

Parramatta CBD Planning Proposal

Potential Draft Local Environmental Plan (LEP) Provisions

N.B. These potential draft LEP provisions have been prepared by Council as a **guide only** to assist the public in understanding the possible implications of the Parramatta CBD Planning Proposal. The final LEP provisions, which will be drafted by the NSW Parliamentary Counsel's Office, may appear different to those in this document.

Version 2 - Updated December 2019.

POTENTIAL DRAFT LOCAL ENVIRONMENTAL PLAN PROVISIONS

Draft Parramatta Local Environmental Plan 2011 (Amendment No X)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

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

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to certain land to which *Parramatta Local Environmental Plan 2011* applies as shown on the [Parramatta Local Environmental Plan 2011 \(Amendment No X\) Land Application Map](#).

4 Maps

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

Note. This plan amends the Additional Local Provisions Map, Additional Permitted Uses Map, Floor Space Ratio Map, Height of Buildings Map, Land Zoning Map, Land Reservation Acquisition Map and the Special Provisions Area Map. Further, this plan introduces an Active Frontages Map, Floodplain Risk Management Map, Incentive Floor Space Ratio Map, Incentive Height of Buildings Map, Opportunity Sites Map and a Sun Access Protection Map.

Schedule 1 Amendment of Parramatta Local Environmental Plan 2011

[1] Land Use Table (Zone B3 Commercial Core)

Omit “; Tourist and visitor accommodation” in item 3. Insert instead “Backpackers’ accommodation;” and “Bed and breakfast accommodation;” in alphabetical order in item 3.

[2] Clause 4.3 Height of buildings

Insert after clause (2A):

(2B) Despite subclause (2), any development on land identified with a thick orange line and labelled “Area 2” on the Height of Buildings Map is not to exceed the height determined in accordance with clause 7.4 (Sun Access Protection).

[3] Clause 7.2 Floor space ratio

Omit subclauses 7.2 (1) and (2). Insert instead:

- (1) Despite clauses 7.6C (3) and 7.6H, the maximum floor space ratio for buildings on land for which the maximum floor space ratio shown on the Incentive Floor Space Ratio Map is specified in Column 1 of the table to this subclause is the amount specified opposite that floor space ratio in:
- (a) if the site area for the development is less than or equal to 1,000 square metres—Column 2 of the table, or
 - (b) if the site area for the development is greater than 1,000 square metres but less than 1,800 square metres—Column 3 of the table, or
 - (c) if the site area for the development is equal to or greater than 1,800 square metres—Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
4:1	3:1	(3+1X):1	4:1
6:1	4:1	(4+2X):1	6:1
7:1	4.5:1	(4.5+2.5X):1	7:1
8:1	5:1	(5+3X):1	8:1
10:1	6:1	(6+4X):1	10:1

- (2) For the purposes of Column 3 of the Table to subclause (1):

$$X = (\text{the site area in square metres} - 1000) / 800$$

- (2A) Despite subclauses (1) and (2), the consent authority may grant consent to development seeking to achieve the maximum floor space ratio shown on the Incentive Floor Space Ratio Map, but only where:
- (a) the development is on a site greater than 1,000 square metres and up to 1,800 square metres, and
 - (b) the site is an isolated site, and
 - (c) the development has been subject to a competitive design process and exhibits design excellence as provided in clause 7.10; and

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- (d) if the development includes residential accommodation, the development also includes community infrastructure.

(2B) In this clause:

community infrastructure has the same meaning as in clause 7.6H.

isolated site means a site:

- (a) where amalgamation with adjoining sites is not physically possible; or
- (b) where amalgamation with adjoining sites is not reasonably feasible due to the nature of surrounding development; or
- (c) that will be unable to reasonably achieve its development potential due to its size, shape and location.

[4] Clause 7.3 Car parking

Omit clause 7.3. Insert instead:

7.3 Car parking

(1) Objectives

The objectives of this clause are:

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

(2) Application

- (a) This clause applies to development for any purpose if car parking spaces are to be provided in relation to that purpose, but does not apply to development for the purposes of a car park.
- (b) Nothing in this clause requires a reduction in the number of car parking spaces provided within an existing building.

(3) Interpretation

- (a) For the purposes of this clause:

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

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

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

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- (b) More than one provision of this clause may apply in the case of a mixed use development, and in such a case:
- (i) the maximum number of car parking spaces is the sum of the number of spaces permitted under each of those provisions, and
 - (ii) a reference in those provisions to a building, is taken to be a reference to those parts of the building in which the relevant use occurs.
- (4) **Car Parking spaces not to exceed the maximum set out in this clause**
- (a) Development consent must not be granted to development that includes car parking spaces in connection with a proposed use of land if the total number of car parking spaces (including existing car parking spaces) provided on the site would be greater than the maximum set out in this clause.
 - (b) If the maximum number of car parking spaces under this clause is not a whole number, the number is to be rounded to the nearest whole number.
- (5) **Maximum parking rates**
- If development for a purpose set out in Column 1 of the table to this subclause includes a car parking space in connection with that use, the development must provide no more than the number of car parking spaces specified opposite that use in Column 2 of that table.

