

PLANNING PROPOSAL

St John's Cathedral

195 Church Street, 38 and 41-45 Hunter Street,
and 65-79 Macquarie Street

March 2022

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Planning Proposal drafts

Proponent version:

No.	Author	Version
1.	Architectus	29 May 2018

Council versions:

No.	Author	Version
1.	City of Parramatta Council	Dec 2019 - Report to Local Planning Panel and Council on the assessment of planning proposal
2.	City of Parramatta Council	Jan 2020 - Amendments following Council's resolution of 16 December 2019 and forwarding to DPIE for Gateway determination
3.	City of Parramatta Council	February 2022 – Report to Council
4.	City of Parramatta Council	March 2022 – Amendments following Council's resolution of 21 March 2022 for public exhibition

INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011*. It has been prepared in accordance with section 3.31 of the *Environmental Planning and Assessment Act 1979* (the EPA Act), the *Standard Instrument – Principal Local Environmental Plan* (Standard Instrument) and guidelines published by the Department of Planning, Industry and Environment, including A guide to preparing planning proposals and A guide to preparing local environmental plans.

Background and Context

On 29 May 2018, Council received a planning proposal and supporting documents from Jattca Property Solutions (the Applicant) on behalf of the landowner (the Anglican Church Property Trust Diocese of Sydney as Trustee for the Parish of Parramatta (ACPT) and the St. John's Parramatta Endowment Fund) affecting the land at 195 Church Street, 38 and 45 Hunter Street, and 65-79 Macquarie Street, Parramatta (St John Anglican Cathedral). Prior to its lodgement, several preliminary planning proposal workshops were held with Council officers.

The Site

The Planning Proposal contemplates redevelopment of several properties adjacent to or in close proximity to St John's Cathedral and cover the site area of 10,857 square metres as illustrated in **Figure 1**.

Figure 1. Site Area (outlined in red) subject to the Planning Proposal



The subject site is irregularly shaped and comprises land centrally located within the Parramatta City Centre with direct frontages to Macquarie Street to the north of approximately 44 meters, Church Street to the east of approximately 86 metres, the rail corridor to the south of approximately 24 metre and Hunter Street cul-de-sac to the west.

Adjoining the western boundary of the subject site is a site-specific planning proposal at 57 Macquarie Street, currently under assessment by Council officers. A State Significant Development process is also underway for land at 41-43 Hunter Street, Parramatta (corner of Marden Street and Hunter Street) and adjoining the Church site to the west (see Figure 2). Council provided comments on the Secretary's Environmental Assessment Requirements (SEARs) in February 2021 and a Design Excellence Competition administered by the NSW Government Architect was held in December 2021. At the time of writing this report, an Environmental Impact Statement had yet to be lodged with the Department to assess the State Significant application for a private hospital.

The subject site is within 100 metres of Parramatta Railway Station and the future Stage 1 Light Rail, and is adjacent to Parramatta Square, a key destination commercial and cultural precinct within the Parramatta CBD.

The subject site comprises twelve (12) allotments which contain various existing buildings on-site as identified in **Table 1**. These items as they relate to their respective allotments, contribute to the setting and curtilage of the St. John's Anglican Cathedral.

Table 1. Site description and land ownership

Address	Legal Description	Existing (with heritage items highlighted in bold)	Heritage listed	Owners
65-75 Macquarie Street	Lots E - I, DP 15108	Astra Chambers (two-storey Art Deco commercial building)	N/A	St John's Parramatta Endowment Fund
77 Macquarie Street 79 Macquarie Street	Lot J, DP 15108 Lot K, DP 15108	Interwar period two-storey commercial building	N/A	St John's Parramatta Endowment Fund
38 Hunter Street	Lot M, DP 15108	St John's Building (two-storey commercial building)	Local (I651)	St John's Parramatta Endowment Fund
45 Hunter Street	Lots 1 & 2, DP 575473	Interwar Anglican Home Mission Society (two-storey commercial building) and associated car parking	N/A	St John's Parramatta Endowment Fund
195 Church Street	Lots 1 & 2, DP 1110057	St John's Anglican Cathedral	State (I011805)	Anglican Church Property Trust
		St John's Parish Hall and attached Youth Centre	Local (I713)	
		Warden's Cottage (also known as Verger's Cottage)	Local (I653)	

Notes

The Parramatta LEP 2011 defines the environmental heritage of Centenary Square as 'Bicentennial Square and adjoining buildings'. The St John's Building is therefore only identified as heritage to the extent that it frames and defines Centenary Square.

Under *Parramatta Local Environmental Plan 2011*, the subject site:

- is zoned SP1 Place of Public Worship and B4 Mixed use;
- has a maximum building height of 36 metres, 24 metres and 18 metres;
- has a maximum floor space ratio (FSR) of 3:1 in the zoned B4 Mixed Use area and no maximum FSR applicable to the land zoned SP1;
- contains four (4) listed heritage items:
 - St John's Anglican Cathedral (State)
 - St John's Parish Hall (Local)
 - St John's Building (Local)
 - Warden's Cottage (Local);
- is subject to Clause 7.4 - Sun Access to protect the adjacent Parramatta Square;
- is subject to the Probable Maximum Flood (PMF) level.

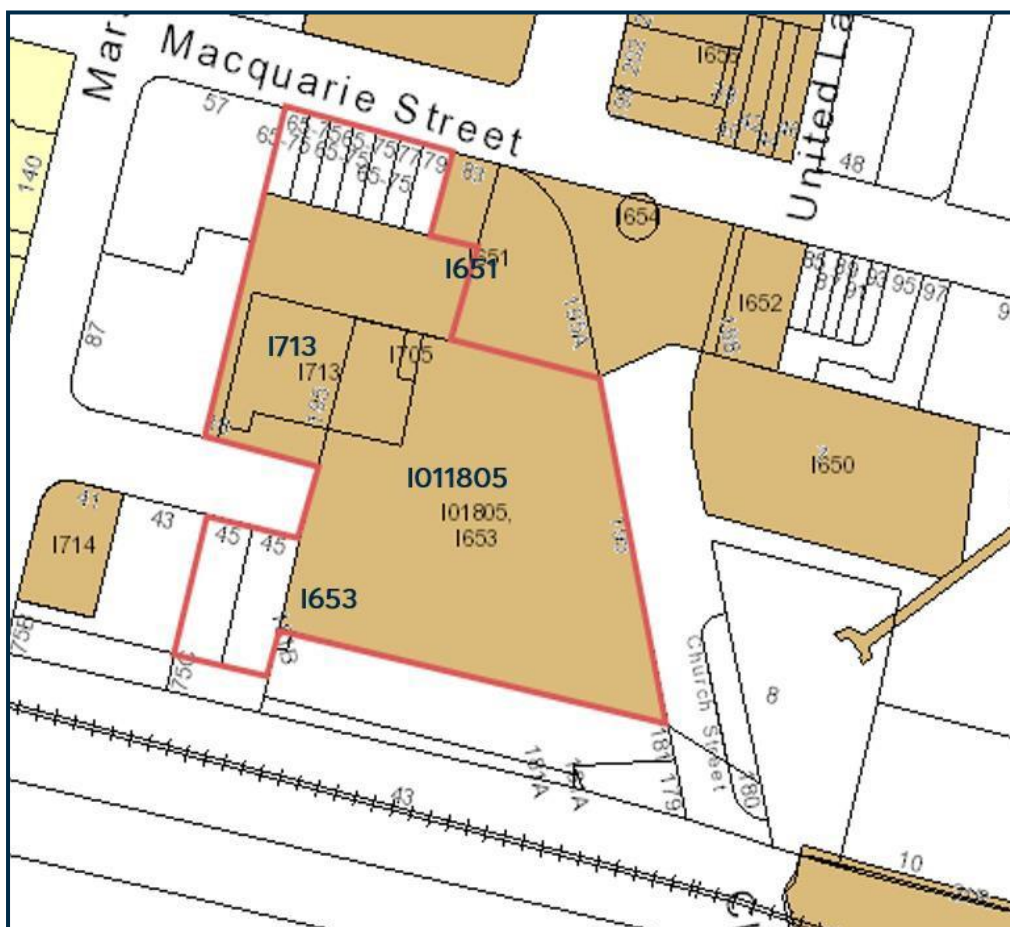
Heritage context and site surrounds

The surrounds of the site are characterised by a diversity of land uses including low-rise heritage buildings and medium to high-rise mixed use and commercial buildings including the following:

- the broader Bicentennial Square and adjoining buildings (I651),
- Centennial Memorial Clock (I654),
- Parramatta Town Hall (I650),
- Murray's Building (I652),
- Leigh Memorial Uniting Church (I719), and
- a two-storey residence (I714) west of the site.

Figure 2 below provides an overview of the locations of heritage items both within and outside of the site.

Figure 2. Key heritage buildings in and surrounding the site outlined in red



41 and 43 Hunter Street

During the assessment of this Planning Proposal application, an assessment of the access issues has resulted in a recommendation that part of 41 and 43 Hunter Street are included as part of the Planning Proposal.

The proposed changes to the Parramatta LEP 2011 that will apply to these two sites are discussed in further detail in this report.

A two storey strata subdivided commercial building containing four units is located on 43 Hunter Street. A heritage cottage (I714 on Figure 2) is located on 41 Hunter Street.

Additional background to this Planning Proposal is within the attached Council Reports and Resolutions dated 16 December 2019, 21 February 2022 and 21 March 2022.

On 8 September 2020, the Department of Planning, Industry and Environment (the Department) issued a Gateway determination which allowed the Planning Proposal to proceed to public exhibition. Gateway determination Condition 1(b) requires all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed, as the LEP requires consideration of heritage issues as part of any development application process.

Another critical condition of the Gateway determination is condition 1(a) which requires protection of a compensatory area of solar access at the eastern end of Parramatta Square at the Spring and Autumn equinox. The Parramatta CBD Planning Proposal as endorsed by Council in June 2021 for submission to the Department for finalisation now includes a clause to address this issue with the specific sites affected shown on the associated map, including the St Anglican Church site.

Further advice has also been received from Transport for NSW dated in July 2021 confirming that access from Macquarie Street is not encouraged and vehicle access should be provided from Hunter Street as the preferred alternative.

Consequently, the associated site specific Development Control Plan contains controls for alternatives for vehicle access and two options in relation to the St John's Parish Hall.

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

Council resolved in relation to the 21 February 2022 Council report to continue negotiations with the Applicant on the planning agreement as well as seek an amendment to the required commencement date of the exhibition in the Gateway determination; and then report back to Council at another meeting. The Department on 22 February 2022 issued an amended gateway requiring exhibition to commence by 28 March 2022.

Council again considered the matter on 21 March 2022 and resolved as follows:

- (a) *That Council accept the draft terms in the 'Terms Sheet of Public Benefits' dated 11 March 2022 as provided at Attachment 1 for inclusion in the draft Planning Agreement for the St John's Anglican Church, that offers the following public benefits:*
- i. Licence in perpetuity for public access to the open space surrounding the Cathedral subject to the St Johns Church maintaining the right to limit some uses on this land.*
 - ii. Stratum dedication of land to enable laneway between 181 Church Street site and Marsden Street*
 - iii. Temporary vehicle access for 181 Church Street site to access Hunter Street for 10 years or until the new laneway described in part ii above is available.*

- iv. *Embellishment of the following land to create a civic space:*
 - *Church land between the Cathedral building and Hunter Street*
 - *Portion of road in front of 45 Hunter Street to be closed and included in the civic space but remain in Council ownership*
 - v. *Church to bear the maintenance and liability for the civic space site (including the Council owned portion) in perpetuity.*
 - vi. *Compensation of \$1.1 million for the reduction in public benefit lost due to the driveway arrangements restricting the size of the civic space and eliminating the previously proposed laneway.*
 - vii. *Compensation of \$3.5 million to recognise Council's risk from not having the public access recognised on the land title and accepting limitations outlined in the Church's Social Covenant and related to the Church's operational use of the land.*
- (b) *That Council delegate authority to the CEO to:*
- i. *negotiate and finalise the legal drafting of the Planning Agreement and associated Deed of Agreement/Licence in accordance with the 'Terms Sheet of Public Benefits' described in (a) above and place on public exhibition;*
 - ii. *finalise the draft site-specific Development Control Plan (DCP), as provided at Attachment 3, for the purpose of public exhibition, subject to further draft amendments described in the body of this report being resolved; and*
 - iii. *to correct any minor inconsistencies or anomalies of an administrative nature relating to the draft Planning Proposal (at Attachment 4), draft DCP and draft Planning Agreement documentation that may arise during their preparation exhibition.*
- (c) *That in response to the Gateway condition that requires all references to the de-listing of St John's Parish Hall as an item of local heritage significance to be removed from the Planning Proposal:*
- i. *the draft Planning Proposal be amended accordingly, and*
 - ii. *Council requests the Department of Planning and Environment endorse amendments to the Planning Proposal to include a new site specific clause (described in detail in the Council report of 21 February 2022) that requires, the preparation of a DCP prior to development consent being granted to development that provides for the specific matters to be addressed with the inclusion of a note that this obligation may be satisfied by the making and approval of a concept development application (also referred to as a Stage 1 Development Application) consistent with Section 4.23 of the Environmental Planning and Assessment Act 1979.*
- (d) *That the Planning Scheme documents be exhibited as follows:*
- i. *draft Planning Proposal be exhibited for a minimum of 28 days commencing no later than 28 March 2022 in accordance with all conditions and requirements of the Gateway Determination.*
 - ii. *if drafting of the Draft DCP and draft Planning Agreement documentation permits, that these be exhibited concurrently with the Planning Proposal. However, should these documents not be finalised by 28 March 2022 that separate exhibition of these documents commence no later than 4 April 2022 for no less than 28*

days.

- (e) That the outcome of the exhibition of the Planning Scheme be reported back to Council.*
- (f) Further, that the CEO facilitate discussions with the owners of 181 Church Street, Parramatta on alternate vehicle access arrangements to this site from Hunter Street in line with the Deed of Agreement attached to the Applicant's Planning Agreement during the public exhibition period.*

On 27 March 2022, the Department issued an Alteration to the Gateway Determination to include an additional site specific clause to require a DCP to be prepared that provides for the critical matters to be satisfied including the outcome for St John's Parish Hall.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

This Planning Proposal seeks to changes to Parramatta Local Environmental Plan (LEP) 2011 to change the zoning of some of land, amend the permissible density controls on the site (height of buildings and floor space ratio) and identify a portion of land on the Land Reservation Acquisition Map together with some other amendments. The amendment to controls are sought enable redevelopment of the site including two buildings – a commercial tower and mixed-use building with associated works including enhanced open space around the St John's Anglican Cathedral building.

