

INNOVATIVE

ITEM NUMBER	5.1
SUBJECT	Pre-Gateway - Planning Proposal for land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)
REFERENCE	RZ/5/2018 - D07104155
REPORT OF	Land Use Planning Manager
APPLICANT	Jattca Pty Ltd
OWNER	St Johns Parramatta Endowment Fund

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL - Nil

PURPOSE:

The purpose of this report is to seek the Local Planning Panel's advice on a Planning Proposal at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (the site containing St John's Anglican Cathedral and associated Church owned buildings), for the purposes of requesting a Gateway Determination from the Department of Planning, Industry and Environment (DPIE).

RECOMMENDATION

That the Local Planning Panel consider the following Council officer recommendation in the Panel's advice to Council:

- a) **That** Council endorse the Planning Proposal at **Attachment 1** to amend Parramatta LEP 2011 for land at 195 Church Street, 65-79 Macquarie Street, 38 and 41, 43 and 45 Hunter Street, Parramatta, to pursue the following amendments:
 - 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 in Figure 12 (Recommended - Zoning) of this report.
 - ii. The Floor Space Ratio (FSR) map be amended to apply a maximum incentive FSR of 10:1 in the location shown in Figure 13 (Recommended - FSR) of this report with no FSR being applied to the portion containing the Cathedral, also mapped in Figure 13 (Recommended - FSR) of this report.
 - iii. An additional site-specific local provision be included, which allows unlimited FSR for office development on the portion of the site labelled 10:1* in Figure 13 (Recommended - FSR) of this report.
 - 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 14 (Recommended - Building Height) of this

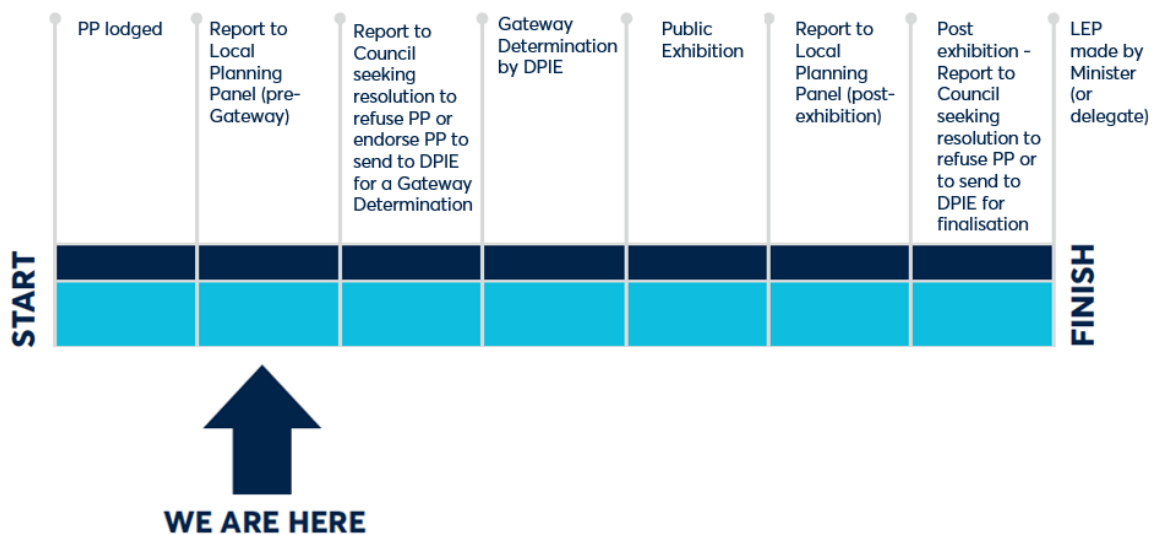
report with no building height being applied to the portion containing the Cathedral, also mapped in Figure 14 (Recommended - Building Height) of this report.

- vi. The site is identified on the Special Provisions map to permit the application of Clause 7.6 Airspace operations.
 - vii. The existing heritage item identified as St. John's Parish Church Hall (Item 1713) be de-listed from Schedule 5 of the LEP.
 - viii. The portion of land at 41, 43 and 45 Hunter Street, as shown in Figure 10 of this report, is identified on the Land Reservation Acquisition Map to facilitate the creation of a 6 metre wide laneway to provide future vehicle access to these three sites and 181 Church Street, Parramatta. Noting that 41 and 43 Hunter Street have only been included in the Planning Proposal for the purposes of identifying the 6m wide laneway land on the Land Reservation Acquisition Map and that no other changes will be made to the planning controls that apply to these two sites.
 - ix. An additional site-specific provision 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 9 of this report, in conjunction with any redevelopment of the St John's Church Site.
 - x. Is consistent with Council's policy position (endorsed 25 November 2019) in relation to Sun Access Plane – Parramatta Square where any new development on affected land must not result in any additional overshadowing between the hours of 12pm to 2pm within the nominated area on Parramatta Square during midwinter on 21 June.
 - xi. Maximum parking rates be adopted as an additional local provision, consistent with the Parramatta CBD Planning Proposal Strategic Transport Study rates endorsed by Council on 10 April 2017.
- b) **That** the revised Planning Proposal be forwarded to the DPIE with a request for a Gateway Determination;
- c) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to exhibition, in accordance with the following principles:
- i. Significant heritage interpretation of the Church Hall recommended above for delisting and potential future demolition;
 - ii. A minimum 5 metre width for the new active site-through link (laneway) with no building overhangs and activation of the laneway;
 - iii. Requirements for the new civic square including scale, treatment, tree planting and deep soil;
 - iv. Controls consistent with the Parramatta CBD Planning Proposal flood requirements, basement design (flood-proofing), requirement for an overland flow study, water sensitive urban design requirements, no habitable floor space to be provided below the ground level;
 - v. Vehicular access and servicing arrangements for the site; and
 - vi. Built form controls relating to the tower forms on the site including but not limited to tower setbacks from adjoining properties, and setbacks from

heritage items.

- d) **That** the CEO be authorised to negotiate a Planning Agreement with the landowner that takes into consideration:
 - i. the public benefits offered by the landowner in submissions to Council to date;
 - ii. Council's Planning Agreements Policy and Parramatta CBD Planning Proposal Community Infrastructure Framework acknowledging that the public benefits offered by the Applicant are proposed to offset the demolition of the Church Hall. The works proposed to offset the loss of the Church Hall should not be taken into consideration when determining whether any offer from the Applicant is consistent with the abovementioned Council Policy and Framework.
 - iii. that any contribution is in addition to the development contributions required under Council's CBD Development Contributions Plan.
- e) **That** an assessment of whether the eastern portion of Hunter Street adjoining the subject site's western boundary should be closed and sold to the Church for inclusion in the new civic space, be considered concurrently with Planning Agreement negotiations with the Applicant/ landowner.
- f) **That** the outcome of negotiations on the Planning Agreement and the assessment of the closure of the eastern portion of Hunter Street be reported back to Council for endorsement prior to public exhibition of any Planning Agreement, at the same time the contents of the draft site-specific DCP is reported to Council for exhibition purposes.
- g) **That** prior to any exhibition the Applicant be requested to provide urban design analysis and other supporting documents for the Planning Proposal that are consistent with the Council's resolved position and any conditions of the Gateway Determination to ensure the exhibition material is consistent.
- h) **That** upon the issue of a Gateway Determination the Planning Proposal, draft DCP, and Planning Agreement be exhibited concurrently and that the outcomes are reported back to Council.
- i) **That** Council officers commence negotiations with the owners of 181 Church Street, Parramatta to seek agreement to the implementation of alternate vehicle access arrangements to this site from Hunter and/or Marsden Street.
- j) **Further, that** Council authorise the CEO to amend the Planning Proposal to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

PLANNING PROPOSAL TIMELINE



BACKGROUND

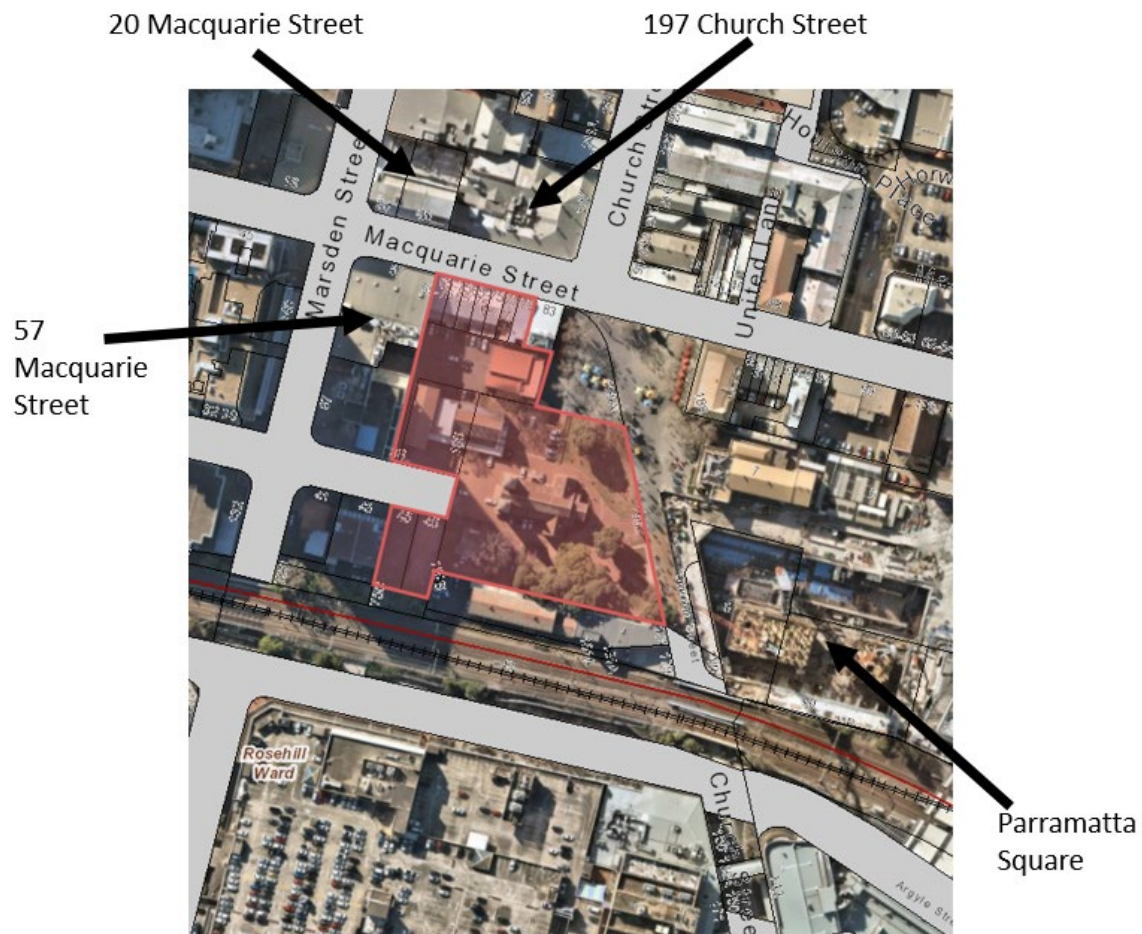
- On 29 May 2018, Jattca Property Solutions (the Applicant) lodged a Planning Proposal to Council on behalf of the landowner (Anglican Church Property Trust Diocese of Sydney, as Trustee for the Parish of Parramatta and the St John's Parramatta Endowment Fund) in relation to land at 195 Church Street and 68-79 Macquarie Street and 45 Hunter Street, Parramatta. The subject site is more commonly referred to as St John's Church.
- The Planning Proposal is based on a 100-year master plan envisaged for the subject site prepared by the Applicant and includes the following (Figure 1 contains images of the proposed development preferred by the Applicant):
 - A new setting for the St John's Anglican Cathedral through an enhanced public domain comprised of the provision of a new public square (proposed to remain under the ownership of the Church but accessible by the public), and a new pedestrian laneway with proposed access from Macquarie Street;
 - A northern tower comprised of 45-storeys (approximately 192 metres) including a minimum of 4,000 square metres of Church uses ancillary to the Cathedral, ground floor active uses within a three-storey podium, and 44,000 square metres of A-Grade leasable office space within the tower element (providing approximately 4,000 jobs);
 - A southern tower comprised of 43-storeys (approximately 152 metres) containing ground floor active uses and 15,000 square metres residential accommodation; and
 - Shared basement car parking extending from the north of the site, to the south of the site with proposed vehicular access off Macquarie Street.