Column 1	Column 2
Proposed use	Maximum number of parking spaces
Business premises and office premises	<p>(a) A maximum of 1 car parking space to be provided for every 175 square metres of gross floor area where the building is on land which has a floor space ratio of no more than 3.5:1, or</p> <p>(b) For buildings on land where the floor space ratio is greater than 3.5:1, the following formula is to be used:</p> $M = (G \times A) \div (50 \times T)$ <p>where:</p> <p>M is the maximum number of car parking spaces, and</p> <p>G is the gross floor area of all business premises and office premises in the building in square metres, and</p> <p>A is the site area in square metres, and</p> <p>T is the total gross floor area of all buildings on the site in square metres.</p>
Centre-based child care facilities	A maximum of 1 car parking space plus 1 space per 100 square metres of gross floor area.
Dwelling houses, attached dwellings and semi-detached dwellings	A maximum of 1 car parking space for each dwelling.
Health consulting rooms and medical centres	A maximum of 2 car parking spaces to be provided per consulting room.
Hotel or motel accommodation and serviced apartments	<p>A maximum of:</p> <p>(a) 1 car parking space for every 4 bedrooms up to 100 bedrooms, and</p>

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	(b) 1 car parking space for every 5 bedrooms above 100 bedrooms.
Information and education facilities	A maximum of 1 car parking space for every 200 square metres of gross floor area.
Light industries	A maximum of 1 parking space to be provided for every 150 square metres of gross floor area.
Places of public worship and entertainment facilities	A maximum of: (a) 1 space for every 10 seats, or (b) 1 space for every 30 square metres of the gross floor area, whichever is the greater.
Residential flat buildings, dual occupancies and multi dwelling housing	A maximum of: (a) 0.1 car parking spaces for each studio dwelling, and (b) 0.3 car parking spaces for each 1 bedroom dwelling, and (c) 0.7 car parking spaces for each 2 bedroom dwelling, and (d) 1 car parking space for 3 or more bedroom dwelling.
Retail premises	In the case of a building that has less than 2000 square of retail premises: (a) A maximum of 1 car parking space to be provided for every 90 square metres of gross floor area where the building is on land which has a floor space ratio of no more than 3.5:1, or (b) For buildings on land where the floor space ratio is greater than 3.5:1, the following formula is to be used: $M = (G \times A) \div (50 \times T)$ where: M is the maximum number of car parking spaces, and G is the gross floor area of all retail premises in the building in square metres, and A is the site area in square metres, and T is the total gross floor area of all buildings on the site in square metres.

Note. For any land uses that are not specified in the table above, a Parking and Access Report is to be supplied in accordance with the requirements in the Parramatta Development Control Plan.

(6) **Use of excess car parking spaces in an existing building**

If the consent authority is satisfied that there are car parking spaces in excess of the requirements of the occupiers of an existing building, the consent authority may grant development consent to the use of those car parking spaces by persons other than the occupiers of the building.

[5] **Clause 7.4 Sun access protection**

Omit subclause 7.4. Insert instead:

7.4 Sun access protection

- (1) The objective of this clause is to protect the following land from overshadowing:
 - (a) public open space in Parramatta Square, Prince Alfred Square, the Parramatta River Foreshore and Jubilee Park; and
 - (b) heritage items and curtilage at the Lancer Barracks site and Experiment Farm.
- (2) This clause applies to land identified on the Sun Access Protection Map (as shown coloured purple or as marked as Areas A or B).
- (3) Development consent must not be granted to development on land to which this clause applies that results in any part of a building causing additional overshadowing, on 21 June in any year, on any of the following locations (as shown with blue hatching on the Sun Access Protection Map) during the times specified in relation to those locations:
 - (a) Prince Alfred Square—between 12.00 and 14.00,
 - (b) Parramatta River Foreshore—between 12.00 and 14.00,
 - (c) Lancer Barracks site—between 12.00 and 14.00,
 - (d) Jubilee Park—between and 12.00 and 14.00,
 - (e) Parramatta Square—between 12.00 and 14.00,
 - (f) Experiment Farm—between 10.00 and 14.00.
- (3A) Despite subclause (3), development consent must not be granted to development on any land in Areas A or B on the Sun Access Protection Map that results in any part of a building causing additional overshadowing to Parramatta Square (as shown with blue hatching on the Sun Access Protection Map) between 13.00 and 14.00 on 21 March to and 23 September in any year, unless there is a compensatory publicly accessible area, at least equivalent in size to the area of overshadowing to Parramatta Square, that is unaffected by overshadowing at that time, and which immediately adjoins and is contiguous with the eastern end of Parramatta Square.
- (4) Development results in a building causing additional overshadowing if the total overshadowing of the relevant location during the specified times would be greater after the development is carried out than the overshadowing of that location during the specified times caused by buildings existing on the commencement of this Plan.
- (5) Despite subclauses (3), (3A) and (4), some minor additional overshadowing may be permitted on Parramatta Square by the following parts of a building, provided those parts have been designed to minimise any overshadowing:
 - (a) non-useable parts, including structural elements (such as columns and pillars), spires, flag poles, public art, a sculpture or artwork, a community notice or public information sign, and architectural roof features (as defined in clause 5.6, but excluding equipment for servicing the building, such as plant, lift motor rooms, fire stairs and the like);
 - (b) heritage parts, being those parts of the building which are directly part of the restoration of a heritage item on a site (should one exist); and
 - (c) amenity parts, being those parts that directly provide for pedestrian amenity at ground level, including shelters, playground equipment, shade structures, awnings and street furniture.