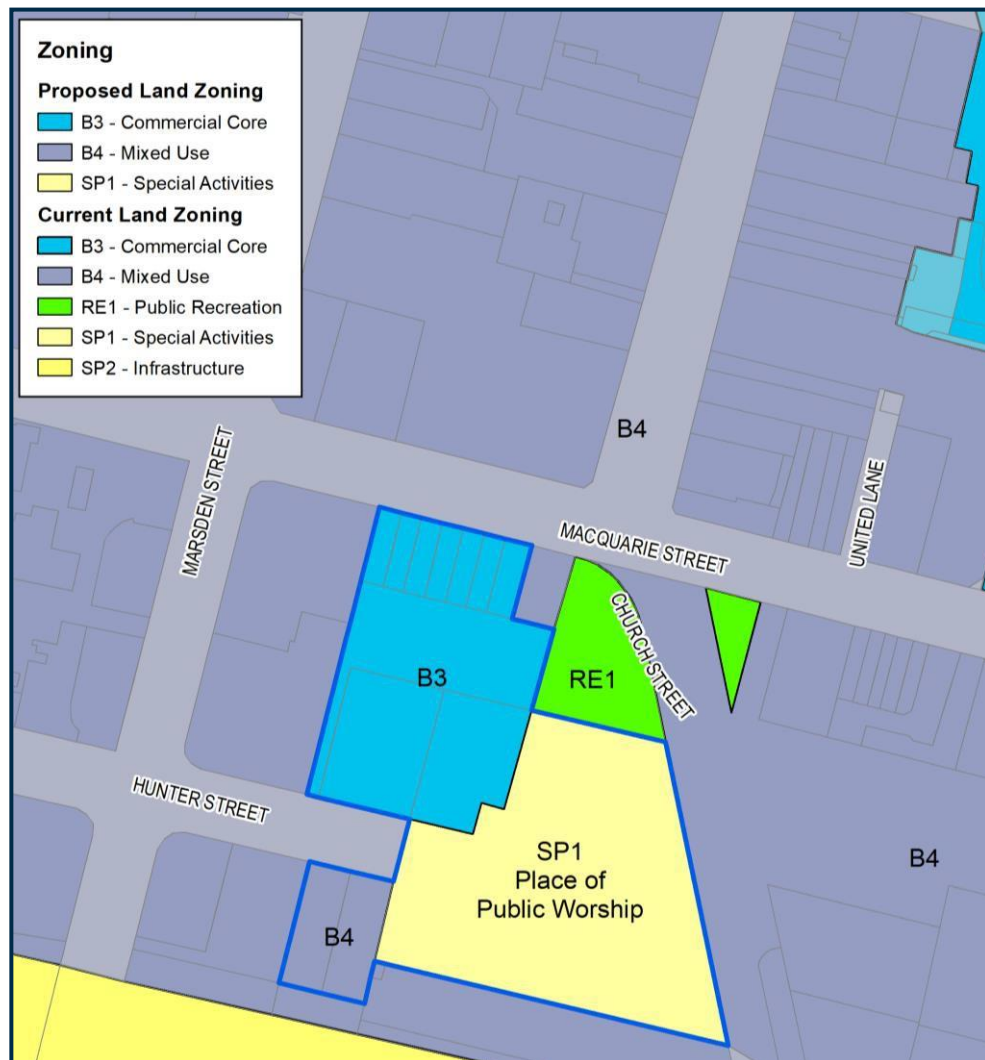
PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta LEP 2011* (*Parramatta LEP 2011*) in relation to the zoning, height and floor space ratio controls.

In order to achieve the desired objectives, Council officers recommended the following amendments be made to the Parramatta LEP 2011 to achieve the intended outcome of the proposed plan.

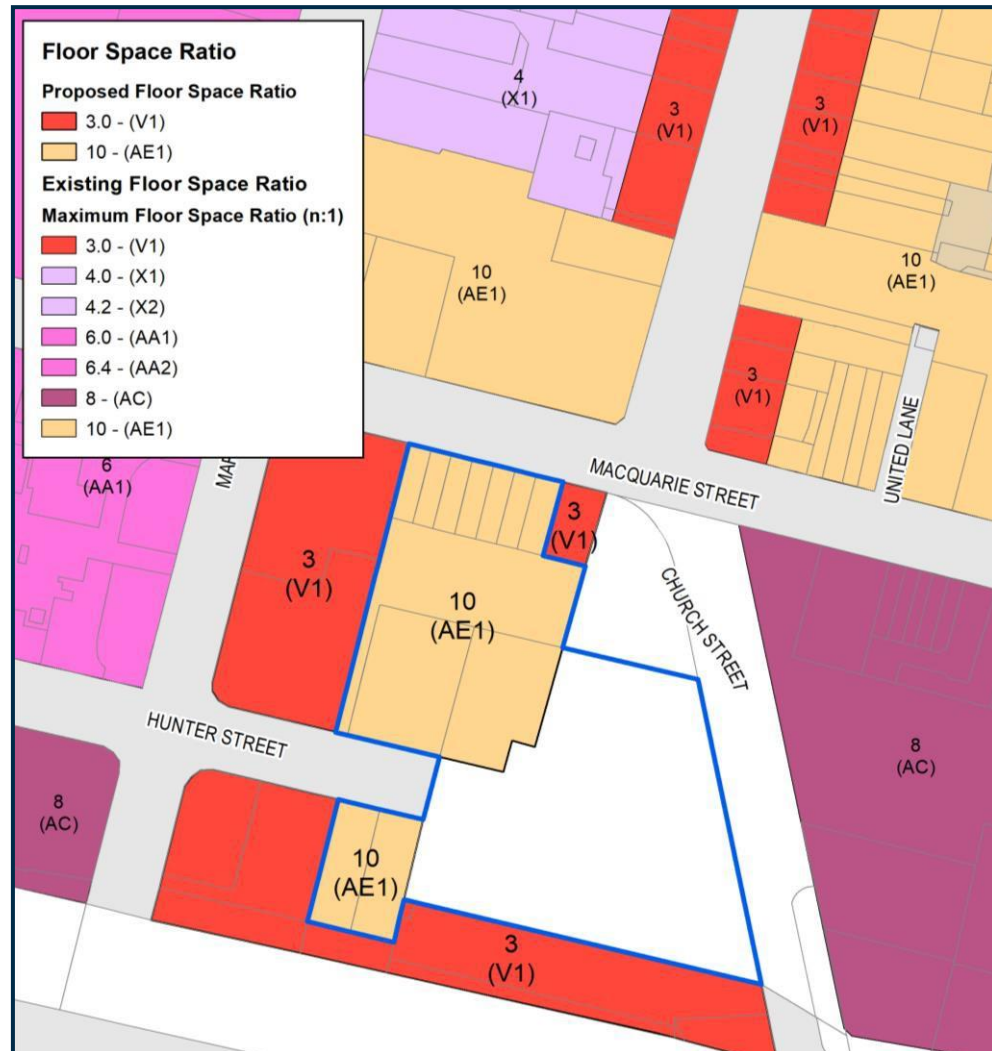
- i. The land be rezoned from part B4 - Mixed Use and SP1 – Special Activities (Place of Public Worship) to part B3 - Commercial Core, part B4 Mixed Use and part SP1 Special Activities (Place of Public Worship) as shown Figure 6.

Figure 6 – Proposed Land Use Zoning



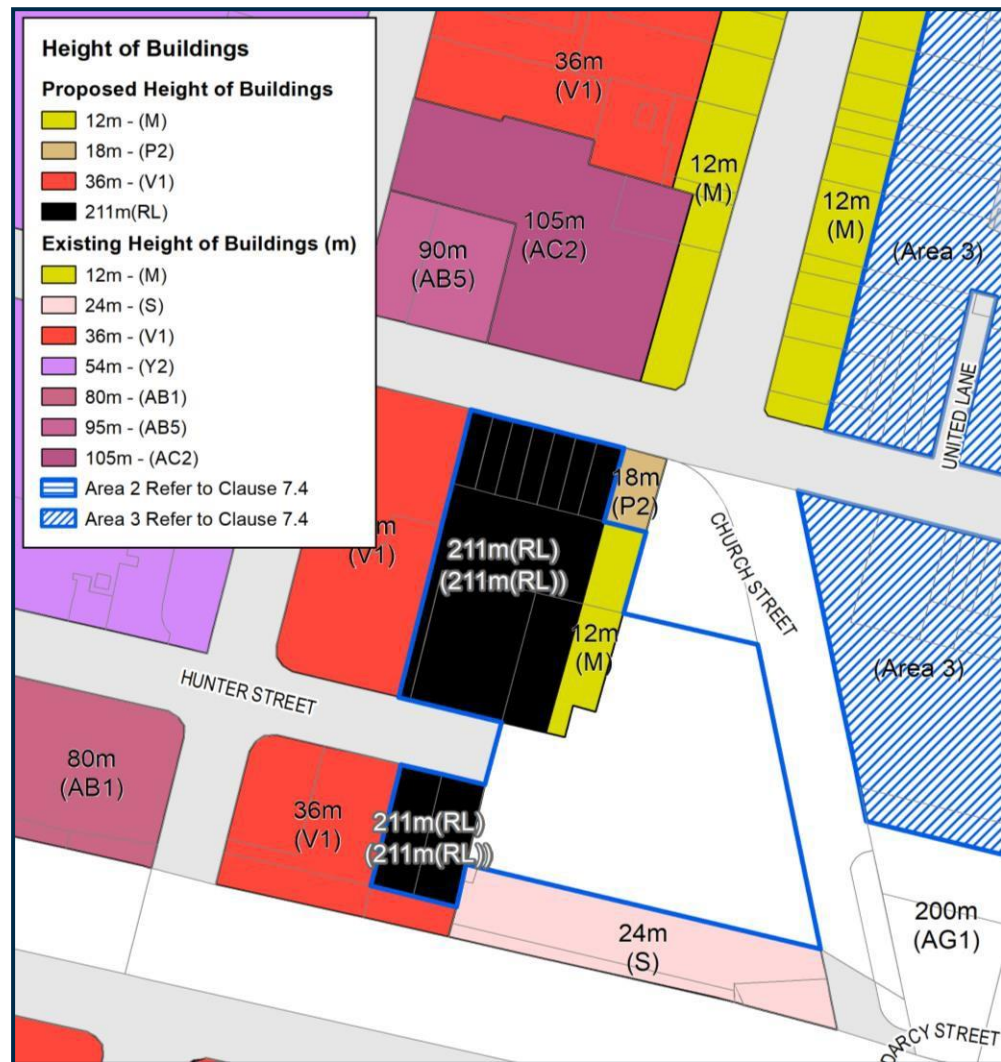
- ii. The Floor Space Ratio (FSR) may be amended to apply a maximum incentive FSR of 10:1 in the location shown in Figure 7 with no FSR being applied to the portion containing the Cathedral, also mapped in Figure 7.

Figure 7 – Proposed Floor Space Ratio



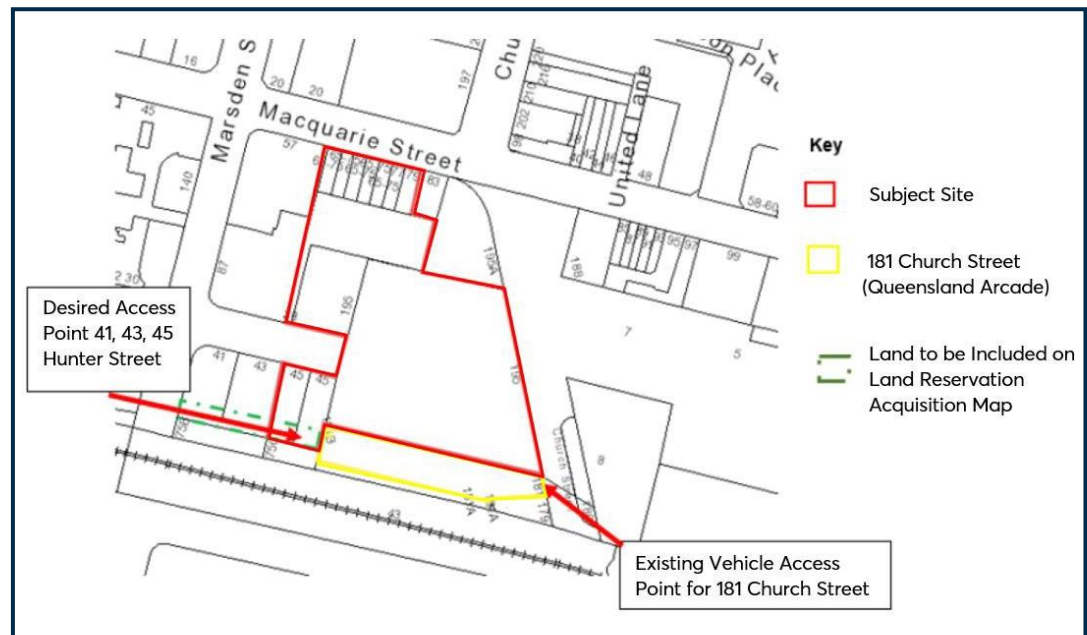
- iii. An additional site-specific local provision be included, which allows unlimited FSR for commercial development on the portion of the site labelled 10:1* in Figure 7.
- iv. The sliding-scale provisions contained within Parramatta LEP 2011 remain applied to the subject site.
- v. The Height of Building Map be amended to apply a maximum building height controls of 211 metres Reduced Level and 12 metres in the locations shown in Figure 8 (Recommended - Building Height) of this report with no building height being applied to the portion containing the Cathedral, also mapped in Figure 8 (Recommended - Building Height) of this report.

Figure 8 – Proposed Height of Building



- vi. The site is identified on the Special Provisions map to permit the application of Clause 7.6 Airspace operations.
- vii. The portion of land at 41, 43 and 45 Hunter Street, as shown in Figure 9, is identified on the Land Reservation Acquisition Map **with Council as the relevant acquisition authority for land reservation** to facilitate the creation of a 6 metre wide laneway to provide future vehicle access to these three sites and 181 Church Street, Parramatta. Noting that 41 and 43 Hunter Street have only been included in the Planning Proposal for the purposes of identifying the 6m wide laneway land on the Land Reservation Acquisition Map and that no other changes will be made to the planning controls that apply to these two sites.

Figure 9 Land Reservation Acquisition Plan



- viii. An additional site-specific provision be inserted to allow car-parking as a permissible use on a small portion of the land zoned SP1 – Special Activities (Place of Public Worship), shown in Figure 8 of this report, in conjunction with any redevelopment of the St John’s Church Site.

Figure 10 Additional Permitted Use for Parking in SP1 Special Activities Zone



- ix. An additional site specific clause be inserted to address Condition 1(a) of the Gateway determination to require consistency with the solar access requirements for Parramatta Square, including requirement for compensatory area. This clause was endorsed by Council on 12 June 2021 as part of the Parramatta CBD Planning Proposal.
- x. Maximum parking rates be adopted as an additional local provision, consistent with Council's policy position (endorsed 12 June 2021).
- xi. An additional site specific clause be inserted to require a DCP to be prepared that provides for the critical matters to be satisfied including the outcome for St John's Parish Hall.

See also Appendix 20 – Draft Potential LEP clauses

Other relevant matters

2.1.1 Draft DCP

Council endorsed on 21 March 2022 for public exhibition as associated draft site specific DCP. The draft site-specific DCP proposes guidelines on heritage, public domain, built form, vehicle access and car parking, flood management, and environmental sustainability for the re-development, including two options in relation to St John's Parish Church Hall (a local heritage item). The controls for Option A relate to removal and replacement of the Church Hall, and the controls for Option B relate to partial retention of the original c1910 Church Hall structure.

The site-specific DCP will be exhibited with the Planning Proposal.

2.1.2 Planning Agreement

Council endorsed on 21 March 2022 for public exhibition as associated draft Planning Agreement. The draft Planning Agreement details the public benefits the Church will be required to provide if they are able to secure approval to demolish the Church Hall. The public benefits include public access to the Church grounds which the Church has also agreed to upgrade, and provision of vehicle and pedestrian access arrangements that will make moving around this part of the City easier and safer.

Specifically, the Applicant is proposing the following public benefits:

- (a) Licence in perpetuity for public access to the open space surrounding the Cathedral subject to the St Johns Church maintaining the right to limit some uses on this land.
- (b) Stratum dedication of land to enable laneway between 181 Church Street site and Marsden Street
- (c) Temporary vehicle access for 181 Church Street site to access Hunter Street for 10 years or until the new laneway described in part ii above is available.
- (d) Embellishment of the following land to create a civic space:
 - (i) Church land between the Cathedral building and Hunter Street

- (ii) Portion of road in front of 45 Hunter Street to be closed and included in the civic space but remain in Council ownership
- (e) Church to bear the maintenance and liability for the civic space site (including the Council owned portion) in perpetuity.
- (f) Compensation of \$1.1 million for the reduction in public benefit lost due to the driveway arrangements restricting the size of the civic space and eliminating the previously proposed laneway.
- (g) Compensation of \$3.5 million to recognise Council's risk from not having the public access recognised on the land title and accepting limitations outlined in the Church's Social Covenant and related to the Church's operational use of the land.

The Planning Agreement will be exhibited with the Planning Proposal.

