

Group Manager City Strategy Response

Broadly the CSP does not contain interim targets as most of the indicators are trend based (i.e. "increase year on year") or fixed (e.g. "100% of actions on track").

An interim target is included for the community emissions reduction target G.3 (50% by 2030, 70% by 2038).

As part of the upcoming refresh of key Council strategies, more specific indicators will be identified for Council in the medium term to support the broader outcomes and indicators in the CSP. This may involve a combination of linear targets calculated on the long-term target to assess progress, or more specific staged targets.

ATTACHMENTS:

There are no attachments for this report.

REFERENCE MATERIAL