

## EXTRACT FROM

MINUTES OF THE LOCAL PLANNING PANEL HELD VIA AUDIO-VISUAL LINK  
ON TUESDAY, 19 MAY 2020 AT 3.34PM

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PRESENT

David Lloyd in the Chair, David Ryan, Alf Lester and Maree Turner.

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Chairperson, acknowledged the Burrumattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

WEBCASTING ANNOUNCEMENT

The Chairperson advised that this public meeting is being recorded. The recording will be archived and made available on Council's website.

APOLOGIES

There were no apologies made to this Local Planning Panel.

DECLARATIONS OF INTEREST

David Ryan made a declaration of interest in relation to Item 6.3 Post-exhibition: Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement at 55 Aird Street, Parramatta, as his workplace has advised a client on this site previously. He will not be partaking in discussion or voting on this matter.

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6.2	SUBJECT	Planning Proposal - 8-14 Great Western Highway, Parramatta
	REFERENCE	RZ/6/2019 - D07250248
	REPORT OF	Student Project Officer
		The Panel considered the matter listed at Item 6.2, attachments to Item 6.2 and the matters observed at the site inspection

## PUBLIC FORUM

There were no Public Forums considered for this matter.

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**DETERMINATION**

The Local Planning Panel recommends to Council:

- (a) **That** Council endorse the Planning Proposal at **Attachment 1** for the purpose of requesting a Gateway Determination for land at 8-14 Great Western Highway, Parramatta, which seeks to amend *Parramatta Local Environment Plan 2011* (PLEP 2011) by way of:
- i. Increasing the height of building control from 28 metres to 211 metres;

- ii. Amending the controls so that the FSR which is to apply to the site is composed of mapped components and bonuses as follows:
  - a. Mapped FSR increased from 3.5:1 to 10:1 of which a minimum of 1:1 FSR must be commercial uses;
  - b. Design Excellence bonus (15% - 1.5:1);
  - c. High Performing Buildings bonus (5% - 0.5:1);
  - d. Opportunity Sites bonus (3:1);
  - e. Unlimited commercial FSR above the 1:1 requirement; and
  - f. Insert a site-specific provision applying maximum car parking rates per the Parramatta CBD Strategic Transport Study.
  
- (b) **That** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment with a request for a Gateway Determination to be issued.
  
- (c) **That** should a Gateway Determination be issued that structures the floor space ratio (FSR) and site specific clauses in an alternative way, that the Chief Executive Officer is authorised to make the necessary amendments to the Planning Proposal for the purposes of public exhibition, only where the total proposed FSR is unchanged.
  
- (d) **That** should a Gateway Determination be issued, a site-specific Development Control Plan be prepared in accordance with the design principles contained within this report.
  
- (e) **That** should a Gateway Determination be issued, the Chief Executive Officer be authorised to negotiate a Planning Agreement in accordance with Council's Planning Agreements Policy.
  
- (f) **That** the draft site-specific Development Control Plan and draft Planning Agreement be reported to Council for endorsement prior to being publicly exhibited concurrently with the Planning Proposal.
  
- (g) **That** Council request the Department of Planning, Industry and Environment to issue Council's Chief Executive Officer plan-making delegations for this Planning Proposal.
  
- (h) **Further, that** Council authorise the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

The decision of the Panel was unanimous.

## REASONS FOR DECISION

1. The Panel supports the findings in the report and endorsed the reasons contained in that report.
2. That the Panel notes that the Planning Proposal is consistent with

## the Parramatta CBD Planning Proposal.

**REPORT TO LOCAL LANNING PANEL****INNOVATIVE**

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<b>ITEM NUMBER</b>	6.2
<b>SUBJECT</b>	Planning Proposal - 8-14 Great Western Highway, Parramatta
<b>REFERENCE</b>	RZ/6/2019 - D07250248
<b>REPORT OF</b>	Student Project Officer
<b>LANDOWNER</b>	JM Malouf Investments Pty Ltd and The Owners Strata Plan 8700
<b>APPLICANT</b>	GLN Planning Pty Ltd

**PURPOSE:**

To seek the Local Planning Panel's advice on a Planning Proposal seeking to amend *Parramatta Local Environment Plan 2011* for land at 8-14 Great Western Highway, Parramatta by way of:

- Increasing the height of building and floor space ratio controls; and
- Inserting site-specific provisions relating to design excellence, high performing buildings, minimum commercial floor space, maximum additional commercial floor space and maximum car parking rates.

for the purposes of requesting a Gateway Determination from the Department of Planning, Industry and Environment.

