



**CITY OF  
PARRAMATTA**

# Parramatta CBD Planning Proposal

Review of Opportunity Sites

October 2019

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# 1. INTRODUCTION

## 1.1. Purpose

The purpose of this report is to provide an urban design, planning and heritage review of the proposed Opportunity Sites within the Parramatta CBD to address conditions in the Gateway Determination for the Parramatta CBD Planning Proposal (PP).

This report specifically considers heritage analysis prepared by Lucas Stapleton Johnson (LSJ) Heritage Planning and Architecture from its *Parramatta CBD Opportunity Sites Heritage Review* (June 2019) and includes analysis prepared by Council's Urban Design and Land Use Planning Units.

## 1.2. What are Opportunity Sites?

The CBD PP proposes an Opportunity Sites clause that allows an additional bonus FSR of 3:1 but only where development meets certain conditions and provides for community infrastructure. Refer to extract of Clause 7.6J at Appendix 2.

The proposed new clause is supported by an Opportunity Sites Map which identifies land that has the potential to allow additional residential development within B4 Mixed Use zone (Figure 1)

## 1.3. Gateway conditions

The Department of Planning and Environment (DPIE) issued a conditional Gateway determination on 13 December 2018 for the draft Parramatta CBD Planning Proposal (CBD PP) which included a suite of Gateway conditions. Two conditions relate to the proposed new Opportunity Sites clause and map:

**Condition 1 (i) vi:** *review the proposed opportunity sites having regard to site depth, site isolation and impacts on heritage areas and historic streetscapes. **Opportunity sites** should be removed from the planning proposal where the additional bulk and scale could have an adverse impact on the amenity of surrounding localities and areas of heritage significance;*

**Condition 1 (k) iii:** *along Church Street between Lennox Bridge and Macquarie Street, retain the FSR of 3:1, the height limit of 12m and the podium setback of 18m unless a heritage, urban design and commercial feasibility study is carried out to demonstrate that a reduced tower podium setback has merit from a heritage, urban design and commercial feasibility perspective, and consider removing **opportunity sites** in this precinct if additional height and FSR will have an adverse impact on heritage values.*

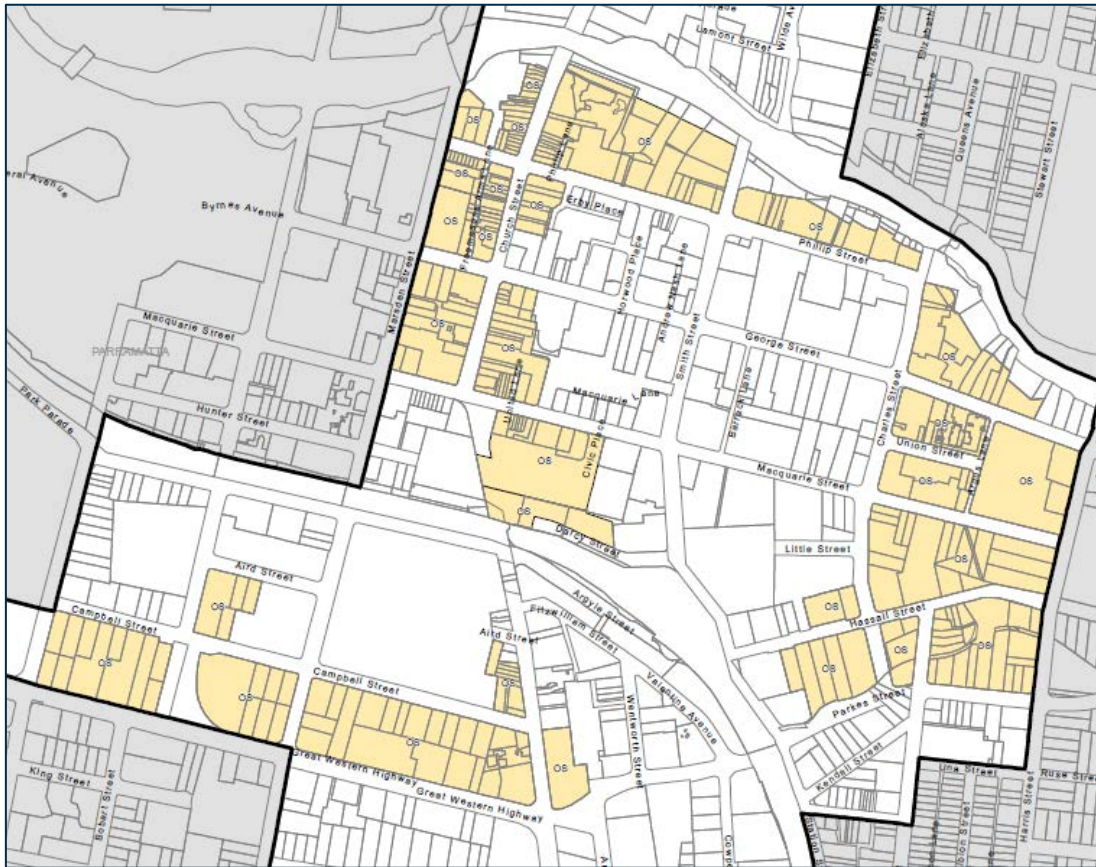
## 1.4. Relationship to other reports

The issues addressed in this report cover solar access, heritage interface and views to and from heritage items, view corridors, open space/public domain areas, and building heights and floor space ratios for sites within the Parramatta CBD to inform whether changes are required to the Opportunity Sites clause and Opportunity Sites Map. These issues have been assessed in other associated reports and external studies which are also being presented to Council as part of the CBD PP and as such, this report must be read in conjunction with:

- *Urban Design and Feasibility Study for the Church Street Precinct* (June 2019) prepared by Council's and its supporting *Heritage Analysis – Church Street Precinct* (June 2019) prepared by consultants City Plan Heritage
- *Technical Paper – Overshadowing in the Parramatta CBD* (October 2019) prepared by Council

## 1.5. The area affected by the recommendations within this report

Figure 1 below is an extract from the Opportunity Sites Map (dated April 2016 as submitted to the DPIE seeking Gateway determination) which illustrates the sites subject to review in this report.



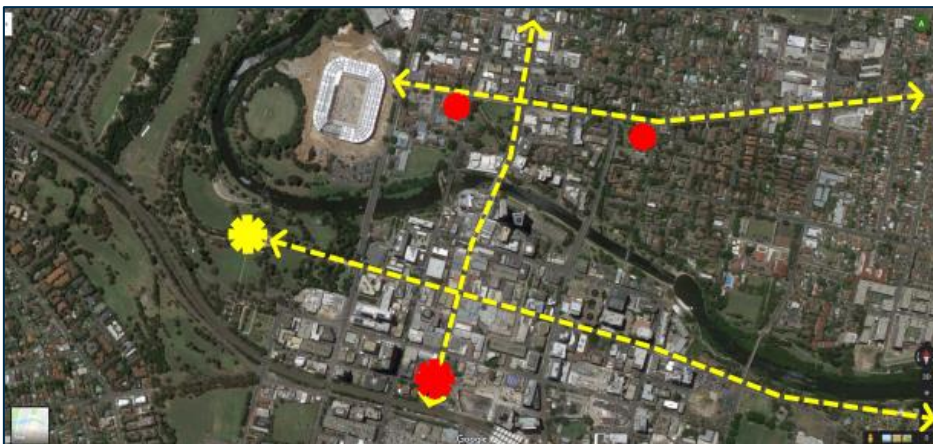
**Figure 1** – Opportunity sites (coloured yellow) as originally proposed in the Gateway request submission to DPIE in April 2016

## 2. SITE APPRECIATION

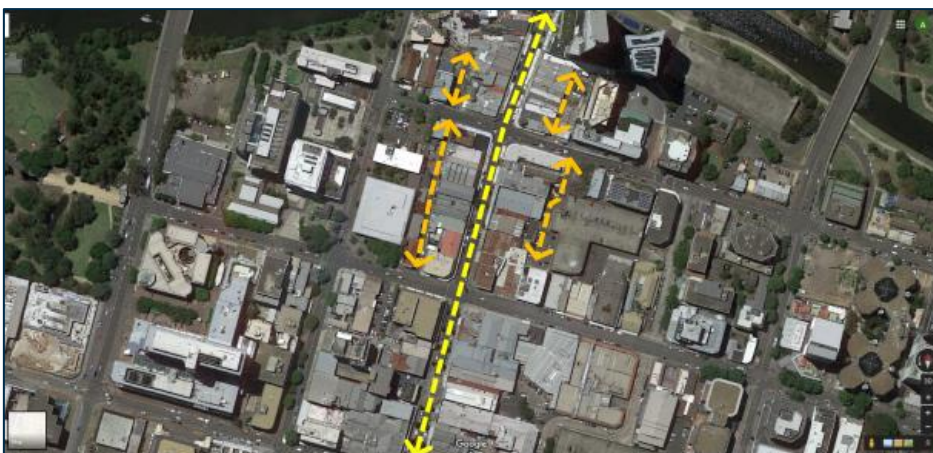
The Parramatta CBD is rich in areas of heritage significance with heritage values of local, state, national and world heritage items, conservation areas, places and views. This includes the World Heritage listed Old Government House and Domain, the Commonwealth heritage listed Lancer Barracks, and outside the CBD PP boundary at North Parramatta the State heritage listed Old Parramatta Gaol and the former Female Factory. There are approximately 131 locally listed heritage and archaeological items identified in the *PLEP 2011* and six heritage conservation areas identified in the *PLEP 2011* within and or adjacent to the CBD PP boundary. Each of the HCAs are mapped in Figure 2 (along with the Heritage Interface Areas):

Parramatta's schedule of individual items and heritage conservation areas are a collection of historic urban layouts, buildings and places that form the basis of the city's fabric. The City's street network dates from the original Georgian Street Grid.

As can be seen in Figure 2 and Figure 3 long east-west streets run through the heart of the city and are generally flat with expansive views. George Street and Church Street remain as the historic streetscapes for the City Centre with George Street (formerly High Street) as the major axis of the town and the town square at the end of Church Street (formerly Quakers Row).



**Figure 2** - Key east-west streets intersecting with the north-south Church Street and historical City Churches (shown red) and Old Government House (shown yellow).



**Figure 3** - North-south Church Street and parallel laneways connecting the east-west streets

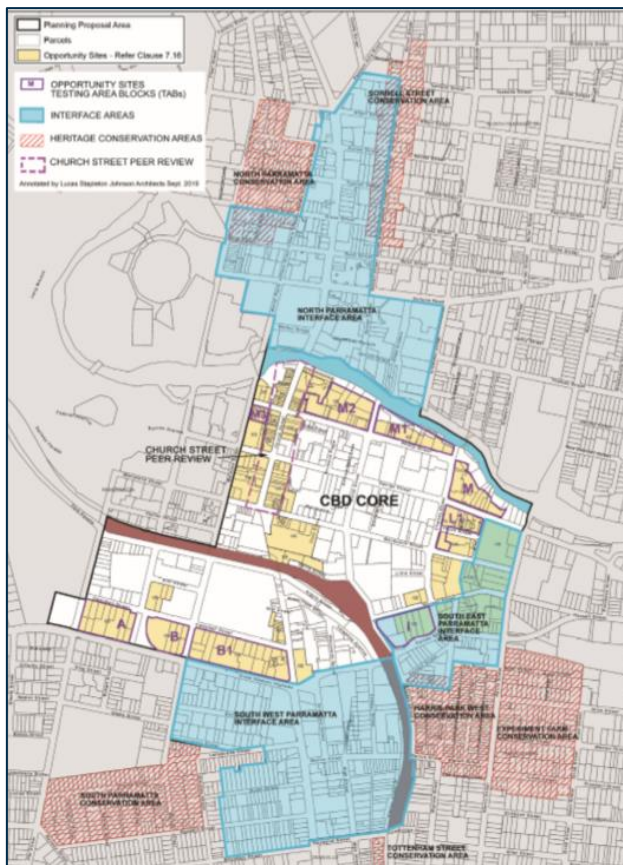
The areas generally between the core of the Parramatta CBD and the HCA's low scale residential areas are referred to as Heritage Interface Areas (HIA). These include North Parramatta, South-East Parramatta and South West Parramatta Interface Areas. It is noted that part of the South-East Interface Area contains mapped Opportunity Sites. Refer to Figure 4 for HIAs.

## 2.1. Church Street Precinct

The Church Street Precinct is a unique precinct within the CBD and a key heritage area within Parramatta. The Church Street Precinct is intersected by three major streets running East to West (Macquarie, George and Phillip). The part of the Church Street spine between Macquarie Street and the Parramatta River is an important feature of the City Centre. Church Street also serves as a key view corridor within the City Centre, with a historic vista from the Parramatta River to St John's Church.

The 2-3 storey street edge defines a highly pedestrianised corridor that accommodates outdoor dining and nightlife within the CBD. There are high concentrations of listed heritage items along Church Street and the character of this precinct is considered to be of significant merit and worth retaining and preserving, with the amount of visibility and daylight access to the street essential to maintaining the amenity of the area. Refer to Figure 5.

Consultants City Plan Heritage supported a 12m podium setback for towers on Church Street. Refer to Council's *Urban Design and Feasibility Analysis for the Church Street Precinct* for a detailed analysis of the Church Street Precinct.



**Figure 4 - Heritage Interface Areas and Heritage Conservation Areas – Parramatta CBD**



**Figure 5 – Church Street Precinct**

# 3. BACKGROUND STUDIES

A number of background technical studies have been prepared that have a direct or indirect impact on the Opportunity Sites and the recommendations within this report.

## 3.1. Urban Design study prepared by Architectus (2014)

In 2014 consultants, Architectus and SGS, reviewed the current planning framework and identified opportunities, constraints and market conditions impacting on development and developed a recommended planning framework that Council could implement to establish Parramatta CBD as a leading central business district.

This study recommended expanding the commercial core, installing built form controls guided by FSR, manage the scale and mass of development by land size, introduce tower slenderness, refine design excellence and introduce value sharing uplift. The recommended key planning controls included a FSR of 10:1 for the city centre and 6:1 in the periphery areas, no height controls and design excellence bonus of 15%.

## 3.2. Parramatta CBD Planning Strategy (2015)

The 2014 Architectus study was consolidated with the Draft Auto Alley Planning Framework Plan (2014) to form the Parramatta CBD Planning Strategy in 2015 and, together with further technical studies, formed the basis for draft planning controls for the CBD PP area. This included key planning controls in the CBD PP being 'Base' and 'Incentive' FSR and Height of Buildings controls, with the 'Base' generally reflecting the current controls in *Parramatta Local Environmental Plan 2011 (PLEP 2011)* and the 'Incentive' being the maximum permissible. Base and incentive FSR and height of buildings controls were introduced to facilitate provision of community infrastructure.

## 3.3. Heritage Studies

A series of heritage studies have been prepared that have a direct impact on the identified Opportunity Sites proposed in April 2016.

### Heritage Study prepared by Urbis (2015)

This study assessed the impact of the proposed new controls on Indigenous and European items of heritage significance, including significant areas and places across the entire CBD PP area.

The study recommended, inter alia, modifications or additions to planning and development controls to address heritage related impacts on items within the CBD and periphery areas of the Planning Proposal with a focus on a change to FSRs. For the Church Street study area, the study recommended retaining the current 12m Height of Buildings control and 3:1 FSR permissible under *PLEP 2011* for the first 18 metres of the site, with the remainder of the site to have an FSR of 10:1 and no height of buildings controls; except sites where substantial redevelopment was not possible and then a 12m height of buildings control and 3:1 FSR applied to the entire site. These FSRs refer to the maximum permissible i.e. the 'incentive'.

This Urbis Heritage Study was presented to Council as part of a Council report considered on 14 December 2015. One of the policy areas was the Incentive FSR and height of building controls for areas affected by heritage. For Church Street, two options were presented to Council, the first based on recommendations from the Heritage Study prepared by Urbis (as outlined above). The second alternate option was based on feedback received during earlier Councillor Workshops. At the 14 December 2015 Council meeting, Council resolved to support the second alternate option but with modifications, which in effect would require development proposals affecting a heritage item to rely on the existing standard heritage clause to provide the necessary heritage protections.

Council's resolution for Church Street reflects the mapped Incentive FSR and height of buildings controls



contained in the Council endorsed 11 April 2016 CBD PP and submitted to DPIE on 21 April 2016 for the purpose of seeking a Gateway determination to allow public exhibition. For the majority of Church Street, these controls were an Incentive FSR of 10:1, an Incentive Height of Buildings control of 12 metres (or 3 storeys) on a nil setback for the first 18 metres, with the remainder of the site unrestricted to the Radar Terrain Clearance Chart (RTCC). The section of Church Street that had alternate controls was the block bounded by Macquarie, George and Freemasons Lane where the Incentive FSR was 10:1 and Incentive Height of Buildings control was 12 metres (or 3 storeys) on a nil setback for the area of the whole site. Other applicable controls that applied to the whole of Church Street included a Design Excellence bonus of 1.5:1 (15%), High Performing Building FSR Bonus (HPB bonus) of 0.5:1 and Opportunity Site bonus FSR of 3:1.

The DPIE's Gateway Condition 1 (k) ii relating to opportunity sites affecting the Church Street Precinct was addressed in Council's *Urban Design and Feasibility Analysis for the Church Street Precinct* (Church Street Precinct Study) of June 2019 prepared by Council Officers and informed by a heritage report prepared by Consultants City Plan Heritage. These were subsequently reported to the Council at its meeting held on 24 June 2019; however, a decision on the matter was deferred for staff to undertake further analysis

This report also considers the recommendation to remove sites within the Church Street Precinct that are were subject to the Opportunity Sites clause (i.e. enjoyed an additional 3:1 FSR). Refer to Council Report and the Church Street Precinct Study by City Plan Heritage as attached to the CBD Planning Proposal.

### **Heritage Interface Areas Study prepared by Hector Abraham Architects (2017)**

In 2017, whilst the DPIE was assessing the CBD PP, Council progressed further studies and made several amendments to the CBD PP. One of the studies was a *Parramatta CBD Heritage Study of Interface Areas* (2017) prepared by consultants Hector Abraham Architects (HAA).