Figure 1 – Applicant's preferred development option

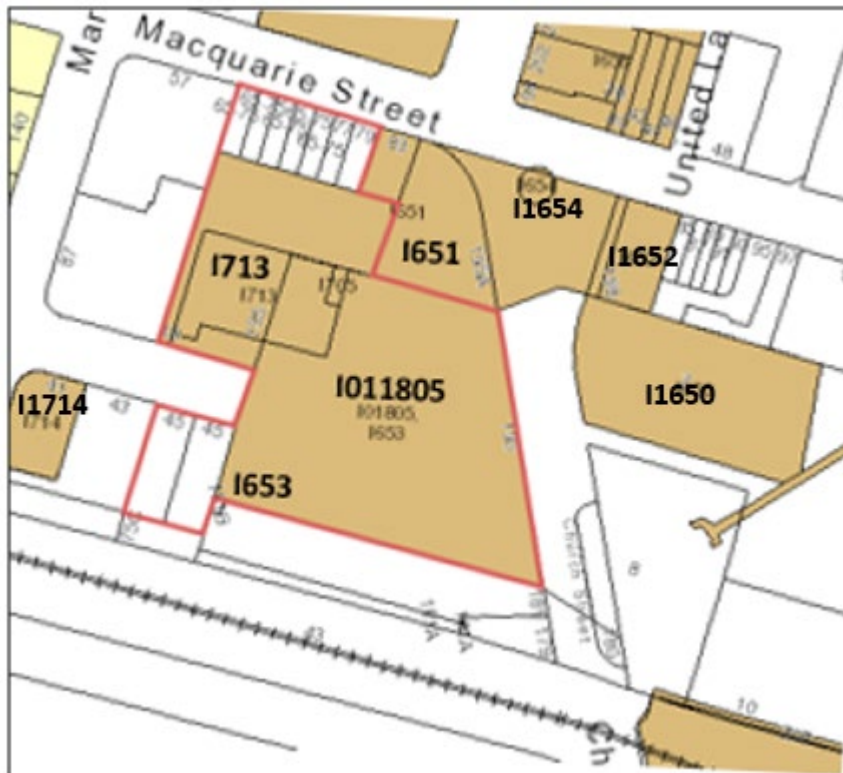
3. The Applicant's preferred option involves the demolition of the Church Hall, which is a listed Heritage Item. The Applicant was asked to prepare three design options regarding the treatment of the Church Hall to allow a proper assessment of the proposal and the potential alternatives. The options put forward by the Applicant and assessed by Council officers were :
 - i. The Church Hall is retained with any new building constructed beside the Hall;
 - ii. The Church Hall is retained and the new A-grade office building cantilevers over the Hall; and
 - iii. The Church Hall is demolished to allow for a larger civic space and better activation from a new A-grade office building.
4. The Applicant's original Planning Proposal did not propose to de-list the Church Hall from Schedule 5 of Parramatta LEP 2011, but instead to show its removal in the site-specific DCP and manage its removal as part of a future development application. Council officers advised the Applicant that if officers were to support the removal of the Church Hall, it would be on the basis that the Church Hall was formally de-listed. As such, the Applicant subsequently amended their proposal to now seek the de-listing of the Church Hall from Schedule 5 of Parramatta LEP 2011.
5. Diagrams showing the options and providing more detailed descriptions of them are included in section 4.7 of the Applicant's Urban Design Analysis, provided at **Attachment 2**

THE SUBJECT SITE AND SURROUNDING CONTEXT

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

Figure 2 – The subject site (site shown outlined in red)

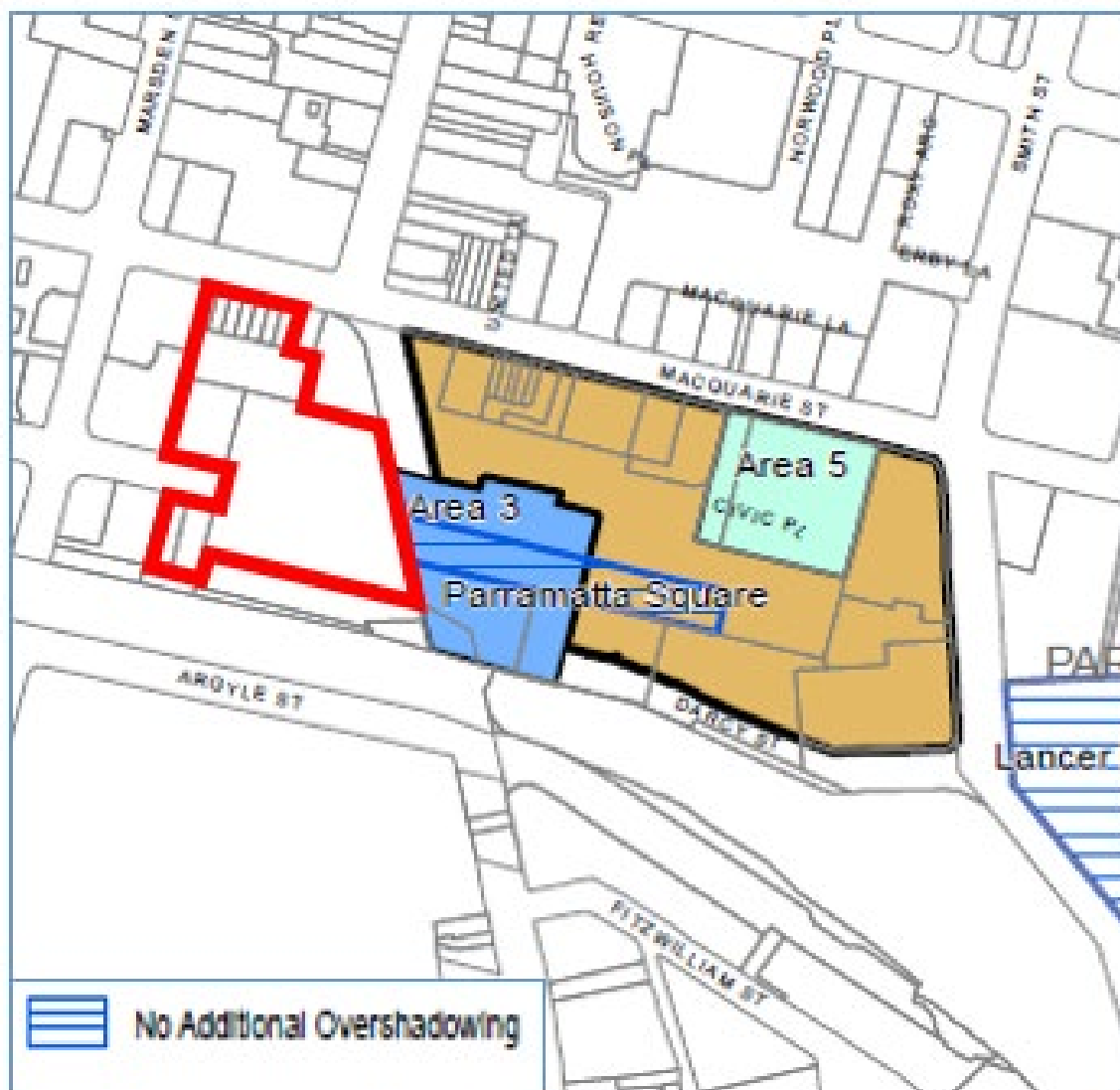
7. The combined site has frontages to Macquarie Street (north), Centenary Square (east), Hunter Street (west) and the railway corridor (south). The site is about 100 metres from the Parramatta Railway Station and Parramatta Light Rail Stage 1 stop on Macquarie Street, and is adjacent to Parramatta Square.
8. As shown in **Figure 3**, the subject site contains a state heritage item known as St John's Anglican Cathedral (I011805) and several local listed items including:
 - St John's Parish Church Hall (Local Listing I713);
 - Warden's (Verger's) Cottage (Local Listing I653); and
 - St John's Building (façade included in local listing I651 for Centenary Square and adjoining buildings).
9. These items as they relate to their respective allotments, contribute to the setting and curtilage of the St John's Anglican Cathedral.

Figure 3 – Listed heritage items in the locality (site shown in outlined in red)

10. The heritage items and their setting are critical to the assessment of this Planning Proposal. In particular, the assessment of whether controls should be amended to allow the Church Hall to be demolished. This site and its surrounds is a critical heritage precinct in the CBD with a group of listed buildings upon the site and surrounding it that represent an important part of the history of Parramatta.
11. Several heritage items also adjoin or are in the vicinity of the subject site including the broader Centenary Square and adjoining buildings (I651), Centennial Memorial Clock (I654), Parramatta Town Hall (I650), Murray's Building (I652) and a two-storey residence (I714) west of the site (See **Figure 3**).
12. There are currently site-specific Planning Proposals being processed for three adjoining sites at 57 Macquarie Street, 20 Macquarie Street and one site with two frontages at 197- 207 Church Street and 89 Marsden Street, as shown in **Figure 2**.
13. Each of these adjoining site-specific Planning Proposals are seeking to retain the existing B4 Mixed-Use zoning but increase the FSR and height controls for each site. Current proposals for 20 Macquarie Street and 197-207 Church Street are proposed to be developed for commercial/non-residential purposes, while the proposal at 57 Macquarie Street is for a mixed-use residential/commercial development.

14. The height of 20 Macquarie Street and 197-207 Church Street will be determined by controls that protect a portion of the public domain of Parramatta Square (refer to **Figure 4**). A height of between 90 metres and 105 metres (approximately 25 to 30 storeys) is the expected height, but the exact height and FSR of future buildings on these sites will be determined by the detailed design. The Applicant for 57 Macquarie Street is proposing a height of approximately 180 metres (approximately 50 storeys) and FSR of 16.21 but this application is still under assessment. The subject application and those on surrounding sites are all required to comply with solar access provisions to protect solar access to the nominated area of the public domain of Parramatta Square shown in **Figure 4**

Figure 4 – subject site in relation to Parramatta Square Sun Access Plane



COMPARISON OF EXISTING, PARRAMATTA CBD PLANNING PROPOSAL, APPLICANT'S AND RECOMMENDED CONTROLS

15. A comparison of existing, Parramatta CBD Planning Proposal, the Applicant's and recommended controls is shown in Table 1 below.

Table 1 – Comparison of controls

	Parramatta LEP 2011	Parramatta CBD Planning Proposal, endorsed by Council on 25 November 2019	Applicant's Planning Proposal	Council officer's recommended controls
Zoning	Part B4 Mixed Use, part SP1 Special Activities	Part B4 Mixed Use, part SP1 Special Activities	Part B4 Mixed Use, part B3 Commercial Core, Part SP1 Special Activities	Part B4 Mixed Use, part B3 Commercial Core, part SP1 Special Activities
Maximum height of building	Part 24m, part 18m, part 36m and part no height control	Part 24m, part 18m, part 12m, part 36m, part 211RL and part no height control	Part 28m and part no height control	Part 12m part 211 RL and part no height control
Maximum FSR	Part 3:1, part 10:1 and part no FSR shown	Part 3:1, part 10:1 and part no FSR shown	Part 13.5:1 and part 9.4:1 and part no FSR shown	Part 10:1 and part no FSR shown (refer to special clauses)
Parramatta CBD Planning Proposal special clauses	Sliding-scale applies	Sliding-scale applies Aeronautical investigation clause	Seeking exemption from sliding-scale Aeronautical investigation clause	Sliding-scale applies Aeronautical investigation clause Unlimited FSR on Proposed B3 Commercial Core fronting Macquarie Street
Site-specific clauses	Nil	Nil	Nil	Additional permitted use to allow basement parking on part of SP1 Special Activities zoned land.
Heritage status Church Hall	Listed	Listed	De-list	De-list
Maximum gross floor area (GFA)	6,870 m ² fronting Macquarie Street 2,592 m ² fronting Hunter Street	6,870 m ² fronting Macquarie Street 5,184 m ² fronting Hunter Street (applying sliding-scale)	57,900 m ² office GFA fronting Macquarie Street 14,500 m ² fronting Hunter Street	Unlimited office GFA fronting Macquarie Street 5,184 m ² in B4 Mixed Use Zone (applying sliding-scale)
Maximum dwelling yield <i>= maximum GFA / 85 m² for high density dwellings</i>	Approximately 111 apartments (both Macquarie and Hunter Street sites)	Approximately 142 apartments (both Macquarie and Hunter Street sites)	171 apartments (Hunter Street building)	61 apartments (Hunter Street building)