**RECOMMENDATION**

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

- (a) **That** Council endorse the Planning Proposal at **Attachment 1** for the purpose of requesting a Gateway Determination for land at 8-14 Great Western Highway, Parramatta, which seeks to amend *Parramatta Local Environment Plan 2011* (PLEP 2011) by way of:
- i. Increasing the height of building control from 28 metres to 211 metres;
  - ii. Amending the controls so that the FSR which is to apply to the site is composed of mapped components and bonuses as follows:
    - a. Mapped FSR increased from 3.5:1 to 10:1 of which a minimum of 1:1 FSR must be commercial uses;
    - b. Design Excellence bonus (15% - 1.5:1);
    - c. High Performing Buildings bonus (5% - 0.5:1);
    - d. Opportunity Sites bonus (3:1);
    - e. Unlimited commercial FSR above the 1:1 requirement; and

- f. Insert a site-specific provision applying maximum car parking rates per the Parramatta CBD Strategic Transport Study.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment with a request for a Gateway Determination to be issued.
- (c) **That** should a Gateway Determination be issued that structures the floor space ratio (FSR) and site specific clauses in an alternative way, that the Chief Executive Officer is authorised to make the necessary amendments to the Planning Proposal for the purposes of public exhibition, only where the total proposed FSR is unchanged.
- (d) **That** should a Gateway Determination be issued, a site-specific Development Control Plan be prepared in accordance with the design principles contained within this report.
- (e) **That** should a Gateway Determination be issued, the Chief Executive Officer be authorised to negotiate a Planning Agreement in accordance with Council's Planning Agreements Policy.
- (f) **That** the draft site-specific Development Control Plan and draft Planning Agreement be reported to Council for endorsement prior to being publicly exhibited concurrently with the Planning Proposal.
- (g) **That** Council request the Department of Planning, Industry and Environment to issue Council's Chief Executive Officer plan-making delegations for this Planning Proposal.
- (h) **Further, that** Council authorise the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

## PLANNING PROPOSAL TIMELINE



## SITE DESCRIPTION

1. The subject site is located at 8 Great Western Highway (Lot 10 DP1097949) and 10-14 Great Western Highway, Parramatta (SP8700) and is approximately 2,386 sqm.
2. The site has a single frontage on the Great Western Highway at its southern boundary. The site is bound by three to eight storey residential flat buildings along its western and northern boundaries and a single-storey commercial building on its eastern boundary (refer Location Map at **Figure 1**). The site comprises a vacant lot and a three storey residential flat building above car parking (refer site condition photograph at **Figure 2**).
3. The subject site is located immediately adjacent to the site of 87 Church Street and 6 Great Western Highway (refer **Figure 1**) for which a Planning Proposal has been endorsed and is currently with the Department for finalisation.
4. The Planning Proposal initially lodged for the subject site was seeking to implement a height of building control of 147 metres (46 storeys) (166 metres (52 storeys) with design excellence), and a floor-space ratio control of 16.2:1 (including design excellence, high performing building, opportunity sites bonuses and additional commercial floor space bonuses). The assessment later in this report recommends the FSR as submitted but recommends Council apply a height of 211m (65 storeys).



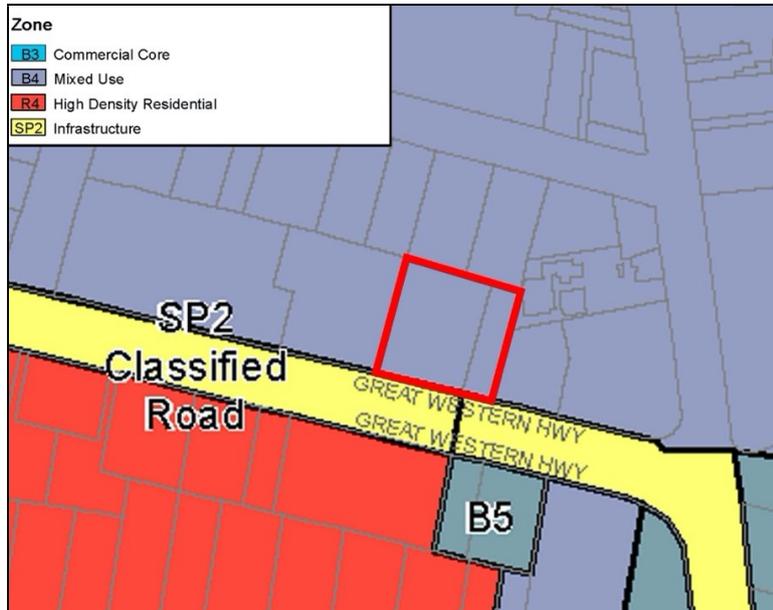
**Figure 1:** An aerial image of the site and surrounds (subject site outlined in red, adjacent planning proposal at 87 Church Street & 6 Great Western Highway outlined in orange).