The HAA Heritage Interface Study was commissioned by Council to address concerns raised by DPIE and the Heritage Office of NSW relating to:

- sites within interface or transition areas adjacent to heritage conservation areas, and
- low scale areas and solar access.

The HAA Heritage Interface Study assessed at a precinct scale the impact of the CBD PP on heritage items and HCAs within and adjacent to the Interface areas and within Parramatta CBD. One of the recommendations of the study was to include a new Part 7 clause **Managing heritage impacts** in *PLEP 2011* which applies to the whole of the CBD 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'. The new heritage clause provides clarity to what constitutes 'appropriate transition' and additional protections above the current (standard) heritage clause with a copy attached at **Appendix 2**.

On 10 July 2017, Council officers reported to Council the 2017 HAA Heritage Interface Study in conjunction with a detailed assessment of the recommendations and supporting maps in the document entitled 'Council Response to the Parramatta CBD Heritage Study of Interface Areas'. The majority of the HAA study recommendations were endorsed by Council and together with the HAA Study were forwarded to the DPIE as a supporting document to the CBD PP.

A key difference between the HAA Study (2017) and the Urbis Heritage Study (2015) is that Urbis proposed a gradual increase in scale (increase in FSR) away from the HCA, whereas the HAA Study proposed a single FSR to the entire interface CBD PP area (with some exceptions including Auto Alley) with no transitioning at the edges. The HAA view was more aligned with the resolution of Council on 11 April 2016.

### **Heritage Analysis Church Street Precinct prepared by City Plan Heritage (2019)**

As noted above, *Heritage Analysis – Church Street Precinct* was prepared for Council by Consultants City Plan Heritage (June 2019) to address Gateway condition 1 (k) ii relating to opportunity sites affecting the Church Street. The City Plan Study subsequently informed Council's *Urban Design and Feasibility Analysis for the Church Street Precinct*, also of June 2019, prepared for a report to the Council in June 2019. A decision on the matter was deferred and has enabled further analysis.

# 4. ANALYSIS – URBAN DESIGN

This section forms a high level summary of the urban design analysis undertaken to inform the review of Opportunity Sites to satisfy the two Gateway conditions associated with Opportunity Sites.

## 4.1. The brief

The brief for the Urban Design Analysis presented in this report was to undertake testing to inform the impact of the two Gateway conditions on:

1. Selected Opportunity Sites
2. HCAs at the periphery of the CBD
3. Test Solar Analysis recommendations as prepared by Council in the Technical Paper on overshadowing.

This was done via:

- Collating selected recent studies, site-specific planning proposals and DAs as well as opportunity sites in the CBD areas in a virtual City model for cumulative impact on solar access and views.
- Testing solar access on Ollie Webb Reserve, Experiment Farm, Parramatta Square, HCAs and Open Spaces based on built form testing.
- Considering solar analysis recommendations from Council's *Technical Paper – Overshadowing in the Parramatta CBD*
- Considering the Urban Design and Feasibility Study for the Church Street Precinct (prepared by Council) and the Church Street Precinct Study prepared by Consultants City Plan Heritage.
- Testing proposed HOB at CBD fringe on solar access and yields.
- Testing 3 built form Scenarios.
- Preparing view corridor analysis
- Considering the Council report on 10 September 2018 in relation to, firstly, the performance provisions of Opportunity Site bonus FSR as a result of Council officer assessment of a SSPP affecting 286-300 Church Street Parramatta; secondly, setback of towers to Church Street to protect the heritage streetscape.

## 4.2. Urban Design Modelling of city form scenarios

This section shows the city form modelling and resulting overshadowing from the three scenarios, which were based on draft planning controls, site-specific planning proposals, development applications and sites at design competition stages relevant to the testing. Figure 6 shows massing and overshadowing of the three scenarios.



- Design Competitions, DAs, Existing
- SSPPs, UD Studies
- Opportunity Site Incentive GFA between 12:1 – 15:1
- HOB above 100m in blocks defined by Pitt, Campbell, Marsden Streets and Great Western Highway
- Hypothetical Testing on land between Smith St, River Foreshore, Willowgrove and St George Terraces, Phillip St.

UD Testing – July 2019

**Scenario 1  
CBD massing with  
Opportunity Site Testing,  
PPs and UD Studies  
(Church St & Auto Alley)**



- Design Competitions, DAs, Existing
- SSPPs, UD Studies
- Opportunity Site Incentive GFA between 12:1 – 15:1
- HOB above 100m in blocks defined by Pitt, Campbell, Marsden Streets and Great Western Highway
- Hypothetical Testing on land between Smith St, River Foreshore, Willowgrove and St George Terraces, Phillip St.

UD Testing – July 2019

**Scenario 2  
CBD massing with  
Opportunity Site Testing,  
PPs and UD Studies  
(Church St & Auto Alley)**



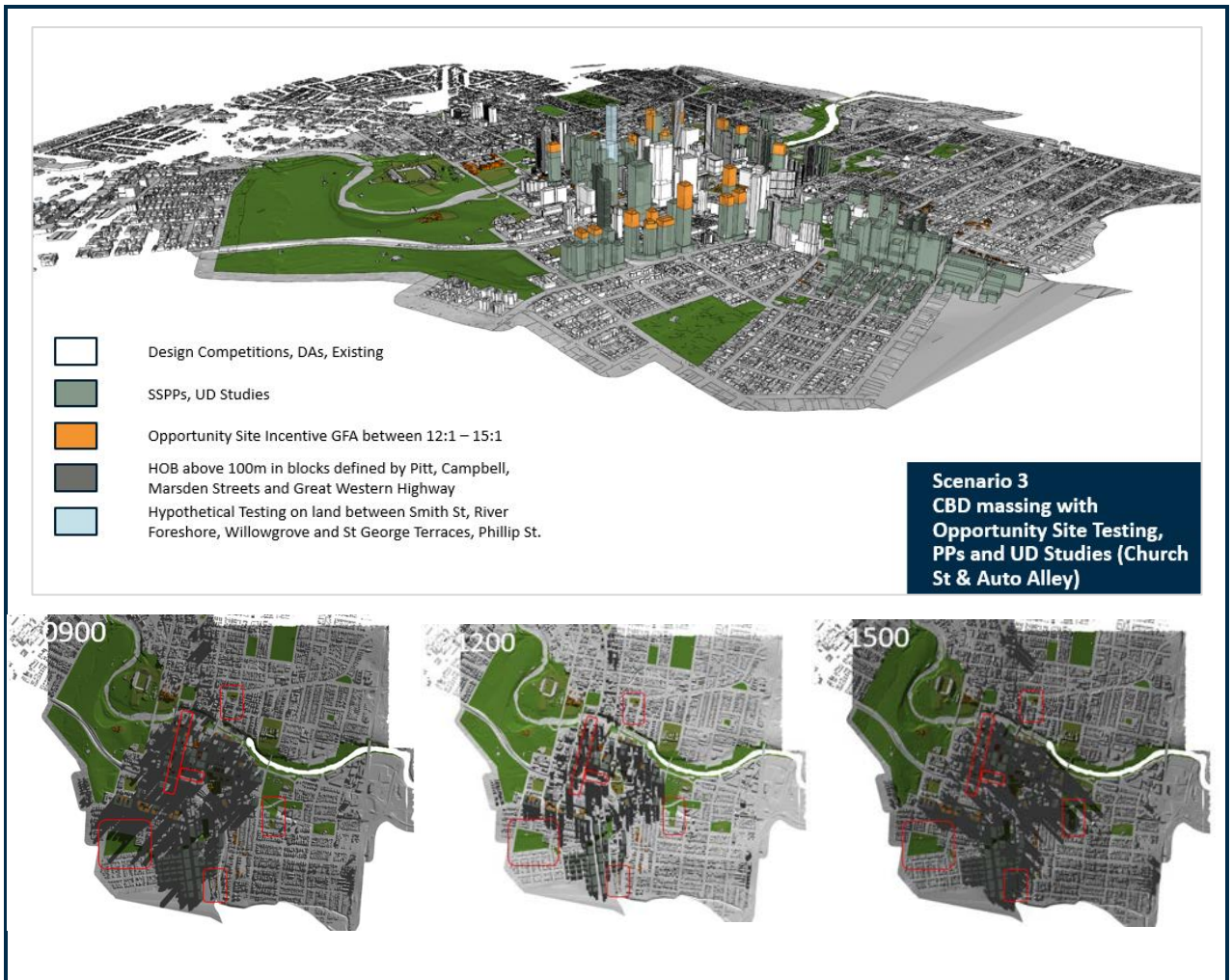


Figure 6 – Massing impacts of the three scenarios

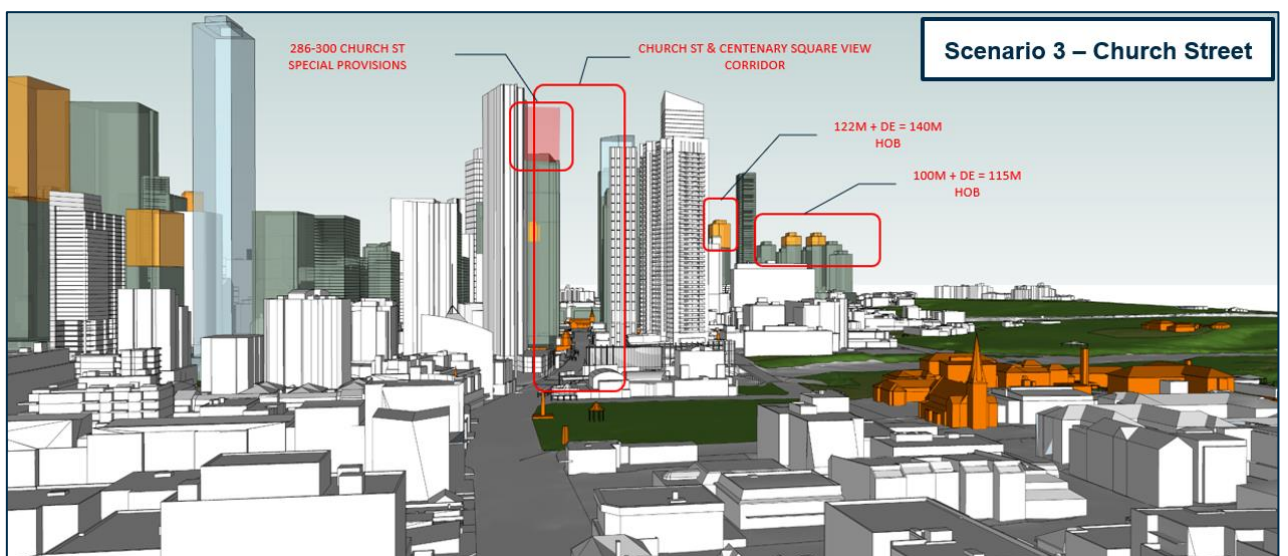
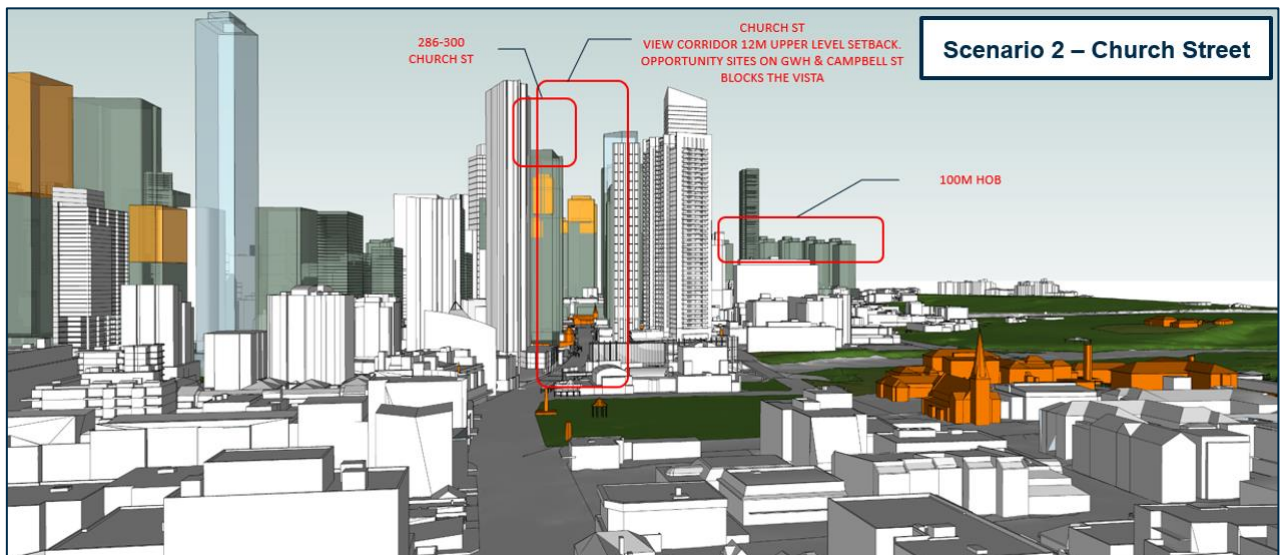
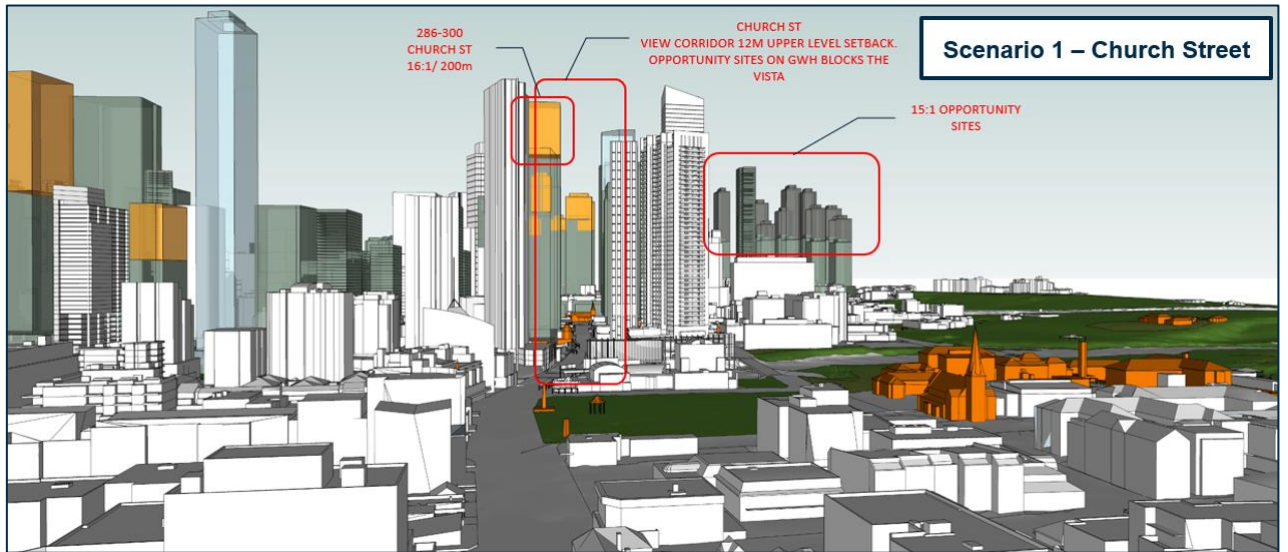
### 4.3. Views Analysis - View lines and blue sky

This section contains modelled views of Church Street, George Street, O’Connell Street, All Saints Church and Ollie Webb Reserve.

The urban design analysis considered the impact of Opportunity Sites on historic views corridors. This was also considered as part of the Church Street Precinct Study that assessed the impact of 10m, 12m and 18m tower setbacks along the historic view corridor along Church Street looking south towards St Johns Church.