PART 3 – JUSTIFICATION

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

3.1 Section A - Need for the planning proposal

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

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

The Planning Proposal is not the result of any site specific study or report and is in response to an owner-initiated Planning proposal. Although the Planning Proposal is inconsistent with the intended controls as proposed in the Parramatta CBD Planning Proposal for the site, it responds to the strategic objectives in the following policy and strategic studies.

Regional and sub-regional:

- A Metropolis of Three Cities – the Greater Sydney Region Plan (2018);
- Central City District Plan (2018);
- Greater Parramatta Interim Land Use and Infrastructure Implementation Plan (2017); and
- GPOP – Greater Parramatta and the Olympic Peninsula (2016)

Council:

- Parramatta CBD Planning Strategy (2015)
- Parramatta 2038 Community Strategic Plan

Consistently, these plans highlight Parramatta's role as Sydney's second CBD and as a key area for future development to cater for projected increases in the employment and residential population of the region. This Planning Proposal particularly responds to a shortage of prime commercial office space in the CBD as identified by the Parramatta CBD Planning Strategy and seeks to provide for additional jobs contributing to the employment growth target as set out by the Planning Strategy and its Implementation Plan.

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

A planning proposal seeking to amend the Parramatta LEP 2011 is the most effective way of providing certainty for the landowner and the local community allowing for orderly and economic development of the land. The existing zoning, building height and FSR standards would not permit majority part of the form of development envisaged in the Planning Proposal and would not allow the site to capitalise on its location within the Parramatta CBD.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

3.2.1 Is the planning proposal consistent with the objectives and actions

contained within the applicable regional or sub-regional strategy?

Greater Sydney Region Plan - A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* ("the GSRP") a 20 year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036. The adoption of the Greater Sydney Region Plan will supersede A Plan for Growing Sydney as Sydney's overarching metropolitan strategy.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions which are each contains Potential Indicator and, generally, a suite of objective/s with each objective supported by a Strategy or Strategies. Those objectives and or strategies relevant to this planning proposal are discussed below.

Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the GSRP's relevant Infrastructure and Collaboration objectives is provided in Table 2, below.

Table 2 – Consistency of planning proposal with relevant GSRP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Relevant Objective	Comment
A city supported by infrastructure	O1: Infrastructure supports the three cities	The Planning Proposal will facilitate an increase in A-Grade office space and therefore jobs within the commercial core of Parramatta CBD on a site and within the GPOP area in line with the vision of the Regional Plan.
	O2: Infrastructure aligns with forecast growth – growth infrastructure compact	The planning proposal will also allow for efficient land use by locating new office and commercial spaces in the vicinity of Parramatta railway station and the future Parramatta Light Rail network. Future occupants and users of the site will have access to the existing and proposed transport infrastructure and will benefit from the commuting advantages.
	O3: Infrastructure adapts to meet future need	
	O4: Infrastructure use is optimised	

Liveability

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

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

Liveability Direction	Relevant Objective	Comment
A city for people	O7: Communities are healthy, resilient and socially connected	The Planning Proposal enables employment generating floor space in the commercial core of the Parramatta CBD adjacent to public transport interchange providing people from all age easy access to services, work and education.

		The proposed public accessible open square and modern Church function space in the podium of the proposed building as envisaged in the design plan would provide a community place with active street life and inclusive social space for congregation.
Housing the city	O10: Greater housing supply	<p>The Planning Proposal seeks to provide a mixed use building in the south-western portion of the site which is currently occupied by a two-storey building. The proposed plan will facilitate an increase in FSR that will allow for increased apartment numbers on this site. The number of dwellings delivered will depend on whether the site is developed by itself or as part of an amalgamated site with adjoining properties. A sliding scale mechanism is being applied to encourage amalgamation as a larger development site will deliver optimal urban design outcomes. Additional residential dwellings can be achieved if amalgamation occurs.</p> <p>The development will also be subject to a design excellence process that will ensure the delivery of a high-amenity and high quality mixed-use development on the site.</p>
A city of great places	O12: Great places that bring people together	The site will contribute to the vibrant character of the area by activating the ground floor with retail uses in the South Tower and further activation of the proposed public open space, civic space and community facilities to the north of the site.
	O13: Environmental heritage is identified, conserved and enhanced	<p>The Planning Proposal will be accompanied by a site specific development control plan that ensures an appropriate relationship with adjacent existing and planned development.</p> <p>The impact of the potential creation of a 6m wide vehicle access has minimal impact on 41 Hunter Street. The land take is less than 2m away from the heritage item on this site.</p>

Productivity

An assessment of the planning proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 4, below.

Table 4 – Consistency of planning proposal with relevant GSRP Actions – Productivity

Productivity Direction	Relevant Objective	Comment
A well connected city	O14: The plan integrates land use and transport creates walkable and 30 minute cities	<p>The site is located in the city centre area with easy access to public transport, shops, open space, schools and related infrastructure encouraging the use of green ways of travelling such as walking and cycling.</p> <p>It has been identified that many residents have to travel outside of the LGA for professional work opportunities. By providing A-Grade employment generating floor space and jobs in close proximity to Parramatta transportation interchange, the proposed development will help to attract people to live and work in the area and create a walkable and 30mins city in Parramatta.</p>
Jobs and skills for the city	O19: Greater Parramatta is stronger and better connected	The proposed development provides for commercial floor space, and retail space, however the controls will allow for unlimited FSR for the proposed commercial. The number of jobs created by this proposed

		development will contribute towards employment targets for the Parramatta CBD as set out by Parramatta CBD Planning Strategy and in line with the Central City District Plan's vision for Parramatta to be the central CBD for metropolitan Sydney.
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Sustainability

An assessment of the planning proposal's consistency with the GSRP's relevant Sustainability objectives is provided in Table 5, below.

Table 5 – Consistency of planning proposal with relevant GSRP Actions – Sustainability

Sustainability Direction	Relevant Objective	Comment
A city in its landscape	O30: Urban tree canopy cover is increased	The concept plan for the public domain of the site proposed the removal of two of the existing 20 trees on the site and to replace with 8 new trees in their place.
	O31: Public open space is accessible, protected and enhanced	The Planning Proposal proposes to expand the existing underutilised open space and create a new publicly accessible civic square responding to the needs and values of communities as population growth also providing a high level of connectivity with the adjoining centenary Square and Parramatta Square.
An efficient city	O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The proposed plan adopts the maximum car parking rates in line with the Parramatta CBD Strategic Transport Study with an aim to reduce private car usage and encourage public transport patronage and sustainable ways of travelling. This will effectively reduce the carbon emissions and contribute to create a low-carbon city in Parramatta LGA.

Central City District Plan

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

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

Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the CCDP's relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 6, below.

Table 6 – Consistency of planning proposal with relevant CCDP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
A city supported by infrastructure O1: Infrastructure supports the three cities O2: Infrastructure aligns with forecast growth – growth infrastructure compact O3: Infrastructure adapts to meet future need O4: Infrastructure use is optimised	PP C1: Planning for a city supported by infrastructure <ul style="list-style-type: none"> • A1: Prioritise infrastructure investments to support the vision of <i>A metropolis</i> • A3: Align forecast growth with infrastructure • A6: Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and flexible regulations to allow decentralised utilities 	<p>The planning proposal will allow for efficient land use by locating new office and commercial spaces in the vicinity of Parramatta railway station and future Parramatta Light Rail network. Future occupants and users of the site will have access to the existing and proposed transport infrastructure and will benefit from the commuting advantages.</p>

Liveability

An assessment of the planning proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in Table 7, below.

Table 7 – Consistency of planning proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
A city for people O6: Services and infrastructure meet communities' changing needs	PP C3: Provide services and social infrastructure to meet people's changing needs <ul style="list-style-type: none"> • A8: Deliver social infrastructure that reflects the need of the community now and in the future • A9: Optimise the use of available public land for social infrastructure 	<p>The Planning Proposal enables employment generating floor space in the commercial core of the Parramatta CBD adjacent to public transport interchange providing people from all age easy access to services, work and education.</p> <p>The proposed public accessible open square and modern Church function space in the podium of the proposed building as envisaged in the design plan would provide a community place with active street life and inclusive social space for congregation.</p>
O7: Communities are healthy, resilient and socially connected with diverse neighbourhoods	PP C4: Working through collaboration <ul style="list-style-type: none"> • A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d). • A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places 	<p>The planning proposal will allow for efficient land use by locating new office and commercial spaces in the vicinity of Parramatta railway station and future Parramatta Light Rail network. Future occupants and users of the site will have access to the existing and proposed transport infrastructure and will benefit from the commuting advantages.</p> <p>The proposed public accessible open square and modern Church function space in the podium of the proposed building as envisaged in the design plan would provide a community place with active street life and inclusive social space for congregation.</p>

Housing the city O10: Greater housing supply O11: Housing is more diverse and affordable	PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport <ul style="list-style-type: none"> • A16: Prepare local or district housing strategies that address housing targets 	<p>The Planning Proposal seeks to provide a mixed use building in the south-western portion of the site which is currently occupied by a two-storey building. The proposed plan will facilitate an increase in FSR that will allow for increased apartment numbers on this site. The number of dwellings delivered will depend on whether the site is developed by itself or as part of an amalgamated site with adjoining properties. A sliding scale mechanism is being applied to encourage amalgamation as a larger development site will deliver optimal urban design outcomes. Additional residential dwellings can be achieved if amalgamation occurs.</p> <p>The development will also be subject to a design excellence process that will ensure the delivery of a high-amenity and high quality mixed-use development on the site.</p>
A city of great places O12: Great places that bring people together O13: Environmental heritage is identified, conserved and enhanced	PP C6: Creating and renewing great places and local centres, and respecting the District's heritage <ul style="list-style-type: none"> • A18: Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by (a-e) • A19: Identify, conserve and enhance environmental heritage by (a-c) • A20: Use place-based planning to support the role of centres as a focus for connected neighbourhoods 	<p>The Planning Proposal used a place-based approach by recognising the underutilised space in front of the St John's Cathedral. The Planning Proposal envisages a people-friendly public open space in the centre of its site and the incorporation of modern Church facilities/lobby in the podium of the proposed building.</p> <p>The proposal Master Plan will complement the set-up of the Centenary Square and Parramatta Square in the vicinity with its diverse land use mix and high amenity and walkability environment within 10-minute walk of centres.</p> <p>The Planning Proposal will be accompanied by a site specific development control plan that ensures an appropriate relationship with adjacent existing and planned development.</p> <p>The impact of the potential creation of a 6m wide vehicle access has minimal impact on 41 Hunter Street. The land take is less than 2m away from the heritage item on this site.</p>

Productivity

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 8, below.

Table 8 – Consistency of planning proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
A well-connected city O19: Greater Parramatta is stronger and better connected	PP C7: Growing a stronger and more competitive Greater Parramatta <ul style="list-style-type: none"> • A23: Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged] • A27: Manage car parking and identify smart traffic management strategies 	<p>The Planning Proposal creates opportunities for an expanded office market in the commercial core of the Parramatta CBD. The proposed commercial building to the northern part of the site together with the proposed residential development to the southern part of the site will enhance the vibrancy and competitiveness economy in the city centre by</p>

		<p>activating the area in different times of the day.</p> <p>Furthermore, the Planning Proposal includes a site-specific clause that prescribes a maximum car parking rate as identified by the Parramatta CBD Strategic Transport Study with an aim to reduce private car usage and encourage public transport patronage and sustainable ways of travelling.</p>
<p>Jobs and skills for the city</p> <p>O14: The plan integrates land use and transport creates walkable and 30 minute cities</p>	<p>PP C9: Delivering integrated land use and transport planning and a 30-minute city</p> <ul style="list-style-type: none"> • A32: Integrate land use and transport plans to deliver a 30-minute city 	<p>The proposed development for commercial floor space, and retail space.</p> <p>The planning proposal satisfies this direction by locating commercial spaces and a mixed use building on a site that is within walking distance to Parramatta Railway Station and the proposed Parramatta Light Rail Station; and will uphold the concept of a 30-minute city.</p>
<p>O24: Economic sectors are targeted for success</p>	<p>PP C12: Supporting growth of targeted industry sectors</p> <ul style="list-style-type: none"> • A57: Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experience and ensure connections to transport at key tourist attractions 	<p>The Planning Proposal promotes and encourages the tourism economy to Parramatta by creating an more attractive setting for the Cathedral and resonating with the Centenary Square and Parramatta Park to the north and east of the site respectively.</p>

Sustainability

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 9, below.

Table 9 – Consistency of planning proposal with relevant CCDP Actions – Sustainability

Sustainability Direction	Planning Priority/Action	Comment
<p>O30: Urban tree canopy cover is increased</p>	<p>PP C16: PP C16: Increasing urban tree canopy cover and delivering Green grid connections</p> <ul style="list-style-type: none"> • A68: Expand urban tree canopy in the public realm 	<p>The concept plan for the public domain of the site proposed the removal of two of the existing 20 trees on the site and to replace with 8 new trees in their place.</p>
<p>A city in its landscape</p> <p>O31: Public open space is accessible, protected and enhanced</p>	<p>PP C17: Delivering high quality open space</p> <ul style="list-style-type: none"> • A71: Maximise the use of existing open space and protect, enhance and expand public open space by (a-g) [abridged] 	<p>The Planning Proposal proposes to expand the existing underutilised open space and create a new public accessible civic square responding to the needs and values of communities as population growth also providing a high level of connectivity with the adjoining centenary Square and Parramatta Square.</p> <p>Furthermore, the site is subject to existing provisions within Parramatta LEP 2011 (clause</p>

		7.4) ensuring proper sun access protection in place for Parramatta Square to the east of the site.
An efficient city O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	PP C19: Reducing carbon emissions and managing energy, water and waste efficiently • A75: Support initiatives that contribute to the aspirational objectives of achieving net-zero emissions by 2050	The Proposal seeks to construct an A-grade commercial building on the site which usually means more high-specification renovation and amenities with naturally-lit space. The proposed plan also adopts the maximum car parking rates in line with the Parramatta CBD Strategic Transport Study with an aim to reduce private car usage and encourage public transport patronage and sustainable ways of travelling. This will effectively reduce the carbon emissions and contribute to create a low-carbon city in Parramatta LGA.

3.2.2 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

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

Parramatta 2038 Community Strategic Plan

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

The planning proposal is considered to meet the strategies and key objectives identified in the plan including:

- Allowing for the concentration of employment particularly A-grade commercial floor space around transport nodes which was identified as being critical for the growth of the Parramatta City Centre
- Contributing towards dwelling target for Parramatta CBD
- Increasing the attractiveness of the City Centre for investment and visitation

A copy of the Community Infrastructure Strategy can be accessed via:
<https://www.cityofparramatta.nsw.gov.au/cis>.

Parramatta CBD Planning Strategy

Council adopted the "Parramatta CBD Planning Strategy" at its meeting of 27 April 2015. The Strategy is the outcome of detailed technical studies which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The objectives of the Strategy are as follows:

1. To set the vision for the growth of the Parramatta CBD as Australia's next great city.
 2. To establish principles and actions to guide a new planning framework for the Parramatta CBD.
 3. To provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.
1. Parramatta CBD Planning Proposal.

The CBD Planning Strategy vision has evolved via the preparation of the Draft CBD Planning Proposal. The actions in the strategy have been pursued to allow the draft CBD Planning Proposal to be prepared and the policies recommended in the strategy have evolved as the more detailed planning proposal has been drafted.

Parramatta CBD Planning Proposal

The draft CBD Planning Proposal was initially endorsed by Council on 11 April 2016 and forwarded to the Department of Planning Industry and Environment to seek a gateway determination be issued. A gateway determination was received on 13 December 2018 requiring Council to meet a series of conditions prior to the CBD Planning Proposal being exhibited.