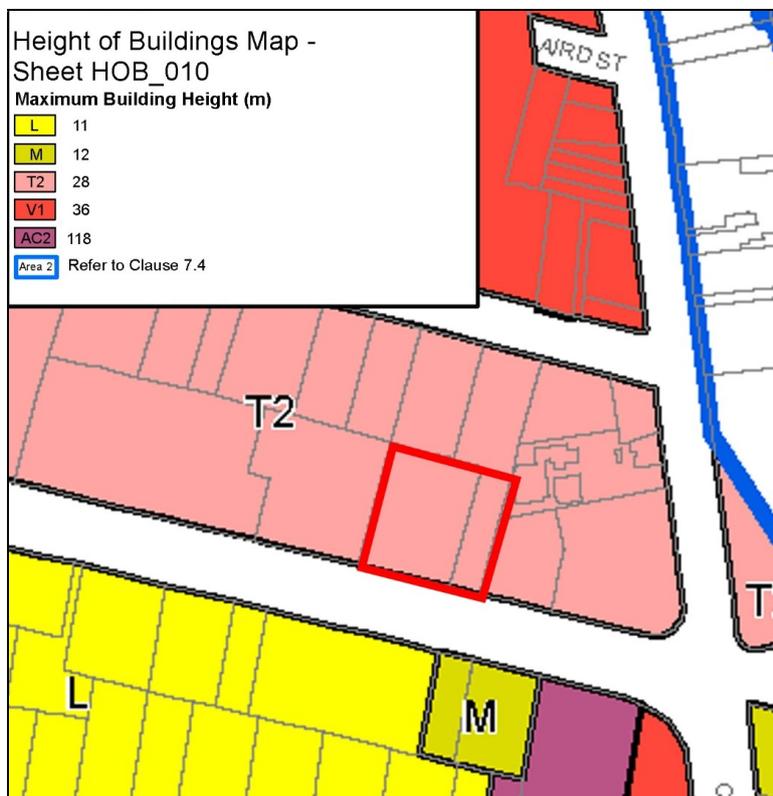
**Figure 2:** Existing subject site comprising of a 3 storey residential flat building above car parking.

## CURRENT PLANNING CONTROLS

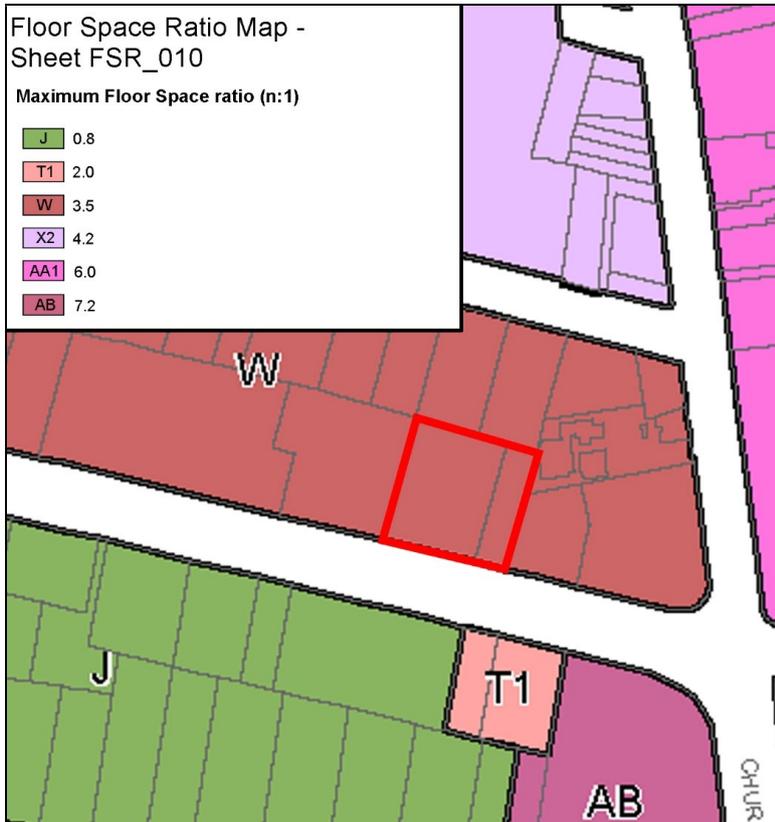
5. Under the *Parramatta Local Environment Plan 2011*, the site is subject to the following controls:
  - a. Land Use Zoning is B4 Mixed Use (refer **Figure 3**);
  - b. The maximum Height of Buildings is 28 metres (refer **Figure 4**);
  - c. The maximum Floor Space Ratio is 3.5:1 (refer **Figure 5**); and
  - d. The site is located within proximity of identified State Heritage Items (refer **Figure 6**).
6. The site is not flood prone.



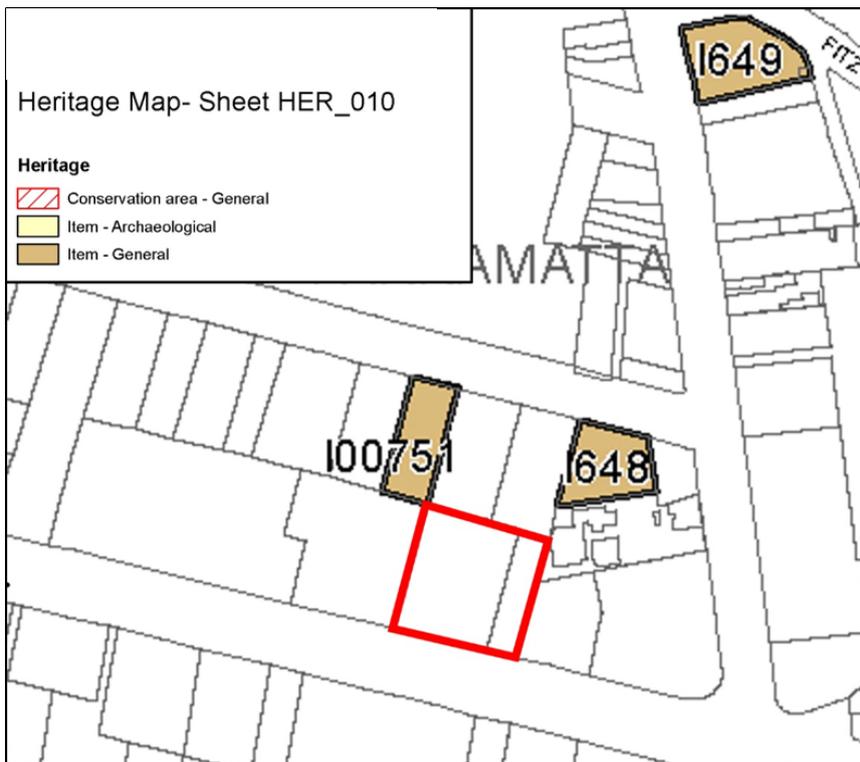
**Figure 3:** Current B4 Mixed Use Land Zoning applicable to the site under *Parramatta LEP 2011*.