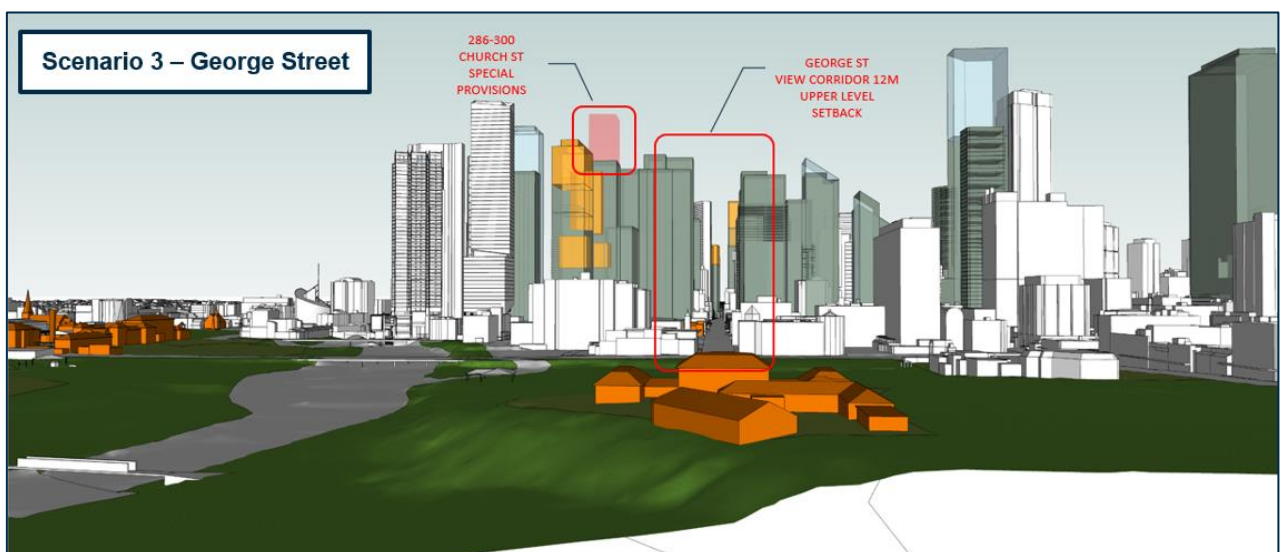
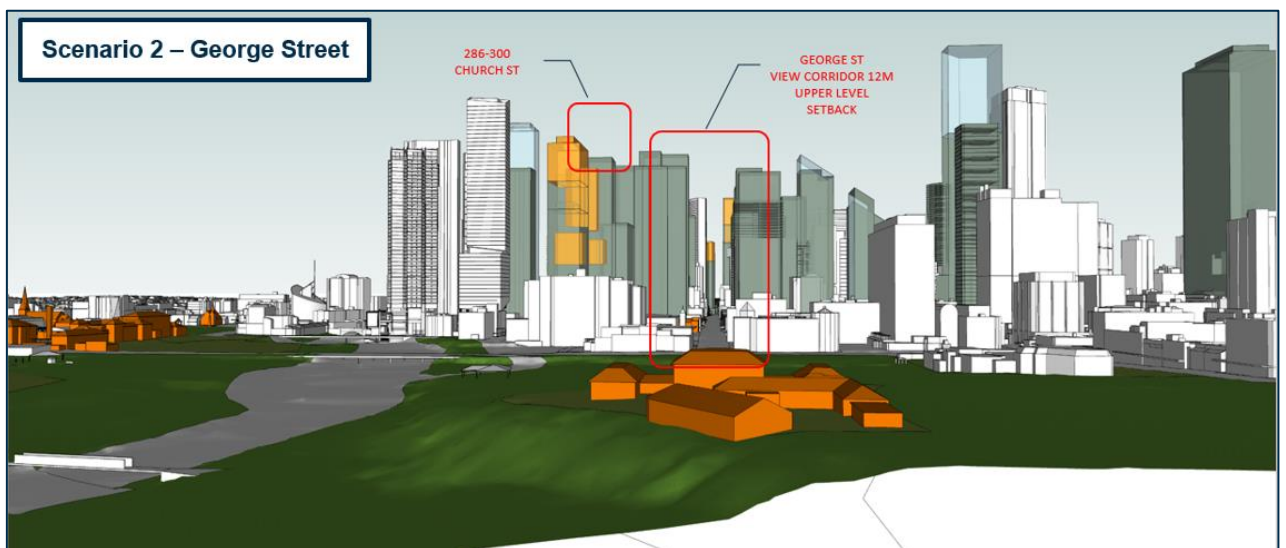
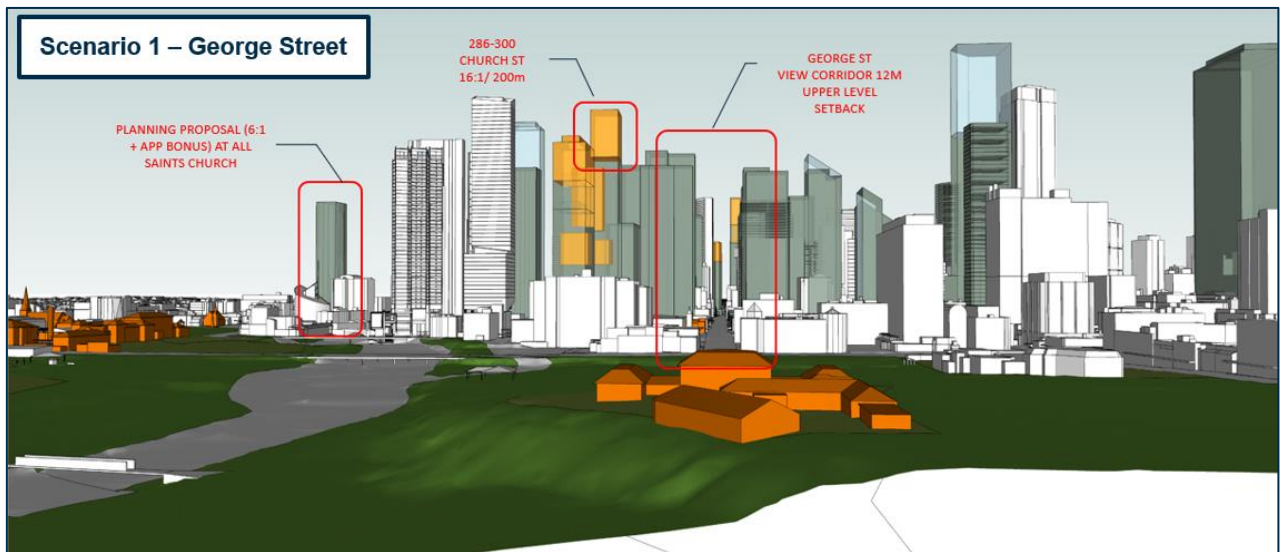
## Church Street View Corridor - view lines and blue sky

Figures 7 to 9 below illustrate the view corridors impacts of Scenarios 1 to 3 on Church Street.



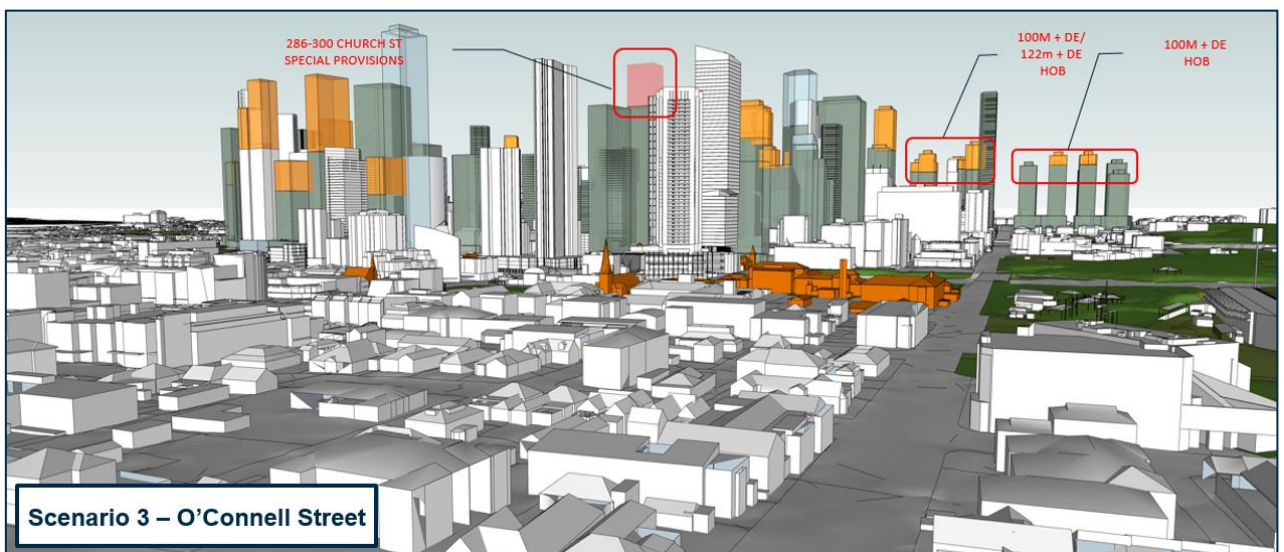
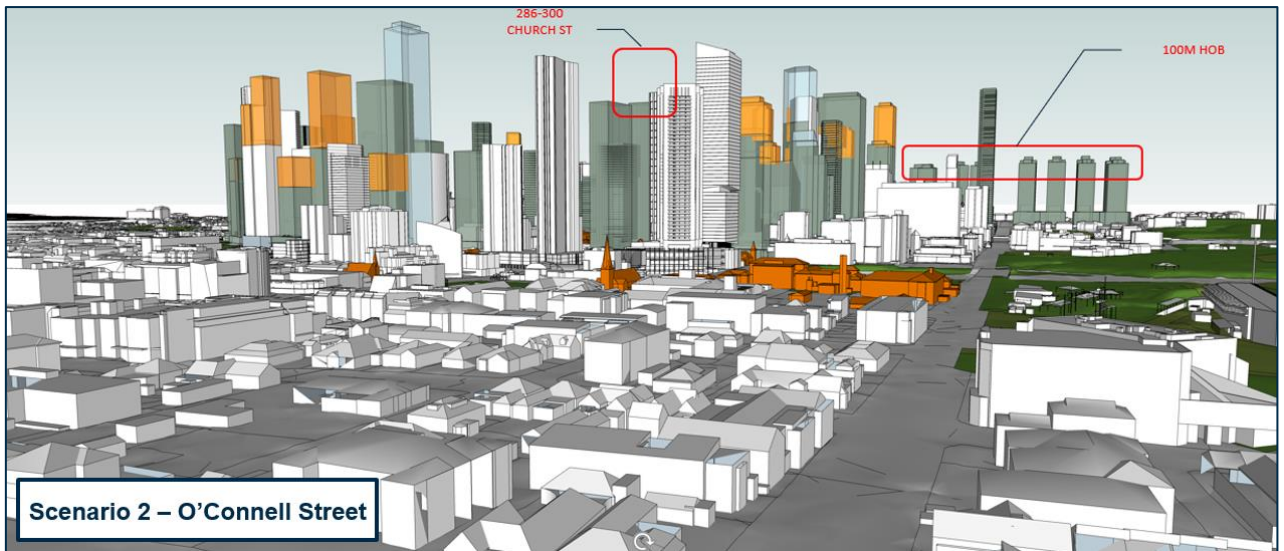
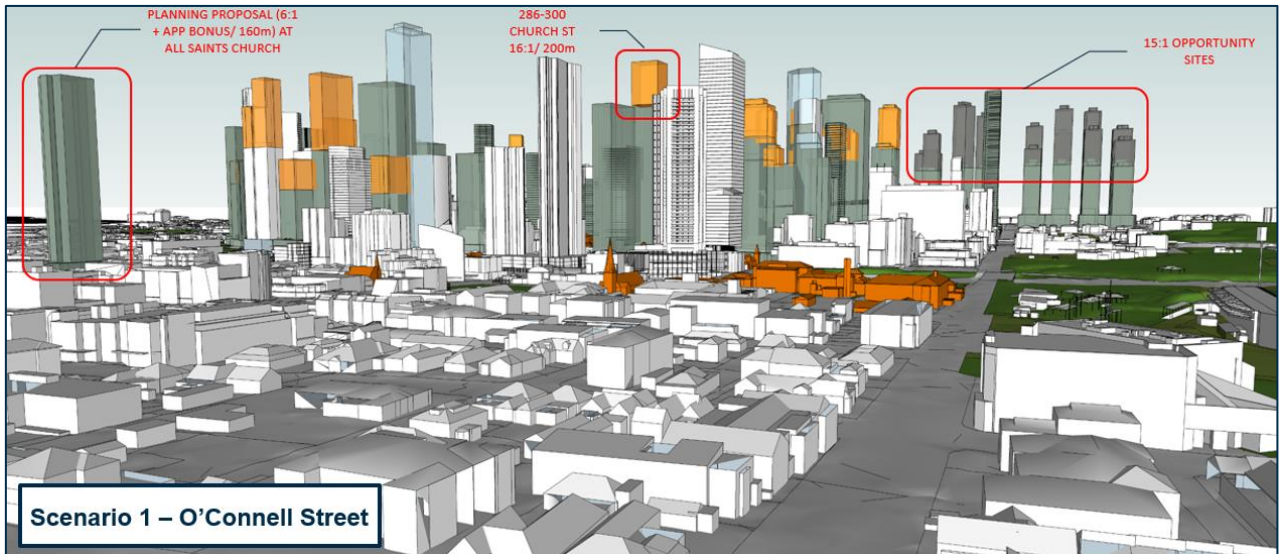
## George Street View Corridor - view lines and blue sky

Figures 10 to 12 below illustrate the view corridors impacts of Scenarios 1 to 3 on George Street.



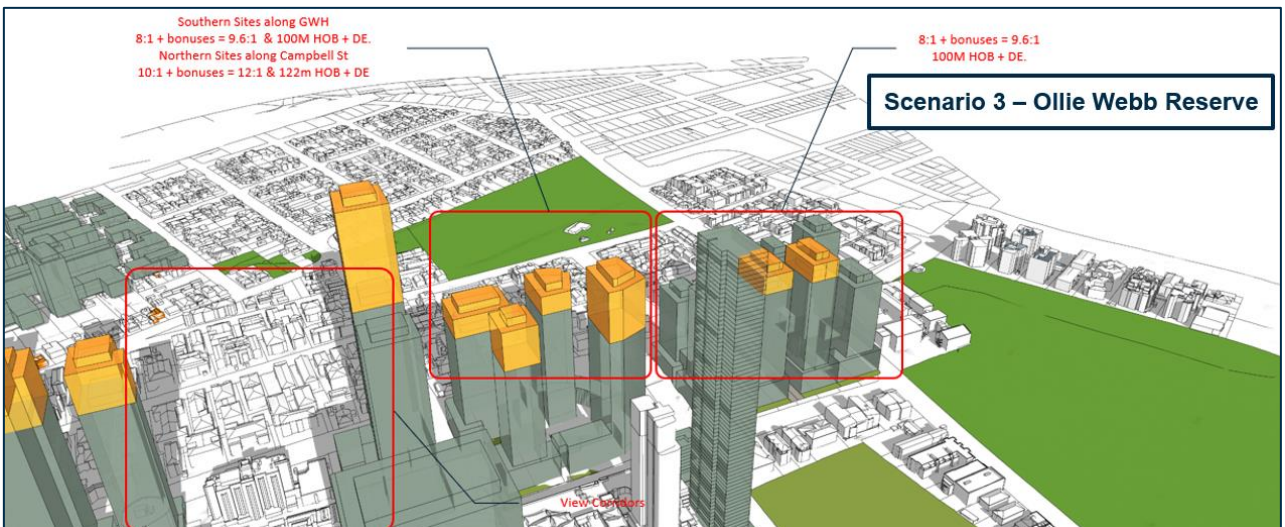
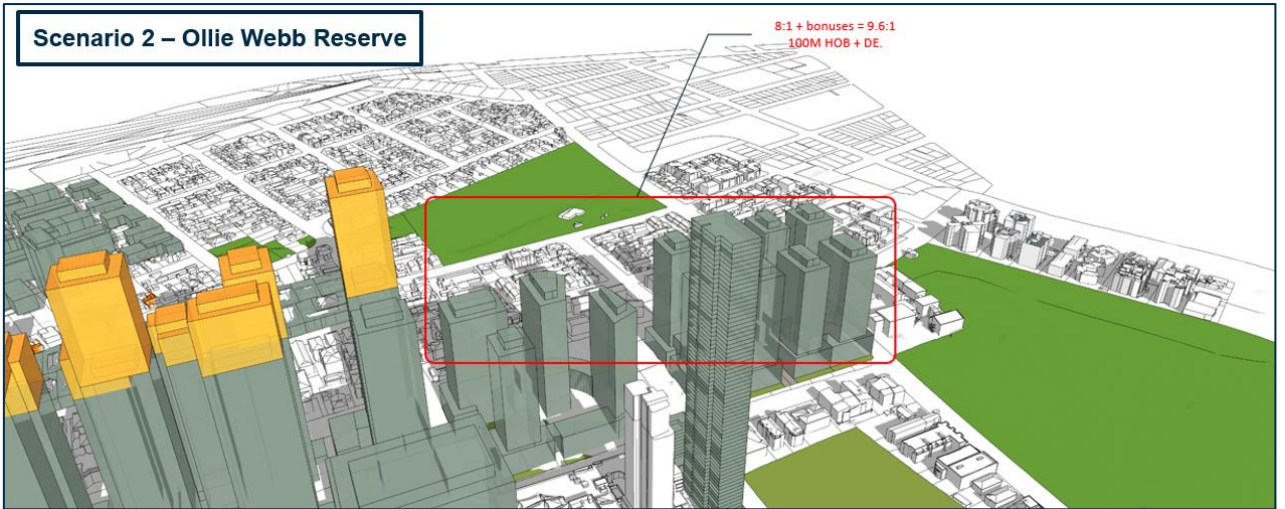
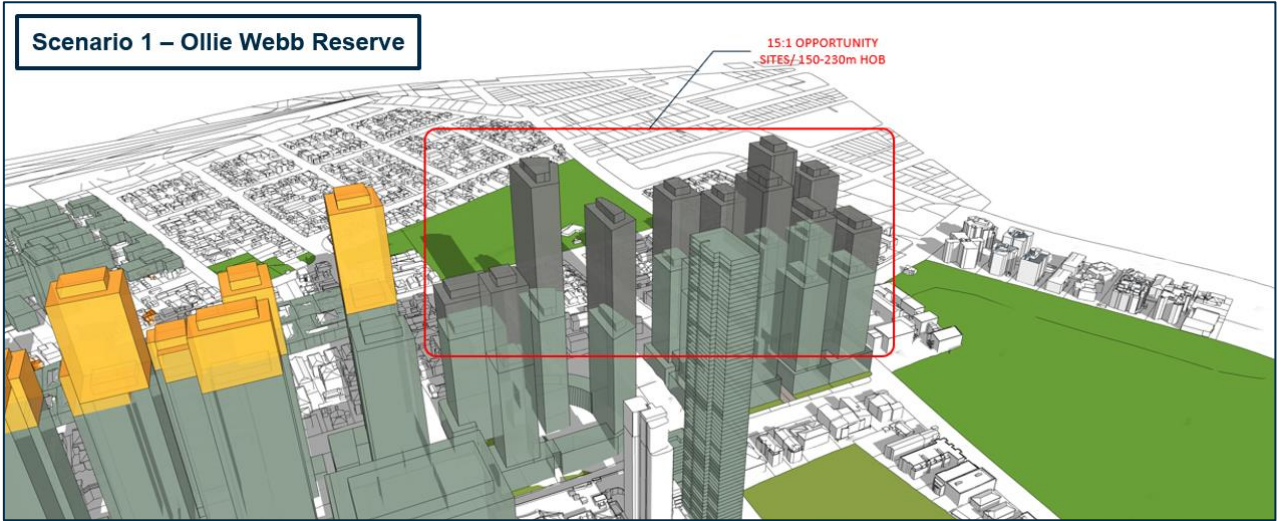
## O'Connell Street View Corridor - view lines and blue sky

Figures 13 to 15 below illustrate the view corridors impacts of Scenarios 1 to 3 on O'Connell Street.



### Ollie Webb Reserve View Corridor - view lines and blue sky

Figures 16 to 18 below illustrate the view corridors impacts of Scenarios 1 to 3 on Ollie Webb Reserve.