A series of studies and further analysis was prepared to respond to the conditions of the Gateway Determination with this work culminating in the Council endorsing an amended Planning Proposal on 25 November 2019 for re-submission to the Department of Planning Industry and Environment. Council has requested the Department provide authorisation for the plan to be placed on public exhibition. **Following the Department's authorisation, the Planning Proposal was exhibited for a six week period commencing on Monday 21 September 2020 and concluding on Monday 2 November 2020.**

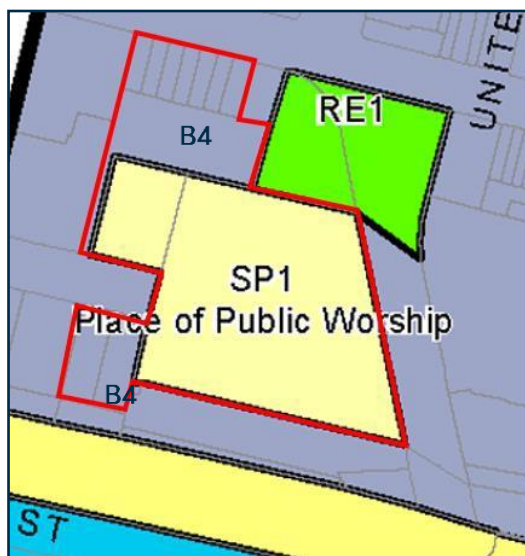
On 15 June 2021, Council resolved to approve the Parramatta CBD Planning Proposal with some minor changes and forward it to the Department for finalisation. The Parramatta CBD Planning Proposal, and supported documents were submitted to the DPIE for finalisation purposes on 1 July 2021.

This Planning Proposal seeks to make amendments to the existing Parramatta LEP 2011 that are inconsistent with the provisions of the Parramatta CBD Planning Proposal that will come into effect once formally endorsed by the Department of Planning Industry and Environment.

Figures 9-11 contains a series of diagrams that show the proposed zoning, FSR and height controls proposed in this site specific Planning Proposal compared to the controls proposed in the CBD Planning Proposal endorsed by Council on 15 June 2021.

Figure 9: Zoning control under CBD Planning Proposal (left) and proposed Zoning in this Planning Proposal (right)

Proposed Land Use Zoning



Site-Specific Planning Proposal

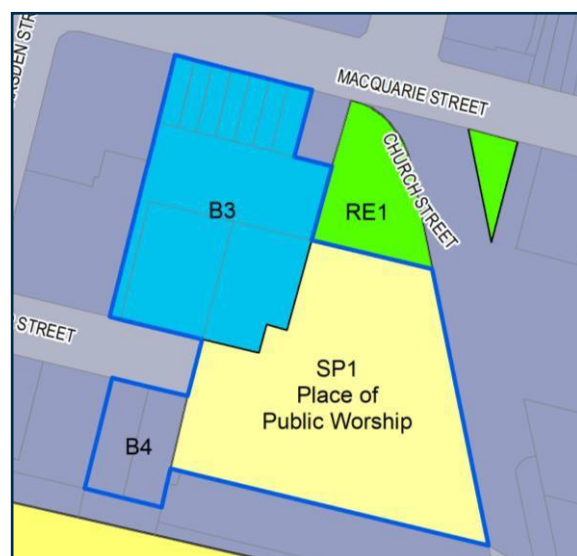


Figure 9 shows this Planning Proposal seeks to introduce a B3 Commercial Core zoning in an area the draft CBD Planning Proposal shows zoned part B4 Mixed Use and Part SP1 Special Activities (Place of Public Worship).

The introduction of the B3 Commercial Core zoning whilst a departure from the endorsed draft DCP Planning Proposal is consistent with the objectives of Council's Parramatta CBD Strategy and relevant State Government strategies which support an increase in employment in the Parramatta CBD. It is recommended to enable the development of an

A-grade commercial office building on this portion of the site. It is noted that the B4 Mixed Use allows for commercial office buildings to be constructed. The impact of this change is that commercial office buildings and other permitted commercial uses will be still be permitted on the site but residential uses permitted will not be permitted under the B3 Commercial core zoning.

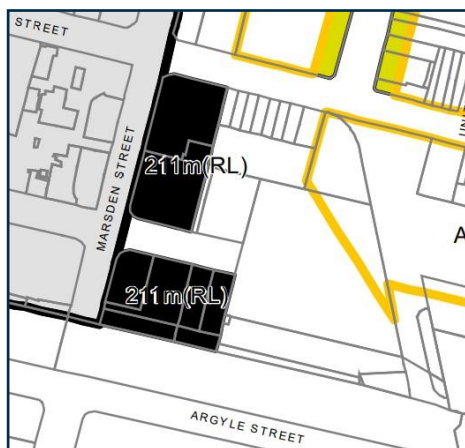
The reduction in the extent of Special Activities (Place of Public Worship) zoned land on this site reflects Council decision to allow for the demolition of St Johns Church Hall. .

Figure 10: Height control under CBD Planning Proposal (left) and proposed height of building in this Planning Proposal

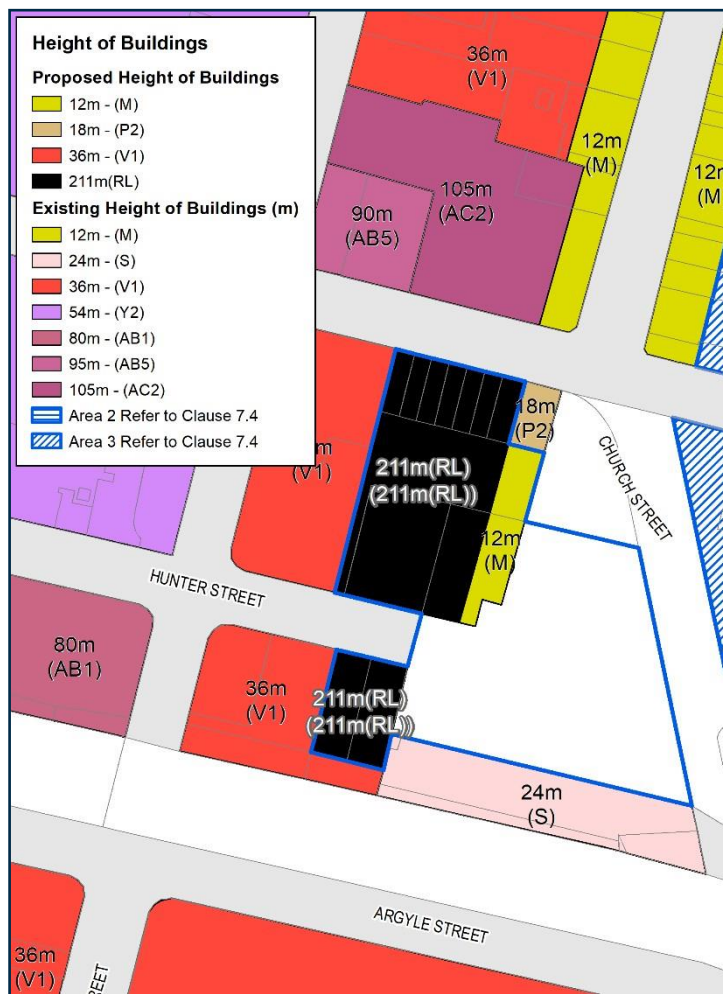
Proposed Height of Building



Incentive Height of Building



Site-Specific Planning Proposal



The increase in permitted 211m RL proposed in this site specific Planning Proposal reflects the proposal to allow for an A-Grade office building on this part of the site. The justification for the proposed height and FSR controls in the draft CBD Planning Proposal relates to potential heritage impacts. The retention of these heights was recommended in a CBD Heritage Study prepared by Urbis Pty Ltd as part of the draft CBD Planning Proposal preparation. The applicant submitted Heritage Assessments (refer to attached documents) that argued that a tall commercial building could be accommodated on this site without significantly impacting on the heritage significance of the adjoining items.

Council engaged Hector Abraham Architects to provide an independent review of the controls and the conclusion reached was that a tall building could be accommodated on this site but that the St Johns Church Hall should be retained (refer to attached documents).

Otherwise the heights proposed in this Planning Proposal are consistent with those proposed in the draft CBD Planning Proposal

Figure 11: FSR control under CBD Planning Proposal (left) and proposed FSR in this Planning Proposal

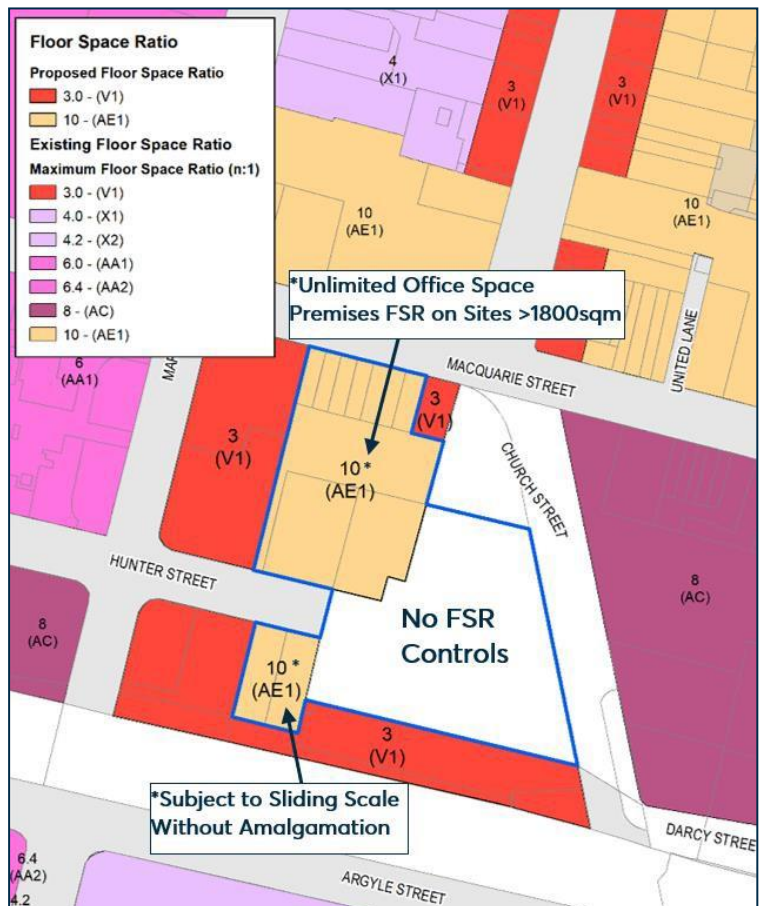
Proposed FSR



Incentive Height of Building



Site-Specific Planning Proposal



The differences between the images in Figure 11 are the inconsistencies of the proposed plan with the CBD Planning Proposal in respect to FSR. The draft CBD Planning Proposal FSR of 3:1 in the northern part of the site is based on advice from the Urbis Heritage study. In the previous section that discussed the height of building controls a review the process followed to assess the heritage impact of a taller commercial building on the northern portion of the site was described. Council supports a taller commercial building on the northern portion of the site. To reflect the Council position two controls are proposed:-

- Applying an FSR of 10:1 on the FSR map for this portion of the site. This is consistent with the draft CBD Planning Proposal which has 10:1 as the FSR applied to the majority of sites in the CBD that are not impacted by solar access provisions.
- Introduce a site specific clause that allows for unlimited officer floor space on the subject site. The draft CBD Planning Proposal proposes to allow unlimited FSR for office premises on sites zoned B3 Commercial Core where they have a minimum site area of 1800 square metres. This provision will apply the same site policy to the subject site.

Solar access provisions to protect the public domain of Parramatta Square and an aeronautical operations clause and new maximum car parking rates will also be included in this site specific Planning Proposal. All of these controls are also included in the draft CBD Planning Proposal.

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

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 10 below).

Table 10 – Consistency of planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 1 Development Standards	N/A	The SEPP is not applicable to the subject land under Clause 1.9 of <i>Parramatta LEP 2011</i> .
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This policy was repealed by the State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013.
SEPP 6 – Number of Storeys in a Building	N/A	The SEPP has been repealed.
SEPP 33 – Hazardous and Offensive Development	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP No 55 Remediation of Land	✓	The subject site has existing Class 4 and Class 5 Acid Sulfate Soils constraints. The planning proposal does not seek to increase the potential sensitive land uses permitted on the site. Residential development is already permitted on the portions of the site already zoned B4 Mixed use. If the site was developed under the current controls the contamination issues would need to be resolved as part of the Development Application process. Given this context a contamination report was not required to be submitted with the application and soil contamination issues should be assessed at development application stage.
SEPP 60 – Exempt and Complying Development	N/A	This policy was repealed by the State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013.
SEPP 64 – Advertising and Signage	N/A	The SEPP is not relevant to the Planning Proposal.

SEPP No 65 Design Quality of Residential Flat Development	✓	<p>The rezoning of the portion of the site to B3 Commercial Core means this SEPP will only apply to the proposed B4 Mixed Use portion at 45 Hunter Street.</p> <p>The assessment undertaken by Council demonstrates that a better urban design outcome that maximises compliance with SEPP 65 objectives is achieved if 45 Hunter Street is developed in conjunction with the adjoining site at 43 Hunter Street, and a proportional building envelope if the sites do not amalgamate. For these reasons the sliding scale provision in the current Parramatta LEP 2011 will continue to apply to the subject site.</p> <p>Future development proposals will be assessed for compliance with SEPP 65 objectives at development application stage.</p>
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP (Affordable Rental Housing) 2009	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP (BASIX) 2004	✓	<p>The Planning Proposal does not inhibit any operations of this SEPP.</p> <p>Any future development application for residential uses at the site would be accompanied by a BASIX certificate.</p>
SEPP (Exempt and Complying Development Codes) 2008	✓	This SEPP may apply to future development of the site.
SEPP (Infrastructure) 2007	✓	This SEPP may apply to future development of the site.
Sydney Regional Environmental Plan No 18–Public Transport Corridors	N/A	This policy was repealed by the State Environmental Planning Policy (Integration and Repeals) 2016.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The SEPP is not relevant to the Planning Proposal.
SEPP (Urban Renewal) 2010	N/A	The SEPP is not relevant to the Planning Proposal.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Housing, Infrastructure and Urban Development
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

Table 11 – Consistency of planning proposal with relevant Section 9.1 Directions

Relevant Direction	Comment	Compliance
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	This Planning Proposal seeks to rezone part of the subject site from B4 Mixed Use and SP1 Special Activities to B3 Commercial Core and part SP1 Special Activities to B4 Mixed Use. The proposed development provides for commercial floor space, and retail space. NOTE: GFA and number of jobs dependent on the final resolved position and the Planning proposal will be updated accordingly.	Yes
2. Environment and Heritage		
Direction 2.3 - Heritage Conservation	<p>The subject site contains a number of heritage items listed in Schedule 5 of the Parramatta LEP 2011, including,</p> <p><u>State heritage</u></p> <ul style="list-style-type: none"> • I01805 - St John's Anglican Cathedral <p><u>Local heritage</u></p> <ul style="list-style-type: none"> • I713 - St John's Parish Hall • I653 - Warden's cottage (verger's cottage) • I651 - Bicentennial Square and adjoining buildings <p>This proposal originally sought to de-list the St John's Parish Hall as part of a proposal to demolish the Hall. Condition 1(b) of the Gateway determination required all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed, as the LEP requires consideration of heritage issues as part of any development application process</p> <p>The site is also located in close proximity to other local heritage listed items, such as Parramatta Town Hall and Murray's Building. The proposed height and bulk sought as part of this planning proposal would inevitably impact on views of nearby heritage items. However, these impacts are considered acceptable given the location of the subject site and heritage items in a densely-built CBD context. The density proposed is consistent with the CBD PP, and is therefore consistent with the desired future context of the site.</p>	No