**Figure 4:** Current Height of Building of 28m applicable to the site under *Parramatta LEP 2011*.



**Figure 5:** Current Floor Space Ratio of 3.5:1 applicable to the site under *Parramatta LEP 2011*.



**Figure 6:** Identified heritage items within close proximity to the site under *Parramatta LEP 2011*.

3. The subject site is located in an archaeologically significant locality. It is categorised as possessing local archaeological significance and moderate archaeological research potential. The site is identified as Parramatta Archaeological Management Unit 3060 on the State Heritage Inventory. The site has potential structural and other archaeological remains associated with the occupation of these allotments since 1844. The site is also in the vicinity of

Heritage Items 751 (Lennox House) and 648 (Masonic Centre), both of which are State heritage items.

## PLANNING PROPOSAL SUMMARY

7. On 13 September 2019, a Planning Proposal (**Attachment 1**) was lodged with Council to amend the planning controls applicable to 8-14 Great Western Highway, Parramatta, under *Parramatta Local Environment Plan 2011*. **Table 1** below summarises the planning controls sought by the applicant and provides a comparison between the current planning controls and the controls sought under the Parramatta CBD Planning Proposal.

**Table 1:** Site-specific Planning Proposal controls sought for the subject site

Site Area 2,386sqm	Existing (Parramatta LEP 2011)	Parramatta CBD Planning Proposal	Site-specific Planning Proposal
<b>Zoning</b>	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
<b>Height of Buildings</b>	28m (8 storeys)	211m (65 storeys)	211m (exclusive of Design Excellence bonus – 65 storeys) - see further comments below
<b>Floor Space Ratio</b>	3.5:1	<b>15:1 FSR</b> (including the following). <ul style="list-style-type: none"> <li>10:1 Mapped Incentive FSR (inclusive of 1:1 commercial FSR)</li> <li>1.5:1 Design Excellence FSR</li> <li>0.5:1 High Performing Building FSR</li> <li>3:1 Opportunity Site FSR</li> <li><b>With the potential for unlimited additional commercial FSR*</b></li> </ul>	<b>15:1 FSR</b> (including the following): <ul style="list-style-type: none"> <li>10:1 Mapped Maximum FSR (inclusive of 1:1 commercial FSR)</li> <li>1.5:1 Design Excellence FSR</li> <li>0.5:1 High Performing Building FSR</li> <li>3:1 Opportunity Site FSR</li> <li><b>Unlimited additional commercial floor space*</b></li> </ul> <b>Total FSR of at least: 16.42:1</b>
<b>Parking</b>	Car Parking rates per <i>Parramatta LEP 2011</i>	Car parking rates as per Parramatta CBD Strategic Transport Study	Car parking rates as per Parramatta CBD Strategic Transport Study

\*Above the required 1:1 minimum commercial provision but within the Height of Building control requirement

8. This site-specific Planning Proposal is seeking a total permitted floor-space ratio of 15:1, and a site-specific provision which allows for unlimited additional commercial gross-floor area, which is consistent with the proposed provisions of the Parramatta CBD Planning Proposal. A detailed assessment of its consistency with the intent of the Parramatta CBD Planning Proposal is provided below.
9. The planning controls seek to facilitate a mixed-use development with approximately 399 dwellings and at least 2,386 square metres of commercial gross floor area (GFA).

## PLANNING PROPOSAL ASSESSMENT

### Land Use Planning

#### *Consistency with the Parramatta CBD Planning Proposal*

10. The Parramatta CBD Planning Proposal received a Gateway Determination from the Department of Planning, Industry and Environment (DPIE) on 13 December 2018 and following satisfaction of several Gateway conditions, was endorsed by Council on 25 November 2019 for the purposes of consulting with State government agencies and the community. The Parramatta CBD Planning Proposal seeks to deliver a new planning framework for the Parramatta CBD, with the objective of realising Parramatta as Sydney's 'Central City'. This site-specific Planning Proposal is consistent with the controls proposed in the Parramatta CBD Planning Proposal and an assessment against these controls is provided below.
11. As indicated in **Table 1** above, the proposed FSR which is to apply to this site is composed of five different components and are applied in the following order:
  - a. Mapped 'incentive' FSR (10:1) – a minimum of 1:1 FSR must be commercial uses;
  - b. Design Excellence bonus (15% - 1.5:1);
  - c. High Performing Buildings bonus (5% - 0.5:1);
  - d. Opportunity Sites bonus (3:1); and
  - e. Unlimited additional commercial FSR (applicant's Urban Design Report indicates that at least 1.42:1 will be provided)