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[6] Clause 7.6 Airspace operations

Omit subclause 7.6 (2).

Omit “to which this clause applies” from subclause 7.6 (3). Insert instead “within the Parramatta City Centre”.

[7] Clause 7.10 Design excellence

Omit subclauses 7.10 (5) (a) and (b). Insert instead:

- (a) development in respect of a building that has, or will have, a height above ground level (existing) greater than 40 metres (or 55 metres in the case of “Area A” on the Special Provisions Area Map – refer to clause 7.6M),
- (b) development on a site greater than 1,000 square metres and up to 1,800 square metres seeking to achieve the maximum floor space ratio identified on the Incentive Floor Space Ratio Map in accordance with the requirements of clause 7.2(2A),
- (b1) development involving or directly adjoining a heritage item seeking to achieve a floor space ratio of 3:1 or greater,

Omit subclause 7.10 (8). Insert instead:

- (8) If the design of a new building, or an external alteration to an existing building, is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence, it may grant development consent to the erection of the new building, or the alteration to the existing building, with:
 - (a) a building height that exceeds the maximum height shown for the land on the Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to 15%, if the development does not include community infrastructure in accordance with clause 7.6H; or
 - (b) a building height that exceeds the maximum height shown for the land on the Incentive Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Incentive Floor Space Ratio Map (or both) by up to 15%, if the development includes community infrastructure in accordance with clause 7.6H or consists wholly of commercial premises in accordance with clause 7.6C (3).

[8] Clauses 7.6A, 7.6B, 7.6C, 7.6D, 7.6E, 7.6F, 7.6G, 7.6H, 7.6I, 7.6J, 7.6K, 7.6L and 7.6M.

Insert after clause 7.6:

7.6A High performing buildings

- (1) The objectives of this clause are as follows:
 - (a) to encourage high performing building design (namely the built form, layout and services) of office premises, large-scale retail premises, hotel or motel accommodation, serviced apartments, residential flat buildings

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- and mixed use development in the Parramatta City Centre that minimises the consumption of energy and water, and
- (b) to provide increased amenity to occupants over the long term, and
 - (c) to ensure the increase in gross floor area is compatible with surrounding buildings in terms of bulk, height and amenity.
 - (d) to ensure high performing building measures improve over time to reflect new technologies and commercial viability.
- (2) This clause applies to:
- (a) development for the purposes of office premises with a gross floor area of 1,250 square metres or greater; or
 - (b) development for the purposes of retail premises with a gross floor area of 5,000 square metres or greater; or
 - (c) development for the purposes of serviced apartments or hotel or motel accommodation; or
 - (d) development for the purposes of residential flat buildings and mixed use development that includes residential accommodation, but only where:
 - (i) the lot on which the development will be sited is at least 24 metres wide at the front building line and has a minimum site area of at least 1,800 square metres, and
 - (ii) the lot on which the development will be sited has a maximum floor space ratio of at least 6:1, as shown on either the Floor Space Ratio Map or Incentive Floor Space Ratio Map (as applicable to the development), and
 - (iii) the applicant for the development has chosen to develop their building utilising this clause; or
 - (e) significant alterations and additions (that have a capital value of more than \$5 million) to existing retail premises (with a gross floor area of 5,000 square metres or greater), office premises, hotel or motel accommodation or serviced apartments.
- (3) Before granting development consent to development under this clause, the consent authority must be satisfied that:
- (a) the part of any building used for the purposes in Column 1 of the table, does not exceed the energy emission in Column 2 of the table and the water usage in Column 3 of the table:

Column 1	Column 2	Column 3
Retail premises (including as part of a mixed use development) – common areas only	< 52.8 kgCO ₂ /m ² /annum	< 1.1 kl/m ² /annum
Office premises (base building)	< 63.8 kgCO ₂ /m ² /annum	< 0.5 kl/m ² /annum
Hotel or motel accommodation or serviced apartments (whole building)	< 5,220 kgCO ₂ /guest room/annum	< 76.1 kl/guest room/annum

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Note: The energy and water requirements in Columns 2 and 3 were extracted from the Federal Government’s *National Australian Built Environment Rating System* (NABERS) registry on 26 February 2020 and represent the 15th percentile of best performance of similar existing buildings of a similar usage type in the Sydney metropolitan region. These requirements will be regularly reviewed by Council to ensure high performing building measures improve over time to reflect new technologies and commercial viability.