#### 4.4. Church Street View Corridor Extension Analysis

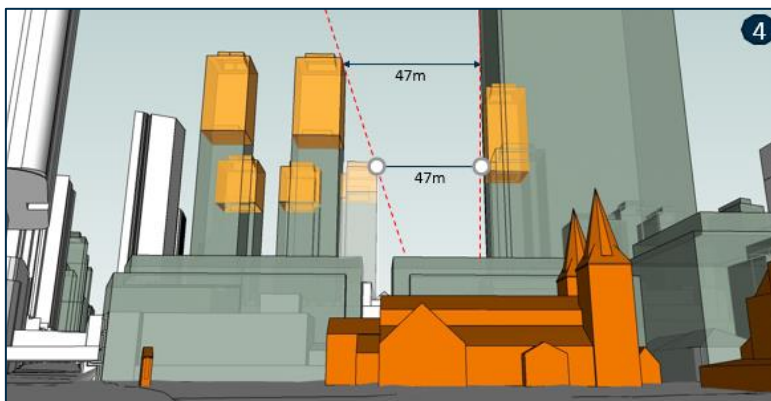
Other than solar access to peripheral open spaces (e.g. Ollie Webb Reserve) and heritage precincts (eg. Tottenham Street HCA), the urban design testing of the Gateway conditions, considered the Church Street upper level study. It was apparent that establishing a 12 metre upper level setback was ineffectual, if this historic view corridor is terminated by significant built form at the end of the corridor beyond St John's Cathedral. Council's Urban Design advice on the State Significant referral for the proposed Westfield's office Tower, with DPIE's and Office of Environment and Heritage (OEH) support, led to the Westfield's updated submission (June 2019 - Plans - MOD 1 to MP 10\_0068) setting back their proposed tower away from this view corridor.

The two view corridors outlined in the heritage report (by LSJ) and urban design testing are:

- Distant views along the historic view corridor down Church Street looking south – Church Street View Corridor.
- Closer views towards St Johns Church and grounds looking south – Centenary Square View Corridor.

##### **Distant views along the historic view corridor down Church Street looking south – Church Street View Corridor**

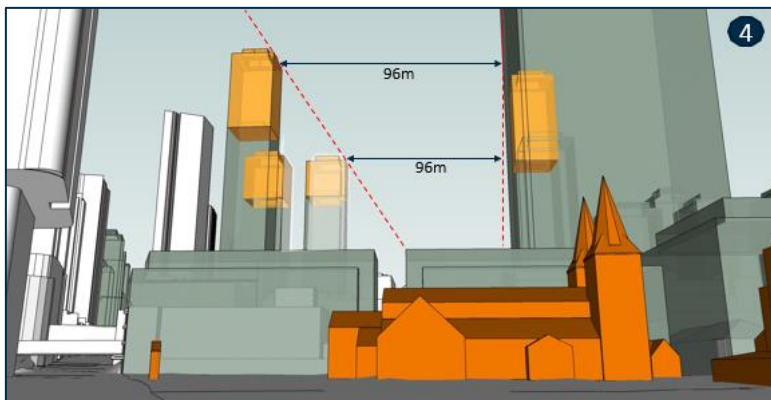
Given the upper level setback of 12 metres along Church Street between Macquarie Street and the river, an upper level façade separation of 47m is established centred along Church Street (Refer to Figure 19 below). This building separation, if extended south of St John's Cathedral and grounds through to Great Western Highway, allows the Church Street view corridor to have the sky as the termination of this vista rather than buildings.



**Figure 19** - Street View from Church and Macquarie Streets intersection looking South – showing 47m corridor

##### **Closer views towards St Johns Cathedral and grounds looking south – Centenary Square View Corridor**

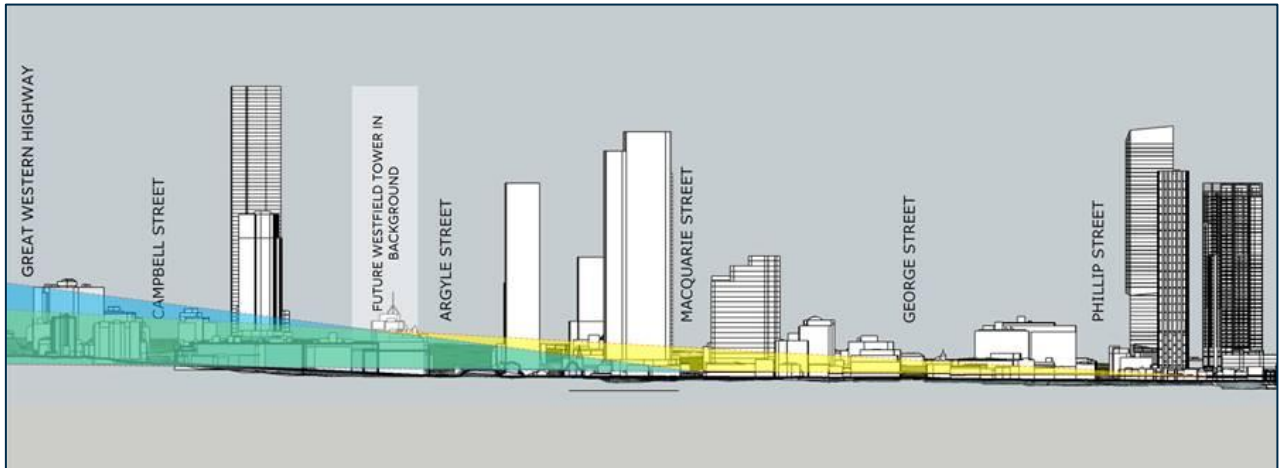
The Centenary Square and the St John's Cathedral Grounds form a 'square' 96m wide which is defined by the western edge of Centenary Square (measured from the 12 m upper level Church Street setback alignment) to the façade of the Town Hall to the east. (Refer to Figure 20 below).



**Figure 20** - Street View from Church and Macquarie Streets intersection looking South – showing 96m corridor

The views to the sky as a backdrop to St John's Cathedral when looking south at a closer range to the Cathedral becomes even more significant given the sheer density of development in the context. The views to sky can be maintained if an upper level façade to façade separation of 96m is established centred along this 'Square' and extended beyond St John's Church and Grounds through to Great Western Highway. This gives significance to St John's Church and grounds as well as Centenary Square as being a historic space within the City Core.

Figure 21 below shows distant and close views to St Johns Cathedral looking south along Church Street.



**Figure 21** - Section of both corridors - Distant and Close Views to St Johns looking South along Church Street

Further detail in contained in the discussion of Block B1. Later in the report.

# 5. ANALYSIS – HERITAGE REVIEW

This section forms the second part of a two-part analysis involving urban design and heritage analysis in order to satisfy the two Gateway conditions associated with Opportunity Sites. This section summarises the findings from *Parramatta CBD Opportunity Sites Heritage Review* (October 2019) undertaken by Lucas, Stapleton, Johnson and Partners (the LSJ Study).

## 5.1. The Consultant brief

The consultant brief for the LSJ Study was to:

1. Assess the suitability of mapped opportunity sites with regard to site depth, site isolation and impact on areas of heritage significance.
2. Consider removal of opportunity sites where the additional bulk and scale (resulting from 3:1 bonus FSR) could have an adverse impact on amenity and areas of heritage significance.
3. Consider whether the provisions of opportunity sites will provide for the appropriate management of heritage values.
4. Peer review of City Plan's Heritage Study, specifically the recommendations relating to opportunity sites within Church Street Precinct.

The LSJ Study identifies the heritage impacts as a result of the 3:1 increase in FSR available only for Opportunity Sites and to recommend appropriate measures for the mitigation of these impacts.

## 5.2. Criteria

To capture the implications of large-scale tower buildings on heritage items, HCAs, historic streetscapes and special precincts within and surrounding the Parramatta CBD, the LSJ Study assessed the proposed opportunity sites against the following eight (8) 'Heritage Design Opportunities':

- Views to and From
- Historic View Lines
- Scale
- Overshadowing impacts
- Setbacks and Podiums
- Blue Sky/Skyline Silhouettes
- Historic Development Patterns
- Isolation or "widowing" of heritage items

## 5.3. Analysis

### Opportunity Sites

The analysis reviewed the Opportunity Sites by testing:

- The proximity of sites to heritage items and conservation areas
- The location of sites on a historic street or along a historic view corridor
- The loss of blue sky/sky line due to podium heights and tower setbacks
- The anticipated isolation of heritage items
- Overshadowing impacts on areas of heritage significance
- The scale of new developments (including setbacks and podiums)

With regards to Opportunity Sites, the LSJ Study recommends removing certain sites from the Opportunity Sites Map to:

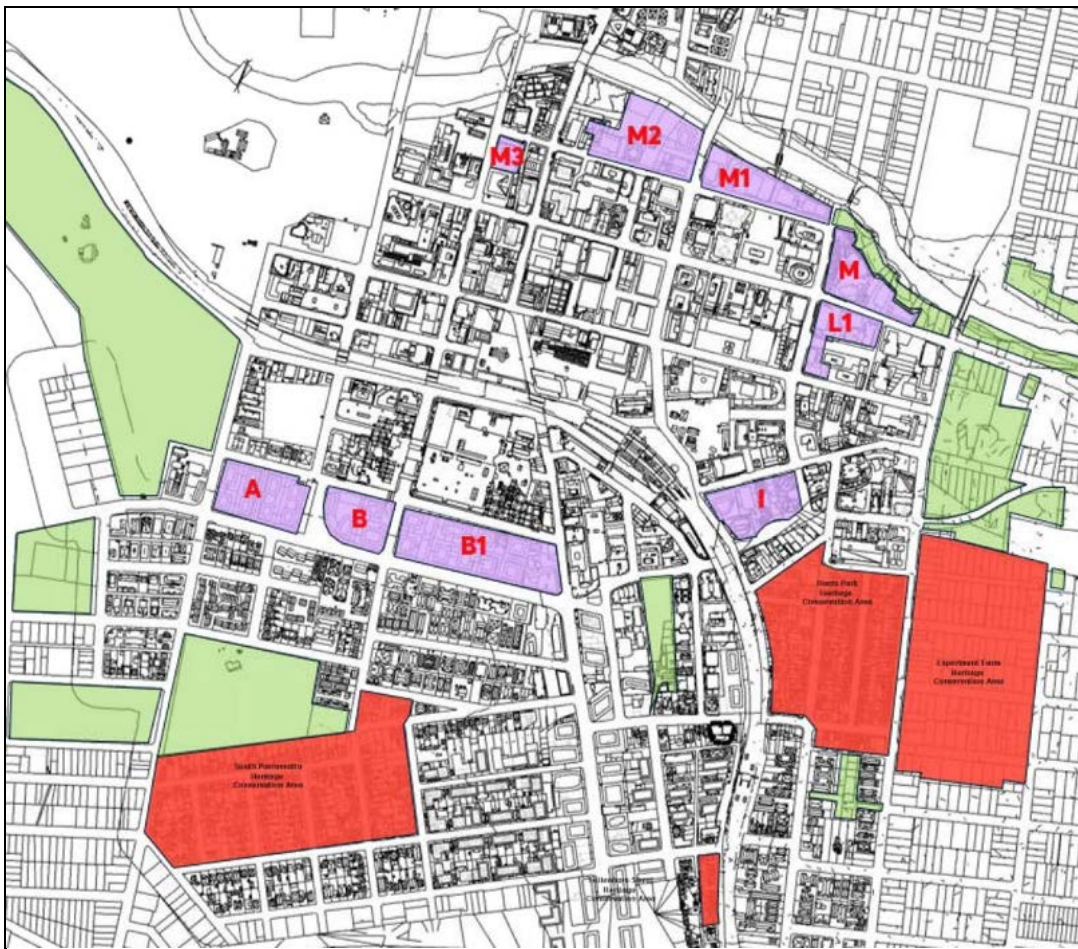
1. protect solar access to HCAs consistent with recommendations in Council's Overshadowing Technical Paper
2. Provide blue sky background to Lancer barracks
3. Address inadequate site depth
4. Provide blue sky background to St Georges Terraces
5. Protect historic streetscape
6. Protect blue sky background for St John's Cathedral and Church Street

These are discussed in detail in the following section of this report.

# 6. HERITAGE FINDINGS AND RECOMMENDATIONS WITH COUNCIL RESPONSE

This section details the heritage recommendations and Council response for:

- Opportunity Site Blocks (section 6.1)
- View Corridor (section 6.2)
- Blue Sky Corridor (section 6.3)
- Opportunity Site clause (section 6.4)
- Other clauses (section 6.5)



Opportunity Site Blocks reviewed in Section 6.1

## 6.1. Opportunity Site Blocks

Block A	
Heritage findings and recommendations	
	<p>Based on Council's testing of potential overshadowing (Technical Paper, June 2019), a height limit of 100m will avoid impacting the north-eastern part of the South Parramatta Conservation Area in the afternoon of the 21<sup>st</sup> June. Based on Council's modelling of the difference between overshadowing impacts as a result of 12:1 FSR and 15:1 FSR, a 12:1 FSR will result in better outcomes in terms of overshadowing for the South Parramatta Conservation Area, although overshadowing impacts have been mitigated by restricting the height limit of 100m, as recommended in the Technical Paper, June 2019.</p> <p>However overshadowing impacts on the individual heritage items at 41 Great Western Highway and Nos. 78-86 Marsden Street remain substantially the same between 12:1 and 15:1FSR. None of the identified individual heritage items achieve 2 hours of solar access on 21st June under draft Opportunity Sites clause or draft Community Infrastructure (Incentive) FSR bonus clause.</p>
<p><b>Recommendation:</b> Remove as Opportunity Site.</p> <p><b>Note:</b> Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.</p>	
Council Response	
	<p>Recommendation to remove Block A as Opportunity Sites is supported; however, based on updated and more detailed overshadowing analysis by Council in the Technical Paper (October 2019), the maximum Incentive height can be 100m (exclusive of design excellence) and an Incentive FSR of 8:1.</p> <p>The recommendation to protect solar access to individual heritage items is not supported as it is outside the scope of the Gateway determination condition and the Urbis Heritage Study had earlier supported an FSR of 10:1 in this location.</p>

# Block B

## Heritage findings and recommendations



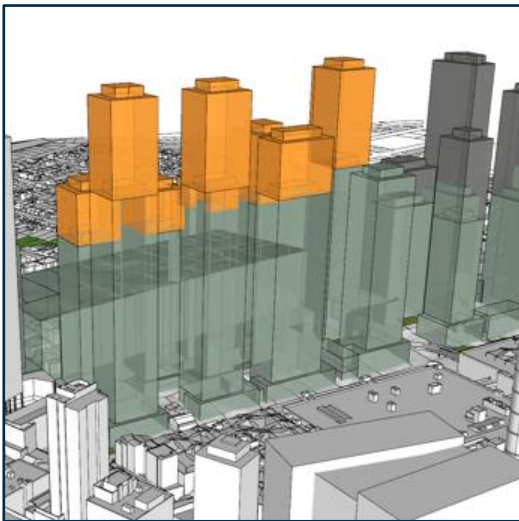
Based on Council's testing of potential overshadowing (Technical Paper, June 2019), a height limit of 100m will avoid impacting the north-eastern part of the South Parramatta Conservation Area in the afternoon of the 21<sup>st</sup> June. Based on Council's modelling of the difference between overshadowing impacts as a result of 12:1 FSR and 15:1 FSR, a 12:1 FSR will result in better outcomes in terms of overshadowing for the South Parramatta Conservation Area, although overshadowing impacts have been mitigated by restricting the height limit to 100m, as recommended in the Technical Paper, June 2019.

However overshadowing impacts on the individual heritage items at 41 Great Western Highway and Nos. 78-86 Marsden Street remain substantially the same between 12:1 and 15:1. None of the individual heritage items achieve 2 hours of solar access on 21st June under draft Clause 7.16 Opportunity Sites or draft Clause 7.15 Community Infrastructure (Incentive) FSR bonus.

**Recommendation:** Remove as Opportunity Site.

**Note:** Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.

## Council Response

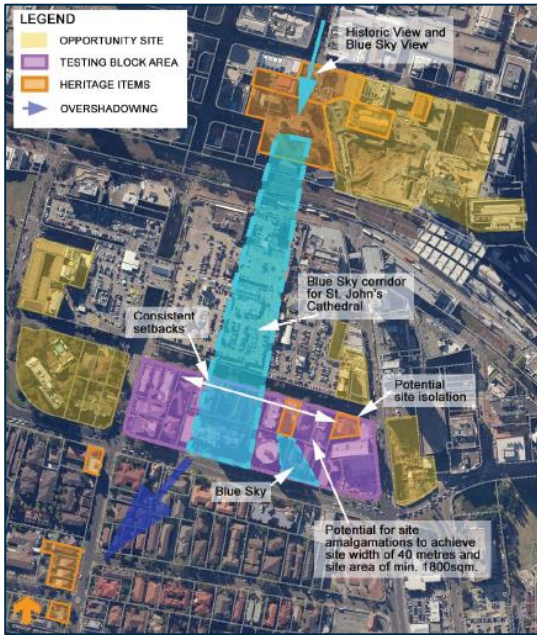


Recommendation to remove Block B as Opportunity Sites is supported; however, based on updated and more detailed overshadowing analysis by Council in the Technical Paper (October 2019), the maximum Incentive height fronting the Great Western Highway can be 100m (exclusive of design excellence) and an Incentive FSR of 8:1, and for the sites fronting Campbell Street the maximum Incentive height can be 122m (exclusive of design excellence) and an Incentive FSR of 10:1.

The recommendation to protect solar access to individual heritage items is not supported as it is outside the scope of the Gateway determination condition and the Urbis Heritage Study had earlier supported an FSR of 10:1 in this location.

# Block B1

## Heritage findings and recommendations



The main impacts of the Opportunity Site Testing Block Area B1 are:

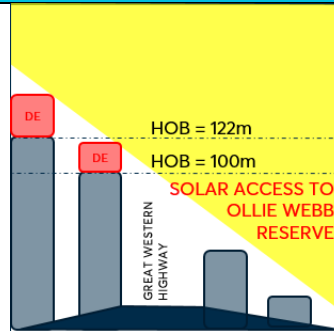
- Potential for visual impacts on St John's Church through loss of visual setting and blue sky when viewed along Church Street from the north.
- Potential visual impacts on Lennox House through loss of visual setting, and blue sky to the southeast when viewed from Campbell Street.
- Potential for siting of new development to visually overwhelm and isolate Lennox House and the (former) Masonic Centre.
- Potential for Lennox House (Item I00751, SHR No. 00751) to be amalgamated with property/properties to the west and/or east to achieve 40 metre site width and 1800sqm site area to benefit from Opportunity Sites clause.
- Potential for (former) Masonic Centre (Item I647) to be isolated through the development of sites (amalgamated) to the west, east, south and southwest.