A Total FSR of at least 16.42:1
12. The FSR sought under the Planning Proposal has been structured in line with the Parramatta CBD Planning Proposal is described as follows.
13. **Maximum mapped FSR:** It is proposed to map a maximum FSR of 10:1 for the site which is consistent with the proposed 'Incentive FSR' in the CBD PP.
14. **Minimum 1:1 commercial floorspace requirement:** The endorsed Parramatta CBD Planning Proposal requires provision of a minimum of 1:1 FSR for commercial uses in specific parts of the CBD which are zoned B4 Mixed Use and which are generally in the vicinity of the B3 Commercial Core zone. This provision applies to this site, and the reference design satisfies this requirement, with commercial floorspace located on the ground floor and podium of the building.
15. **Design excellence bonus:** The design excellence provision will relate to Clause 7.10 of the current PLEP 2011 which provides for a 15 percent bonus for the mapped FSR (1.5:1 FSR) controls following a competitive design excellence process. The objective of design excellence is to deliver the highest standard of architectural, urban and landscape design. It is noted that the Parramatta CBD Planning Proposal proposes to retain the design excellence bonuses currently provided under Clause 7.10.

16. **High performing buildings:** The high performing buildings (HPB) provision is proposed under the Parramatta CBD Planning Proposal which is a 5% bonus (on the 10:1 FSR, therefore 0.5:1). This provision aims to manage the increased demand for power and water services within Parramatta CBD. To meet the criteria, a residential and mixed use development must have a mapped floor space ratio of 6:1 or more, a site area greater than 1,800sqm and front building line greater than 24m. Residential development over 41 storeys (reference design is 52 storeys) must achieve the following targets greater than current BASIX targets:
- The energy target is a minimum 10-point increase in the BASIX score compared to current requirements.
  - The water target is a minimum 15-point increase in the BASIX score compared to current requirements.

A site-specific clause can ensure that the HPB requirements are met, and is recommended as part of a draft site-specific clause included in the Planning Proposal at **Attachment 1**.

17. **Opportunity Sites:** The Parramatta CBD Planning Proposal recognises the capacity for certain sites throughout the CBD to provide additional residential floor-space than what is provided under the 'incentive' FSR control. These 'Opportunity Sites' can provide for an additional 3:1 FSR (only once the design excellence and high performing building bonuses have been utilised).
18. The subject site is identified by the Parramatta CBD Planning Proposal on the proposed Opportunity Sites map and meets the criteria for achieving a 3:1 opportunity sites bonus. It is considered that the site conditions, Planning Proposal and reference design indicate that a development proposed on this site could be capable of meeting each of these criteria. A summary of the criteria which "unlocks" Opportunity Site FSR is:
- The development site must be at least 40 metres wide at the front building line and have an area of at least 1,800 square metres;
  - The development must demonstrate an appropriate transition to any heritage items;
  - The development must achieve the Design Excellence bonus (through completion of a competitive design process);
  - The development must achieve the High Performing Buildings bonus (through meeting High Performing Building requirements); and
  - A site-specific DCP is to be prepared.
19. The Parramatta CBD Planning Proposal also requires that Opportunity Sites provide a community infrastructure contribution. However it is recognised that this mechanism is proposed as part of the Parramatta CBD Planning Framework. It is proposed that the comparable community infrastructure contribution / rate be applied as part of any Planning Agreement negotiated for the subject proposal.
20. **Additional Commercial FSR:** To support the growth of Parramatta as Sydney's Central City, the Parramatta CBD Planning Proposal seeks to provide incentives for commercial development in the B4 Mixed Use zone. The Parramatta CBD Planning Proposal seeks to permit 'unlimited' commercial FSR, above the minimum 1:1, for sites with a land area greater than 1,800 square metres and located within the B4 Mixed Use zone. The applicant has identified that a commercial floor space of 1.42:1 (above the 1:1 minimum

requirement) allows the building podium to be 'filled-in' with entirely commercial uses.

21. It is recommended that this site-specific Planning Proposal progress with a site-specific provision which allows for an unlimited additional commercial floor space above the 1:1 already mandated, rather than the 1.42:1 additional commercial FSR identified in the applicant's Urban Design Report. This is to ensure consistency with the controls sought in the Parramatta CBD Planning Proposal.