- (b) a report prepared by a qualified consultant to the satisfaction of the Council verifies that:
- a. the necessary annual emissions intensity and water performance targets to meet the requirements under this subclause at the time of application have been established and confirmed, and
 - b. the building will meet the annual energy and annual water performance targets established under this subclause, has adequate allowance (including budget) in the design of the building and its services to meet these targets, and is committed to a post occupancy verification against the targets.
- (4) The part of any building that is a dwelling, including as a part of a residential flat building or mixed use development, complies with the following higher BASIX Energy and BASIX Water standards (shown Column 2) than the minimum standards as provided in *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, which correspond to the height of the building (shown in Column 1) and its floor space ratio (also shown in Column 2), as indicated in the table to this subclause.

Column 1	Column 2		
Building Height	Higher BASIX Energy and Water Standards		
	BASIX standard	Points above minimum BASIX standard for development with a floor space ratio of 6:1 or greater, up to, but not including, 14:1	Points above minimum BASIX standard for development with a floor space ratio of 14:1 or greater
5-15 storeys	Energy	+25	+15
	Water	+15	+15
16-30 storeys	Energy	+20	+10
	Water	+15	+15
31-40 storeys	Energy	+10	+10
	Water	+15	+15
41+ storeys	Energy	+10	+10
	Water	+15	+15

Note. These higher BASIX standards may be subject to review following changes to the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* by the NSW Government.

- (5) A residential flat building or a mixed use development (that contains dwellings) which complies with this clause is eligible for an amount of

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additional residential floor space (above that already permitted elsewhere under this Plan) equivalent to that which exceeds the floor space ratio as shown on the Floor Space Ratio Map or Incentive Floor Ratio Map (as applicable to that development) by up to 5%, subject to the consent authority being satisfied that this additional residential floor space does not adversely impact on neighbouring and adjoining land in terms of visual bulk and overshadowing.

- (6) This clause does not apply to land on which development to which clause 13 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* applies is to be carried out.

- (7) In this clause:

BASIX means a rating under *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

mixed use development means a building or place comprising two or more different land uses, where at least one of these land uses is dwellings.

7.6B Dual water systems

- (1) The objective of this clause is to future proof the security of water supply in the Parramatta City Centre.
- (2) This clause applies to the Parramatta City Centre, but not including “Area A” on the Special Provisions Area Map.
- (3) The consent authority must not grant consent to development involving the construction of a new building or significant alterations to an existing building unless that building contains both potable water pipes and recycled water pipes for the purposes of all available internal and external water uses.

7.6C Commercial premises in Zone B4 Mixed Use

- (1) The objective of this clause is to facilitate commercial premises in Zone B4 Mixed Use.
- (2) This clause applies to Zone B4 Mixed Use, but not including “Area A” on the Special Provisions Area Map.
- (3) Despite clauses 4.3, 4.4 and 7.6H, the consent authority may grant development consent to development comprising wholly of commercial premises in Zone B4 Mixed Use up to the floor space ratio as specified on the Incentive Floor Space Ratio Map and the height of building as specified on the Incentive Height of Building Map without the need for that development to include community infrastructure.
- (4) This subclause applies only to Zone B4 Mixed Use land as identified on the Additional Local Provisions Area Map, as follows:
- (a) The minimum floor space ratio for any commercial premises floor space of any development on land to which this subclause applies is 1:1.

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- (b) Any additional commercial premises floor space provided in excess of the minimum specified in subclause 4 (a) will be exempt from the overall maximum floor space ratio specified in clauses 4.4, 7.2 or 7.6H (where development includes community infrastructure), but only where the site has a minimum area of 1,800 square metres.
- (c) The maximum height permitted for development under this subclause is that shown on the Incentive Height of Building Map.
- (d) Conversion of any commercial premises floor space approved under subclause (4) (b) to residential accommodation floor space is prohibited under this Plan.

(5) In this clause, *community infrastructure* has the same meaning as in clause 7.6H.

7.6D Office premises in Zone B3 Commercial Core

- (1) The objective of this clause is to facilitate office premises in Zone B3 Commercial Core.
- (2) Development for the purposes of office premises in Zone B3 Commercial Core is not subject to the floor space ratios specified under clauses 4.4, 7.2 or 7.6H, but only where the site has a minimum area of 1,800 square metres.