ASSESSMENT OF KEY ISSUES

Office building proposed at the northern side of the site fronting Macquarie Street

16. The independent heritage assessment prepared on behalf of Council indicates that a taller building can be located on the northern portion of the site but that the Church Hall should be retained. A feasibility analysis has shown that the only way to retain the Church Hall and achieve an A-grade office building is to cantilever over the Church Hall which is not supported by the heritage assessment. The Applicant has argued that there are public benefits from allowing the removal of the Church Hall because it allows for a more feasible A-grade office building and the creation of a larger and better activated space civic space that outweigh the community loss if the local heritage item is demolished. Council officers accept that the benefits from the Applicant's proposal outweigh the loss of the Church Hall and support the de-listing of the Church Hall.
17. The controls endorsed by Council for Parramatta CBD Planning Proposal for this precinct are based on the Heritage Study prepared by Urbis in December 2015 as part of the Parramatta 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).
18. The Applicant lodged a heritage analysis and other supporting documents (refer to **Attachments 4, 5, 8 and 12**) which:
 - a. Put forward a case that an increase in the density and height beyond current controls could be accommodated on site around the Cathedral without any significant detrimental impact on the heritage significance of the Cathedral or any other adjacent Heritage items (with the exception of the Church Hall); and
 - b. Seek to justify the demolition of the Church Hall, which is a locally listed item.
19. The Applicant's justification for the removal of the Church Hall is summarised as follows:
 - a. The Church Hall has continuously evolved over time to support the needs of the Church congregation and now needs to evolve again to meet modern day requirements. The design and configuration of the Church Hall does not meet the need of modern congregations;
 - b. The Church wishes to expand its ancillary facilities in the podium of the new proposed building on the northern side of the site and retaining the Church Hall means the new facilities would be fragmented across two buildings rather than incorporated and integrated in one new building;
 - c. The cost of constructing an A-grade office tower that is designed to accommodate the Church Hall and cantilever over the top of the Church Hall will add to the design complexity and cost of the redevelopment;
 - d. The Church wishes to provide a new civic space and new pedestrian laneway linking the new civic space to Macquarie Street along the western

edge of the site (refer to **Figure 1**), to provide an improved public domain outcome in front of the Cathedral. Removing the Church Hall will allow for the new civic space to be larger, better connected to other civic space around the Church and to Centenary Square and better activated as the existing Church Hall has limited opportunities for openings and interactions along its southern edge fronting the new civic space. The area of civic space that the Church is able to contribute to the new civic square can be increased by 640 square metres from 1,210 square metres to 1,850 square metres, if the Church Hall is removed;

- e. The Church in order to make their 100 year masterplan financially viable needs to be able to develop a viable A-grade office building; this would also be a valuable contribution to the CBD where employment uses should be encouraged;
- f. Retaining the Church Hall would limit the ability to achieve a continuous functional basement; and
- g. The public benefit from the new public domain and the additional A-grade jobs will outweigh the public loss associated with the future demolition of the Church Hall.

20. The City's Heritage Advisor and Heritage Advisory Committee do not support the potential demolition of the Church Hall.

21. On 15 August 2018, a briefing of the Planning Proposal was provided to the Heritage Advisory Committee of Council. An extract from the Committee minutes of this meeting state:

"The Committee noted their grave concern on the impact of this development especially regarding the scale of the development, impact on major community open space and the change in amenity from a religious/community gathering point".

22. An independent assessment was sought from Hector Abrahams and Associates (refer to **Attachment 7**). The key conclusions were that an increase in density on sites around the Cathedral could be supported but that the Church Hall should be retained and that development should not encroach over the top of the Church Hall in a cantilevered form.

23. The Heritage Advisory Committee were provided with a copy of the analysis at their meeting of 21 August 2019 and the feasibility analysis discussed below. The Committee resolved to support the Hector Abrahams and Associates' recommendation to allow an increase in the density next to the Church Hall but retain the Church Hall without any cantilevering.

24. The City engaged JPW Architects to undertake an architectural feasibility analysis to test the Applicant's contention that:

- a. an A-grade Office building could not be constructed if the Church Hall is retained;
- b. that the Church's needs cannot be met if the Church Hall is retained; and that activation of the new civic space is improved if the Church Hall is removed.

Refer to the full copy of the report in **Attachment 10** for further detail on their recommendations.

25. JPW Architect's key conclusions were:

- a. An A-grade office building can only be achieved if the Church Hall is removed or the new tower is able to cantilever over the Church Hall. The floorplate achievable if the Church Hall is retained without cantilevering is not sufficient to accommodate an A-grade office building;
- b. The Church's needs can still be accommodated and integrated within a redevelopment if the Church Hall is retained. However, the integration of the facilities will increase the design complexity;
- c. Cantilevering over the Church Hall and integrating all the Church activities when the Church Hall is retained means a more complex design exercise to resolve the design issues arising and will result in greater costs in constructing the development; and
- d. Activation of the new civic space is possible with the Church Hall retained, but it will be easier to achieve a better activation outcome if the Church Hall is removed.

26. The Applicant was provided with a copy of both the Heritage and Architectural studies commissioned by Council and provided further studies and assessments (refer to **Attachments 8, 9, 11 and 12**) to support their preferred option involving demolition of the Church Hall. The issues raised in these reports are all included in the Church's justification for removal of the Church Hall detailed in paragraph 19 previously in this report.

27. As part of the Council officer assessment, advice was sought on the economic benefits of realising an A-Grade Office building on this site. Council's Economic Development Team advised that at present, 45 per cent of the Parramatta office market is considered as "Prime" or "A Grade" space. Following the completion of development currently within the pipeline, approximately 288,000 square metres of additional A-Grade office space will be delivered in the Parramatta CBD by 2021, of which 72 per cent is already pre-committed. Based on the high-level of pre-commitment and trend of low A-grade vacancy rates within the Parramatta CBD, demand for additional A-Grade office space beyond 2021 is highly likely.

28. The recommendation on whether the Church Hall should be demolished rests on the net public benefit from the project. The operational issues associated with the operation of the Church are secondary issues. The key issue is whether the public benefits accruing from the larger new civic space, the improved level of design and activation of this space and the economic benefits of an A-grade office space outweighs loss the community will experience by having a locally listed heritage item demolished. After considering the issues Council officers consider that the public benefits accruing to the community by the proposal are greater than the loss associated with potential demolition of the Church Hall and so the Applicant's request to de-list the heritage item should be supported. De-listing the Church Hall from the heritage schedule in the Parramatta LEP 2011 will simplify the assessment of any future development application for demolition and increase the likelihood that demolition will be approved.

29. This recommendation is critical to the corresponding Council officer recommendation on the zoning of the site. If demolition is to be supported then it should be conditional upon the zoning of the relevant portion of the site being amended from B4 Mixed Use (which permits residential development) to B3 Commercial Core (which prohibits residential development). This will effectively “lock in” the public benefit by requiring the site to be developed for some office purpose permitted in this zone and prevent the site from being developed for a residential purpose after the Church Hall is demolished. The Applicant is supportive of the B3 Commercial Core zoning being applied to this portion of the site.

Residential building proposed at the southern end of site fronting Hunter Street

30. The residential building is proposed to be constructed on a site fronting Hunter Street at 45 Hunter Street, Parramatta. The site has an area of 864 square metres. The Applicant is proposing a 43 storey (154 metre high) residential tower building with up to 15,000 square metres of floor area. Development on the southern end of the site would be limited to the 45 Hunter Street site because the remainder of the southern end of the site is within the curtilage of the Cathedral where development would not be supported.

31. The Applicant is also seeking to expand the B4 Mixed Use zone in the area immediately west of the Cathedral. Refer to **Figure 5**. This would allow an FSR to be applied to this land. This proposal if accepted would allow the Applicant to avoid application of the sliding-scale provision (by having sufficient land area to maximise the FSR) and allow a much bigger building on 45 Hunter Street than would be permitted under the Parramatta CBD Planning Proposal. A comparison of the development permitted under the Applicant’s proposal and the Parramatta CBD Planning Proposal is shown in **Table 2**.

Figure 5 – Applicant’s proposed zoning

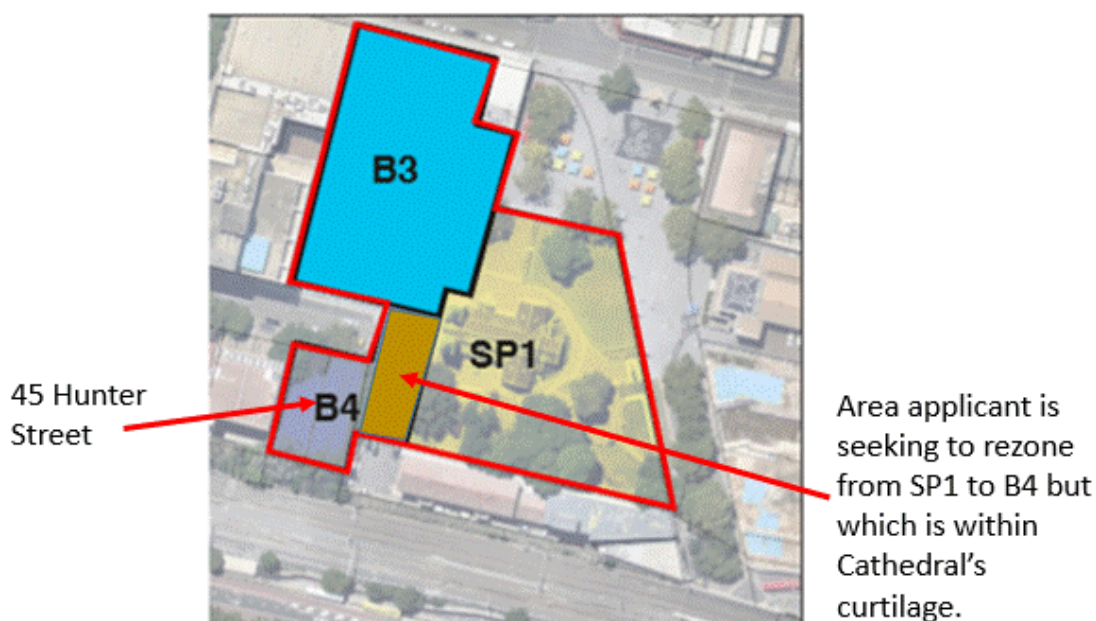


Table 2 – Comparison of Applicant's and Parramatta CBD Planning Proposal controls

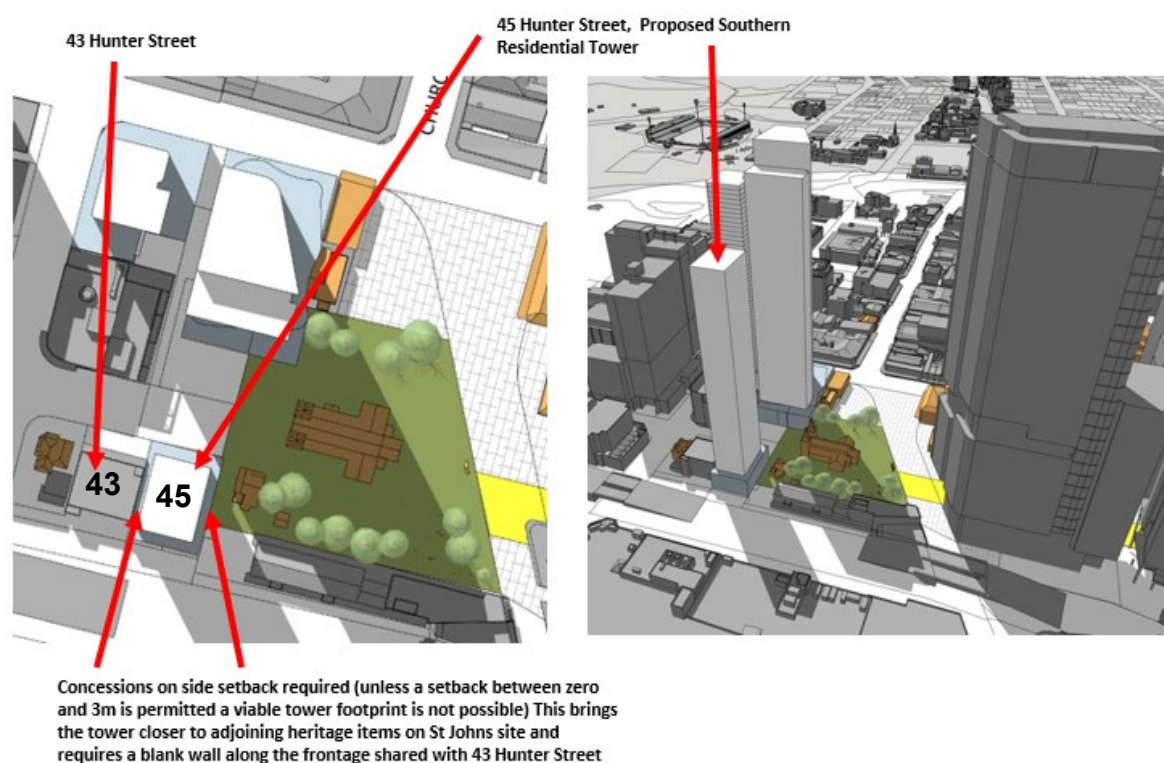
Scenario	Site Area (approx.)	FSR with Sliding-scale FSR	GFA Achievable	Height of building
Applicant's proposal	1,600 m ^{2*}	9.4:1	14,500 m ²	45-storeys
CBD Planning Proposal and recommendation for this site-specific Planning Proposal	864 m ^{2^}	6:1	5,184 m ²	8-storeys

*Area Applicant is proposing to zone B4 Mixed use

^Site area of 45 Hunter Street.