### Recommendation:

- Remove Opportunity Sites within the blue sky corridor for St. John's Anglican Cathedral.
- Retain Opportunity Sites in Block B1 outside of identified blue sky corridor for St John's Anglican Cathedral.

**Note:** Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.

## Council Response



Recommendation to remove Opportunity Sites within the blue sky corridor for St. John's Anglican Church; and retain Opportunity Sites outside of identified blue sky corridor is supported. See additional testing below under the heading 'View Corridor' in Section 6.2.

Within the blue sky corridor, the recommended incentive height limit is 36m and incentive FSR is 4.2:1. For sites outside the blue sky corridor, the recommended incentive height is 243RL and 10:1 FSR plus DE and HPB bonuses and Opportunity Sites FSR.

The recommendation to protect solar access to individual heritage items is not supported as it is outside the scope of the Gateway determination condition and the Urbis Heritage Study had earlier supported an FSR of 10:1 in this location.



# Block I

## Heritage findings and recommendations



Council's *Technical Paper* on Overshadowing (June 2019) identified this block for revised Incentive Height controls in order to reduce overshadowing impacts on the Harris Park West Heritage Conservation Area, although the report also noted that the reduced heights do not entirely remove the overshadowing impacts back to what may occur under the current LEP controls. The revised heights will be unable to yield additional FSR for the Opportunity Site incentive. Given the adverse impacts on the adjacent heritage conservation areas and the inadequacy of mitigation measures in terms of revised building heights, this Opportunity Site should be removed from the CBD PP and current LEP controls maintained.

It is also noted that 11 Hassall Street was the subject of a Site-Specific Planning Proposal to allow an increase in height to 130 metres and increase in FSR to 10.2:1 (exclusive of bonuses) which has been gazetted (PLEP 2011 Amendment 14). This increase will result in additional overshadowing on the Harris Park West Conservation Area. However, as this block has already been substantially developed, overshadowing impacts already exist.

Recommendation:

- Remove as Opportunity Site.

**Note:** Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.

## Council Response



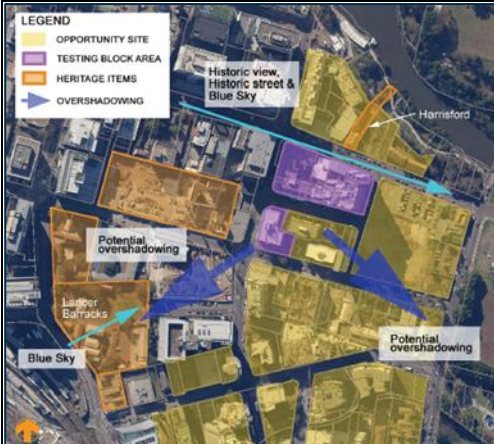
Recommendation to remove as an Opportunity site is supported; with the exception of 12 Hassall Street and 5-7 Hassall Street. With regards to the sites at 5-7 Hassall Street, if these are amalgamated, they have the potential to achieve opportunity site FSR without significantly impacting overshadowing to the HCA. A site-specific planning control is included in the CBD PP that requires these sites to amalgamate to take up the bonus opportunity site FSR.

Urban design analysis indicates a much more improved urban design outcome should these two sites be amalgamated and developed together.

The site at 12 Hassall Street is subject to a separate site-specific PP and its height was tested to show minimal impacts on overshadowing to the HCA, given the existing tower at 11 Hassall Street.

# Block L1

## Heritage findings and recommendations



The existing Sun Access Plane for Lancer Barracks is based on protecting solar access on June 21 between 12 noon and 2pm and the existing Sun Access Plane for Experiment Farm protects solar access between 10am and 2pm on 21st June.

The Gateway Determination conditions requires Harris Park West Conservation Area and Experiment Farm Conservation Area to receive a minimum of two hours' direct sunlight between 9am and 3pm on 21 June.

The development of L1 (both north and south portions) will not impact on the adopted period for solar access to Lancer Barracks.

Based on Council's testing (Technical Paper on Overshadowing, June 2019), substantial overshadowing of Harris Park West Conservation Area and Experiment Farm Conservation Area occurs as a result of the development of Opportunity Sites on the east and southern boundaries of the CBD. The development of L1 would contribute to these overshadowing impacts in the period between 2pm and 3pm however based on Council's modelling of the difference between 12:1 FSR and 15:1 FSR overshadowing, these additional impacts are negligible, occurring over a small portion of open space to the north of Experiment Farm.

Regardless, Council is recommending that the southern portion of L1 be removed as an Opportunity Site as it is affected by a Solar Access Plane.

### Recommendation:

- **Northern Portion** - Retain northern portion of L1 as Opportunity Site.
- **Southern Portion** - Remove southern portion of L1 as an Opportunity Site based on Council recommendations, as it is affected by a Solar Access Plane.

**Note:** Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.

## Council Response

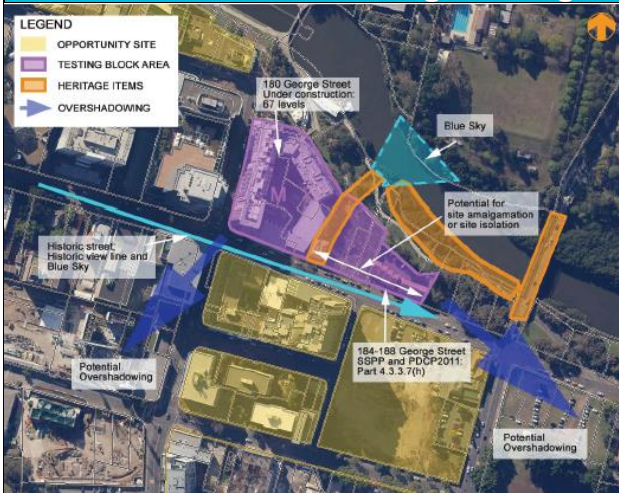


The recommendation to retain the northern portion of Block L1 as an Opportunity site is supported.

The recommendation to completely remove the southern portion of Block L1 as an Opportunity site is not supported. Only those sites affected by Experiment Farm SAP have been removed. This is also supported by the Technical Paper on overshadowing.

# Block M

## Heritage findings and recommendations



The development of the Block M has the potential to have substantial, negative impacts on the State heritage listed property Harrisford located in the middle of the Opportunity Site Block M. The key issues include:

- obscuring views of the building from the east;
- impacts on setting (potential loss of blue sky view),
- visual impacts of scale of new developments,
- isolation.

No. 180 George Street was the subject of a SSPP to allow for a permissible FSR of 10:1 (exclusive of bonuses) which has been gazetted under *PLEP 2011 Amendment 26*.

Nos. 184-188 George Street was also the subject of a SSPP to increase the maximum building height to 120m (38 storeys) and increase the maximum floor space ratio to 10:1 (excluding design excellence and any other bonuses), which has been gazetted under *PLEP 2011 Amendment 31*.

It is unlikely that 190 George Street would be developed in accordance with CI 7.16 for Opportunity Sites, as the site does not meet the 40m site depth requirement.

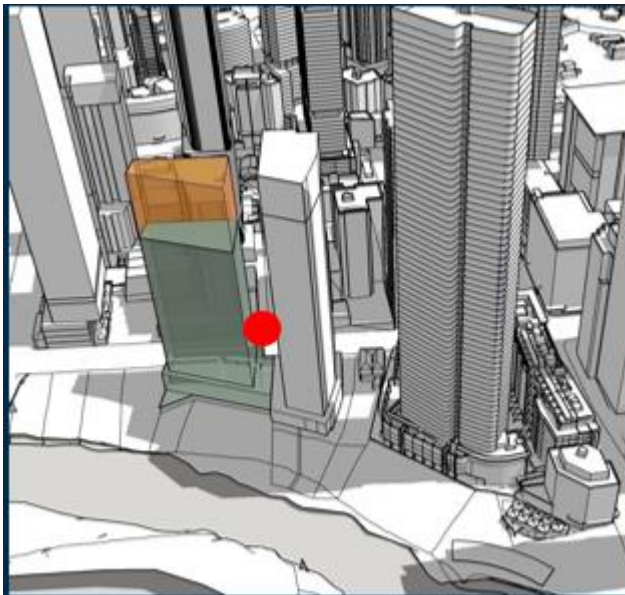
### Recommendation:

As the western half of Block M (180 George Street and 184-188 George Street) is already the subject of gazetted LEP amendments for a FSR of 10:1, recommendations can only relate to the eastern half of the block:

- **Remove 190 George Street as an Opportunity Site due to inadequate site depth and impacts on views.**

**Note:** Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.

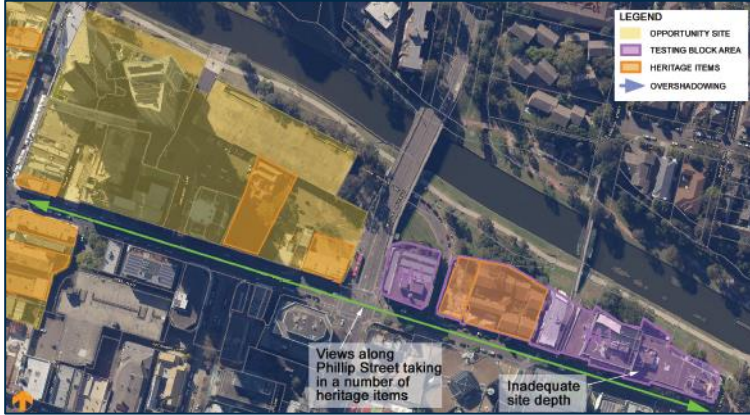
## Council Response



The recommendation to remove 190 George Street as an Opportunity Site is supported as it has inadequate area to qualify as an Opportunity Site.

# Block M1

## Heritage findings and recommendations



It is noted that the properties in the eastern portion of Block M1 (Nos. 68 to 96 Phillip Street) do not meet the minimum site depth requirement of 40 metres. Of those sites that do meet the requirement, Nos. 68 and 70-74 Phillip Street also contain individual heritage items which effectively restrict the area of development for these sites to a site depth of less than 40 metres (allowing for the heritage items to be retained as part of any new development proposal).

In addition, there is high potential for substantial impacts in terms of overshadowing to the individual heritage items at Nos. 64, 66, 68A and 70 Phillip Street if tower development is permitted to the northern portion of these allotments.

The development of Block M1 will also result in overshadowing of individual heritage items within the CBD to the south. However, based on Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts against "existing development", the development of Block M1 will have negligible additional overshadowing impacts compared to existing impacts.

### Recommendations:

- **Remove Nos. 64 to 96 Phillip Street from Opportunity Sites due to inadequate site depths and potential negative impacts on heritage items in this locality.**
- **Retain Nos. 58-60 Phillip Street as Opportunity Site.**

**Note:** Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.

## Council Response

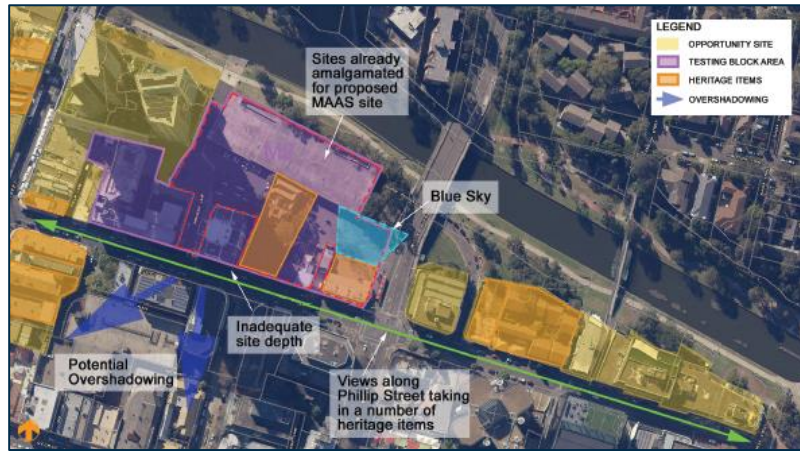


The recommendation to remove Opportunity Sites from Nos. 64 to 96 Phillip Street is not supported as Council testing indicates that the 15:1 FSR could potentially be supported in this location with minimal perceivable difference with FSRs of 12:1 (given surrounding site context), subject to sites meeting the site area and dimension requirements specified in an updated clause.

The recommendation to retain Nos. 58-60 Phillip Street as Opportunity Site is supported.

# Block M2

## Heritage findings and recommendations



Potential overshadowing of Willowgrove and St. George's Terrace has not been able to be assessed at this stage, as Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts excluded the central portion of Block M2 as it is identified as the proposed MAAS site and no information regarding possible future forms, heights and FSR for this site have as yet been provided.

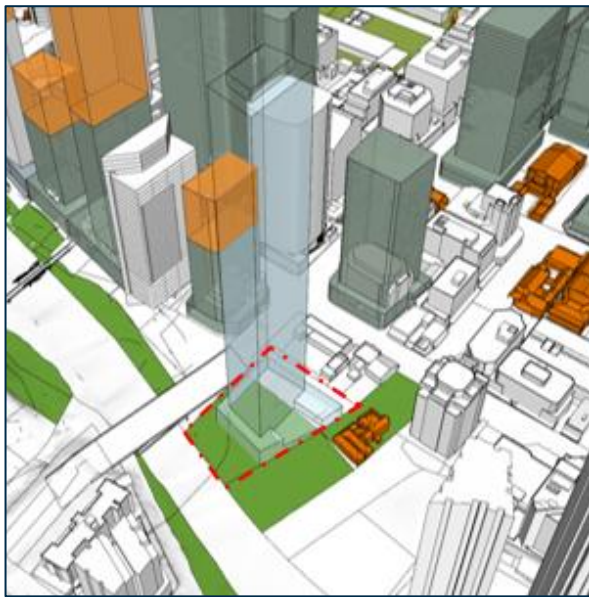
### Recommendation:

- **Retain Block M2 as an Opportunity Site**

**Note:** Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.

**Note:** Recommendation in relation to 'Blue Sky' to St Georges Terrace is dealt with later in this report.

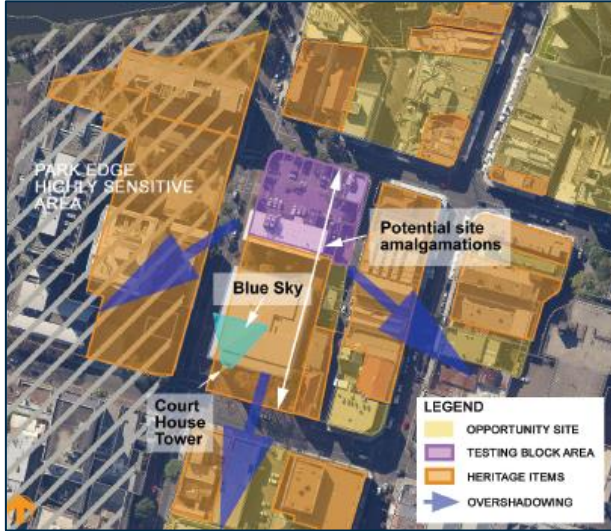
## Council Response



The recommendation to retain Block M2 as an Opportunity Site is supported.

# Block M3

## Heritage findings and recommendations



Block M3 is located within an area that consists of numerous individual heritage items; and is adjacent to the Church Street Precinct, an historic streetscape and the Park Edge Highly Sensitive Area.

The large numbers of heritage items in this locality constrains the potential development of Block M3 as an Opportunity Site in terms of overshadowing, visual impacts on adjacent heritage items in terms of scale, potential impacts on views of landmark heritage items in the vicinity (including former St. Andrew's Uniting Church, 2 Phillip Street) and impacts on blue sky views of the Court House Tower, as well as potential negative visual impacts on Church Street heritage items in terms of scale and blue sky views. In terms of overshadowing, Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts indicates that some additional overshadowing of the Park Edge Highly Sensitive Area and the Court House Tower will occur as a result of the development of Block M3, however, by 12 noon on 21st June, these shadows have moved to the east, ensuring these localities have adequate sun access for the remainder of the day.

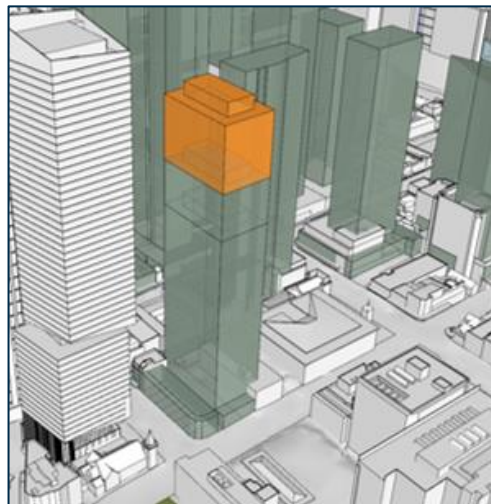
The individual heritage items along Church Street to the east and southeast will be overshadowed by any development of Block M3, however, based on Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts against "existing development", the development of Block M3 will have negligible additional overshadowing impacts on Church Street compared to existing overshadowing. However, issues of visual impacts in relation to scale and view lines to adjacent landmark heritage items remain and a limited Incentive Building Height is recommended to mitigate these potential heritage impacts.

### Recommendation:

- **Retain as Opportunity Site, if supported by the results following testing to determine appropriate maximum building height.**

**Note:** Other recommendations are made in relation to this Block however, these do not have an impact on the Opportunity Sites clause or Map.