7.6E End of journey facilities

- (1) The objective of this clause is to facilitate pedestrian and cycling access to commercial premises.
- (2) This clause applies to the Parramatta City Centre, but not including “Area A” on the Special Provisions Area Map.
- (3) This clause applies to the following development:
 - (a) a building which consists entirely of commercial premises, and
 - (b) mixed use development, but only where more than 600 square metres of commercial premises is provided.
- (4) The consent authority must not grant consent to development to which this clause applies involving the construction of a new building or significant alterations to an existing building unless that building provides for all of the following facilities together in one area of the building:
 - (a) showers,
 - (b) change rooms,
 - (c) lockers,
 - (d) bicycle storage areas.

7.6F Active frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages, public space frontages and river foreshore frontages in Zone B3 Commercial Core and Zone B4 Mixed Use.
- (2) This clause applies to:

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- (a) land identified as an “Active Frontage” on the Active Frontages Map, or
 - (b) land identified as “Civic Link” on the Active Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active frontage after its erection or change of use.
- (4) Despite subclause (3) and subject to the consent authority being satisfied, an active frontage is not required for any part of a building that is used for any of the following:
- (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) electrical services,
 - (d) vehicular access.
- (5) In this clause, a building has an **active frontage** if all premises on the ground floor of the building facing the street and any public spaces are used for the purposes of business premises, community facilities, entertainment facilities or retail premises.

7.6G Arrangements for contributions to designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential or commercial purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) This clause applies to development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) and commercial premises (including by way of subdivision) in the Parramatta City Centre, but not including “Area A” on the Special Provisions Area Map.
- (3) Despite all other provisions of this Plan, development consent must not be granted for development to which this clause applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.
- (4) This clause does not apply to the granting of development consent if:
- (a) the development will not result in an increase in the floor space for residential accommodation and commercial premises, or
 - (b) the whole or any part of the land on which the development is to be carried out is in a special contributions area (as defined by section 7.1 of the Act).
- (5) In this clause, **designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—
- (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) land required for regional open space,

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- (d) social infrastructure and facilities (such as schools, hospitals, emergency services and justice purposes),
- (e) light rail infrastructure.

7.6H Community Infrastructure

- (1) The objectives of this clause are:
 - (a) to allow higher density development on certain land in the Parramatta City Centre where the development includes community infrastructure, and
 - (b) to ensure that the greater densities reflect the desired character of the Parramatta City Centre in which they are allowed, and
 - (c) to ensure that the greater densities minimise adverse impacts on the Parramatta City Centre, including its heritage items and public spaces, and
 - (d) to ensure that the greater densities minimise adverse impacts on areas which surround the Parramatta City Centre, including conservation areas, parks, heritage items and low-density residential neighbourhoods.
- (2) This clause applies to the Parramatta City Centre, but not including “Area A” on the Special Provisions Area Map.
- (3) Despite clauses 4.3 and 4.4, the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum height shown for the land on the Height of Buildings Map or the floor space ratio for the land shown on the Floor Space Ratio Map, or both, if the proposed development includes community infrastructure.
- (4) The consent authority must not consent to the erection of a building on land to which this clause applies if the floor space ratio and height for the building exceeds the following:
 - (a) The floor space ratio as specified on the Incentive Floor Space Ratio Map, and
 - (b) The height of building as specified on the Incentive Height of Building Map.
- (5) In deciding whether to grant development consent under this clause, the consent authority must have regard to the following:
 - (a) the objectives of this clause,
 - (b) whether the development exhibits design excellence,
 - (c) whether the development is able to demonstrate an appropriate transition to any heritage items or conservation areas in the immediate vicinity of the development; and
 - (d) the nature and value of the community infrastructure to the Parramatta City Centre.

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- (6) In this clause, *community infrastructure* means development for the purposes of community facilities, cycle ways, environmental facilities, footways, information and education facilities, public administration buildings, public car parks, public roads, public places, public reserves, public utility undertakings, recreation areas, recreation facilities (indoor), recreation facilities (major) and recreation facilities (outdoor).
- (7) Despite subclause (4) (b), any development on land identified with a thick orange line and labelled “Area 1” on the Incentive Height of Buildings Map is not to exceed the height determined in accordance with clause 7.4 (Sun Access Protection).

7.6I Community Infrastructure—Site-Specific Requirements

- (1) The objective of this clause is to specify further requirements (in addition to those in clause 7.6H), for certain sites to achieve the floor space ratio shown on the Incentive Floor Space Ratio Map and height of building shown on the Incentive Height of Building Map for development that includes community infrastructure.
- (2) This clause applies to land marked “Area B” on the Special Provisions Area Map.
- (3) In addition to the requirements specified in clause 7.6H, the consent authority may only grant consent to development that includes community infrastructure on land to which this clause applies if the development relates to the whole of “Area B”.
- (4) In this clause *community infrastructure* has the same meaning as in clause 7.6H.