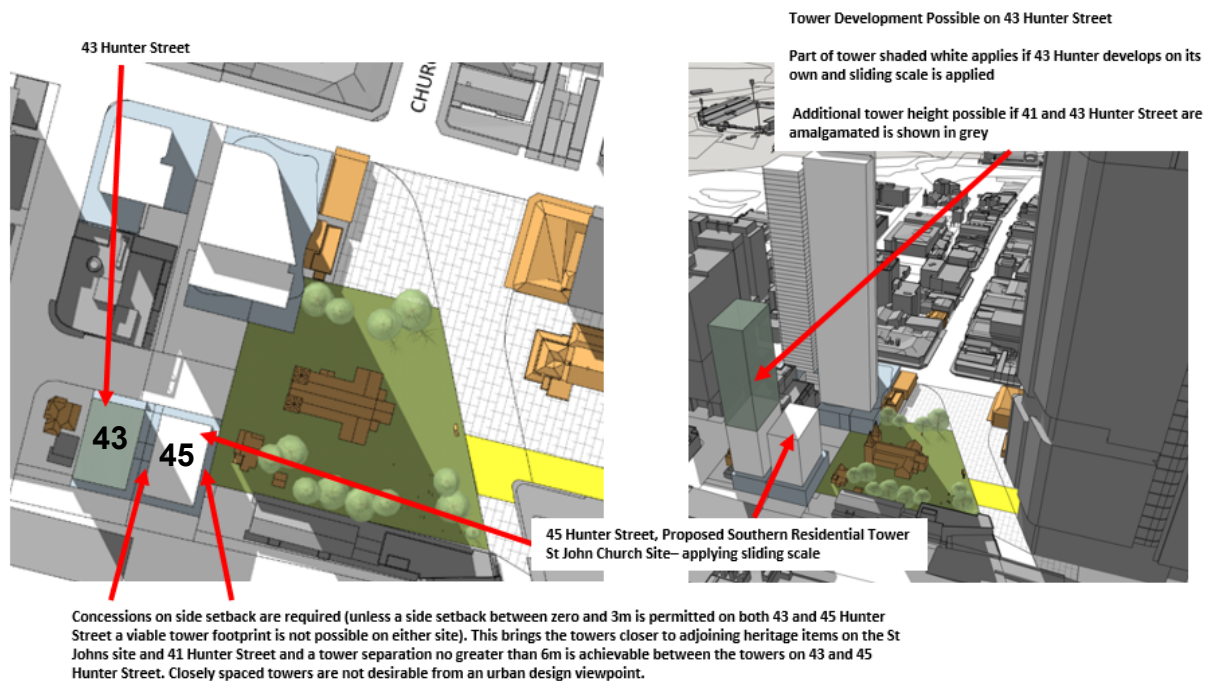
32. Under the current Parramatta CBD Planning Proposal with the sliding-scale provision, 45 Hunter Street would only be permitted to be developed at an FSR greater than 6:1 unless the site was to be amalgamated with an adjoining site to increase the site area above 1,800 square metres.

33. Council officers have investigated the implications of allowing the Applicant's proposal which would effectively exempt the redevelopment of this site from the sliding-scale provisions. **Figure 6** shows the residential towers with minimal side setbacks. The FSR is 9.4:1 based on the Applicant's proposed zoning, which extends the zoning and the area where the FSR would be calculated into the SP1 Special Activities (Place of Public Worship) zoned area, with a height of 45 storeys. However, if the FSR of the building is calculated using just the site area of 45 Hunter Street the effective FSR is 16.8:1.

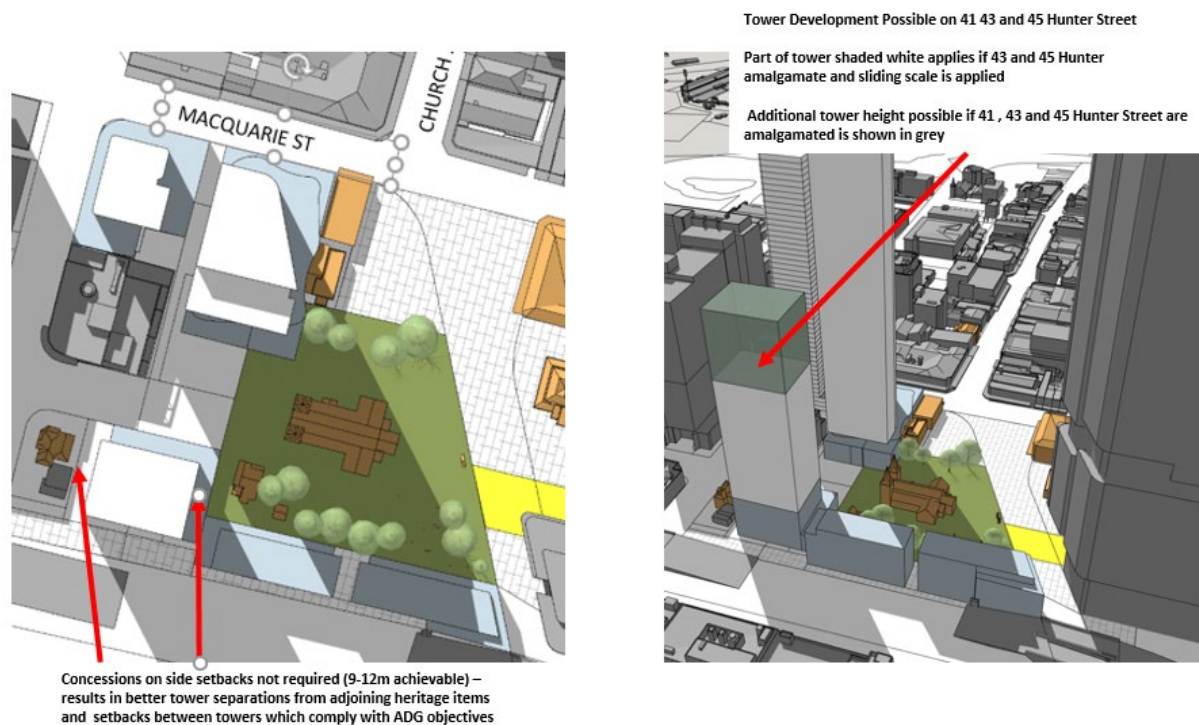
Figure 6 – Applicant's preferred development scheme for 45 Hunter Street

34. **Figure 7** demonstrates what would happen if 43 and 45 Hunter Street were to be developed independently applying the sliding-scale. The building forms on 43 and 45 Hunter Street shown in white are buildings with an FSR of 6:1 and height of 8 storeys. However, if 41 and 43 Hunter Street were to be amalgamated the additional tower form shown in green could be achieved with an FSR of 12:1 and height of approximately 35-40 storeys (including design excellence). In either case, the very small tower separations of between three metres and zero metres with blank walls provide a poor urban design outcome.

Figure 7 – Development options if 43 and 45 Hunter Street are developed independently without amalgamating



35. If 43 and 45 Hunter Street are amalgamated, a tower building with optimal setbacks of between 9 metres and 12 metres with no blank walls and a better massing from an urban design viewpoint is achieved, as shown in **Figure 8**.

Figure 8 - Development option if 41, 43 and 45 Hunter Street amalgamate

36. The analysis findings are that the only feasible development if this site is developed in isolation is for tower blocks with minimal or no setbacks from the boundaries which will result in a poor urban design outcome on the subject site and the adjoining site at 43 Hunter Street. A significantly better outcome can be achieved if 45 Hunter Street is developed in conjunction with the adjoining site at 43 Hunter Street as a tower development can be accommodated with a feasible floor plate that achieve the setbacks that comply with Council and State Government Apartment Design Guide requirements. The application of the sliding-scale will maximise the incentive for 43 and 45 Hunter Street to be amalgamated as together they maximise their combined FSR and are able to achieve an efficient floor plate and better urban design outcome.

37. The amalgamation of 41 Hunter Street, either with 43 Hunter Street alone or with both 43 and 45 Hunter Street, allows for a taller tower in both cases as depicted in the green portion of the towers shown in **Figure 7 and 8**. The optimal outcome would be for all three sites to be developed in one redevelopment, however, the key urban design outcome can still be achieved if 43 and 45 Hunter Street develop without 41 Hunter Street. Given 41 Hunter Street contains a listed heritage item, it has limited capacity to achieve a taller tower if developed independently without amalgamating.

38. Lastly, the Applicant's proposal to extend the B4 Mixed Use Zoning into the area outside the main entry door of the State heritage listed Cathedral to avoid having the sliding-scale provisions applied to 45 Hunter Street sets an unacceptable precedent. It would not be appropriate for the area immediately outside the State heritage listed Cathedral's front door to be zoned B4 Mixed Use.

ASSESSMENT OTHER PLANNING MATTERS

39. The assessment has not identified any other significant issues that impact the progression of this Planning Proposal but there are a number of issues that have been identified as part of the assessment, some of which warrant the inclusion of further planning controls in the Planning Proposal.

Basement parking in the SP1 Special Activities (Place of Public Worship) zone

40. The Applicant is seeking to create a single basement car park across the site as shown in **Figure 9**. Part of the basement shown hatched in **Figure 9** is located in the SP1 Special Activities (Place of Public Worship) zoned land. This basement car park is not a permissible use in this zone. Given that the parking is below ground and unlikely to have a significant impact on the heritage significance of the Cathedral, it is recommended a clause allowing the carpark to extend into the SP1 Special Activities (Place of Public Worship) zone, as shown hatched in **Figure 9**, be included in the Planning Proposal.

Figure 9 – Applicant proposed basement plan



Car parking rates

41. The Applicant's Planning Proposal indicates they are seeking to adopt Council's policy position regarding maximum parking rates within the Parramatta CBD as an additional local provision. The rates endorsed by Council on 10 April 2017 are:

- (a) 0.1 space per studio apartment,
- (b) 0.3 space per 1 bedroom apartment,
- (c) 0.7 space per 2 bedroom apartment,
- (d) 1 space per 3 bedroom apartment.

(3) The maximum number of car parking spaces for non-residential premises in a building on land to which this clause applies is to be calculated using the following formula (but only if the building has a floor space ratio greater than 3.5:1)—

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

where—

M is the maximum number of parking spaces.

G is the gross floor area of all non-residential premises in the building in square metres.

A is the site area in square metres.

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

Vehicle traffic

42. Notwithstanding the adoption of these rates, Council's Traffic and Transport team raised concern with the Applicant's traffic modelling (refer to **Attachment 3**) because the density proposed deviates from the Parramatta CBD Planning Proposal and subsequent mesoscopic modelling for the Parramatta CBD. Concern was mostly raised regarding the increased residential GFA being sought. The office component is of less concern as Council's endorsed parking rates limit the number of parking spaces allocated to commercial / office uses.

43. The recommended FSR and height controls allow increased office floor space which is not a concern to Council's Traffic and Transport team but limit residential development to the level permitted under the Parramatta CBD Planning Proposal. Therefore, the Applicant will not be required to address this matter any further as the modelling being undertaken as part of the Parramatta CBD Planning Proposal will address the transport and traffic issues. If the Council was to support the Applicant's proposal and allow a residential density outside the Parramatta CBD Planning Proposal on this site, then this may also need to be incorporated into Council's traffic modelling being undertaken as part of the Parramatta CBD Planning Proposal.