	<p>The Planning Proposal will be accompanied by a site specific development control plan that ensures an appropriate relationship with adjacent existing and planned development.</p> <p>Further refinement and detail will need to be provided during the Design Excellence process and later at the Development Application stage which will be suitable in ensuring the item is managed appropriately.</p> <p>The impact of the potential creation of a 6m wide vehicle access has minimal impact on 41 Hunter Street. The land take is less than 2m away from the heritage item on this site.</p>	
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> provides residential development in an existing urban area that will be fully serviced by existing infrastructure The proposal to rezone part of the site B3 Commercial Core will reduce the residential capacity of the CBD but the employment benefits in a location with excellent justify a relatively small reduction on residential capacity in the Parramatta CBD. 	Yes
Direction 3.4 - Integrating Land Use and Transport	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> will maintain and provide additional commercial premises in proximity to existing transport links will provide new dwellings in close proximity to existing public transport links makes more efficient use of space and infrastructure by increasing densities on an underutilised site. Applies car parking rates to the site which are endorsed by Council through the Parramatta CBD Strategic transport Study. 	Yes
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	<p>Based on the Acid Sulfate Soils Map in Parramatta LEP 2011, the northern part of the site contains mostly Class 4 Acid Sulfate Soils. In this class, works more than two metres below natural ground surface or that are likely to lower the water table more than two metres below the natural ground surface present an environmental risk.</p> <p>The southern part of the site is identified as Class 5 on the Acid Sulfate Soils Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 5 areas however this will be addressed further at the development application stage.</p>	Yes
Direction 4.3 - Flood Prone Land	<p>As the majority of the Parramatta CBD is affected by the Probable Maximum Flood (including the subject site), Council commissioned Molino Stewart consultants to undertake an update of the Flood Risk Management Plan (FRMP) for Parramatta in 2016 in support of the CBD Planning Proposal. The objective of this work was to address the intensification of development on land impacted by the PMF, issues associated with the safety of residents and workers, management of the</p>	Yes

	<p>potential for damage to property, and to demonstrate consistency with this direction, required as part of the assessment of planning proposals.</p> <p>Due to the nature of flooding within the Parramatta CBD, it was recommended that Council adopt additional development controls to minimise risk to life and property, and seek exceptional circumstances from the Department to adopt a new Flood Planning Level (FPL) for the CBD to implement controls above the standard Flood Planning Level (i.e. 1 in 100 Year ARI). These controls would then be applied across CBD sites as relevant. Council lodged an application with the Department seeking exceptional circumstances in November 2017.</p> <p>Council's flood engineers did not raise concern with the planning proposal's consistency with the Section 9.1 Ministerial Direction, 4.3 Flood Prone Land. It is, however, acknowledged that this planning proposal will be required to be consistent with the broader CBD Planning Proposal update to the Flood Risk Management Plan.</p> <p>Notwithstanding the above, specific concerns were raised in relation to basement design (flood-proofing), requirement for an overland flow study to determine flood levels for the site, water sensitive urban design requirements. These concerns will be addressed as part of a site-specific DCP, in addition to provisions informed by the flood policy relating to the CBD Planning Proposal.</p>	
6. Local Plan Making		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.3 - Site Specific Provisions	<p>The Planning Proposal seeks to introduce site specific provisions relating to:-</p> <ul style="list-style-type: none"> • Unlimited office space on B3 Commercial Core zoned sites • Aeronautical Operations • Car parking rates • Additional permitted use for basement parking in a portion of the SP1 Special Activities (Place of Public Worship zone) <p>It does not impose any unnecessarily restrictive site-specific controls. The provision above are either seeking to apply policies proposed in Council's CBD Planning Proposal or in the case of the basement parking to facilitate a reasonable development opportunity for the site.</p> <p>Condition 1(b) of the Gateway determination requiring all references regarding the removal of St John's Parish Church Hall as an item of local heritage significance to be removed, and the matter to be determined through the DA process necessitates a staged planning pathway. The critical matter is understanding the heritage significance of the St John's Parish Church Hall prior to undertaking a Design Competition to provide certainty regarding the proposed form of</p>	Yes

	<p>development to occur on the site and address over key determining matters.</p> <p>The new clause would require a DCP (or a Stage 1 DA) to be prepared that addresses matters specified in the clause, thereby supporting the preferred planning pathway outlined in the site specific DCP controls. The requirement of the new clause for a DCP to be prepared before any particular kind of development is carried out on any land, can be satisfied by the making and approval of a 'concept development application' (also known as a Stage 1 DA) as described in Section 4.23 of the <i>Environmental Planning and Assessment Act 1979</i>. To achieve this principle, a new site specific clause is proposed that will require the following matters to be address by a Stage 1 DA:</p> <ul style="list-style-type: none"> • design principles drawn from an analysis of the site and its context, • heritage conservation and interpretation including a Conservation Management Plan. • the suitability of the land for the development, • impact on, and improvements to open spaces, • vehicle access, basement design and pedestrian safety, • the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers on neighbouring sites in terms of separation, setbacks, amenity and urban form. <p>An alteration to the Gateway determination is required so that the above site specific clause can be included in this site specific Planning Proposal.</p> <p>Council resolved in relation to the 21 February 2022 and 21 March 2022 Council report and specifically the recommendation to seek an alteration to the Gateway determination as follows:</p> <p><i>ii. Council requests the Department of Planning and Environment endorse amendments to the Planning Proposal to include a new site specific clause (described in detail in the Council report of 21 February 2022) that requires, the preparation of a DCP prior to development consent being granted to development that provides for the specific matters to be addressed with the inclusion of a note that this obligation may be satisfied by the making and approval of a concept development application (also referred to as a Stage 1 Development Application) consistent with Section 4.23 of the Environmental Planning and Assessment Act 1979.</i></p> <p>The Department issued the alteration to the Gateway determination on 27 March 2022 to include an additional site specific clause to require a DCP to be prepared that provides for the critical matters to be satisfied including the outcome for St John's Parish Hall.</p>	
7. Metropolitan Planning		
Direction 7.1 - Implementation of A Plan for Growing Sydney	As detailed in this report, the Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways in the Greater Sydney Region Plan, which has replaced A Plan for Growing Sydney as Sydney's overarching metropolitan strategy.	Yes

Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>The proposal is consistent with the actions in the interim Land Use and Infrastructure Plan in that the proposal:</p> <ul style="list-style-type: none"> • Is in line with the Parramatta CBD Planning Proposal • Will contribute towards employment targets within the Parramatta City Centre • May assist in the funding of infrastructure should the site be developed for part residential purposes. 	Yes
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3.3 Section C – Environmental, social and economic impact

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

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

The subject site is located in the centre of the Parramatta City Centre and there is no critical habitat, threatened species, populations, ecological communities or their habitats located on the site or on the immediately surrounding land.

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

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

- Acid Sulfate Soils (addressed in Hazard and Risk – 4.1 Acid Sulphate Soils, Section 3.2.4)
- Heritage
- Urban Design
- Transport and Traffic
- Flooding

Heritage

The controls endorsed by Council for CBD Planning Proposal for this precinct are based on the Heritage Study prepared by Urbis in December 2015 as part of the CBD Planning Proposal process. It recommended that sites adjoining the Cathedral retain the current zoning, FSR and height which would have limited buildings on the subject site to an FSR in the order of 3:1 with heights ranging from 12 metres (2-3 storeys) to 32 metres (10 storeys).

The applicant lodged a heritage analysis and other supporting documents (refer to **Attachments 4, 5, 6, 10 and 14**)

The Gateway determination issued by the Department on 8 September 2020 allowed the Planning Proposal to proceed to public exhibition subject to Condition 1(b) of the Gateway which requires all references regarding the removal of St John's Parish Hall as an item of local heritage significance are to be removed, as the LEP requires consideration of heritage issues as part of any development application process.

Urban Design and Planning

On the portion of the site to be zoned B3 Commercial Core an Office tower building is proposed. Key urban design issues for this part of the site include:-

- Protecting views along Church Street by limiting the height of any part of the building immediately adjoining centenary square to 12m
- Ensuring the development does not overshadow the protect portion of the public domain of Parramatta Square on 21 June between 12pm and 2pm
- Ensuring setbacks from boundaries allow for adequate separation between the proposed tower and those on any adjoining site

Figure 12 shows the proposed office tower development. Council is satisfied based on the concept designs provided by the applicant that this site can adequately address the key urban design issues, with the outcome for the Hall subject to the determination of a DA.

Urban Design and Planning

On the portion of the site to be zoned B3 Commercial Core an Office tower building is proposed. Key urban design issues for this part of the site include:-

- Protecting views along Church Street by limiting the height of any part of the building immediately adjoining centenary square to 12m
- Ensuring the development does not overshadow the protect portion of the public domain of Parramatta Square on 21 June between 12pm and 2pm
- Ensuring setbacks from boundaries allow for adequate separation between the proposed tower and those on any adjoining site

Figure 12 shows the proposed office tower development. Council is satisfied based on the concept design provided by the applicant that this site can adequately address the key urban design issues.

Figure 12 – Design Concept Submitted by Applicant



The portion of the site at the southern end of the site zoned B4 Mixed Use proposed to be redeveloped for an office tower is a relatively small site with an area of 864m². If this site is developed by itself side setbacks would need to be minimised to allow for a feasible floor plate as indicated in Figure 13.

However if the site is amalgamated with the adjoining site at 44 Hunter Street a better urban design outcome can be achieved as demonstrated in Figure 14.

Figure 13 Redevelopment 45 Hunter Street

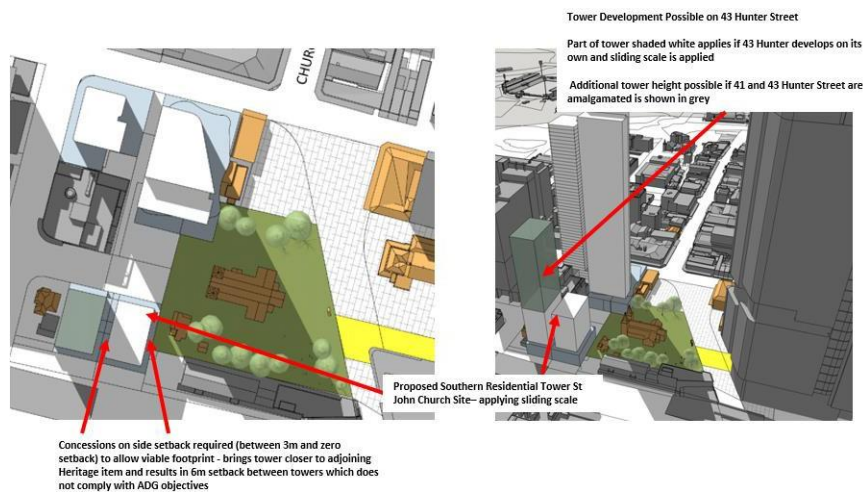
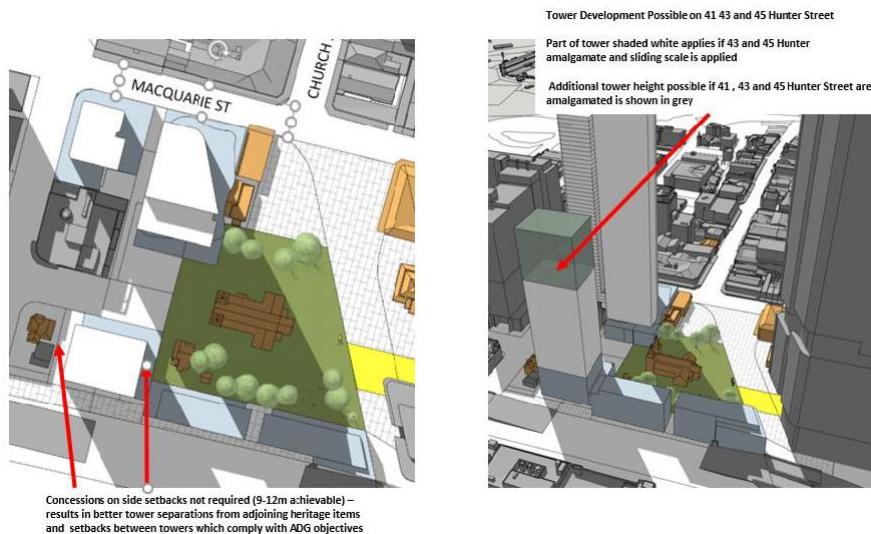


Figure 14 Redevelopment of 41 and 45 Hunter Street as amalgamated site



Council Officers have recommended the sliding scale provision in the existing Parramatta LEP 2011 continue to apply to this part of the site. Applying the sliding scale means that the owners of 43 and 45 Hunter Street have the potential to achieve a higher development potential if they are able to redevelop as an amalgamated site. If they amalgamate an FSR of 10:1 can be achieved across both sites. If redeveloped separately the sliding scale will limit the FSR achievable on both sites to 6:1.

It is for this important urban design reason that the sliding scale provisions will be applied to this portion of the site. It should also be noted that this is the approach being applied in the draft CBD Planning Proposal.

Flooding

As the majority of the Parramatta CBD is affected by the Probable Maximum Flood (including the subject site), Council commissioned Molino Stewart consultants to undertake an update of the Flood Risk Management Plan (FRMP) for Parramatta in 2016 in support of the CBD Planning Proposal. The objective of this work was to address the intensification of development on land impacted by the PMF, issues associated with the

safety of residents and workers, management of the potential for damage to property, and to demonstrate consistency with this direction, required as part of the assessment of planning proposals.

Due to the nature of flooding within the Parramatta CBD, it was recommended that Council adopt additional development controls to minimise risk to life and property, and seek exceptional circumstances from the Department to adopt a new Flood Planning Level (FPL) for the CBD to implement controls above the standard Flood Planning Level (i.e. 1 in 100 Year ARI). These controls would then be applied across CBD sites as relevant. Council lodged an application with the Department seeking exceptional circumstances in November 2017.

Council's flood engineers did not raise concern with the planning proposal's consistency with the Section 9.1 Ministerial Direction, 4.3 Flood Prone Land. It is, however, acknowledged that this planning proposal will be required to be consistent with the broader CBD Planning Proposal update to the Flood Risk Management Plan.

Notwithstanding the above, specific concerns were raised in relation to basement design (flood-proofing), requirement for an overland flow study to determine flood levels for the site, water sensitive urban design requirements. Based on information available to date, no habitable floor space should be provided located below existing ground level. These concerns are addressed as part of a site-specific DCP, in addition to provisions informed by the flood policy relating to the CBD Planning Proposal.

Transport, Traffic and Access

As part of the assessment of the Planning proposal, further advice has also been received from Transport for NSW dated in July 2021 confirming that access from Macquarie Street is not encouraged and vehicle access should be provided from Hunter Street as the preferred alternative. The applicant updated the Traffic Report to reflect this.

The pedestrian laneway originally proposed by the Applicant between Macquarie Street and Hunter Street is removed from the Applicant's scheme because vehicle access to the site, now required by TfNSW to be from Hunter Street, would result in a pedestrian-vehicle conflict point decreasing the value of the laneway. Consequently, the size of the civic area that the applicant could make available to the public is also effectively reduced by the driveway through part of the civic area linking to Hunter Street. The area used for the driveway cannot be considered to provide public benefit for the purpose of this assessment.

The Planning Proposal seeks to adopt Council's policy position regarding maximum parking rates within the Parramatta CBD as recommended by the CBD Traffic and Transport Study. An additional local provision will be based on the following:

Residential accommodation

0.1 space per studio dwelling 0.3 space per 1-bedroom dwelling 0.7 spaces per 2-bedroom dwelling 1 space per 3-bedroom dwelling

Commercial premises (where FSR greater than 3.5:1)

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

where: M = maximum car parking spaces; G = GFA of all office buildings/business premises in the building (sqm) A = Site area (sqm) T = Total GFA of all buildings on the site

Given this planning proposal is largely seeking a commercial use, and that residential development of the site is recommended to be consistent with the CBD Planning Proposal, it is not considered that transport impacts will be significantly different to those expected from the CBD PP and so future transport

impacts will be addressed via the transport and traffic strategy that will accompany the draft DCP Planning Proposal.

During the assessment of the planning controls the issue of vehicle access arrangements for the Church, 41, 43 and 45 Hunter Street and 181 Church Street was identified. Currently, vehicular access is provided to the subject site from Hunter Street. However, access to 181 Church Street involves vehicles driving over a part of the pedestrianised precinct that runs from the rail underpass to Centenary Square. Given the influx of pedestrians expected with the completion of Parramatta Square and more generally as the CBD continues to develop, the current access arrangements for 181 Church Street pose an increasing pedestrian safety risk as well as amenity and accessibility issues.