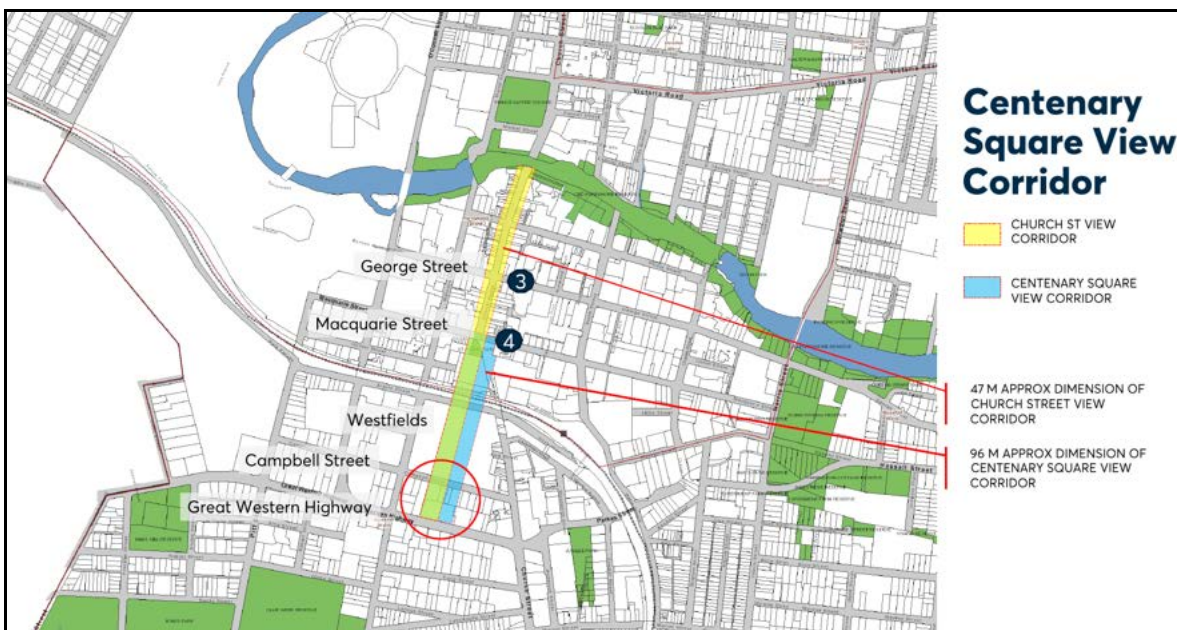
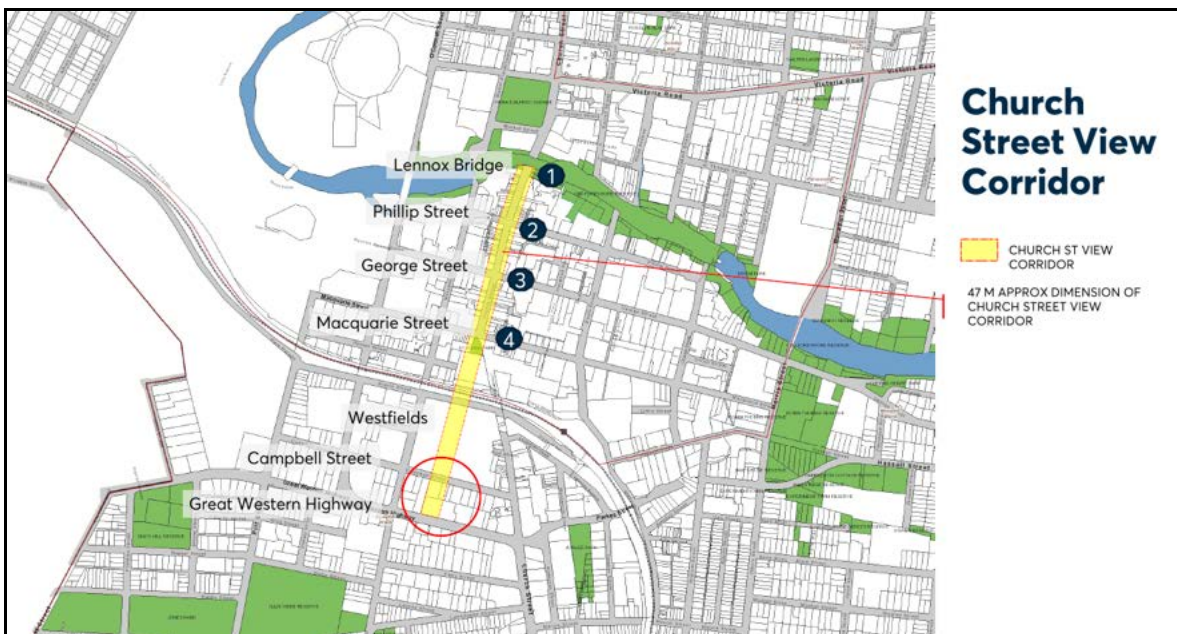
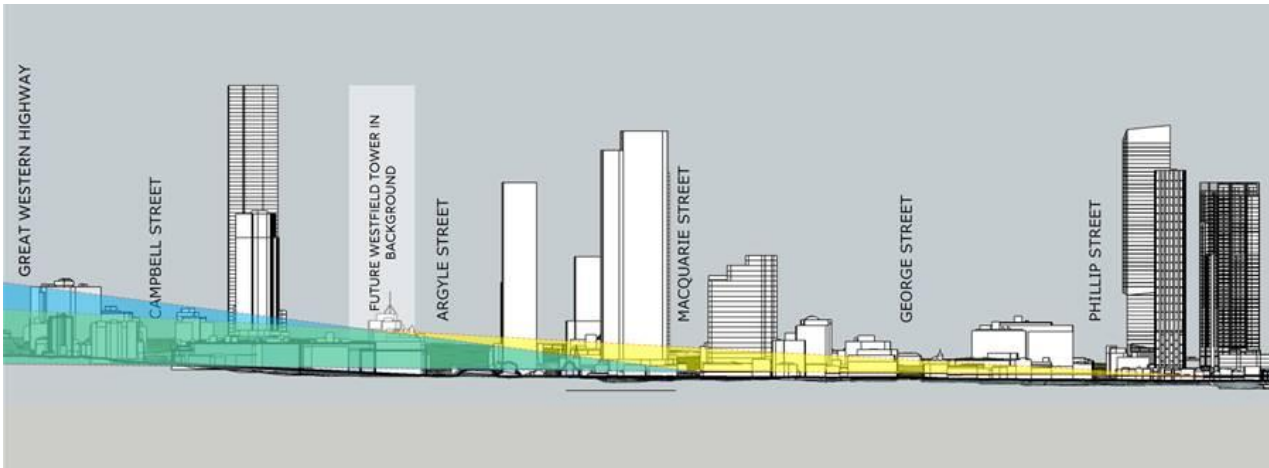
## Council Response



The recommendation to retain Block M3 as an opportunity site is supported as Council testing shows a built form outcome of 15:1 can be achieved with minimal impacts on overshadowing to the Park Edge Highly Sensitive Area (refer to diagram to the left).

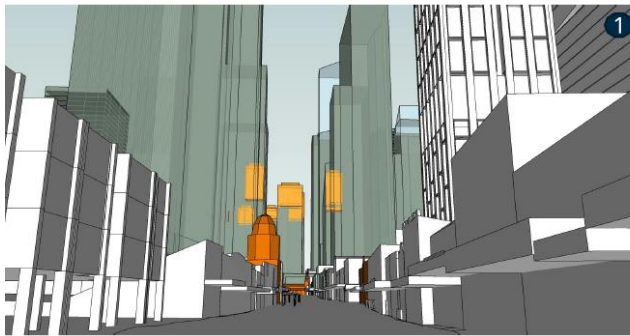
## 6.2. View Corridor

Heritage findings and recommendations	Council Response
<ul style="list-style-type: none"><li>• Key corridor with a historic vista from Lennox Bridge and Parramatta River through to St John's Anglican Church</li><li>• High concentration of listed heritage items &amp; heritage character</li><li>• Visibility and daylight access to street</li><li>• Limited sites can accommodate additional 3:1 FSR</li><li>• Potential to impact on the physical fabric and finishes of heritage items</li></ul>	<p>Supported.</p> <p>See diagrams below in support.</p>



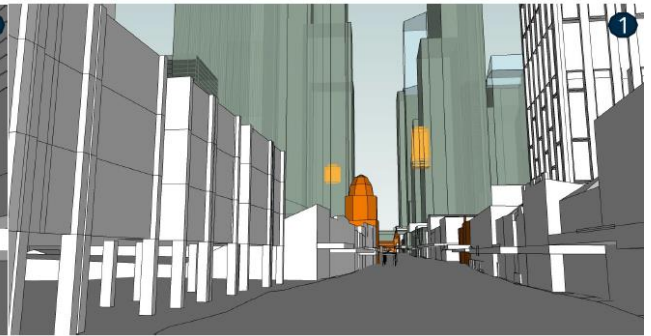


12:1 and 15:1 FSRs



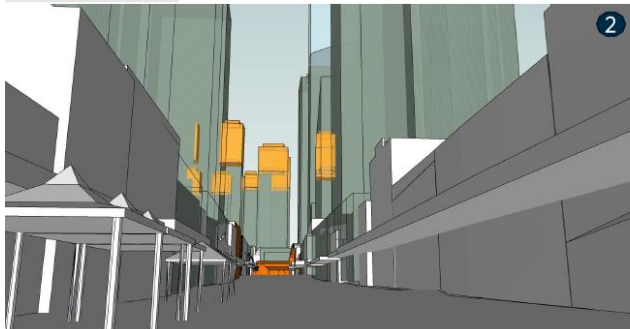
Street View from Lennox Bridge looking south

Protecting 47m Church Street View Corridor



Street View from Lennox Bridge looking south

12:1 and 15:1 FSRs



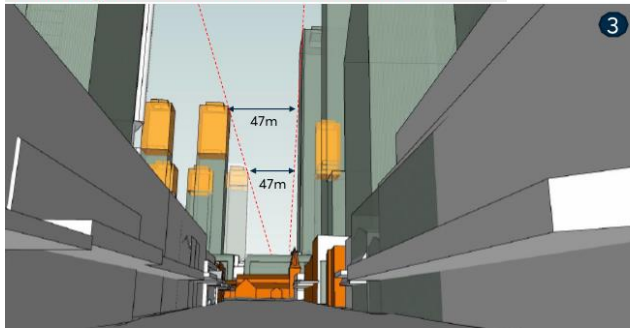
Street View from intersection of Church & Phillip St looking South

Protecting 47m Church Street View Corridor



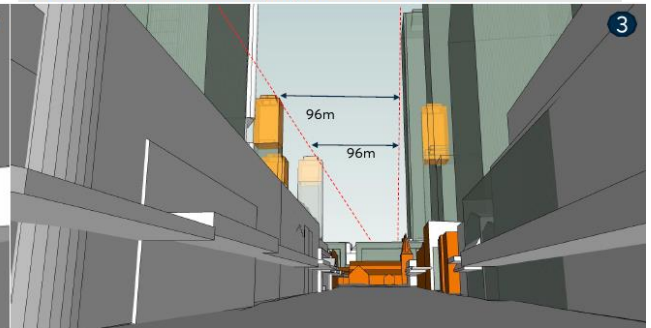
Street View from intersection of Church & Phillip St looking South

Protecting 47m Church Street View Corridor



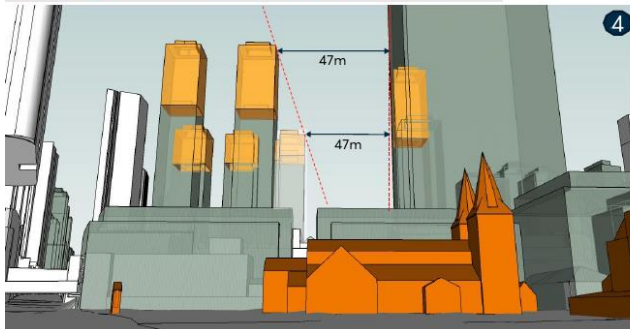
Street View from Church & George St intersection looking South

Protecting 96m Centenary Square View Corridor



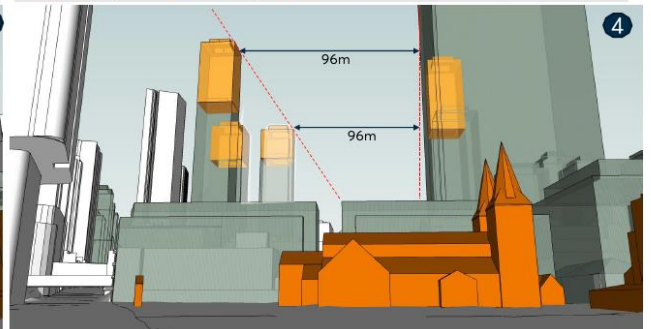
Street View from Church & George St intersection looking South

Protecting 47m Church Street View Corridor



Street View from Church & Macquarie intersection St looking South

Protecting 96m Centenary Square View Corridor



Street View from Church & Macquarie St intersection looking South

### 6.3. Blue Sky Corridor

#### St. John's Anglican Church (landmark view down Church Street)

##### Blue Sky corridor discussed in Testing Block B1 of the Heritage Report

- Medium range views looking south down Church Street to St. John's Church include blue sky above the cathedral resulting in a "blue sky corridor" cutting across Testing Block Area B1.
- Potential for visual impacts on St John's Church through loss of visual setting and blue sky when viewed along Church Street from the north.



##### Heritage Consultant Recommendation

- Remove Opportunity Sites within the blue sky corridor for St. John's Anglican Cathedral and provide height restriction to 36 metres, but height limit to be tested in terms of potential visual impacts.
- Retain Opportunity Sites in Block B1 outside of identified blue sky corridor for St John's Anglican Cathedral.

##### Council Officer Response

Supported – refer to detailed discussion in Opportunity Site Report. Included within the Planning Proposal for BlockB1 a height limit of 36m within the blue sky corridor and retain the opportunity site FSR outside the blue sky corridor. In addition, include a 36m height limit for Westfield's and the Queensland Arcade sites to support the recommended outcome.

## Court House Tower, George Street

### Blue Sky corridor discussed in Testing Block M3 of the Heritage Report

- **Heritage Item:** I699
- The upper section of the Court House Tower is seen from the south, southwest and south east with blue sky above the adjacent Parramatta Local Court building.
- In terms of overshadowing, Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts indicates that some additional overshadowing of the Park Edge Highly Sensitive Area and the Court House Tower will occur as a result of the development of Block M3, however, by 12 noon on 21st June, these shadows have moved to the east, ensuring these localities have adequate sun access for the remainder of the day.

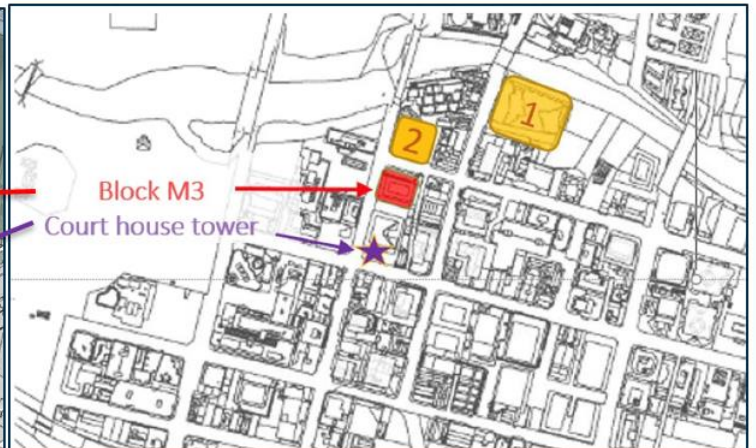
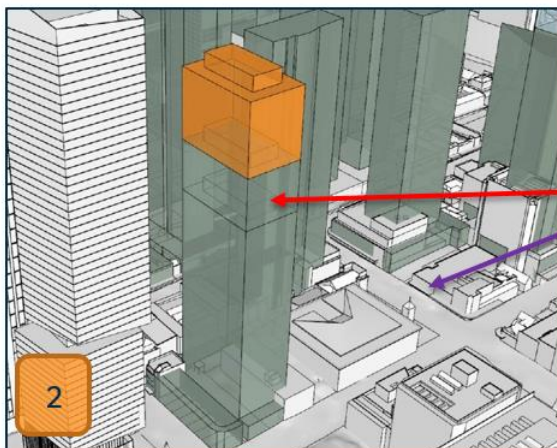


#### Heritage Consultant Recommendation

- Limit Incentive Building Height (including bonuses) for Block M3 to minimise additional overshadowing impacts and visual impacts as a result of scale on individual heritage items to the south, north and east.
- Ensure siting of any new development at Block M3 retains blue sky behind the Court House Tower as seen from the south and southwest.

#### Council Officer Response

Not supported as no perceivable difference between 12:1 FSR and 15:1 FSR (shown orange in the figure below).



## Former ANZ Bank Building, 306 Church Street (view of cupola)

### Blue Sky corridor discussed in Testing Block M2 of the Heritage Report

- **Heritage Item:** I678
- Existing minimal setbacks to larger scale commercial development at western end of Phillip Street which support long views of the former ANZ Bank Building (I678) to the west.



#### Heritage Consultant Recommendation

- Maintain minimum of 3m street frontage setbacks along Phillip Street for new development to ensure heritage items located on the street frontage remain visually prominent in the streetscape.

#### Council Officer Response

Supported.

## St George's Terrace, 48-56 Phillip Street

### Blue Sky corridor discussed in Testing Block M2 of the Heritage Report

- **Heritage Item:** I738
- The existing low scale development at the rear (north) of St George's Terrace allows for blue sky views from the south and south-east.
- Potential overshadowing of Willowgrove and St. George's Terrace has not been able to be assessed at this stage, as Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts excluded the central portion of Block M2 as it is identified as the proposed MAAS site and no information regarding possible future forms, heights and FSR for this site have as yet been provided.

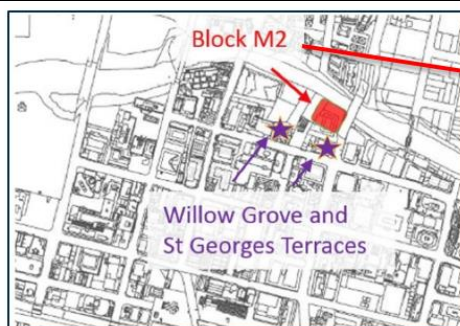


### Heritage Consultant Recommendation

- Provide height restrictions to those developable areas located to the north and northwest of St. George's Terrace to protect blue sky views. Further visual testing from street level may be required to establish an appropriate height for new development that will not reduce views of blue sky behind the terrace row.
- Ensure St George's Terrace and Willowgrove are provided with access to sunlight for a minimum of 2 hours between 9am and 3pm on 21st June, taking into account existing overshadowing as a result of new development to the northwest (former David Jones site) and any new development for the proposed MAAS site.