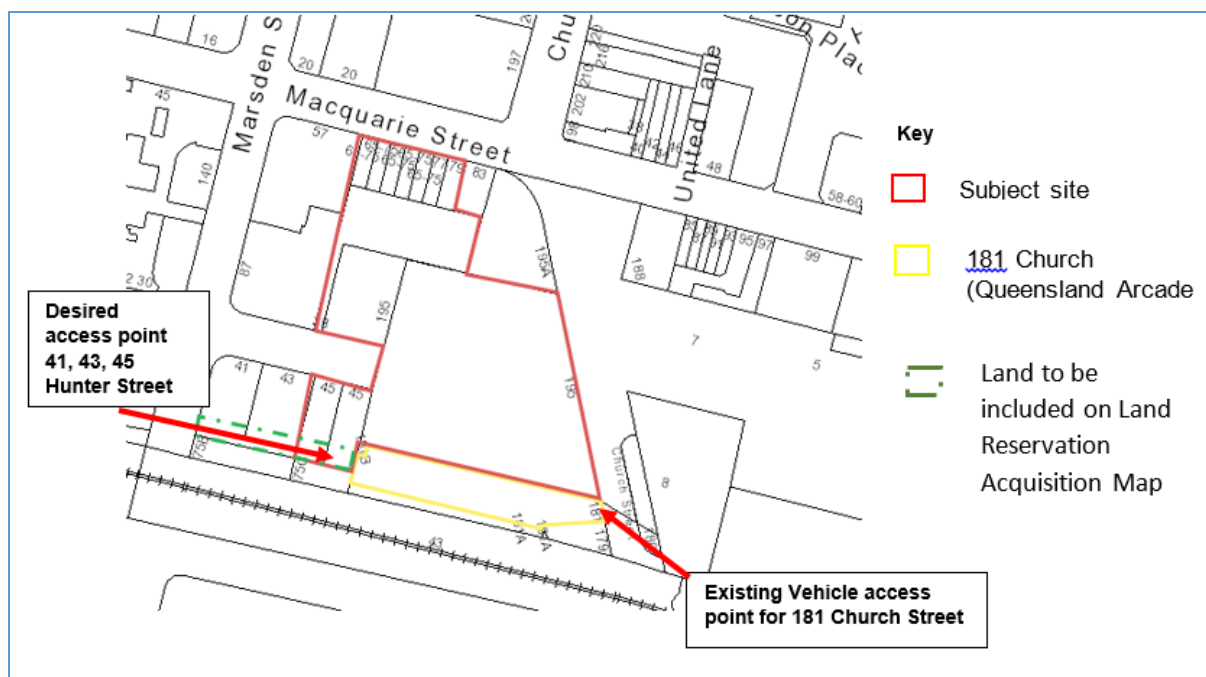
Vehicle access

44. 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.

45. It would also be ideal if vehicle access to the subject site via Hunter Street can be minimised if a new civic space is to be created at the end of this street. It may not be possible to prohibit all vehicle access from Hunter Street but attempts to minimise the access and ensure that any access minimises vehicle and pedestrian conflict should be incorporated into the planning policies to encourage optimal outcomes.
46. To minimise the impact of vehicle movements on pedestrians a new vehicle laneway in the location shown in **Figure 10** is proposed. 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.

Figure 10 – Existing and desired access points 181 Church Street, Parramatta



47. Pursuing this new laneway will require Council to secure a 'right of access' along the rear of 41 and 43 Hunter Street. The recommendation of Council officers is that this access issue warrants the inclusion of the future lane in the Parramatta LEP 2011 Land Reservations Acquisition Map as part of this site-specific Planning Proposal. This will give Council the power to compulsorily acquire the land should this become necessary in the future. However, compulsory acquisition would only be used as a last resort if it became of critical importance and cannot be secured voluntarily through the development process.

48. The Applicant has agreed that they would dedicate their portion under a potential Planning Agreement. It may be possible depending on the negotiations with the Applicant to:

- a. defer the acquisition of the right of way until 41 and 43 Hunter Street are redeveloped so the laneway can be delivered as part of the redevelopment process for these sites at no cost to Council and in a more holistic manner; or
- b. defer any commitment to acquire the land required for the laneway until the potential temporary access arrangements to 181 Church Street over the subject site are no longer appropriate due to redevelopment of the Church land. The Applicant have suggested that while they are willing to provide temporary access to 181 Church Street they are concerned that this should not detrimentally impact on the future redevelopment of the subject site. They are seeking assurances that options be put in place to minimise the impact of any temporary access arrangements on the redevelopment of their site.

49. The preferred option for Council would be to acquire the laneway and have it constructed over 41 and 43 Hunter Street as part of any future redevelopment of 41 and 43 Hunter Street properties. The cost to the developer of 41 and 43 Hunter Street could be offset against any future community infrastructure contribution or development contributions payable by the landowners at the time of the redevelopment.

50. To date, the Applicant has been unwilling to agree to provide alternate access to 181 Church Street indefinitely. The Applicant is seeking to set an agreed timeframe for any temporary access arrangements. If 41 and 43 Hunter do not redevelop within this timeframe, and the pedestrian safety issues at the eastern end of 181 Church Street become critical, Council could be in a position where it needs to acquire the relevant parts of 41 and 43 Hunter Street to deliver the proposed new vehicle laneway and resolve the pedestrian safety issues.

51. Options that Council could pursue if redevelopment of 41 and 43 Hunter Street did not progress in sufficient time would include:

- a. Acquisition of a right of way, which would allow the landowners to retain the development rights to the relevant portion of land. This would significantly reduce the cost to Council.
- b. Outright acquisition of the land required for the vehicle laneway.

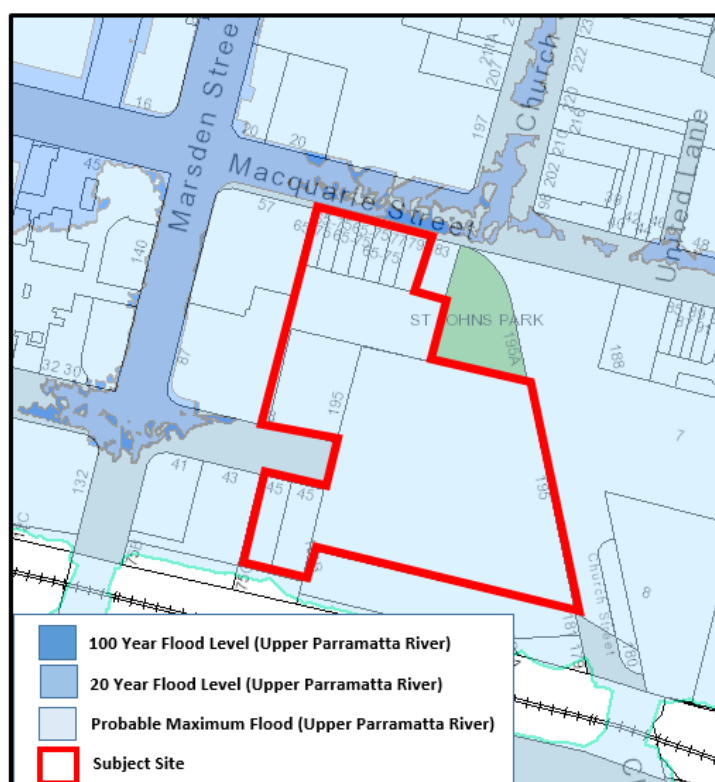
52. An estimate of the cost of acquiring the land has been circulated to Councillors under separate cover given that public release of the figures would prejudice any future negotiations on the value of the land. Any funding, if required, would come from Council's development contributions plan associated with the Parramatta CBD Planning Proposal. However, considering that the strategies detailed above make it likely that Council can acquire the right of access needed via the redevelopment process, it is less likely Council would need to acquire the land and pay compensation via a compulsory acquisition process.

53. The inclusion of 41 and 43 Hunter Street in this Planning Proposal to allow the new vehicle laneway to be identified on the Land Reservations Acquisition Map was not part of the Planning Proposal lodged by the Applicant. This recommendation arises from the assessment of the issues associated with the Planning Proposal. The owners of these sites have been advised that this matter is being reported to the Local Planning Panel and Council so they can make representations on this matter and should the Planning Proposal proceed to public exhibition they will have the opportunity to make formal submissions on the proposed Land Reservations Acquisition Map changes.

Flooding

54. The subject site is subject to the Probable Maximum Flood (PMF) event in the upper Parramatta River catchment, as shown in **Figure 11**.

Figure 11 – Flood affectation



55. 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 for Parramatta in 2016 in support of the Parramatta 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 the 9.1 Ministerial Direction, 4.3 Flood Prone Land, 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 DPIE to adopt a new Flood Planning Level for the CBD to implement controls above the standard Flood Planning Level, that is, 1 in 100 Year ARI. These controls would then be applied across

CBD sites as relevant. Council lodged an application with the DPIE to request their endorsement of the exceptional circumstances detailed above in November 2017. Council has been advised by the DPIE the application for exceptional circumstances has been endorsed for exhibition with the Parramatta CBD Planning Proposal.

56. 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 updated Flood Risk Management Plan associated with the Parramatta CBD Planning Proposal.
57. 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 and water sensitive urban design requirements. Based on information available to date, no habitable floor space, such as the auditorium shown in the Applicant's reference design, should be located below existing ground level. These concerns will be addressed as part of a site-specific DCP, in addition to provisions informed by the Flood Risk Management Plan relating to the Parramatta CBD Planning Proposal.

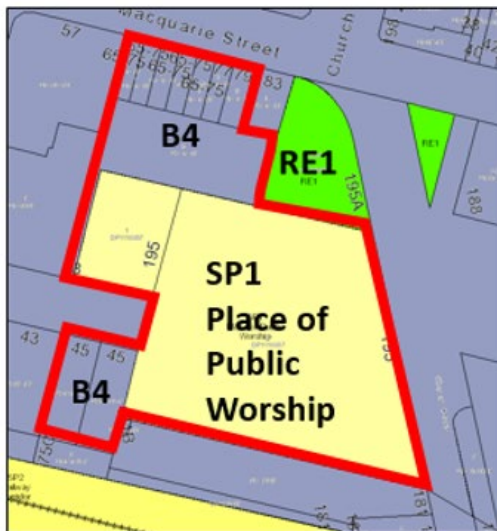
Other statutory considerations

58. The proposal has been assessed against the statutory considerations including relevant local and regional strategies and planning policies and relevant Ministerial directions. Details of the assessment of these matters is included in the Planning Proposal provided at **Attachment 1**.

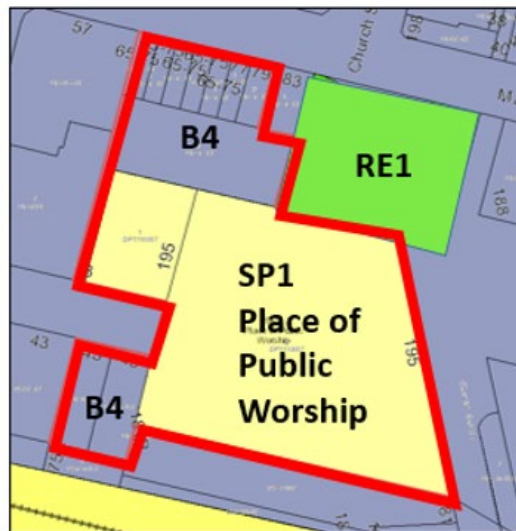
RECOMMENDED ZONING, FSR AND HEIGHT CONTROLS

Zoning

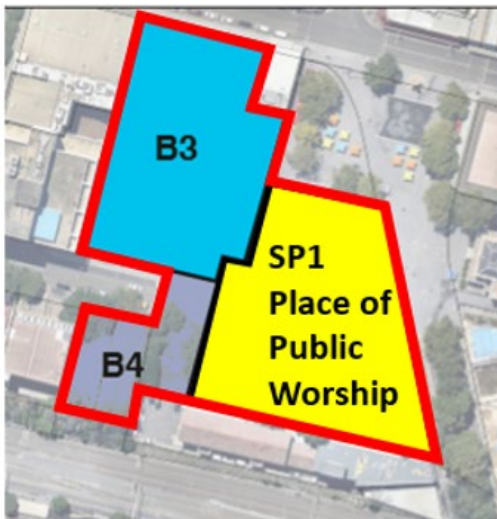
59. **Figure 12** compares the current zoning, the Parramatta CBD Planning Proposal zoning, the Applicant's proposed zoning and Council officer's recommended zoning for the site.