#### *Alternative structure of FSR 'bonuses'*

22. Like the subject Planning Proposal, two site specific planning proposals within the Parramatta CBD at 2 O'Connell Street and 12 Hassall Street have utilised the site specific FSR bonuses (including Opportunity Sites bonus).
23. At the time these proposals were being considered the DPIE had yet to issue Gateway Determination for the Parramatta CBD Planning Proposal. The reason for a different format being chosen for the two preceding Planning Proposals is because the DPIE advised that planning proposals must be formatted so as not to pre-empt the outcomes of the Parramatta CBD Planning Proposal gateway determination, and to be structured more like the PLEP 2011.
24. Now that the Parramatta CBD Planning Proposal is substantially more progressed at this time and has received Gateway Determination (on 13 December 2018) the site specific bonuses relating to FSR should be matched to the structure proposed in the Parramatta CBD Planning Proposal as much as possible. This will make the bonuses and the reason they are being applied more transparent and ensure they can be better be assessed on merit at development application stage.
25. However, in the event that DPIE does not agree with this approach, the Chief Executive Officer should be authorised to make any required amendments to the Planning Proposal for the purposes of public exhibition, as long as the overall approach to FSR bonuses is unchanged. Granting this delegation will ensure that if the Department requires a different structure for the Planning Proposal that this can be dealt with without the need for a further report to Council.

#### *Height of Buildings*

26. The Parramatta CBD Planning Proposal seeks a maximum building height of RL 211 metres, which reflects the maximum height limit permitted by the Civil Aviation Safety Authority.
27. In relation to the subject proposal, Council's internal testing of the urban design analysis report indicated that a mixed-use development incorporating a floor-space ratio of 16.42:1 (as provided in the applicant's Urban Design Report), with appropriate setbacks, would be accommodated on the subject site within a height of 170 metres (52 storeys), rather than the applicant's proposed 166 metres (51 storeys). However, the Planning Proposal has been amended to request a height of RL 211 metres (65 storeys), (RL 243 metres (75 storeys) with Design Excellence).

28. This amendment to the Planning Proposal acknowledges the amendment to allow unlimited commercial floor-space above the 1:1 requirement, consistent with the Parramatta CBD Planning Proposal. Further to this, the proposed height of RL 211 metres is consistent with the Parramatta CBD Planning Proposal and allows for design flexibility. It may be necessary due to traffic and road widening issues discussed later in this report for a narrower and taller tower to ultimately be built on this site. Allowing for a height consistent with the Parramatta CBD Planning Proposal gives the flexibility to deal with these design issues that may require additional height above that shown in the current reference design. The impact of allowing a taller building has already been assessed and shown to be acceptable as part of the Parramatta CBD Planning Proposal process.

### Urban Design

29. The Planning Proposal was lodged on 13 September 2019 with an urban design report and reference design completed by Plus Architecture that is provided at **Attachment 2**. The reference design incorporated Council's urban design advice (both at pre-lodgement and lodgement stages) in relation to building envelope and setbacks.
30. The reference design provides a 6 metres setback from Great Western Highway to accommodate three large trees (2 blue gums and 1 spotted gum) located within this setback, and to facilitate additional deep-soil planting at development stage. The proposed front ground level setback of 6 metres is consistent with the winning design excellence scheme at 87 Church Street.
31. It is proposed to have a 0 metre ground level setback and 9 metre upper level setback to the west so should the neighbouring lot at 18-20 Great Western Highway be redeveloped, a consistent street wall should be created. Further, ground level and upper level setbacks proposed to the north and south are 6m and 3m respectively and are consistent with Council's Urban Design team's advice. Similarly the eastern boundary will have a ground level setback of 3 metres and 6 metres upper level setback. Proposed setbacks are shown at **Figure 7** below.
32. Should the Planning Proposal receive a Gateway Determination from the Department, built form controls based on the reference design will be drafted including ground and upper level setbacks to be incorporated into a site-specific Development Control Plan and will be reported to Council for endorsement to be exhibited concurrently with the Planning Proposal.



**Figure 7:** Proposed setbacks (Source: Applicant's Urban Design Analysis, Plus Architecture 2019)

33. It is acknowledged that this Planning Proposal will result in additional overshadowing to its surrounds. As part of the Parramatta CBD Planning Proposal, Council undertook the *Overshadowing in the Parramatta CBD - Technical Paper (November 2019)* which provided a cumulative overshadowing analysis of the controls proposed under the Parramatta CBD Planning Proposal. The report undertook an analysis of the impact on key public spaces and open spaces, some heritage items and heritage conservation areas within and surrounding the CBD. Due to its location, the subject site does not impact on these key areas.

## Traffic and Transport

### *Car parking rates*

34. The maximum parking rates recommended by the Parramatta CBD Strategic Transport Study are to be adopted for the subject site within a site specific clause in the LEP. This is also supported by Transport for NSW in its pre-consultation in relation to this Planning Proposal.

### *Potential road widening*

35. Council's Transport Planning Team is currently working with Transport for NSW (TfNSW) to develop an Integrated Transport Plan, as part of the Parramatta CBD Planning Proposal. This may result in additional proposed road widening corridors throughout Parramatta CBD.
36. As the Great Western Highway is a major arterial road within the Parramatta CBD, Council Officers sought preliminary feedback from TfNSW to understand whether potential road widening corridor along Great Western Highway could occur in the future, as this could affect the built form on the subject site. TfNSW responded that without the recommendations of the Integrated Transport Plan, TfNSW were unable to confirm if the subject site would be impacted by any infrastructure improvements along the Great Western Highway in the future.