### Council Officer Response

Not supported as no perceivable difference between 12:1 FSR and 15:1 FSR.



## Harrisford, 182 George Street

### Blue Sky corridor discussed in Testing Block M of the Heritage Report

- **Heritage Item:** I00248
- Blue Sky views are available to the north and northeast of Harrisford with views through to wetlands and vegetation on the northern bank of Parramatta River.
- The development of the BLOCK M has the potential to have substantial, negative impacts on the State heritage listed property Harrisford located in the middle of the Opportunity Site BLOCK M. The key issues include: obscuring views of the building from the east, impacts on setting (potential loss of blue sky view), visual impacts of scale of new developments, and isolation.



### Heritage Consultant Recommendation

- Recommendations can only relate to the eastern half of the BLOCK, given gazetted PPs.
- Remove 190 George Street as an Opportunity Site due to inadequate site depth and impacts on views.
- Ensure podium heights, street frontage setbacks and upper level setbacks for 190 George Street are equal to or greater than those provided for 184-188 George Street under the PDCP 2011.

### Council Officer Response

Supported as 190 George Street has inadequate site area to qualify as an opportunity site.

Podium and street frontage setbacks also supported and to be included in the DCP amendments to support the CBD PP.

## Lancer Barracks, 2 Smith Street

### Blue Sky corridor discussed in Testing Block M1 of the Heritage Report

- **Heritage Item:** 1751
- The southern portion of M1 has the potential to project into blue sky views above and behind Lancer Barracks when viewed from the southwest (Station Street East).
- The development of M1 (both north and south portions) will not impact on the adopted period for solar access to Lancer Barracks.



### Heritage Consultant Recommendation

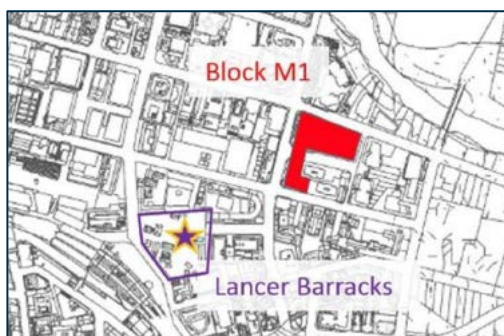
- Retain northern portion of M1 as Opportunity Site.
- Include setback provisions on the HOB Map and IHOB map for the northern portion of M1 in line with DCP requirements: 4 storey podium with 20m upper level setback from the street frontage to mitigate negative visual impacts on the historic street alignment and views down George Street.
- Remove southern portion of M1 as an Opportunity Site based on overshadowing.
- Provide height restrictions to the southern portion of M1 to protect blue sky views behind Lancer Barracks (as seen from the southwest), possibly 100m height would be acceptable but needs to be tested in terms of potential visual impacts.

### Council Officer Response

Retain northern portion as an opportunity site is supported. Podium setback requirements also supported and will be included in the DCP amendments to support the CBD PP.

Complete removal of the southern portion not supported, as part of the block is not within the Sun Access Protection Area and will not overshadow the Heritage Conservation Area or Experiment Farm.

Height restrictions not supported as no perceivable difference between 12:1 FSR and 15:1 FSR (shown in orange in the figure below). Existing endorsed site-specific planning proposals and development applications will remove the blue-sky view.



## Lennox House, 39 Campbell Street

### Blue Sky corridor discussed in Testing Block B1 of the Heritage Report

- **Heritage Item:** I00751
- Blue sky visible above Lennox House to the south-east when viewed from Campbell Street
- Potential visual impacts on Lennox House through loss of visual setting, and blue sky to the southeast when viewed from Campbell Street.
- Potential for siting of new development to visually overwhelm and isolate Lennox House and the (former) Masonic Centre.
- Potential for Lennox House (Item I00751, SHR No. 00751) to be amalgamated with property/properties to the west and/or east to achieve 40 metre site width and 1800sqm site area to benefit from Opportunity Sites provisions.



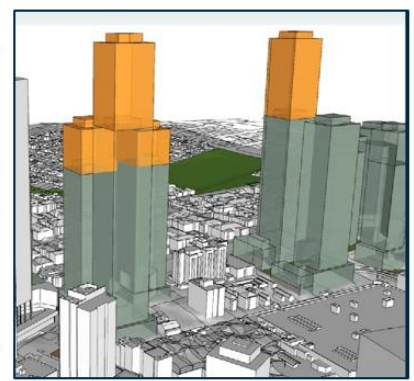
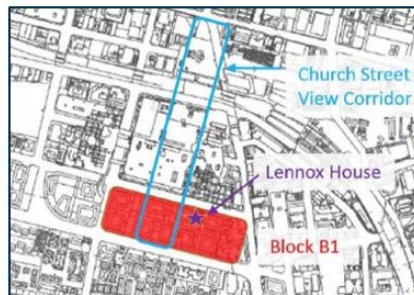
### Heritage Consultant Recommendation

- Retain Opportunity Sites in Block B1 outside of identified blue sky corridor for St John's Anglican Cathedral
- Include setback provisions for Block B1 to the HOB Map and IHOB map to maintain a consistent 8 metre setback along Campbell Street as per existing, ensuring the two heritage items remain prominent in streetscape.
- Include podium height of 3 storeys with 8-10 metre tower setback to HOB Map and IHOB map for Block B1.

### Council Officer Response

Supported.

Setback provisions are supported, but will be included in the DCP amendments to support the CBD PP.





## View east down George Street to eastern city entry point (historic view line)

### Blue Sky corridor discussed in Testing Block M1 of the Heritage Report

- **View east and west along George Street** - a historic street and taking in individual heritage items including Harrisford located to the north of M1
- **The eastern end of George Street** - long range views down the street culminate in blue sky and vegetation



View East down George Street – intersection of George Street and Horwood Place

View East down George Street – intersection of George Street and Marsden Street



View East down George Street – intersection of George Street and Church Street

View East down George Street – intersection of George Street and Charles Street

### Heritage Consultant Recommendation

- Retain northern portion of M1 as Opportunity Site.
- Include setback provisions on the HOB Map and IHOB map for the northern portion of M1 in line with DCP requirements: 4 storey podium with 20m upper level setback from the street frontage to mitigate negative visual impacts on the historic street alignment and views down George Street.

### Council Officer Response

Supported.

Setback provision also supported, but will be included in the DCP amendments to support the CBD PP.

## 6.4. Opportunity Site Clause

Heritage findings and recommendations	Council Response
<p>Clause 7.16(5) Opportunity Sites should be amended to include the following text (in red) to provide a guarantee that any heritage item amalgamated into a development site is retained.</p> <p><i>(5) Development consent must not be granted to development under this clause unless:</i></p> <p><i>(a) the development first includes:</i></p> <p><i>(i) the additional height, floor space ratio and community infrastructure as provided under clause 7.15; and</i></p> <p><i>(ii) the 15% bonus floor space ratio and height for achieving design excellence under clause 7.10; and</i></p> <p><i>(iii) the 0.5:1 bonus floor space ratio for high performing buildings under clause 7.17; and</i></p> <p><i>(b) the development includes additional community infrastructure under this clause to the satisfaction of the consent authority above that provided under clause 7.15; and</i></p> <p><i>(c) where the development site contains a heritage item, the repair, restoration and reconstruction of the heritage item forms part of the development proposal.</i></p> <p>Clause 7.16 (7) Opportunity Sites should be amended to include the following text (in red) to provide specific issues for consideration as part of the development control plan required to be prepared for any Opportunity Sites:</p> <p><i>(7) The development control plan must provide for all of the following:</i></p> <p><i>(a) requirements as to the form and external appearance of proposed development so as to improve the quality and amenity of the public domain,</i></p> <p><i>(b) requirements to minimise the detrimental impact of proposed development on view corridors,</i></p> <p><i>(c) how the proposed development addresses the following matters:</i></p> <p><i>(i) the suitability of the land for development,</i></p> <p><i>(ii) the existing and proposed uses and use mix,</i></p> <p><i>(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 item/s;</i></p> <p><i>(iv) the impact on any conservation area including additional overshadowing,</i></p>	<p>Supported.</p> <p>Additional criteria included.</p>

## Site depth and width testing

The original draft Opportunity Sites clause as proposed in April 2016 had a requirement for sites to be a minimum of 1800sqm in area and to be at least 40m wide at the front building line. Further testing and experience with sites in the CBD since the draft clause was first proposed has demonstrated that further controls are required on specifically what site dimensions qualify as an Opportunity Site. This is because the geometry of certain sites (e.g. long thin sites, odd shaped sites) can make it difficult to achieve the 15:1 FSR and still meet the requirements of ADG. As a result of this additional analysis, the following amendments (in red) are recommended to the clause to specify exactly what site dimensions are required to qualify as an Opportunity Site, in addition to the minimum 1800 sqm requirement, which is recommended to be retained:

- (4) (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;

Further, it is also recommended that the draft clause be updated to specify that only the part of the site that meets the minimum site dimension requirements is eligible for the additional 3:1 FSR, as shown in the proposed amendments to the clause below (in red):

- (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.

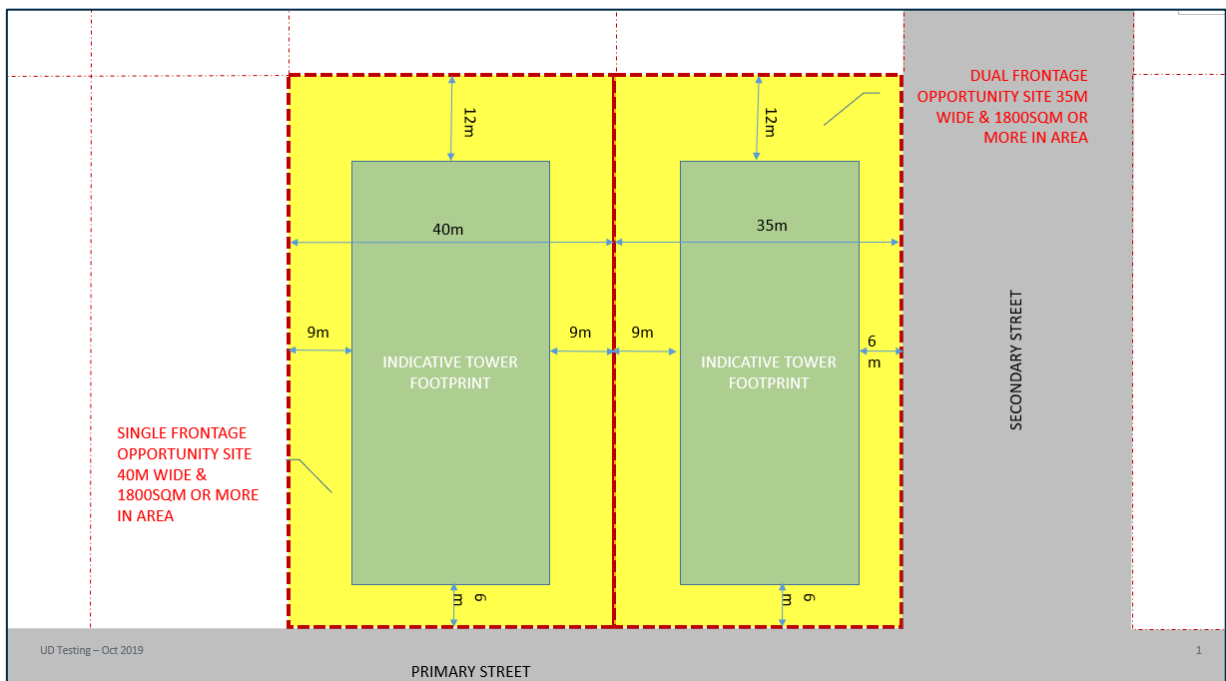
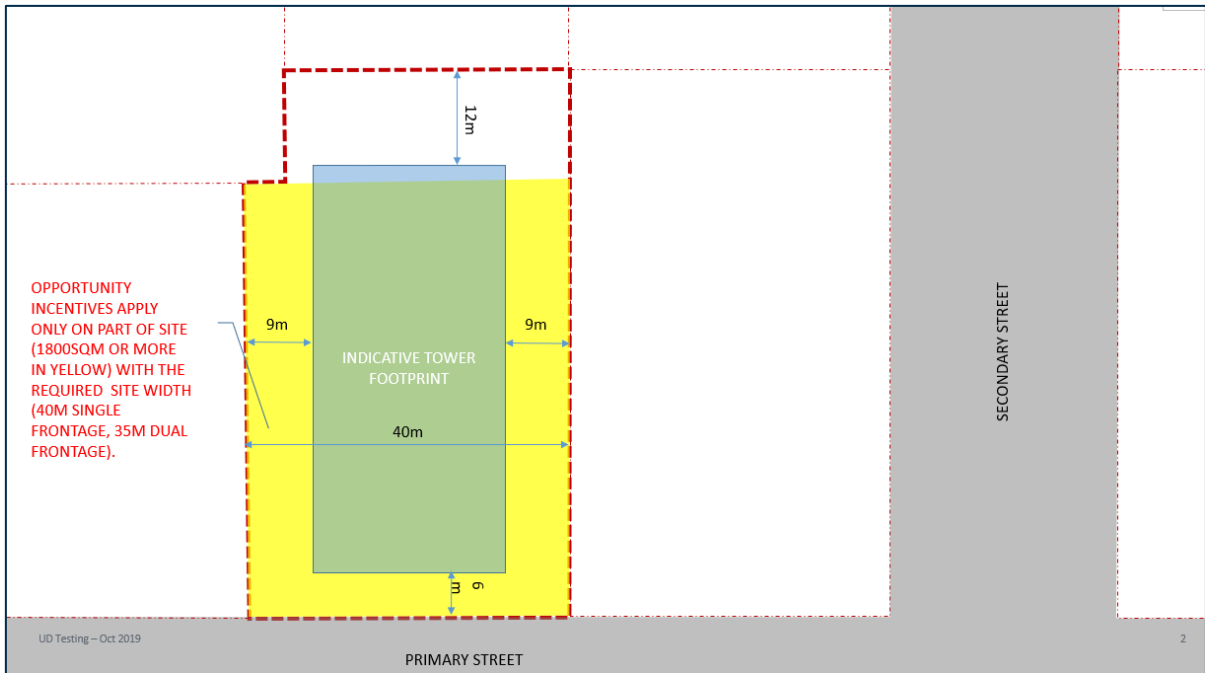


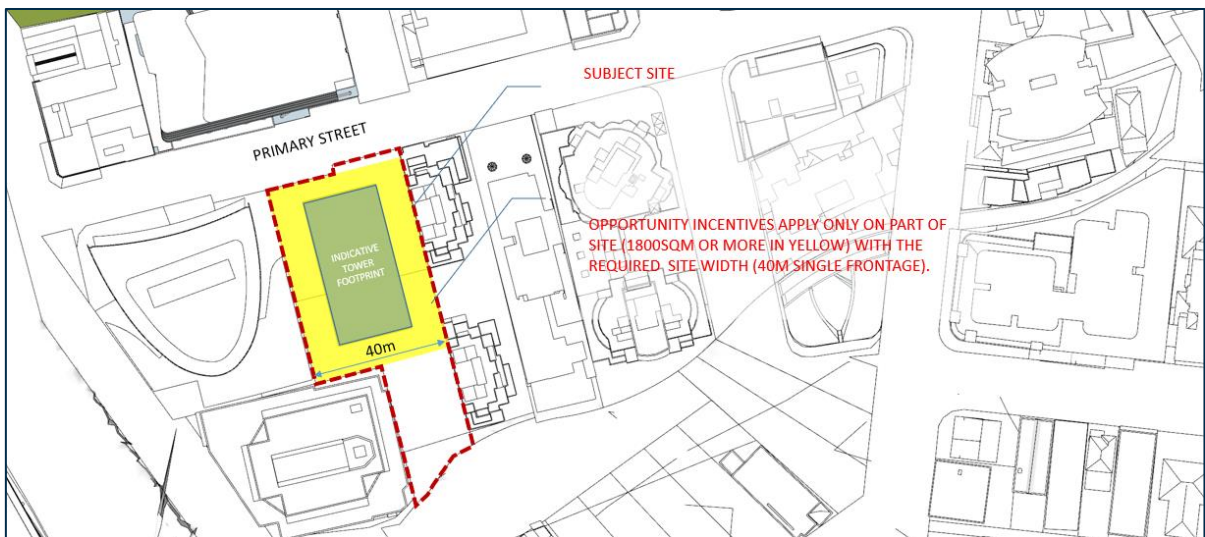
Figure 22 - Single frontage and dual frontage sites

Figure 23 below shows a single frontage site where a part incentive applies.



**Figure 23** – Example 1 - single frontage site where part incentive applies

Figure 24 below shows a second example of a single frontage site where a part incentive applies.