7.6J Opportunity Sites

- (1) The objectives of this clause are:
 - (a) to provide opportunities for tall, slender towers;
 - (b) to encourage opportunities to improve the quality of the public domain;
 - (c) to facilitate opportunities to deliver additional community infrastructure;
 - (d) to encourage site amalgamation so to avoid adjacent sites becoming isolated sites;
 - (e) to ensure historic streetscapes are not adversely impacted;
 - (f) to ensure heritage items and conservation areas are not adversely impacted;
 - (g) to ensure the amenity of surrounding low-density residential areas near the Parramatta City Centre are not adversely impacted; and
 - (h) to ensure sites have sufficient dimensions and area to accommodate a large tower form.
- (2) This clause applies to:

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- (a) land identified as an “Opportunity Site” on the Opportunity Sites Map; or
 - (b) land identified as “Area 1” or “Area 2” on the Opportunity Sites Map, provided the consent authority is satisfied that the development relates to the whole of “Area 1” or “Area 2” respectively.
- (3) A building on land to which this clause applies is eligible for an amount of additional residential floor space (above that already permitted elsewhere under this Plan) equivalent to that which may be achieved by applying a floor space ratio of up to 3:1 to that part of the land to which the development is situated that meets the minimum site dimension requirements specified in subclause (4) (a) (ii) below.
- (4) The consent authority may grant consent to development involving the construction of a new building or alterations to an existing building on land to which this clause applies that incorporates the additional floor space as specified in subclause (3) above, but only if:
- (a) The land to which the development is situated:
 - (i) has an area of at least 1,800 square metres; and
 - (ii) contains a regular shaped area with minimum dimensions of:
 - a. 40 metres by 35 metres, where the site is a corner site with at least two street frontages; or
 - b. 40 metres by 40 metres, for all other sites;
 - (b) the development demonstrates an appropriate transition to any heritage items or conservation areas;
 - (c) the development does not adversely impact on the historic streetscapes of Church Street and George Street;
 - (d) the development does not result in a neighbouring site becoming an isolated site which has an area less than 1,000 square metres;
 - (e) the development includes community infrastructure; and
 - (f) the development responds appropriately to the objectives of this clause.
- (5) Development consent must not be granted to development under this clause unless:
- (a) the development first includes:
 - (i) the additional height, floor space ratio and community infrastructure as provided under clause 7.6H; and
 - (ii) the 15% bonus floor space ratio and height for achieving design excellence under clause 7.10; and
 - (iii) the 5% bonus floor space ratio for high performing buildings under clause 7.6A; and
 - (b) the development includes additional community infrastructure under this clause above that provided under clause 7.6H; and
 - (c) where the development site contains a heritage item, the repair, restoration and reconstruction of the heritage item forms part of the development proposal.
- (6) A building on land identified as “Area 2” on the Opportunity Sites Map is eligible for an amount of additional height of 52 metres (above that already

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permitted elsewhere under this Plan), provided the consent authority is satisfied that the development relates to the whole of “Area 2”.

- (7) Development consent must not be granted to development to which this clause applies unless a development control plan that provides for the matters in subclause (7) below has been prepared for the development site.
- (8) The development control plan must provide for all of the following:
- (a) requirements as to the form and external appearance of proposed development so as to improve the quality and amenity of the public domain,
 - (b) requirements to minimise the detrimental impact of proposed development on view corridors,
 - (c) how the proposed development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) the existing and proposed uses and use mix,
 - (iii) any heritage issues and streetscape constraints, including the issues of scale, increased overshadowing, podium heights, tower setbacks and side setbacks between the development and any adjacent heritage items,
 - (iv) the impact on any conservation area, including additional overshadowing,
 - (v) the inclusion of community infrastructure,
 - (vi) site amalgamation and how no isolated sites (on adjoining properties) with an area less than 1,000 square metres will be created by the development,
 - (vii) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (viii) the bulk, massing and modulation of buildings,
 - (ix) street frontage heights,
 - (x) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
 - (xi) the achievement of the principles of ecologically sustainable development,
 - (xii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
 - (xiii) the impact on, and any proposed improvements to, the public domain,
 - (xiv) achieving appropriate interface at ground level between the building and the public domain,
 - (xv) the excellence and integration of landscape design,
 - (xvi) the incorporation of high quality public art into the fabric of buildings in the public domain or in other areas to which the public has access.

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

(9) In this clause:

community infrastructure has the same meaning as in clause 7.6H.

isolated site has the same meaning as in clause 7.2.

Opportunity Site means land identified in accordance with clause 7.6J (2) as shown on the Opportunity Sites Map.