Figure 12 – Zoning options being considered by Council

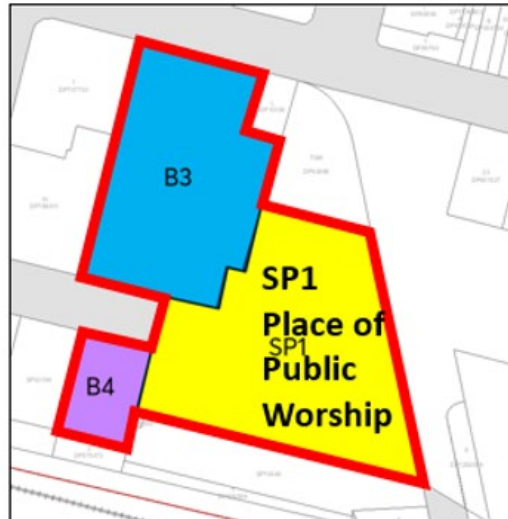
Current Parramatta LEP 2011 - Zoning



Proposed CBD Planning Proposal - Zoning



Applicant's Proposed Zoning



Recommended - Zoning

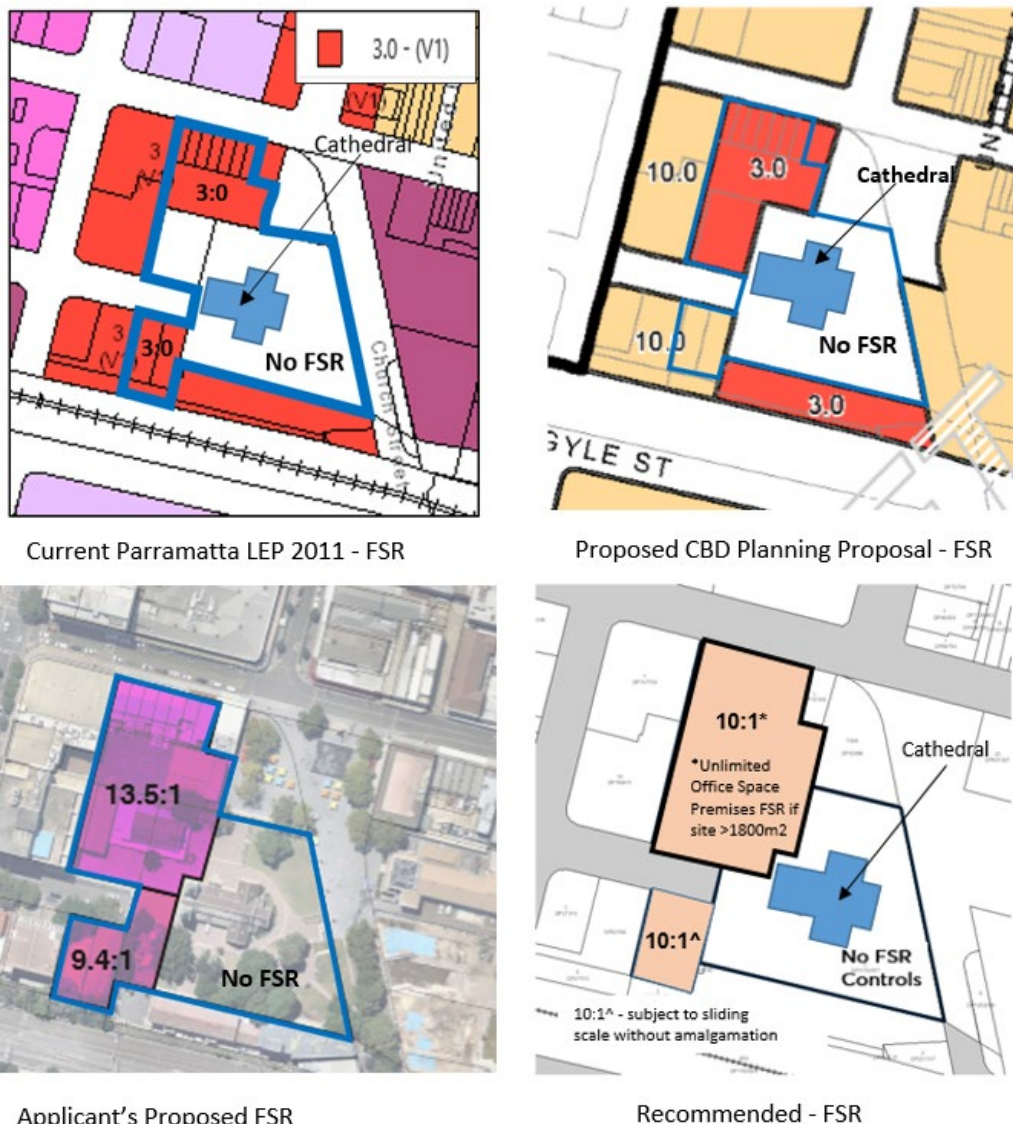
60. The reasons for rezoning the northern portion of the site B3 Commercial core are discussed previously in this report. Council should seek to ensure that this part of the site is used for office purposes to secure the public benefit of an office building on this site that helps offset the potential demolition of the Church Hall. The area where the Church Hall is located is proposed to be zoned from SP1 Special Activities (Place of Public Worship) to B3 Commercial Core. Given the recommendation to de-list the Church Hall this zoning change is acceptable.

61. The Applicant's proposal to extend the existing B4 Mixed Use zone at the southern end of the site into the area currently zoned SP1 zone is also discussed previously in this report. The proposal is not supported as it is inconsistent with the current Parramatta CBD Planning Proposal and promotes unacceptable urban design outcomes on 45 Hunter Street which should not be supported. The urban design analysis is discussed previously in this report in paragraphs 30 to 38.

FSR Controls

62. **Figure 13** compares the existing FSR controls, those proposed in the Parramatta CBD Planning Proposal, the Applicant's proposed FSR and Council officer's recommended FSR controls for the site

Figure 13 – FSR options being considered by Council



63. The portion of the site that will accommodate the office building marked "10:1*" in the Recommended FSR diagram is considered an appropriate FSR given the proposal to rezone the site B3 Commercial Core and the advice from Hector Abrahams Architects which concluded that a taller building could be accommodated on this part of the site without resulting in unsatisfactory heritage impacts. As part of the Parramatta CBD Planning Proposal any B3 Commercial Core site with an area greater than 1800 square metres is permitted an unlimited office floor space subject to solar access and other constraints being addressed. A site-specific clause should be included in the LEP to apply a provision to the subject site to allow for unlimited FSR on this site. In this case the practical limit for the FSR will be the FSR that can be achieved within the maximum height of building control.

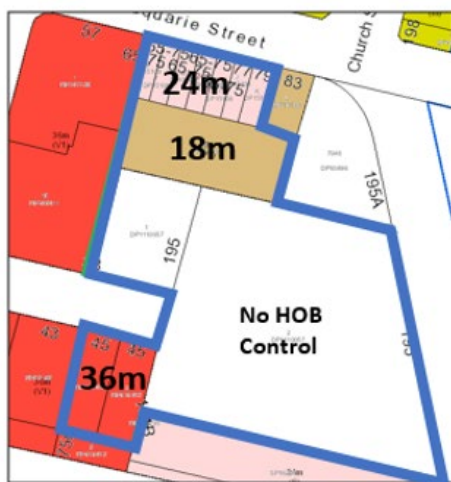
64. No FSR will be applied to the portion of the site zoned SP1 Special Activities (Place of Public Worship) as this is the critical heritage curtilage for the Cathedral. It is not envisaged that there will be any development in the heritage curtilage.

65. An FSR of 10:1 should be applied to 45 Hunter Street at the southern end of the subject site in accordance with the Parramatta CBD Planning Proposal. For reasons explained previously in this report the sliding-scale provisions should also be applied to encourage the amalgamation with the adjoining site to promote better urban design outcomes.

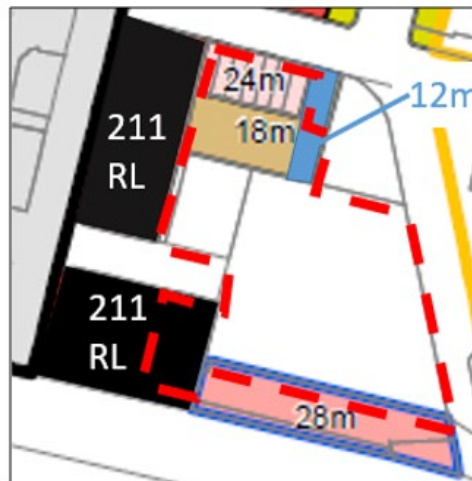
Height of Building – Solar access to part of the public domain in Parramatta Square and aeronautical impacts

66. **Figure 14** compares the current Height of Building controls, with those recommended in the Parramatta CBD Planning Proposal, the Applicant's proposed Height of Building controls and Council officer's recommended Height of Building Controls for the site.

Figure 14 – Height of building controls being considered by Council



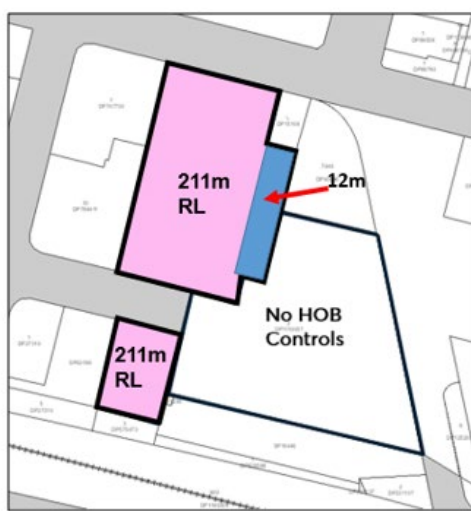
Current Parramatta LEP 2011 – Building Height