37. Council's Urban Design Officers recommended a minimum 6 metres setback from the boundary to ensure the retention of the existing trees along the Great Western Highway frontage. The 6 metres setback will accommodate the trees but TfNSW and Council Traffic and Parking Team may require road widening and/or a deceleration lane which puts these trees at potential risk. As discussed in more detail below the draft DCP process will be used to determine the road widening and deceleration lane requirements and whether the trees can be retained. The appropriate setback will also be determined as part of this process.

*Further consultation with TfNSW*

38. Furthermore, TfNSW requested that Planning Proposal is not exhibited or finalised until such time that the Parramatta CBD Planning Proposal and the Integrated Transport Plan are both completed, so that the proposal can respond to the outcomes of these two key documents. However should the proposal be supported by Council to proceed through the Gateway process, TfNSW requests that consultation is carried out prior to public exhibition occurring.
39. Council Officers consider that there is an opportunity to include in a Planning Agreement and/or site-specific DCP requiring the applicant to provide the road widening at Development Application stage if it is required by TfNSW at that time. It is proposed that TfNSW will be consulted on the inclusion of this sort of mechanism in the Planning Agreement and/or site-specific DCP before any Planning Agreement and/or site-specific DCP is forwarded to Council for endorsement. This will ensure TfNSW are consulted again prior to exhibition of the Planning Proposal.

*Vehicular access and servicing*

40. TfNSW have also requested to be consulted on a site-specific draft DCP prior to exhibition and have made specific comments to include the following:
- a) Relocation of the vehicle access point from the eastern boundary to the western boundary so that the access point is located as far away from the Great Western Highway and Church Street intersection as possible.
  - b) The access point is to be wide enough to allow for simultaneous entry and exit movements.
  - c) Parking for building maintenance, garbage collection and removalists is to be provided on site. These service vehicles are to be accommodated within the site and are not to impact the functioning of the Great Western Highway.
  - d) Identify service vehicle requirements to be supported by an assessment of the service vehicle access arrangements. Swept paths for the longest design vehicle to access the site are to be provided demonstrating that these vehicles can safely enter and exit the subject site in a forward direction while standard small rigid vehicles utilise the access point, as well as manoeuvre throughout the site.
41. Council's Traffic Engineers advise that a deceleration lane from Great Western Highway onto the site may be required. The 'trigger' for the deceleration lane would be dependent on traffic generation/traffic distribution figures within the applicant's traffic report at development application stage. Council would also

be required to liaise with TfNSW before making a decision as it is a classified road. If a lane is required, it is likely to need to be a standard 2.8-2.9m width and the length would be dependent on the findings of the traffic report.

42. There is a potential conflict between the deceleration lane issue raised by Council Officers and the request by TFNSW for the access to be moved to the western end of the site. If the access point is moved to the western end of the site any deceleration lane would be required to be located in front of the adjoining site to the west at 18-20 Great Western Highway. If it is retained as the eastern end it can be accommodated along the front of the subject site.
43. Delivery of a deceleration lane along the front of the site is more achievable because it can be incorporated into the redevelopment of the site and a land dedication can be made so that the footpath relocation required to accommodate the deceleration lane can be integrated into the redevelopment of the subject site.
44. If the deceleration lane is required along the front of the adjoining site at 18-20 Great Western Highway this would require some land acquisition as it would not be possible to accommodate a deceleration lane without acquiring some of 18-20 Great Western Highway to retain a safe footpath for pedestrians. The existing building on 18-20 has a setback of approximately 10m so acquisition is viable but measures would need to be put in place in the *Parramatta LEP 2011* to allow for acquisition of the land or powers under the *Roads Act 1993* would need to be utilised to ensure the land acquisition required to any deceleration lane is achievable.
45. The driveway location should be indicated in the site-specific DCP. It is considered that the Planning Proposal can proceed to Gateway while the access and deceleration issues are further investigated. This will allow Council to finalise its position on the driveway and deceleration lane locations in the site-specific DCP proposed to be prepared for this site. The site-specific DCP will be reported to Council for its consideration prior to any exhibition of this Planning Proposal.
46. There is also a risk that if a deceleration lane is required along the front of the subject site and an additional laneway is required that the setback of 6m shown in the reference design may need to be increased. This report recommends that the height of 211m and a clause allowing unlimited commercial floor space be applied as per the Parramatta CBD Planning Proposal. This means that the ultimate FSR achievable on this site will be determined by the applicant via the design excellence and development application processes and will probably be dependent on the commercial viability of providing additional office space above the 1:1. An increase in the front setback would decrease the maximum FSR theoretically achievable because it will have an impact on the size of the podium and potentially the tower floor plate. However, Officers are satisfied that an FSR of at least 16.42:1 could still be achieved as proposed by the applicant in their original application even with an increased front setback.
47. If an increased setback is required to accommodate the road widening and deceleration lane this can be factored into the site-specific DCP. The intention will be to ensure the DCP is flexible to give direction on the preferable development outcome that takes into account possible future road widening and deceleration lane requirements.