To minimise the impact of vehicle movements on pedestrians a new vehicle laneway in along the rear of 41, 43 and 45 Hunter Street between Marsden Street and the western boundary of 181 Church Street. Council will facilitate this in this planning proposal by including a 6m strip at the southern end of these sites on the Land Reservations and Acquisitions Map in Parramatta LEP 2011.

The intent is to improve pedestrian safety and amenity in the pedestrianised area east of 181 Church Street and the new proposed civic square. The applicant has accepted that this outcome will improve access arrangements and is willing to include provisions in any Planning Agreement to commit the land at the southern end of 45 Hunter Street for the creation of the vehicle laneway. The applicant has also offered to provide conditional temporary vehicle access to the 181 Church Street through their site until the new laneway can be created and to include this in any Planning Agreement.

Inclusion of this land on the Land Reservation Acquisition Map will allow Council to acquire the 6m strip of land if necessary but Council's preferred outcome would be to have the laneway created as part of future development approval processes when these sites are redeveloped.

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

There is adequate justification for this planning proposal which will facilitate a mix of land uses on site by delivering both commercial, retail and residential uses and jobs. The planning proposal also envisages an increase in capacity of approximately 5000 sqm of GFA for Church uses should the replacement of the existing Parish Hall occurs.

These economic outcomes are considered appropriate for the site's central sitting within the Parramatta City Centre and in close proximity to Parramatta transport interchange.

There is adequate justification for this planning proposal which will facilitate a mix of land uses on site by delivering both commercial, retail and residential uses and an increase in FTE to approximately 4825 jobs. The planning proposal also envisages an increase in capacity of approximately 5000 sqm of GFA for Church uses should the replacement of the existing Parish Hall occurs.

These economic outcomes are considered appropriate for the site's central sitting within the Parramatta City Centre and in close proximity to Parramatta transport interchange.

3.3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure to support the Planning Proposal. As highlighted throughout, the site and its surrounds are well-sited among existing road infrastructure, public transport (Parramatta Rail Station and bus interchange, and future Parramatta

Light Rail), and services to accommodate intensive development, demonstrated by the siting of the adjacent Parramatta Square urban renewal redevelopment.

The proposal is consistent with the Draft CBD Planning Proposal which is addressing infrastructure requirements for the growth proposed. The Parramatta Light Rail and West Metro are example of infrastructure projects that are already being planned and delivered which underpin the Council and State Government strategy to establish Parramatta CBD as the Central CBD for Sydney.

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

Consultation with the State and Commonwealth public authorities will be undertaken as part of the public exhibition. This section will be updated following the exhibition.

PART 4 – MAPPING

No amendments to the mapping in the Parramatta LEP 2011 is required regarding this Planning Proposal.

4.1 Existing provision

This section illustrates the current *PLEP 2011* controls which apply to the site.

Figure 15 illustrates the existing zoning of the subject site being part SP1 Place of Public Worship and B4 Mixed Use.

Figure 15 – Existing zoning extracted from Parramatta LEP 2011 Land Zoning Map

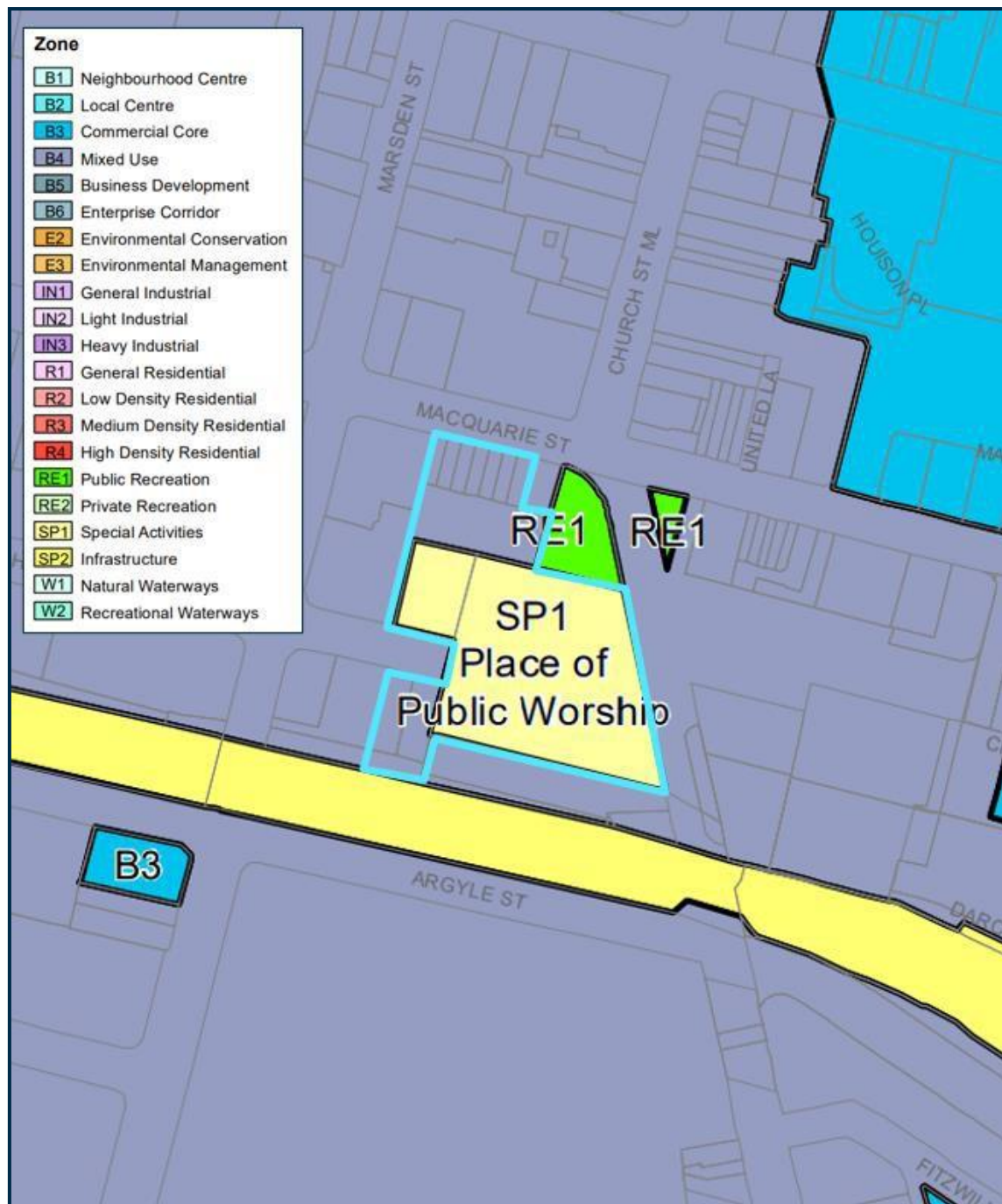


Figure 16 illustrates that parts of the site are subject to maximum building heights of 36 metres, 24 metres and 18 metres. There is no current maximum height prescribed for land zoned SP1 Place of Public Worship.

Figure 16. Existing building heights extracted from the Parramatta LEP 2011 Height of Buildings Map

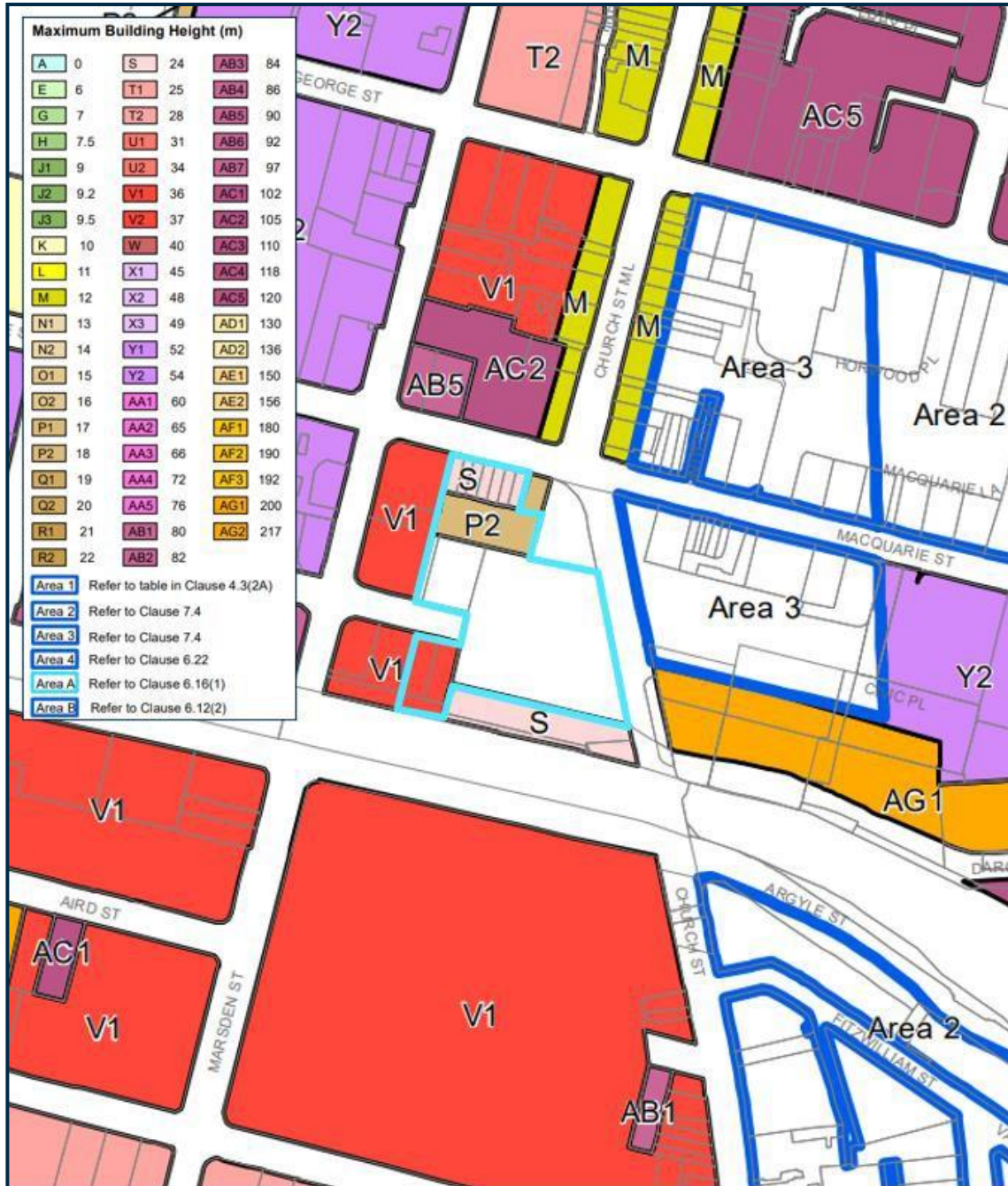


Figure 17 illustrates the existing maximum FSR of 3:1 on Parts of the site zoned B4 Mixed Use and no maximum FSR on land zoned SP1 Place of Worship.

Figure 17. Existing floor space ratio extracted from the Parramatta LEP 2011 Floor Space Ratio Map

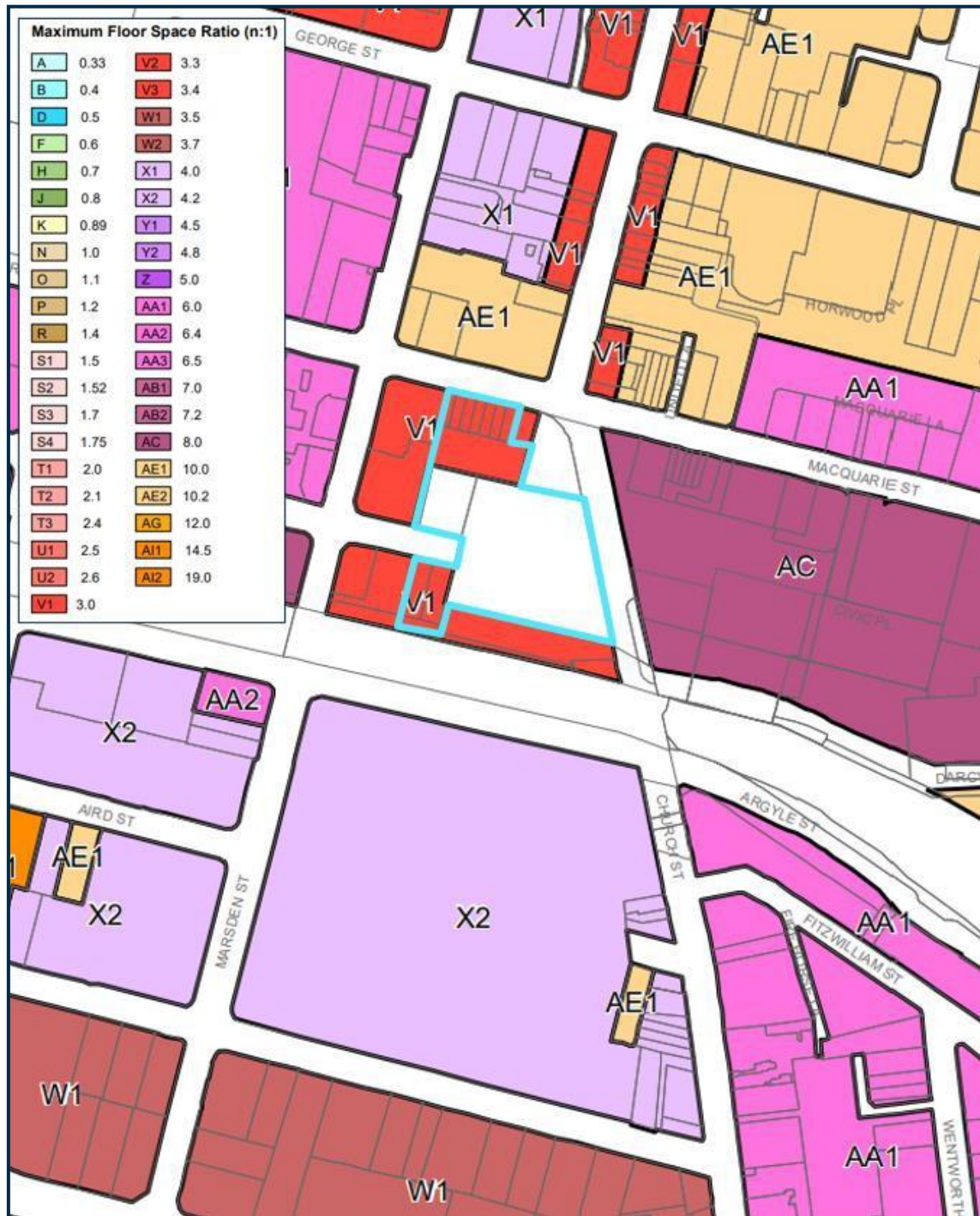
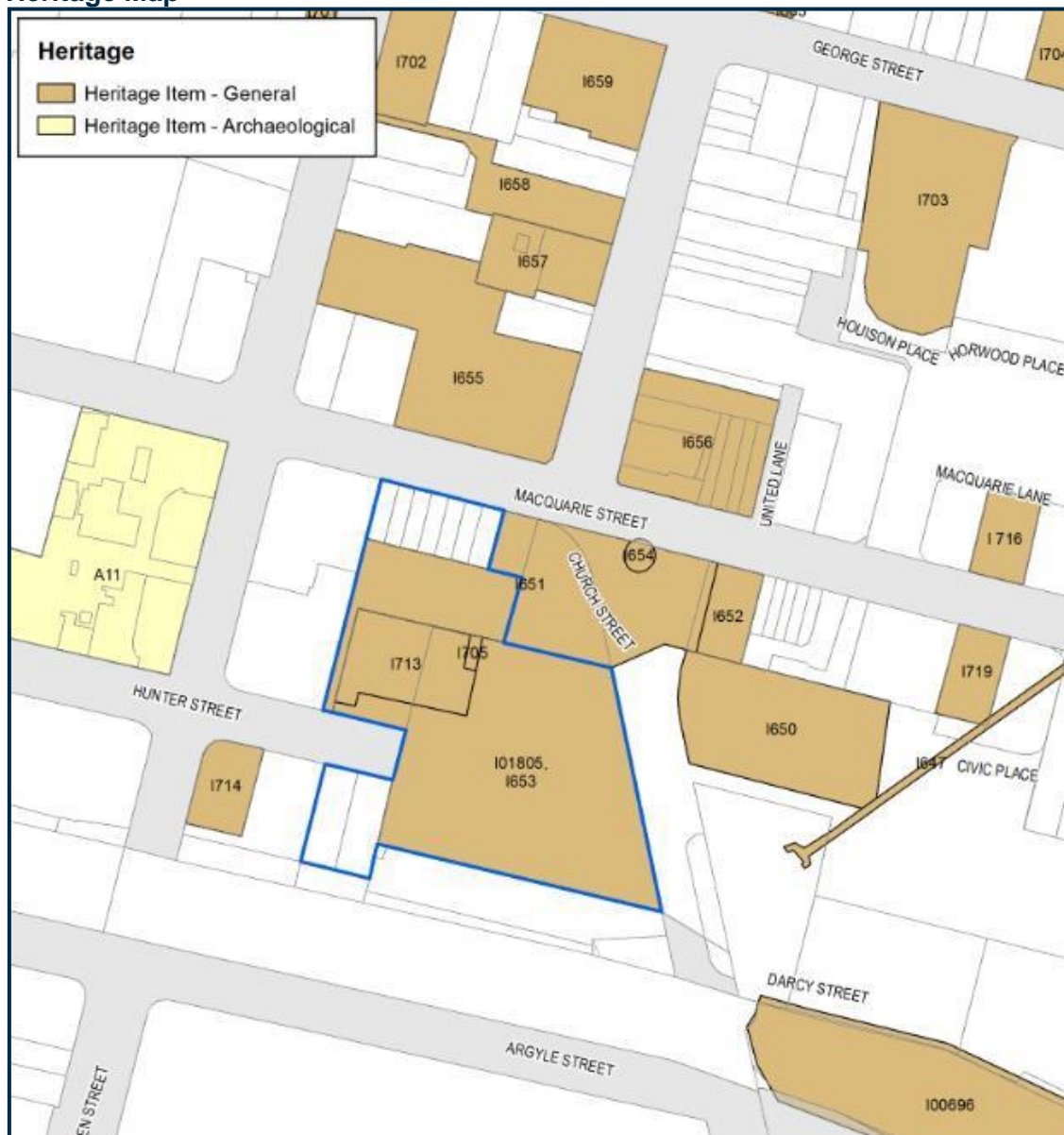