7.6K Managing heritage impacts

- (1) **Objective**

To ensure that development in the Parramatta City Centre demonstrates an appropriate relationship to heritage items and heritage conservation areas that responds positively to heritage fabric, the street and the wider area.
- (2) **Land to which this clause applies**
 - (a) This clause applies to any development on land in the Parramatta City Centre, which includes or is directly adjacent to a heritage item or heritage conservation area, but does not apply to land shown as “Area A” on the Special Provisions Area Map.
 - (b) This clause applies in addition to the requirements specified under clause 5.10 (Heritage conservation).
- (3) **Heads of consideration – impact on heritage**
 - (a) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority has considered the impact of the development on heritage items or heritage conservation areas.
 - (b) In considering what constitutes an impact on a heritage item or heritage conservation area, the following heads of consideration must be considered in the assessment of any development application on land to which this clause applies:
 - (i) Immediate relationship – The impact upon the built fabric or within or adjacent to the lot of that heritage item, or impact upon a property located with a heritage conservation area, must be considered.
 - (ii) Street relationship – Where development is visible from the street elevation, the impact upon the street must be considered, and in the case of a corner site (or a site that is adjacent to a corner), then the impact upon both streets must be considered.
 - (iii) Area relationship – Where a development is of a certain height and is adjacent to a heritage conservation area or cluster of individually listed heritage items, then the impact of that development upon the significance of the heritage conservation area or heritage items must be considered.
- (4) **Heritage assessment**
 - (a) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority has considered:
 - (i) a heritage impact statement; and

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- (ii) in the case of any development involving a lot amalgamation including or adjacent to a heritage item, a conservation management plan.
- (b) The heritage impact statement should address the following:
 - (i) the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned;
 - (ii) an area of context of heritage items and heritage conservation areas that is large enough to capture all potential impacts; and
 - (iii) important heritage relationships, as identified in the heads of consideration in clause (3).
- (c) Where a conservation management plan is required in accordance with clause 4(a)(ii), it should include conservation policies and management mechanisms that address the following:
 - (i) whether further lot amalgamation is required before a development may become appropriate in heritage terms; and
 - (ii) whether heritage conservation considerations have been prioritised in assessing developments that amalgamate heritage sites.

7.6L Floodplain risk management

- (1) The objective of this clause is to enable occupants of buildings in identified areas that have particular evacuation or emergency response issues to:
 - (a) shelter within a building above the probable maximum flood level; or
 - (b) evacuate safely to land located above the probable maximum flood level.
- (2) This clause applies to land identified on the Floodplain Risk Management Map (as shown coloured blue).
- (3) The consent authority must not grant consent to the erection of a new building or significant alterations and additions to existing buildings on land to which this clause applies unless, in addition to being satisfied of the matters mentioned in clause 6.3 (3) in relation to the development on the land, the consent authority is satisfied that the building:
 - (a) contains either:
 - (i) an area that is:
 - a. located above the probable maximum flood level, and
 - b. connected to an emergency electricity and water supply, and
 - c. of sufficient size to provide refuge for all occupants of the building (including residents, workers and visitors), or
 - (ii) flood free pedestrian access is available between the building and land that is above the probable maximum flood level; and
 - (b) has an emergency access point to the land that is above the 1% annual exceedance probability event, and
 - (c) is able to withstand the forces of floodwaters, debris and buoyancy resulting from a probable maximum flood event.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0), published in 2005 by the NSW Government.

Note. The probable maximum flood is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

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7.6M Parramatta Park and Park Edge Highly Sensitive Area and other fringe areas

- (1) The objective of this clause is to preserve built form controls for Parramatta Park and the Park Edge Highly Sensitive Area and certain land on the fringes of the Parramatta City Centre.
- (2) This clause applies to land shown as “Area A” on the Special Provisions Area Map.
- (3) Despite clause 4.4, the maximum floor space ratio for buildings on land to which this clause applies for which the maximum floor space ratio shown on the Floor Space Ratio Map is specified in Column 1 of the table to this subclause is the amount specified opposite that floor space ratio in:
 - (a) if the site area for the development is less than or equal to 1,000 square metres—Column 2 of the table, or
 - (b) if the site area for the development is greater than 1,000 square metres but less than 1,800 square metres—Column 3 of the table, or
 - (c) if the site area for the development is equal to or greater than 1,800 square metres—Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
6:1	4:1	(4 + 2X):1	6:1
8:1	5:1	(5 + 3X):1	8:1

- (4) For the purposes of Column 3 of the table to subclause (3):

$$X = (\text{the site area in square metres} - 500) / 1500$$
- (5) Despite clause 7.10, development consent must not be granted to the following development on land to which this clause applies unless a competitive design process has been held in relation to the proposed development and the development exhibits design excellence (as provided in clause 7.10):
 - (a) development in respect of a building that has, or will have, a height above ground level (existing) greater than 55 metres,
 - (b) development on a site greater than 1,000 square metres and up to 1,800 square metres seeking to achieve the maximum floor space ratio identified on the Floor Space Ratio Map, where amalgamation with adjoining sites is not physically possible.
- (6) Despite clause 7.10, if the design of a new building, or an external alteration to an existing building on land to which this clause applies, is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence (as provided in clause 7.10), it may grant development consent to the erection of the new building, or the alteration to the existing building, with:
 - (a) in any case—a building height that exceeds the maximum height shown for the land on the Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to 15%, or

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- (b) if the proposal is for a building containing entirely non-residential floor space in Zone B4 Mixed Use—a building height that exceeds the maximum height shown for the land on the Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to 25%.
- (7) If development for a purpose set out in Column 1 of the table to this subclause includes a car parking space in connection with that use, the development must provide no more than the number of car parking spaces specified opposite that use in Column 2 of that table.