48. A site-specific DCP and Planning Agreement preparation process involving the applicant, TfNSW and Council Officers will ensure the access and road widening issues are addressed prior to the exhibition of these policy documents in conjunction with the Planning Proposal.

## Heritage

49. As indicated in **Figure 6**, the subject site is within close proximity to two State heritage listed items, Lennox House at 39 Campbell Street, which is diagonally behind the subject site, and the Parramatta Masonic Centre at 47 Campbell Street (refer **Figures 8 & 9**).



**Figures 8 & 9:** Lennox House and Parramatta Masonic Centre (Source GoogleMaps, 24 April 2020)

50. Council's Heritage Advisor has reviewed the Planning Proposal and accompanying Urban Design Analysis report and provided the following recommendations which will can incorporated into a site-specific DCP and then assessed at both design excellence and/or development application stage:
- a) A geotechnical report must be prepared, to establish if there will be any impact of works on the stability of grounds in the sites of the two heritage items (i.e. Lennox House and the Masonic Centre). This report must address stability during construction works and after construction.
  - b) An assessment of heritage impact must be prepared and submitted with any eventual development application, to ensure the buildings form, proportions, view lines, materials, colours and design are responding to the heritage items.
  - c) An evenly vertical elevation of any new development, which faces the two heritage items in order to minimise visibility in the background of the heritage items.
51. It is considered that the interface or transition to the heritage items which are diagonal to the north of the subject site can be addressed through assessment criteria established in the site-specific DCP.

52. As the site is located within Archaeological Management Unit 3060, which is identified as being of local significance with moderate archaeological research potential, it is recommended that the site-specific DCP includes a requirement that an archaeological assessment be required for any future development application.

### **SITE-SPECIFIC DEVELOPMENT CONTROL PLAN**

53. Should a Gateway Determination be issued, a site-specific DCP will be prepared for the site. Principles to be addressed in the site-specific DCP are to include, but are not limited to, built form, building separation and setbacks, heritage interface, vehicle access points and deceleration lane requirements and landscaping.
54. Prior to public exhibition, the draft site-specific DCP will be reported to Council for endorsement prior to being publicly exhibited concurrently with the Planning Proposal and Planning Agreement.

### **PLAN-MAKING DELEGATIONS**

55. New delegations were announced by the then Minister for Planning and Infrastructure in October 2012, allowing councils to make LEP amendments of local significance. On 26 November 2012, Council resolved to accept the delegation for plan-making functions and that these functions be delegated to the Chief Executive Officer.
56. Should Council resolve to proceed with the subject Planning Proposal, it is recommended that Council issue a request to the Department that it be able to exercise its plan-making delegations for the Planning Proposal. If the Department agrees to this request, this means that once the Planning Proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council Officers will liaise directly with the Parliamentary Counsel Office on the legal drafting and mapping of the LEP amendment. The LEP amendment would then be signed by Council's Chief Executive Officer before being notified on the NSW Legislation website.

### **FINANCIAL IMPLICATION FOR COUNCIL**

#### **Draft Planning Agreement**

57. The applicant has indicated their willingness to enter into a Planning Agreement in accordance with Council policy and the endorsed Council rates as of April 2017. Should a Gateway Determination be issued, it is recommended that the Chief Executive Officer be authorised to negotiate a Planning Agreement in accordance with the Planning Agreements Policy, which references the Parramatta CBD Planning Proposal's provisions regarding community infrastructure needs. The outcome of the draft Planning Agreement negotiation will be reported to Council for endorsement before the draft Planning Agreement is publicly exhibited.
58. The Parramatta CBD Planning framework includes a resolution of Council dated 10 April 2017 which applies a 'Phase 1' community infrastructure contribution and a 'Phase 2' community infrastructure contribution whichever

Community Infrastructure rate applies to residential development at the time of negotiation. Based on the maximum development potential currently proposed under this Planning Proposal and Council's endorsed community infrastructure rates the amount payable would be \$5,010,600. However, when negotiating the Planning Agreement a clause will be sought that requires the applicant to pay the community infrastructure contribution rate at the time of payment. If this is agreed and the contribution rate is increased Council would be paid the higher amount applicable at that time.

## **CONCLUSION AND NEXT STEPS**

59. The Planning Proposal is consistent with the Parramatta CBD Planning Proposal and has planning merit to progress to the next stage.
60. It is considered appropriate that this Planning Proposal be endorsed for the purposes of seeking a Gateway Determination. If the Parramatta Local Planning Panel supports the recommendations of this report, a further report will be prepared for Council to consider the Local Planning Panel's advice. If Council resolves to proceed with the Planning Proposal, it will be forwarded to the Department of Planning, Industry and Environment requesting a Gateway Determination.
61. If a Gateway Determination is received, the Planning Proposal will be placed on public exhibition concurrently with the site-specific Development Control Plan and Planning Agreement. A report on the outcomes of the public exhibition will be provided to the Local Planning Panel addressing any objections received. If no objections are received, the matter will be reported directly to Council seeking approval to finalise the Planning Proposal.

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### **ATTACHMENTS:**

- 1 Planning Proposal 34 Pages
- 2 Urban Design Report 33 Pages

**REFERENCE MATERIAL**