Proposed CBD Planning Proposal – Building Height



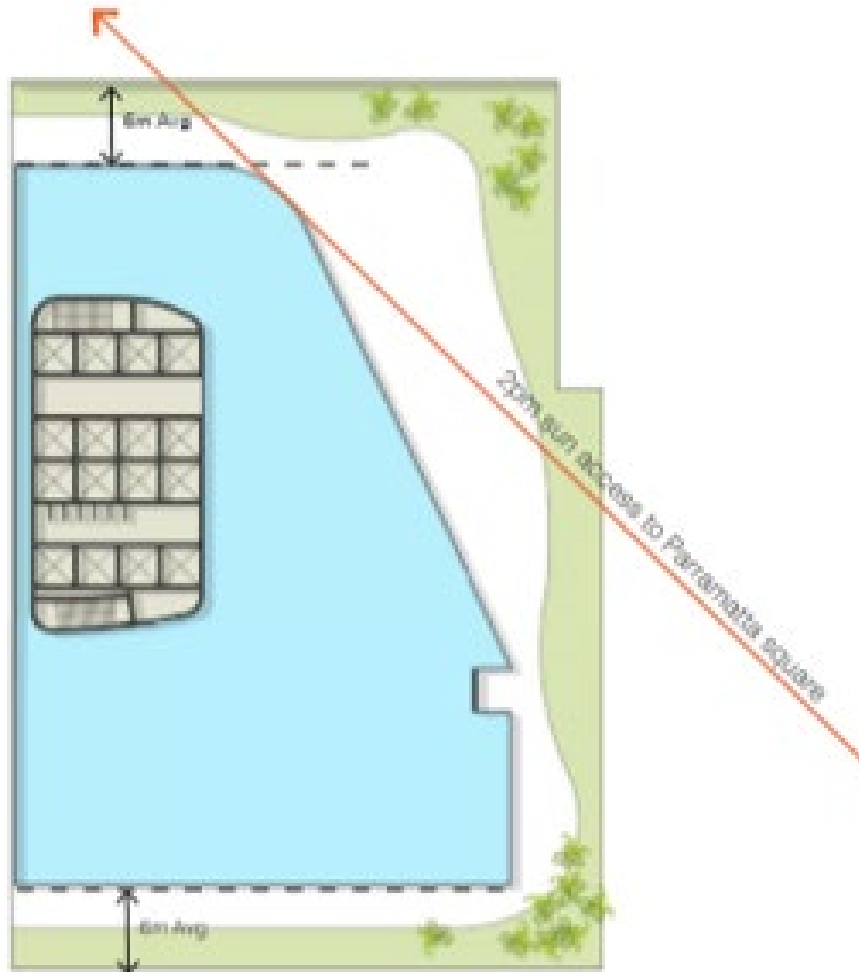
Applicant's Proposed Building Height



Recommended – Building Height

67. The Hector Abrahams Architects heritage report discussed previously in this report raises no objection to a taller building on the northern side of this site on heritage grounds. The recommended height has taken into consideration the recommended zoning of B3 Commercial Core and the unlimited FSR permitted under this zoning for this part of the site. To provide flexibility for an office building with any FSR to be considered in the future the recommended height is 211 metres RL which is the tallest height being recommended for any site as part of the Parramatta CBD Planning Proposal. Note: The site will also be subject to solar access provisions which are discussed in more detail below.
68. A 12-metre height control will also be applied to the section of the site adjoining Centenary Square. In endorsing the Parramatta CBD Planning Proposal on 25 November 2019, Council endorsed a policy to impose a 12-metre height control along Church Street and the subject site to protect views to the Cathedral.
69. The height of buildings on 45 Hunter Street is also recommended as 211 metres RL which is consistent with the height recommended in the Parramatta CBD Planning Proposal. The SP1 Special Activities (Place of Public Worship) land will not be allocated a height as this area is not considered to have development potential given its heritage significance.
70. The subject site will still be subject to solar access provisions within Parramatta LEP 2011 that seek to protect a key portion of the public domain of Parramatta Square from overshadowing. The proposal is inconsistent with the current solar protection clause in Parramatta LEP 2011 Clause 7.4 which requires the key portion of Parramatta Square to be protected between 12pm and 2pm from overshadowing all year round. The Applicant's proposal overshadows the key portion of Parramatta Square between 12pm and 2pm during two periods of the year from March to May and August to October. On the 21 September and 21 March equinoxes, there is no overshadowing from 12 pm until 1 pm. However, from 1 pm the protected area within the public domain is gradually overshadowed by the proposed development to the point where approximately one third of the square is overshadowed by 2 pm. Diagrams demonstrating shadow impacts are shown at **Attachment 6**.
71. As part of the Parramatta CBD Planning Proposal, more analysis has been undertaken and it is proposed to amend the existing clause to only require the key portion of Parramatta Square to be protected from 12pm to 2pm on 21 June each year. Due to the location of the site relative to Parramatta Square, the proposed tower does not overshadow the key portion of Parramatta Square between 12pm and 2pm on 21 June if the tower on the site is designed with a splay as shown in **Figure 15**. The proposed tower is located west of the "2pm sun access to Parramatta Square" line shown in **Figure 15** and will not overshadow Parramatta Square on 21 June. Any building form east of the red line in **Figure 15** will need to ensure there is no solar impact on the protected portion of the Parramatta Square public domain.

Figure 15 – Parts of site where tower can be located without solar access issues for Parramatta Square



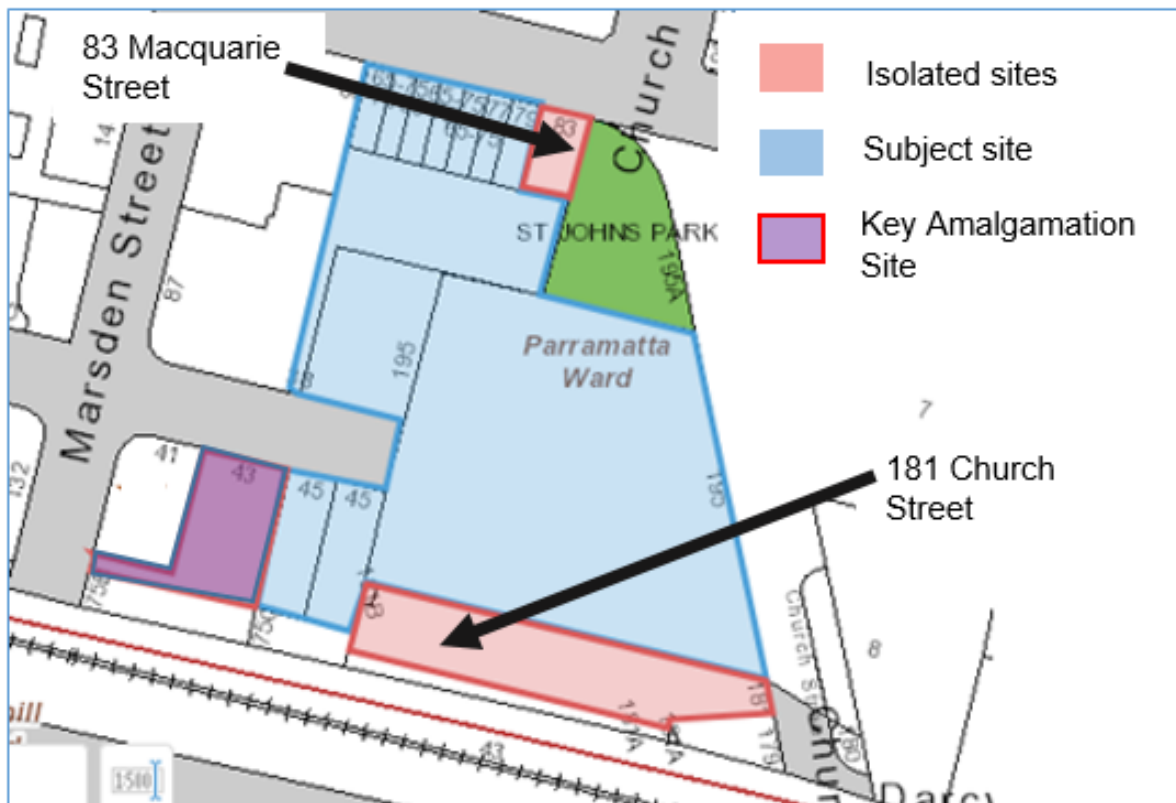
72. As part of this Planning Proposal there will be a need to impose a clause that exempts the subject site from Clause 7.4 in Parramatta LEP as this clause requires the solar impact to be measured all year round. This site-specific clause will be a temporary clause allowing the solar impact to be measured on 21 June that will be removed when the Parramatta CBD Planning Proposal is finalised and the new control where solar impact is measured on 21 June is applied to the entire CBD.

73. There is an existing clause (Clause 7.6) in the current Parramatta LEP 2011 that requires some sites to take into consideration airspace operations to ensure buildings do not impact on flight paths and radar operations of airports in the Sydney basin. Under the Parramatta CBD Planning Proposal a similar clause will be applied to all sites in the CBD where the height is being significantly increased. The permitted height of 211 RL recommended for this site means a future application on this site may trigger the need for an assessment of the impact of a proposed tower on airspace operations. Accordingly, it is recommended this clause be applied. There will also be consultation with relevant authorities during the public exhibition process that will identify whether there are any other airspace operation issues that Council should consider before it decides whether to finalise this Planning Proposal.

SITE ISOLATION ISSUES

74. If Council is to proceed with the subject site-specific Planning Proposal two sites will become isolated, 83 Macquarie Street and 181 Church Street (refer to **Figure 16**).

Figure 16 – Isolated sites



75. Council cannot mandate in a planning policy that two landowners amalgamate their sites and develop them as a combined site. However, Council can put in place policies that provide incentives for amalgamation. Council's sliding-scale policy for the CBD is an example. It encourages site amalgamation because it allows for the sites being amalgamated to be developed at a higher FSR compared to their development potential if they proceed as separate developments.

76. When a development application is lodged there is a protocol established by the Land and Environment Court that details the steps that must be put in place to demonstrate that genuine attempts have been made by the developer to acquire the isolated site before the development can proceed. This is a requirement at development application stage and it is not required as part of the Planning Proposal process. However, in this case the Applicant has provided evidence of discussions with the owners of 83 Macquarie Street about the potential purchase by the Church of 83 Macquarie Street and of discussions with the strata body associated with 181 Church Street about the Church's application.

77. Table 3 below shows the proposed FSR and height for the two potentially isolated sites. These sites will be the only sites in the precinct surrounding the Cathedral with an FSR less than 10:1.

Table 3 – Existing and proposed planning controls for isolated sites.

Site	83 Macquarie Street	181 Church Street
Current controls	<ul style="list-style-type: none"> • Zoning B4 Mixed Use • FSR 3:1 • Height 18m 	<ul style="list-style-type: none"> • Zoning B4 Mixed Use • FSR 3:1 • Height 24m
CBD Planning Proposal controls	<ul style="list-style-type: none"> • Zoning B4 Mixed Use • FSR 3:1 • Height 12m 	<ul style="list-style-type: none"> • Zoning B4 Mixed Use • FSR 3:1 • Height 28m

78. On 25 November 2019 Council resolved to endorse controls that create a view corridor southward along Church Street towards the Cathedral. The intention is that the Cathedral can be viewed along this corridor without the view being obstructed by buildings in the foreground or background of the Cathedral. There will be a clear view to the Cathedral along Church Street and as much sky visible above the Cathedral in the background as possible. The sites that have the potential to impact on this view corridor have had their heights set to ensure this view is protected.

79. The height of both these sites is impacted by the view corridor analysis and height limitations put in place to protect views to the Cathedral. It is not appropriate given Council's endorsed position to increase the permitted height on these sites for this reason. Given that the height has been limited on these they would not be able to accommodate increased FSRs within the height limits proposed.

80. As 83 Macquarie Street is heritage listed, any redevelopment of this site would need to ensure the heritage significance of the site is retained and if possible enhanced. In addition, the small site size of 264 square metres makes it a difficult site to develop. There would be limited opportunity to provide on-site parking and it could only accommodate small floor plates. If a building taller than the current two-storey building is proposed, lifts, stairs and other services would further limit an already small potential floor plate. These issues limit the viability of any significant redevelopment of the site regardless of controls applied.

81. The advantages of amalgamating the Church site with 83 Macquarie Street are limited to providing a better interface with Centenary Square but this would need to be sensitive to the heritage impacts. Acquiring 83 Macquarie Street would not provide the Church site with more development potential as the controls recommended for the Church site already allow for a new office building to achieve unlimited office FSR. Increasing the FSR on 83 Macquarie Street would not provide any added incentive for the Church to acquire 83 Macquarie Street. Despite this, the Church have approached the owners of 83 Macquarie Street to seek to acquire the site because of the benefits of a better interface with Centenary Square but have not been able to reach any purchase agreement.

82. Given that 181 Church Street adjoins the key heritage curtilage of the Cathedral (ie represented by the SP1 zoned land) amalgamation with the Church site does not create a more regularly shaped developable site. If 181 Church Street is developed in conjunction with 45 Hunter Street it would create an “L” shaped site development with an area of 2,501 square metres because development within the curtilage of the Cathedral is not supported. This “L” shaped site could be developed without any sliding-scale FSR limitations. This would mean that a taller tower could be developed on 45 Hunter Street without any amalgamation with 43 Hunter Street. As detailed previously in this report a tower built solely on 45 Hunter Street is only viable if significant setback concessions are permitted which result in unacceptable urban design outcomes.
83. While the site isolation issues are acknowledged, increasing the development potential of these isolated sites will not result in better urban design outcome or encourage amalgamation. The site isolation issues are not sufficient to warrant Council refusing to proceed with the Applicant’s proposed site-specific Planning Proposal. These sites should not be included in this Planning Proposal and Council should proceed with the Council officer’s recommendations for the Planning Proposal.

SALE OF PART OF HUNTER STREET

84. The proposed delivery of the new civic square is supported in principle as it will contribute to the supply of new open space in a strategically important area within the CBD, will enhance the setting of the western end of the site, which currently presents as a cul-de-sac at the end of Hunter Street, and complements existing adjoining civic spaces.
85. The Applicant’s proposal includes the closure of part of Hunter Street to create a new rectangular civic space but also to accommodate their basement car park as shown in **Figure 17**. Council officers consider there is merit in pursuing the new civic space if the subject site is to be redeveloped in accordance with the Planning Proposal lodged.