Column 1	Column 2
Proposed use	Maximum number of parking spaces
Centre-based child care facilities	A maximum of 1 parking space to be provided for every 4 child care places
Commercial premises	A maximum of 1 parking space to be provided for every 100 square metres of gross floor area
Drive-in take away food and drink premises with seating	A maximum of 1 parking space to be provided for every 10 square metres of gross floor area or 1 parking space to be provided for every 6 seats (whichever is the lesser)
Health consulting rooms	A maximum of 1 parking space to be provided for every 300 square metres of gross floor area
Hostels and residential care facilities	A maximum of 1 parking space to be provided for every 10 beds plus 1 parking space to be provided for every 2 employees plus 1 parking space to be provided that is suitable for an ambulance
Hotel accommodation	A maximum of 1 parking space to be provided for every 5 hotel rooms or suites plus 1 parking space to be provided for every 3 employees
Motels	A maximum of 1 parking space to be provided for every 2 motel rooms or suites plus 1 parking space to be provided for every 3 employees
Multi dwelling housing: 1, 2 and 3 bedrooms	A maximum of 1 parking space to be provided for every dwelling plus 1 parking space to be provided for every 5 dwellings for visitors
Restaurants or cafes	A maximum of 1 parking space to be provided for every 10 square metres of gross floor area or 1 parking space to be provided for every 4 seats (whichever is the lesser)
Seniors housing (other than residential care facilities)	A maximum of 1 parking space to be provided for every 10 dwellings plus 1 parking space to be provided for every 10 dwellings for visitors
Shops	A maximum of 1 parking space to be provided for every 30 square metres of gross floor area
Warehouses or distribution centres	A maximum of 1 parking space to be provided for every 300 square metres of gross floor area

- (8) The number of car parking spaces to be provided under subclause (7) is to be calculated by including any existing car parking spaces.
- (9) The consent authority may approve additional car parking spaces in excess of the number of car parking spaces calculated under subclause

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(8), but only if the additional car parking spaces approved are to be included as part of the building's gross floor area, whether the space is below or above ground level (existing).

- (10) If the consent authority is satisfied that there are car parking spaces in excess of the requirements of the occupiers of an existing building, the consent authority may grant development consent to the use of those car parking spaces by persons other than the occupiers of the building.
- (11) Subclause (9) does not apply to a public car parking station owned by the Council.
- (12) Clause 7.6A (High performing buildings), clause 7.6B (Dual water systems), clause 7.6C (Commercial premises in Zone B4 Mixed Use), clause 7.6E (End of journey facilities), clause 7.6G (Arrangements for contributions to designated State public infrastructure), clause 7.6H (Community Infrastructure) and clause 7.6K (Managing heritage impacts) do not apply to land to which this clause applies.

[9] **Miscellaneous Amendments**

Omit subclauses 7.12 (3) and (4).

Omit subclauses 7.13 (5), (6) and (7).

Omit clause 7.14.

Omit subclause 7.15 (4). Insert instead:

- (4) This clause applies despite clauses 7.3, 7.6A and 7.6B.

Omit subclauses 7.16 (3), (4) and (5).

[10] **Schedule 1 Additional Permitted Uses**

Omit "Ross Street" in subclause 7 (1). Insert instead "Grose Street".

Insert after clause 8 (2):

- (3) The consent authority must not grant consent to the erection of a new building under this clause where the maximum floor space ratio exceeds 6:1.

Omit subclause 9 (2). Insert instead:

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

[11] **Dictionary**

Omit the definition of Parramatta Development Control Plan.

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Insert in alphabetical order:

Active Frontages Map means the Parramatta Local Environmental Plan 2011 Active Frontages Map.

Floodplain Risk Management Map means the Parramatta Local Environmental Plan 2011 Floodplain Risk Management Map.

Incentive Floor Space Ratio Map means the Parramatta Local Environmental Plan 2011 Incentive Floor Space Ratio Map.

Incentive Height of Buildings Map means the Parramatta Local Environmental Plan 2011 Incentive Height of Buildings Map.

Opportunity Sites Map means the Parramatta Local Environmental Plan 2011 Opportunity Sites Map.

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

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

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