Figure 18 illustrates the existing heritage items on the site including the State heritage listed St John’s Anglican Cathedral and a number of local heritage listed items being StJohn’s Parish Hall, St John’s Building (façade), and Warden’s Cottage

Figure 18. Existing heritage items extracted from the Parramatta LEP 2011 Heritage Map



Solar Access

Figure 19 illustrates the Key Sites, Special Provisions and Sun Access Protection areas in the vicinity of the site.

While no part of the site is subject to any special provisions under this map, the adjacent Parramatta Square area of protected sun access is illustrated above. This is relevant to this Planning Proposal as the Master Plan has been designed to not overshadow this area.

Figure 19. Existing Key Sites, Special Provisions and Sun Access Protection areas extracted from the *Parramatta LEP 2011* Key Sites, Special Provisions and Sun Access Protection Map

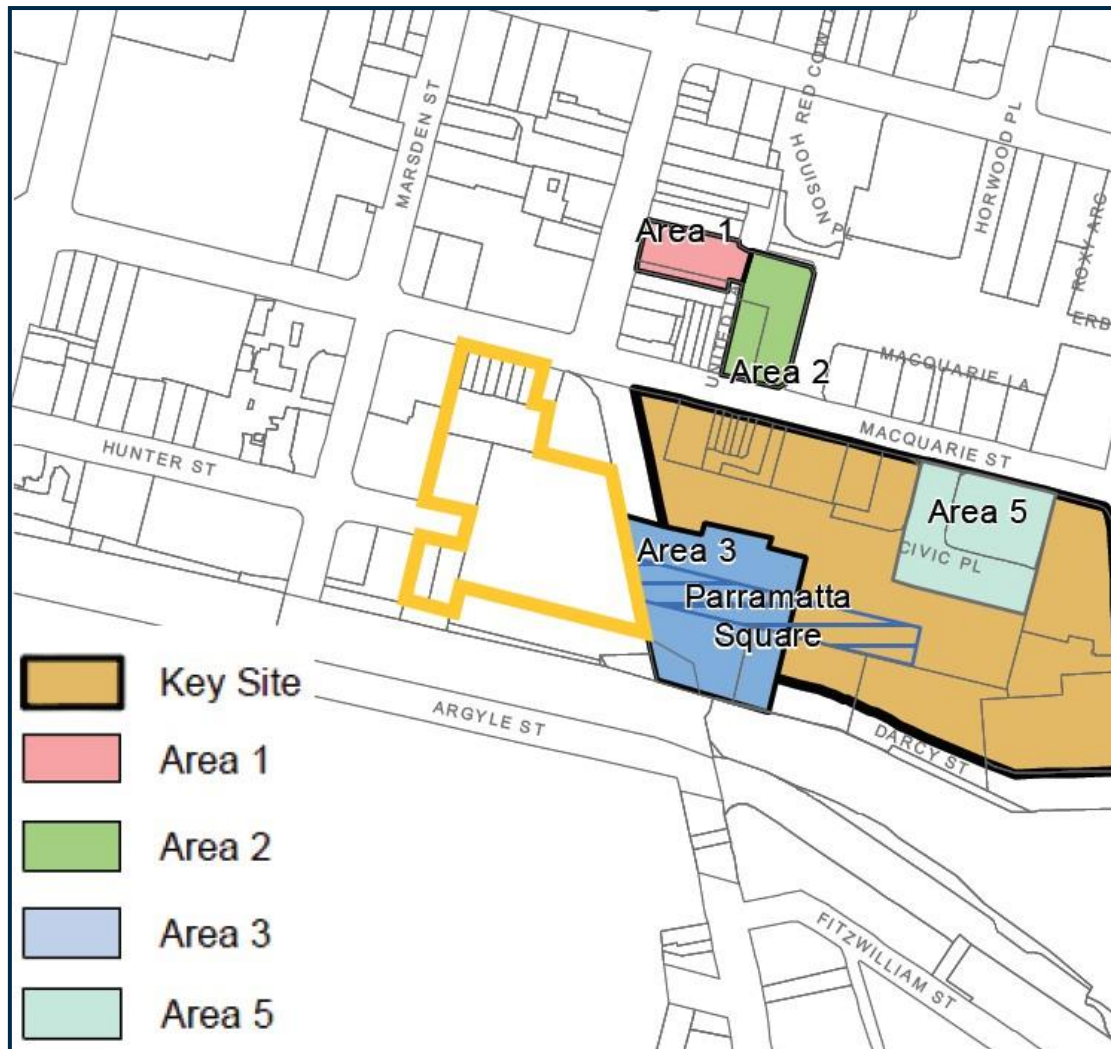


Figure 20. Acid Sulfate Soils areas identified on the site extracted from the Parramatta LEP 2011 Acid Sulfate Soil Map



4.2 Proposed Provision

To achieve the objectives and intended outcomes of this Planning Proposal, the Land Use Zoning Map is proposed to be amended. To facilitate the Height and FSR controls sought, the applicant put forward the following preferred option.

Figure 21. Proposed land use zoning map



Figure 22. Proposed height of buildings map

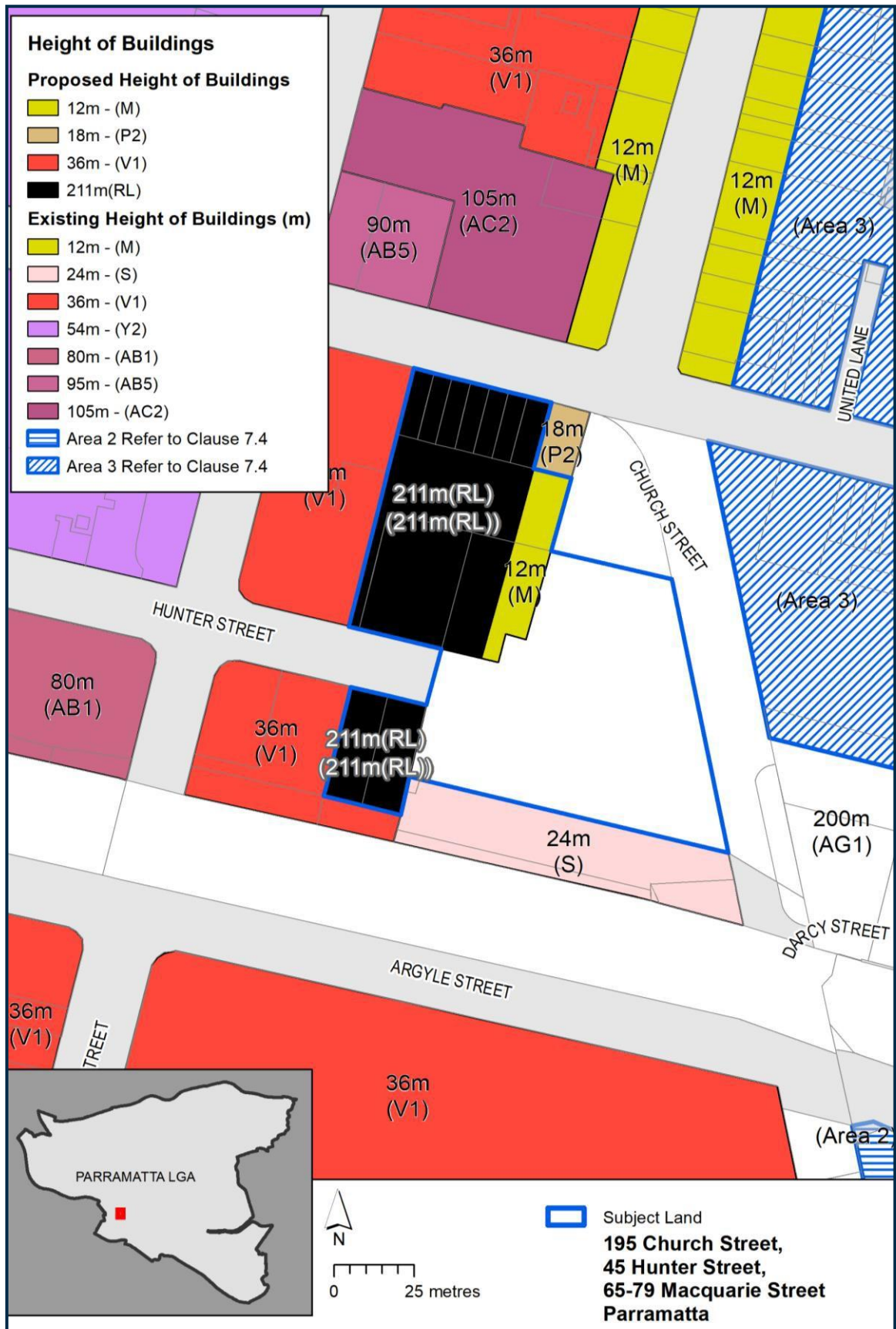


Figure 23. Proposed floor space ratio map

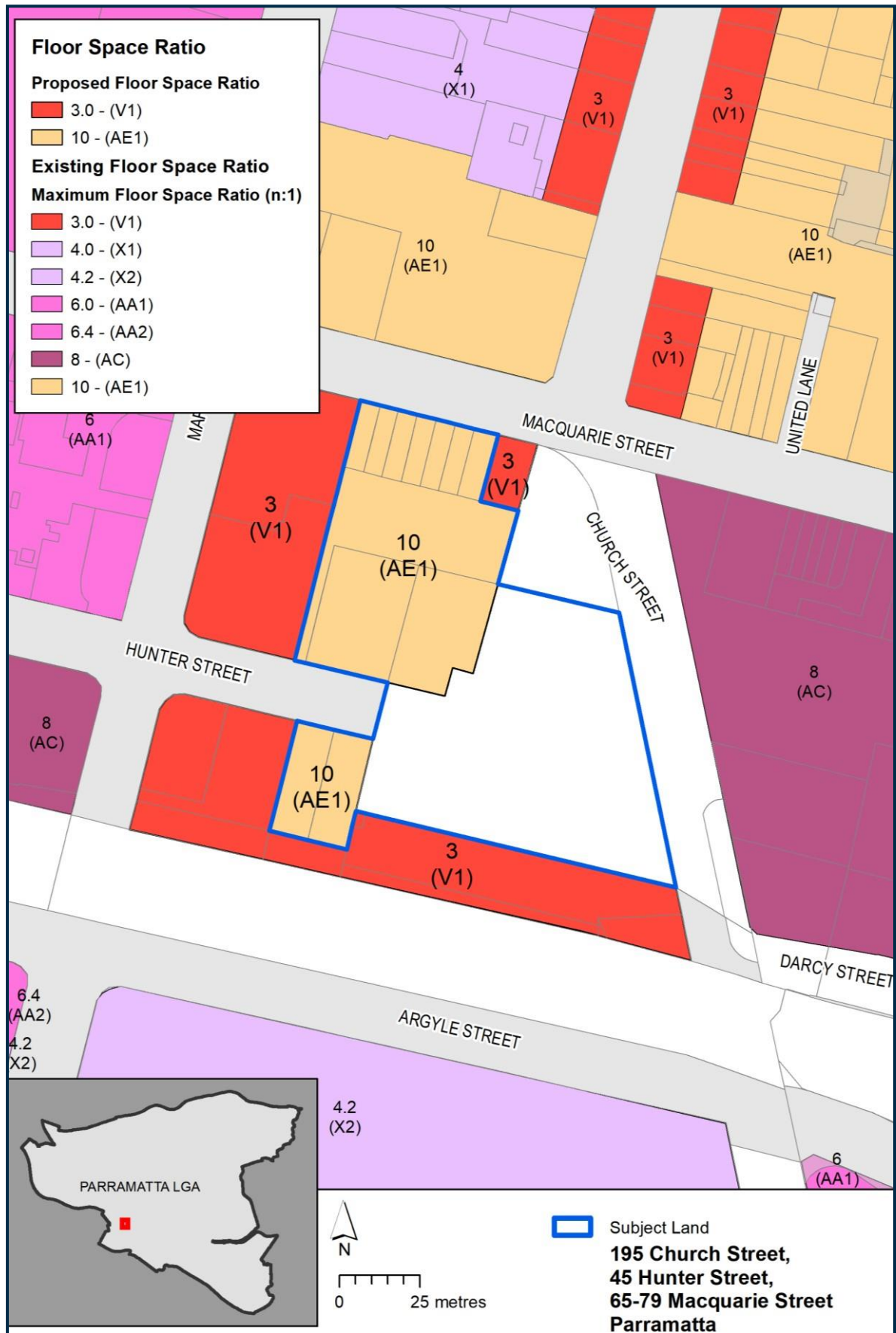
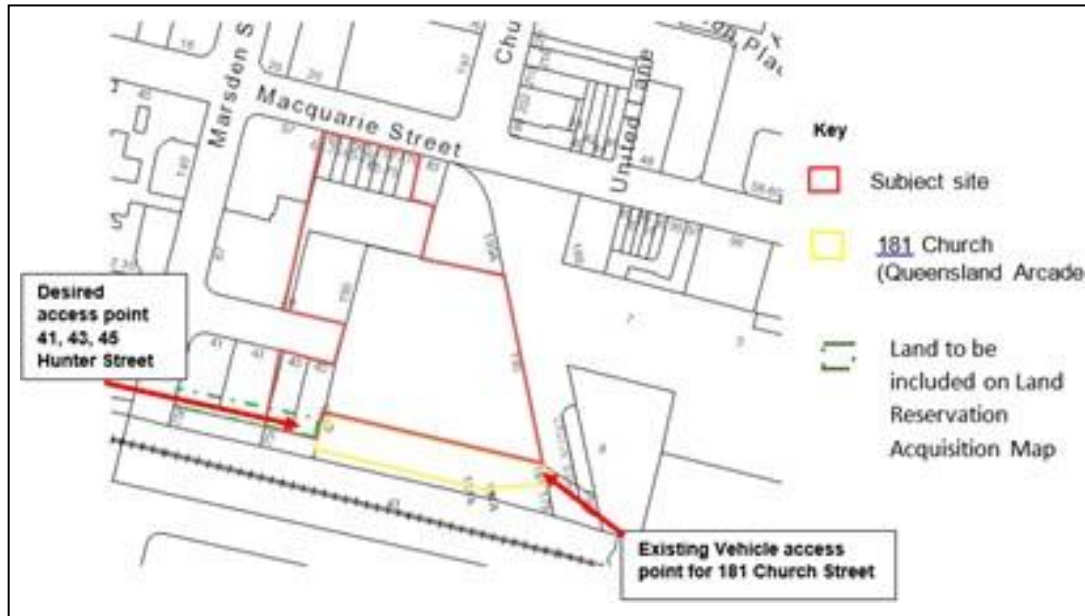


Figure 24. Proposed special provisions map



Please note: As discussed previously in this report, a change to the Land Reservation Acquisition (LRA) Map is also proposed. This change will be to add a 6 metre strip parallel to the railway line to the LRA map for properties at 41, 43 and 45 Hunter Street. This change is illustrated in the diagram below. This is the only change to planning controls proposed for 41 and 43 Hunter Street, Parramatta; no other changes will be made the planning controls that apply to these two sites.