Figure 17 – Portion of Hunter Street Applicant wishes to acquire to allow for basement car park



86. The creation of the new civic space does not require the closure of the road. However the Applicant's concept design shows their proposed car park extending underneath the new civic space. This includes the portion of road the Applicant has proposed be included as part of this new civic space. The Applicant suggested that they would be interested in purchasing this portion of land but it could only be sold if Council was to agree to legally "close" the road as land legally designated as road cannot be sold.
87. Council could convert the relevant portion of the road to pedestrian only and allow it to be embellished so that it was part of the civic space without legally closing the road. In this case the extension of the parking below the road should not be supported because of the precedent it would set for other Applicants to request their private car park extend beneath adjoining public roads.
88. However, the creation of a space that is part-owned by the Church and part road has some ongoing management challenges. Issues such as maintenance of the civic space, and the allocation of clear responsibilities in relation to public liability issues will be more difficult to manage if the civic space is part Council road and part Church-owned. It is recommended that Council in parallel with ongoing discussions on the Planning Agreement with the Applicant undertake a more detailed assessment of the merits of closing the relevant portion of road and selling it to the Church. The assessment would be provided at the same time as the further report to progress the Planning Agreement for this site is reported to Council.

DEVELOPMENT CONTROL PLAN

89. Council officers will work with the Applicant to prepare a site-specific DCP for the site, based on issues raised throughout the assessment of the proposal including but not limited to built form, flooding, heritage interpretation, access and service arrangements and requirements for the pedestrian laneway and civic square. The site-specific DCP will be required to be reported to Council prior to its exhibition.

PLANNING AGREEMENT

90. The Applicant submitted potential public benefits as part of their original Planning Proposal with further detail provided in a letter emailed to Council on 12 September 2019. The Applicant has agreed to include the following in a Planning Agreement should Council be supportive of their proposal including the delisting and demolition of the Church Hall:

- New civic space - Creation of a new civic space and a new pedestrian through-site link between Macquarie Street and the new civic space near Hunter Street and an agreement to allow conditional public access over this new space. The mechanism for delivery needs to be detailed in a Planning Agreement but given that the delivery of this new civic space is an offset for the removal of a heritage item it is expected that Council will be granted some form of public right of access in perpetuity that can only be changed with Council consent.
- Temporary vehicle access - Assist Council with temporary vehicle access to 181 Church Street until more permanent access arrangements via the creation of a new laneway over 41, 43 and 45 Hunter Street can be put in place.
- Permanent vehicle access - Dedicate to Council a 6 metre wide portion at the southern end of 45 Hunter Street to allow for the new proposed laneway from Marsden Street.

91. Negotiations on the Planning Agreement should take into consideration the following issues:

- a. Council's Planning Agreements Policy
- b. Council's Parramatta CBD Planning Proposal Value Sharing Framework
- c. The delivery of the proposed civic space, new pedestrian lane and embellishment of these spaces is proposed, to offset the removal of the Church Hall. So when assessing the Applicants offer against the CBD Planning Proposal the value of these works should not be taken into account when determining whether the offer is consistent with Council's policy framework.
- d. The negotiating position should be that any contribution is in addition to the development contributions required under Council's CBD contributions plan.

92. A Draft Planning Agreement will be reported to Council for endorsement before it is placed on public exhibition.

FINANCIAL IMPLICATION FOR COUNCIL

93. The report has flagged that the potential acquisition of parts of 41 and 43 Hunter Street for a laneway could, if Council is unable to facilitate creation of this lane through the redevelopment of these sites. A preliminary assessment suggests of the financial impact of any future acquisition has been provided to Council under separate cover. The new vehicle laneway will be considered for inclusion in the new Parramatta CBD Contributions Plan being prepared in parallel with the CBD Planning Proposal. Options will be pursued to minimise the likelihood that Council will need to formally acquire the land. The option of having the land dedicated to Council at no or minimal cost as part of redevelopment of the relevant sites should be the first option pursued.
94. A contribution to Council for community infrastructure should be sought as part of on-going negotiations on the Planning Agreement. This might take the form of a monetary contribution to fund Council-initiated works but the details of this are subject to negotiation with the Applicant. The Applicant as part of the discussions to date has flagged the potential dedication of a portion of 45 Hunter Street to create the new vehicle lane as a potential inclusion in a future Planning Agreement.
95. The potential closure and sale of part of Hunter Street to allow the Church to create a new rectangular civic space with car parking below should also be investigated. The sale of this land would also generate revenue for Council, which could be allocated to community infrastructure provision in the CBD.

CONCLUSION AND NEXT STEPS

96. It is recommended that Council proceed with a Planning Proposal that seeks to apply the following controls on the subject site:
- Rezone a portion of the site from part B4 Mixed Use and part SP1 Special Activities (Place of Public Worship) to B3 Commercial Core;
 - Apply an FSR of 10:1 on the portion to be zoned B3 Commercial Core and include a special provision that allows unlimited office floor space on this part of the site;
 - Apply FSR controls to the remainder of the site consistent with the Parramatta CBD Planning Proposal and apply the sliding-scale contained in Parramatta LEP 2011 to the B4 Mixed Use portions of this site;
 - Apply a maximum height of building control of 211 metres RL for the majority of the portion of the site proposed to be zoned B3 Commercial Core with a height limit of 12 metres to be applied to a strip adjoining Centenary Square
 - Apply height of building controls to the remainder of the site in accordance with the Parramatta CBD Planning Proposal, which proposes 211 metres RL for the B4 Mixed Use zone with no height controls for the portion recommended to retain the SP1 Special Activities (Place of Public Worship). Also apply the solar access provisions to protect the public domain of Parramatta Square and aeronautical operations clause consistent with the Parramatta CBD Planning Proposal;
 - Remove the Church Hall from the Heritage Schedule;

- Allow basement parking as an additional permitted use in a portion of the SP1 Special Activities (Place of Public Worship) zoned land;
- Identify on the Land Reservations Acquisition Map the parts of 41, 43 and 45 Hunter Street required for potential acquisition to create the new laneway; and
- Apply the Parramatta CBD Planning Proposal car parking rates.

97. Should Council endorse the attached Planning Proposal subject to the recommendations of this report, the City will prepare the Planning Proposal for forwarding to the DPIE to seek a Gateway Determination.

98. In the interim, Council officers will work with the Applicant to prepare a site-specific DCP for the site, based on the issues raised within this report. In addition, the Applicant will be invited to negotiate the Planning Agreement. A separate report will be provided to Council on these matters to seek endorsement for exhibition purposes, concurrent with the Planning Proposal.

Jonathon Carle

Land Use Planning Manager

Jennifer Concato

Executive Director City Strategy and Development

ATTACHMENTS:

1	Planning Proposal - St Johns Cathedral Site - 195 Church Street, 38 and 41-45 Hunter Street and 65-79 Macquarie Street	54 Pages
2	Applicant urban design report	104 Pages
3	Applicant traffic assessment	74 Pages
4	Applicant heritage impact statement	56 Pages
5	Applicant draft conservation management plan	236 Pages
6	Applicant Submission - solar access to Parramatta Square	25 Pages
7	City commissioned heritage assessment	16 Pages
8	Applicant heritage report responding to independent heritage assessment	19 Pages
9	Applicant landscape report responding to independent heritage assessment	8 Pages
10	City commissioned office building concept assessment	41 Pages
11	Applicant ground plane study responding to independent office building assessment	10 Pages
12	Applicant further heritage assessment responding to independent office building assessment	2 Pages

REFERENCE MATERIAL

5.1 SUBJECT Pre-Gateway - Planning Proposal for land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)

REFERENCE RZ/5/2018 - D07104155

REPORT OF Land Use Planning Manager

The Panel considered the matter listed at Item 5.1, attachments to Item 5.1 and the matters observed at the site inspection

PUBLIC FORUM

- Tina Tang speaking in support of the planning proposal.
- Matthew Baldry speaking against the planning proposal.
- Cheryl Bates speaking against the planning proposal.
- Lou Wehbe speaking against the planning proposal.

Note: The Panel adjourned the meeting at 4.08pm during consideration of this matter and returned at 4.35pm.

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DETERMINATION

That the Local Planning Panel provides the following advice to Council:

- a) **That** Council endorse the Planning Proposal at **Attachment 1** to amend Parramatta LEP 2011 for land at 195 Church Street, 65-79 Macquarie Street, 38 and 41, 43 and 45 Hunter Street, Parramatta, to pursue the following amendments:
- 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 in Figure 12 (Recommended - Zoning) of this report.
 - ii. The Floor Space Ratio (FSR) map be amended to apply a maximum incentive FSR of 10:1 in the location shown in Figure 13 (Recommended - FSR) of this report with no FSR being applied to the portion containing the Cathedral, also mapped in Figure 13 (Recommended - FSR) of this report.
 - iii. An additional site-specific local provision be included, which allows unlimited FSR for office development on the portion of the site labelled 10:1* in Figure 13 (Recommended - FSR) of this report.
 - 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 14 (Recommended - Building Height) of this report with no building height being

- applied to the portion containing the Cathedral, also mapped in Figure 14 (Recommended - Building Height) of this report.
- 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 10 of this report, is identified on the Land Reservation Acquisition Map to facilitate the creation of a 6 metre wide laneway to provide future vehicle access to these three sites and 181 Church Street, Parramatta. Noting that 41 and 43 Hunter Street have only been included in the Planning Proposal for the purposes of identifying the 6m wide laneway land on the Land Reservation Acquisition Map and that no other changes will be made to the planning controls that apply to these two sites.
 - viii. An additional site-specific provision 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 9 of this report, in conjunction with any redevelopment of the St John’s Church Site.
 - ix. Is consistent with Council’s policy position (endorsed 25 November 2019) in relation to Sun Access Plane – Parramatta Square where any new development on affected land must not result in any additional overshadowing between the hours of 12pm to 2pm within the nominated area on Parramatta Square during midwinter on 21 June.
 - x. Maximum parking rates be adopted as an additional local provision, consistent with the Parramatta CBD Planning Proposal Strategic Transport Study rates endorsed by Council on 10 April 2017.
- b) **That** the revised Planning Proposal be forwarded to the DPIE with a request for a Gateway Determination after consultation with the property owners of 41 and 43 Hunter Street;
- c) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to exhibition, in accordance with the following principles:
- i. Significant heritage interpretation of the Church Hall for potential future demolition;
 - ii. A minimum 5 metre width for the new active site-through link (pedestrian laneway from Macquarie Street) with no building overhangs and activation of the laneway;
 - iii. Requirements for the new civic square including scale, treatment, tree planting and deep soil;
 - iv. Controls consistent with the Parramatta CBD Planning Proposal flood requirements, basement design (flood-proofing), requirement for an overland flow study, water sensitive urban design requirements, no habitable floor space to be provided below the ground level;

- v. Vehicular access and servicing arrangements for the site; and
 - vi. Built form controls relating to the tower forms on the site including but not limited to tower setbacks from adjoining properties, and setbacks from heritage items.
- d) **That** the CEO be authorised to negotiate a Planning Agreement with the landowner that takes into consideration:
- i. the public benefits offered by the landowner in submissions to Council to date;
 - ii. Council's Planning Agreements Policy and Parramatta CBD Planning Proposal Community Infrastructure Framework acknowledging that the public benefits offered by the Applicant are proposed to offset the demolition of the Church Hall. The works proposed to offset the loss of the Church Hall should not be taken into consideration when determining whether any offer from the Applicant is consistent with the abovementioned Council Policy and Framework.
 - iii. that any contribution is in addition to the development contributions required under Council's CBD Development Contributions Plan.
- e) **That** an assessment of whether the eastern portion of Hunter Street adjoining the subject site's western boundary should be closed and sold to the Church for inclusion in the new civic space, be considered concurrently with Planning Agreement negotiations with the Applicant/ landowner.
- f) **That** the outcome of negotiations on the Planning Agreement and the assessment of the closure of the eastern portion of Hunter Street be reported back to Council for endorsement prior to public exhibition of any Planning Agreement, at the same time the contents of the draft site-specific DCP is reported to Council for exhibition purposes.
- g) **That** prior to any exhibition the Applicant be requested to provide urban design analysis and other supporting documents for the Planning Proposal that are consistent with the Council's resolved position and any conditions of the Gateway Determination to ensure the exhibition material is consistent.
- h) **That** upon the issue of a Gateway Determination the Planning Proposal, draft DCP, and Planning Agreement be exhibited concurrently and that the outcomes are reported back to Council.
- i) **That** Council officers commence negotiations with the owners of 181 Church Street, Parramatta to seek agreement to the implementation of alternate vehicle access arrangements to this site from Hunter and/or Marsden Street.
- j) **Further, that** Council authorise the CEO to amend the Planning Proposal to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

The Panel decision was unanimous.

REASONS FOR DECISION

The Panel did not consider the delisting of a heritage item as an appropriate course of action.

The Panel supports the remainder of the findings in the report and endorsed the reasons contained in that report.