Figure 25. Diagram illustrating land to be added to LRA map (green hatching)



PART 5 – COMMUNITY CONSULTATION

Consistent with sections 3.34(4) and 3.34(8) of the EP&A Act 1979, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

Consultation with the community will be undertaken as part of the public exhibition. This section will be updated following the exhibition.

PART 6 – PROJECT TIMELINE

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

Table 12 below outlines the anticipated timeframe for the completion of the planning proposal.

Table 12 – Anticipated timeframe to planning proposal process

MILESTONE	ANTICIPATED TIMEFRAME
Report to Council on the PP, DCP and Planning Agreement	21 March 2022
Referral to Minister for review of Gateway alteration	22 March 2022
Date of issue of the Gateway alteration	27 March 2022
Commencement and completion dates for public exhibition period*	29 March 2022 – 29 April 2022
Commencement and completion dates for government agency notification*	29 March 2022 – 29 April 2022
Consideration of submissions	May 2022
Consideration of planning proposal post exhibition and reporting to Local Planning Panel (if submissions received) and to Council	May 2022
Submission to the Department to finalise the LEP	June 2022
Notification of instrument	TBD
* The legal drafting of the Planning Agreement is being finalised and public exhibition of the draft Planning Agreement is expected to start sometime between Monday 4 April to 8 April 2022 and will be exhibited for 28 days (not including public holidays).	

APPENDICES

Supporting documents (as at December 2019) were forwarded to DPE with the Planning Proposal seeking a Gateway Determination.

1. Applicant urban design report
2. Applicant traffic assessment
3. Applicant heritage impact statement
4. Applicant draft conservation management plan
5. Applicant archaeological report
6. Applicant concept landscape master plan
7. Applicant submission – solar access to Parramatta Square
8. City-commissioned heritage assessment
9. Applicant heritage report responding to independent heritage assessment
10. Applicant landscape report responding to independent heritage assessment
11. City-commissioned office building concept assessment
12. Applicant ground plane study responding to independent office building assessment
13. Applicant further heritage assessment responding to independent office building assessment

Additional supporting documents (as at March 2022) were endorsed by Council on 21 March 2022 for public exhibition.

14. Correspondence from Transport for NSW to Council
15. Applicant heritage addendum
16. Applicant Reference Design
17. Applicant Traffic Study (updated)
18. City commissioned consultant heritage clarification

These supporting documents will be exhibited with the draft site specific DCP control and draft Planning Agreement as well as copies of the Gateway determinations

APPENDIX 1 - Applicant urban design report 2018

Refer to separate attachment

APPENDIX 2 - Applicant traffic assessment 2018

(Note: now superseded by the Applicant updated Traffic report dated March 2022 at Appendix 17)

Refer to separate attachment

APPENDIX 3 - Applicant heritage impact statement 2018

(Note: Refer also to Appendix 15 - Applicant heritage addendum dated March 2022)

Refer to separate attachment

APPENDIX 4 - Applicant draft conservation management plan 2018

Refer to separate attachment

APPENDIX 5 - Applicant archaeological report 2018

Refer to separate attachment

APPENDIX 6 - Applicant concept landscape master plan 2018

Refer to separate attachment

APPENDIX 7 - Applicant submission – solar access to Parramatta Square – December 2018

Refer to separate attachment

APPENDIX 8 - City commissioned heritage assessment

Refer to separate attachment

APPENDIX 9 - Applicant heritage report responding to independent heritage assessment – January 2019

Refer to separate attachment

APPENDIX 10 - Applicant landscape report responding to independent heritage assessment – January 2019

Refer to separate attachment

APPENDIX 11 – City commissioned office building concept assessment – July 2019

Refer to separate attachment

APPENDIX 12 - Applicant ground plane study responding to independent office building assessment – January 2019

Refer to separate attachment

APPENDIX 13 - Applicant further heritage assessment responding to independent office building assessment – August 2019

Refer to separate attachment

APPENDIX 14 - Correspondence from Transport for NSW to Council July 2021

Refer to separate attachment

APPENDIX 15 - Applicant heritage addendum March 2022

Refer to separate attachment

APPENDIX 16 - Applicant Reference Design March 2022

Refer to separate attachment

APPENDIX 17 - Applicant Traffic Study (updated) March 2022

Refer to separate attachment

APPENDIX 18 - City commissioned consultant heritage clarification March 2022

Note: includes original City commissioned heritage reports at Appendix 8)

Refer to separate attachment

APPENDIX 19 – Gateway determinations and Alterations to Gateway determinations

8 September 2020

- *Department Gateway Determination Report*
- *Gateway Determination - Letter to Council*
- *Gateway Determination*

15 December 2020

- *Alteration of Gateway Determination – Letter to Council*
- *Alteration of Gateway Determination*

12 November 2021

- *Alteration of Gateway Determination – Letter to Council*
- *Alteration of Gateway Determination*

22 February 2022

- *Alteration of Gateway Determination – Letter to Council*
- *Alteration of Gateway Determination*

27 March 2022

- *Alteration of Gateway Determination – Letter to Council*
- *Alteration of Gateway Determination*

The above documents are available at NSW Government Planning Portal

[St Johns Cathedral Site \(195 Church Street 65-79 Macquarie Street 38 and 41-45 Hunter Street\) Parramatta \(168 dwellings, 4825 jobs\) | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)

Alternatively, Council's website: <https://participate.cityofparramatta.nsw.gov.au/st-johns-anglican-church> or alternatively, scan the QR code:



APPENDIX 20 – Draft site specific clauses

Note: These potential draft LEP provisions have been prepared by Council as a guide only to demonstrate the intent of the clauses as described in the Planning Proposal at ‘Part 2 Explanation of Provisions’ and to assist the public in understanding the possible implications of the amendments. These potential draft clauses may be amended post-exhibition as part of the legal drafting process and prior to this amendment coming into force.

It is also noted that condition number 5 of the Gateway determination requires that “Prior to finalisation, the planning proposal is to be consistent with the Parramatta CBD Planning Proposal’s position in relation to solar access to Parramatta Square”.

Clause 7.# Development on land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (known as the St John’s Anglican Church site); and 41-43 Hunter Street Parramatta

- (1) This clause applies to land at:
 - (a) Nos. 195 Church Street, 38 and 45 Hunter Street, and 65-79 Macquarie Street Parramatta (known as the St John’s Anglican Church site), and legally known as (Lots 1 and 2 DP 1110057, Lots 1 and 2 DP 575473 and Lots E to M DP 15108) and identified as “Area #” on the Special Provisions Area map.
 - (b) Nos. 41-43 Hunter Street Parramatta (Lot 1 DP27310 and SP 53196) for the purpose of a land reservation only as shown on the Land Reservation Acquisition Map.
- (2) Development for the purposes of car-parking in conjunction with any redevelopment of the St John’s Church Site on a portion of the land zoned SP1 – Special Activities (Place of Public Worship) as shown on the Special Provisions map is permitted with development consent.
- (3) Any additional floor space for commercial development on the portion of the site zoned B3 Commercial Core and with a Floor Space Ratio of 10:1 will be exempt from the overall maximum floor space ratio specified in Clause 4.4 or 7.2 .
- (4) The sliding-scale provisions specified in Clause 7.2 Floor Space Ratio apply to any redevelopment of the St John’s Church Site.

Sun access protection

- (5) Development consent must not be granted to development on the St John’s Church Site that results in any part of a building causing additional overshadowing, on 21 June in any year, on the protected area of Parramatta Square as shown on the Key Sites Map Special Provisions Map Sun Access Protection Map between 12:00 and 14:00, unless there is a compensatory publicly accessible area within Parramatta Square that is at least equivalent in size to the area of overshadowing to the protected area of Parramatta Square, and that is unaffected by overshadowing at that time.

Car Parking

(6) Objectives

The objectives of this clause are:

- (a) to identify the maximum number of car parking spaces that may be provided to service particular uses of land; and
- (b) to minimise the amount of vehicular traffic generated because of proposed development.

(7) Application

- (a) This clause applies to land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta and identified as "Area #" on the Special Provisions Area map.
- (b) This clause applies to development for any purpose if car parking spaces are to be provided in relation to that purpose, but does not apply to development for the purposes of a car park.
- (c) Nothing in this clause requires a reduction in the number of car parking spaces provided within an existing building.

(8) Interpretation

- (a) For the purposes of this clause:

car parking space means a space intended to be used for the parking of cars that is ancillary to another land use on the site, but does not include any of the following:

- (i) a place primarily used for the purpose of washing vehicles,
- (ii) a place primarily used for the purpose of loading or unloading of goods,
- (iii) a place primarily used for the purpose of storing bicycles or motorcycles,
- (iv) a car parking space in a car park,
- (v) a car parking space reserved for the exclusive use of vehicles belonging to a car share scheme.

car share scheme means a scheme in which a body corporate, an unincorporated body or a public authority owns or manages and maintains vehicles for shared or communal use and hires those vehicles exclusively to members of the scheme for occasional use for short periods of time, on demand, and on a pay-as-you-go basis.

- (b) More than one provision of this clause may apply in the case of a mixed use development, and in such a case:

- (i) the maximum number of car parking spaces is the sum of the number of spaces permitted under each of those provisions, and
- (ii) a reference in those provisions to a building, is taken to be a reference to those parts of the building in which the relevant use occurs.

(9) Car Parking spaces not to exceed the maximum set out in this clause

- (a) Development consent must not be granted to development that includes car parking spaces in connection with a proposed use of land if the total number of car parking spaces (including existing car parking spaces) provided on the site would be greater than the maximum set out in this clause.
- (b) If the maximum number of car parking spaces under this clause is not a whole number, the number is to be rounded to the nearest whole number.

(10) Business premises and office premises The maximum number of car parking spaces for a building used for the purposes of business premises or office premises is as follows—

- (a) if the building has a floor space ratio of no more than 3.5:1—1 space for each 175 square metres of gross floor area of the building used for those purposes,
- (b) if the building has a floor space ratio greater than 3.5:1, the following formula is to be used—

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

where—

M is the maximum number of parking spaces, and

G is the gross floor area of all office premises and business premises in the building in square metres, and

A is the site area in square metres, and

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

(11) **Centre-based child care facilities** The maximum number of car parking spaces for a building used for the purposes of a centre-based child care facility is 1 space plus 1 space for every 100 square metres of the gross floor area of the building used for those purposes.

(12) **Dwelling houses, attached dwellings and semi-detached dwellings** The maximum number of car parking spaces for dwelling houses, attached dwellings and semi-detached dwellings is 1 space for each dwelling.

(13) **Health consulting rooms and medical centres** The maximum number of car parking spaces for a building used for the purposes of health consulting rooms or medical centres is 2 spaces for every consulting room.

(14) **Hotel or motel accommodation and serviced apartments** The maximum number of car parking spaces for a building used for the purposes of hotel or motel accommodation or serviced apartments is—

- (a) if the building contains up to 100 bedrooms—1 space for every 4 bedrooms, and
- (b) if the building contains more than 100 bedrooms—1 space for every 5 bedrooms.

(15) **Information and education facilities** The maximum number of car parking spaces for a building used for the purposes of information and education facilities is 1 space for every 200 square metres of the gross floor area of the building used for those purposes.

(16) **Light industries** The maximum number of car parking spaces for a building used for the purposes of light industries is 1 space for every 150 square metres of the gross floor area of the building used for those purposes.

(17) **Places of public worship and entertainment facilities** The maximum number of car parking spaces for a building used for the purposes of a place of public worship or an entertainment facility is whichever of the following provides the greater number of spaces—

- (a) 1 space for every 10 seats, or
- (b) 1 space for every 30 square metres of the gross floor area of the building used for those purposes.

(18) **Residential flat buildings, dual occupancies and multi dwelling housing** The maximum number of car parking spaces for residential flat buildings, dual occupancies and multi dwelling housing is as follows—

- (a) for each studio dwelling—0.1 spaces,
- (b) for each 1 bedroom dwelling—0.3 spaces,
- (c) for each 2 bedroom dwelling—0.7 spaces,
- (d) for each 3 or more bedroom dwelling—1 space.

(19) **Retail premises** The maximum number of car parking spaces for a building used for the purposes of retail premises is as follows—

- (a) if the building has a floor space ratio of no more than 3.5:1—1 space for each 90 square metres of gross floor area of the building used for those purposes,
- (b) if the building has a floor space ratio greater than 3.5:1, the following formula is to be used—

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

where—

*M is the maximum number of parking spaces, and
G is the gross floor area of all retail premises in the building in square metres, and
A is the site area in square metres, and
T is the total gross floor area of all buildings on the site in square metres.*

(20) Development consent must not be granted to development on 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta to which this clause applies unless a development control plan has been prepared for the St John's Anglican Church development site that provides for the matters - building envelopes, proposed removal and replacement or partial retention of the St John's Parish Church Hall, public domain design and vehicle access and basement design.

Note. Section 4.23 of the Environmental Planning and Assessment Act 1979 provides that if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.

(21) The provisions specified in Clause 7.6 Airspace Operations apply to the site.

APPENDIX 21 – Draft site-specific Development Control Plan

Refer to separate attachment

APPENDIX 22 – Draft Planning Agreement

The draft Planning Agreement will detail the public benefits the Church will be required to provide if they are able to secure approval to demolish the Church Hall.

The public benefits include public access to the Church grounds which the Church has also agreed to upgrade, and provision of vehicle and pedestrian access arrangements that will make moving around this part of the City easier and safer. The specific public benefits to be described in the Planning Agreement are detailed in the 'Terms Sheet of Public Benefits' dated 11 March 2022 endorsed by Council at the Council Meeting on 21 March 2022. A copy is provided with the Exhibition Material.

The legal drafting of the Planning Agreement is being finalised and public exhibition of Planning Agreement is expected to start sometime between Monday 4 April and Monday 8 April 2022, and conclude 28 days (not including public holidays) after the exhibition of the Planning Agreement starts.

Check the website for updated details [insert web address again] or Alternatively, Council's website: <https://participate.cityofparramatta.nsw.gov.au/st-johns-anglican-church> or alternatively, scan the QR code:



- End -