**Figure 24** - Example 2 - single frontage site where part incentive applies

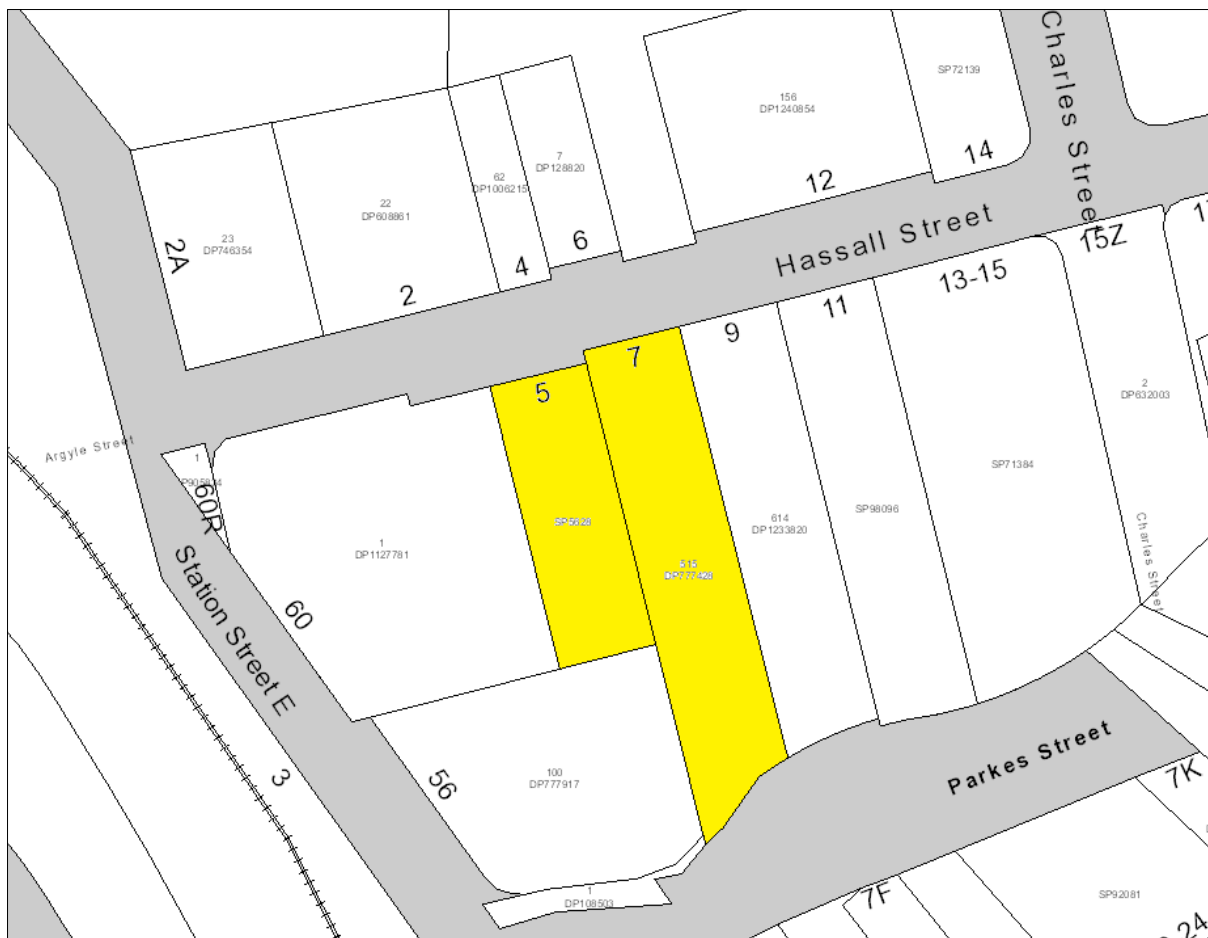
It is also recommended that an additional zone objective be added to strengthen the importance of minimum dimensions and site area to accommodate large tower forms in the case of Opportunity Sites. The suggested objective is as follows:

- (h) to ensure sites have sufficient dimensions and area to accommodate a large tower form.

## 6.5. Certain Site Amalgamation

It has been identified through this review that certain sites are required to be amalgamated to achieve status as an Opportunity Site to allow for improved urban design outcomes. The two sites identified are as follows:

1. **5-7 Hassall Street, Parramatta** – These sites are long, thin sites which together have a site area of approximately 3106 sqm. Given the nature of adjoining development, being the Eclipse office tower at 60 Station Street East, and a new apartment building under construction at 9 Hassall Street (which is also a long, thin site), amalgamating these sites will allow for a much improved urban design outcome and better amenity for future residents. Given these benefits, incentivising the amalgamation through an Opportunity Site bonus FSR of 3:1 and an incentive height bonus of an additional 52 metres is recommended. The additional overshadowing impacts to the HCA are likely to be minimal, given the proposed tall tower at 12 Hassall Street (subject to a site-specific planning proposal) and the existing tall tower at 11 Hassall Street – refer to Council's Technical Paper on overshadowing for further information.



**Figure 25 – 5-7 Hassall Street, Parramatta – Amalgamation required to achieve status as an Opportunity Site**

2. **286-302 Church Street, Parramatta** – These sites are located in the Church Street heritage precinct and also contain heritage items (I672 and I677). The sites combined have an area of 2,878 sqm. The property at 286-300 Church Street has been subject to a site-specific planning proposal where a Gateway determination was issued which required the adjoining site at 302 Church Street be included in the site-specific planning proposal to prevent it becoming an isolated site. Council's analysis indicates a much improved urban design outcome can be achieved by amalgamating these sites, including a more efficient floor plate with reduced tower height, better access arrangements through the rear lane and prevention of 302 Church Street becoming an isolated site (which has an area of only 778 sqm on its own). Further, the combined sites are situated outside of the solar access plane for Parramatta Square. Given the improved urban design outcomes, it is recommended that a requirement be added to the Opportunity Sites clause requiring amalgamation of these sites to qualify as an Opportunity Site.



Figure 26 – 286-302 Church Street, Parramatta – Amalgamation required to achieve status as an Opportunity Site

## 6.6. Isolated Sites

The intent with Opportunity Sites is that in providing very high FSRs for very tall and prominent towers, the expectation is that the highest possible standards of urban design and design excellence are achieved. The existing draft clause contains a number of requirements, which must be addressed in a site-specific DCP (or a Concept DA) in order to qualify as an Opportunity Site. A key issue that has arisen since the introduction of the draft clause in April 2016, has been with certain sites seeking status as an Opportunity Site but resulting in isolated sites in neighbouring properties – this is not considered the best possible urban design outcome for an Opportunity Site.

As required by the Gateway determination, Council is proposing to introduce a definition for isolated sites, as follows:

*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.

It is recommended that the Opportunity Sites clause be amended to include an objective and provisions to prevent qualification as an Opportunity Site if it results in a neighbouring site becoming an isolated site. Accordingly, the following amendments are recommended:

New objective:

- (d) to encourage site amalgamation so to avoid adjacent sites becoming isolated sites;

New provision to qualify as an Opportunity Site:

(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:*

....

(d) *the development does not result in a neighbouring site becoming an isolated site which has an area less than 1,000 square metres;*

New provision to be considered in DCP (or Concept Plan) consideration for Opportunity Sites:

(8) *The development control plan must provide for all of the following:*

....

(c) *how the proposed development addresses the following matters:*

....

(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,*

It is considered that the above amendments to the draft clause will ensure that Opportunity Sites do not create isolated sites, which is not a preferred urban design outcome for these landmark towers.

## 6.7. Other Clauses

Unlimited Commercial FSR	
Heritage findings and recommendations	Council Response
<ul style="list-style-type: none"> <li>Negative impacts on areas of heritage significance in terms of scale and visual impacts on setting and historic view lines.</li> <li>Negates protective provisions under the draft clause for opportunity sites</li> </ul>	<p>Supported in part.</p> <p>Planning proposal includes a control requiring any additional commercial floor space (on top of the 1:1 FSR requirement) which is exempt from overall maximum floor space ratio controls shown on the Incentive FSR Map, to now be subject to maximum heights.</p>

Design Excellence	
Heritage findings and recommendations	Council Response
<p>Clause 7.10 Design Excellence- Parramatta CBD should be amended to include the following text (in red) to ensure that specific heritage impact considerations are addressed as part of the architectural design competition and design excellence considerations:</p> <p><b>7.10 Design Excellence—Parramatta City Centre</b>  <i>(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—</i>  <i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i></p>	<p>Not supported - because they are generic provisions and not specific to opportunity sites.</p>

<p>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</p> <p>(c) whether the proposed development detrimentally impacts on view corridors,</p> <p>(d) how the proposed development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p> <p>(ii) the existing and proposed uses and use mix,</p> <p>(iii) any heritage and archaeological issues and streetscape constraints or opportunities, <b>taking into account the following specific issues:</b></p> <ul style="list-style-type: none"> <li>• <b>Retention of existing blue sky (open air) behind heritage items as viewed from street-level;</b></li> <li>• <b>Front setbacks of new development are to ensure adjacent individual heritage items remain visibly prominent in the streetscape;</b></li> <li>• <b>Retention of existing views to and from individual heritage items;</b></li> <li>• <b>Retention of existing historic view lines in the vicinity;</b></li> <li>• <b>Retention of historic markers in the town plan including irregular allotment configurations and site setbacks;</b></li> </ul> <p>(iv) the retention of a minimum of 2 hours solar access between 9.00am and 3.00pm on 21st June for individual heritage items within the path of shadow for any new development. For individual heritage items that already do not meet this minimum requirement, further reduction in solar access is not supported.</p> <p>It is noted that a proposed amendment to the clause will require buildings with a height greater than 40 metres or development involving <u>or directly adjoining a heritage item seeking to achieve a FSR of 3:1 or greater</u>, to undergo an architectural design competition.</p>	
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<b>B4 Mixed Use zone objectives for heritage items, HCAs and special precincts.</b>	
<b>Heritage findings and recommendations</b>	<b>Council Response</b>
<p>In line with the above, it is also recommended that the objectives for the B4 Mixed Use zone be amended to include the following text (in red):</p> <p>1 Objectives of zone:</p> <ul style="list-style-type: none"> <li>• <i>To provide a mixture of compatible land uses.</i></li> <li>• <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i></li> <li>• <i>To encourage development that contributes to an active, vibrant and sustainable neighbourhood.</i></li> <li>• <i>To create opportunities to improve the public domain and pedestrian links.</i></li> <li>• <i>To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.</i></li> <li>• <i>To protect and enhance the unique qualities and character of <b>individual heritage items and heritage conservation areas and special precincts within and surrounding the Parramatta City Centre.</b></i></li> </ul>	<p>Not supported - because they are generic provisions and not specific to opportunity sites.</p>

<b>Managing Heritage Impacts</b>	
<b>Heritage findings and recommendations</b>	<b>Council Response</b>
<p><b>7.6K Managing heritage impacts</b></p> <p>(4) <i>Heritage assessment</i></p> <p>(a) <i>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></p> <p>(i) <i>a heritage impact statement; and</i></p> <p>(ii) <i>in the case of any development involving a lot amalgamation including or adjacent to a heritage item, a conservation management plan.</i></p> <p>(b) <i>The heritage impact statement should address the following:</i></p>	<p>Not supported because these potentially conflict with statutory processes.</p>



<p><i>(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;</i></p> <p><i>(ii) an area of context of heritage items and heritage conservation areas that is large enough to capture all potential impacts; and</i></p> <p><i>(iii) important heritage relationships, as identified in the heads of consideration in clause (3).</i></p> <p><i>(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></p> <p><i>(i) whether further lot amalgamation is required before a development may become appropriate in heritage terms; and</i></p> <p><i>(ii) whether heritage conservation considerations have been prioritised in assessing developments that amalgamate heritage sites.</i></p> <p><i>(d) Where a conservation management plan is required in accordance with clause 4(a)(ii), it should be submitted to Council for endorsement prior to the lodgement of the development application and/or site specific planning proposal or as part of any design competition or in support of any development control plan as required by Clause 7.16(6).</i></p>	
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# 7. RECOMMENDATIONS

Given the above conclusions, the following recommendations are made in relation to the draft Opportunity Sites clause and supporting Opportunity Sites Map and to be included within the updated Parramatta CBD Planning Proposal to respond to the relevant Gateway Determination conditions.

## 7.1. Draft Opportunity Sites clause

The draft Opportunity sites clause is to be amended by:

1. Inserting a subclause to require heritage items that are part of an opportunity site to be repaired, restored and reconstructed.
2. Inserting subclauses that address site depth and shape, either for a corner site and for all other sites.
3. Revising the subclause to ensure that only part of the site that meets the minimum dimensions qualifies for the 3:1 bonus FSR.
4. Revising the subclause to ensure the issues of scale, increased overshadowing, podium heights, tower setbacks and side setbacks between the development and any adjacent heritage items are considered in the DCP preparation process.
5. Inserting subclauses that address site isolation.
6. Inserting a subclause requiring site consolidation of 5-7 Hassall Street and 286-302 Church Street, Parramatta to qualify as Opportunity Sites.
7. Adding new objectives that deal with site amalgamation to prevent isolated sites, protect historic streetscapes, ensure heritage items and conservation areas are not adversely impacted, ensure the amenity of surrounding low density areas are not adversely impacted, and the requirement of minimum site dimensions to accommodate tower forms.
8. Adding a new subclause which ensures development will not adversely impact on the historic streetscape of George Street and Church Street.

The proposed revised Opportunity Sites clause as recommended for Council endorsement is provided in **Appendix 2**.

## 7.2. Draft Opportunity Sites Map

The Opportunity Sites Map is to be amended as follows:

1. Sites that are wholly or partly situated within a Sun Access Plan that were shown notated as Opportunity Sites are to be removed.
2. Sites where substantial construction or redevelopment has commenced (e.g. 330 Church Street, 180 George Street, 88 Church Street, 110 Wigram Street, Parramatta Square sites) that were shown notated as Opportunity Sites are to be removed.
3. Sites that are recommended for removal by a consultant on heritage grounds and supported by Council Officers (as outlined in Sections 4, 5 and 6 of this report) are to be removed.

The sites proposed to be included as Opportunity Sites are shown on Figure 27.



Figure 27 – Proposed revised Opportunity Sites Map

# APPENDIX 1 – Amendments to Draft LEP Clause and Maps

## Draft Opportunity Sites clause

The proposed changes to the Opportunity Sites clause are shown below. The blue text denotes new text.

- (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:
  - (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:
    - (iii) has an area of at least 1,800 square metres; and
    - (iv) contains a regular shaped area with minimum dimensions of:
      - c. 40 metres by 35 metres, where the site is a corner site with at least two street frontages; or

- d. 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 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.

**Note:** Elsewhere in the draft LEP provisions the following definitions is provided:

*isolated site* means a site:

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

# APPENDIX 3 - LSJ Heritage Study

[to be provided under separate cover]

# Parramatta CBD Opportunity Sites

## HERITAGE REVIEW



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**FINAL ISSUE**

Date: 8<sup>th</sup> October 2019

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<b>Issue</b>	<b>Date</b>	<b>Reviewed by</b>
Preliminary Issue	2 <sup>nd</sup> September 2019	IS/KD/Council
Draft Issue (up to Section 4)	17 <sup>th</sup> September 2019	KD
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## 1. Introduction

Lucas, Stapleton, Johnson & Partners Pty Ltd (LSJ) have been commissioned by City of Parramatta Council (Council) to provide heritage input into Council's *Review of Opportunity Sites in the Parramatta CBD* report as required by the Gateway Determination conditions; and to undertake a peer review of the Opportunity Site recommendations from the Council commissioned report *Heritage Analysis: Church Street Precinct* prepared by City Plan Heritage (June 2019).

Opportunity Sites are a new draft concept proposed under the draft *Parramatta CBD Planning Proposal* (CBD PP) for certain sites in the Parramatta CBD. The objectives for Opportunity Sites are to provide opportunities for tall, slender towers; to encourage opportunities to improve the quality of the public domain; and to facilitate opportunities to deliver additional community infrastructure.

In December 2018, the Department of Planning, Industry and Environment (DPIE) issued the Gateway Determination for the CBD PP requiring certain amendments prior to public exhibition. This report forms part of the additional investigations and analysis being undertaken by City of Parramatta Council in response to the Gateway Determination.

### 1.1. The Parramatta CBD Planning Proposal

The City of Parramatta Council has prepared a planning proposal to change the development controls of the *Parramatta Local Environmental Plan 2011* (PLEP) to significantly increase the extent and density of the Parramatta CBD. The purpose is to facilitate Council's vision of building Australia's "Next Great City", as well as the NSW Government's strategy for Parramatta CBD to be a "Metropolitan Centre for the Central City" as envisioned in the "Metropolis of Three Cities" approach for Greater Sydney.

On 11 April 2016, Council adopted the *Parramatta CBD Planning Proposal* for the purpose of seeking a Gateway Determination. The CBD PP was forwarded onto the Department of Planning, Industry and Environment.

In brief, the CBD PP proposes to introduce a range of FSR controls to support the growth of Parramatta, strengthen the commercial core via new incentive mechanisms and revise the sliding-scale provisions to encourage site amalgamations and control FSR on small sites.

The CBD PP also introduces a new LEP clause, Clause 7.16 *Opportunity Sites* that allows an additional FSR of 3:1 where a development meets certain conditions and provides for community infrastructure. This enables certain sites within the B4 Mixed Use Zone to achieve an FSR of 12:1 (inclusive of Design Excellence and High Performing Buildings bonuses), to potentially achieve a maximum FSR of 15:1 (Opportunity Site bonus).

Clause 7.16 applies to land identified on the Opportunity Sites Map, with an intent to allow additional residential development within the B4 Mixed Use zone adjacent to the B3 commercial core, provided the development site meets specific, additional conditions (refer to Section 2 below for further details). Refer to Figure 2 below.

### 1.2. Gateway Determination

The Department of Planning, Industry and Environment issued a conditional Gateway Determination on 13 December 2018 for the draft CBD PP. The Gateway conditions for the provision of Opportunity Sites in Parramatta CBD requires Council to review the proposed Opportunity Sites and consider their removal where there are adverse impacts on amenity and areas of heritage significance.

The relevant conditions of the Gateway Determination are: Condition 1 (i) vi. which applies to Opportunity Sites in the Parramatta CBD, and Condition 1 (k) ii. which only applies to Opportunity Sites in the Church Street Precinct.

### ***Opportunity Sites Gateway Conditions***

Gateway Condition (i) vi relates to heritage matters and the Opportunity Sites generally and requires the following:

- vi. review the proposed opportunity sites having regard to site depth, site isolation and impacts on heritage areas and historic streetscapes. Opportunity sites should be removed from the planning proposal where the additional bulk and scale could have an adverse impact on the amenity of surrounding localities and areas of heritage significance;*

The intent of this condition is to ensure that there is evidence to support the provision of Opportunity Sites having regard to the amenity of surrounding localities and areas of heritage significance. Where negative impacts due to the increased bulk and scale of Opportunity Sites are identified, then these sites may need to be removed from the CBD Planning Proposal.

Gateway Condition (k) iii makes specific reference to Opportunity Sites along Church Street, stating:

- (k) in relation to heritage matters, which may also influence the height and FSR outcomes:*
- iii. along Church Street between Lennox Bridge and Macquarie Street, retain the FSR of 3:1, the height limit of 12m and the podium setback of 18m unless a heritage, urban design and commercial feasibility study is carried out to demonstrate that a reduced tower podium setback has merit from a heritage, urban design and commercial feasibility perspective, and consider removing opportunity sites in this precinct if additional height and FSR will have an adverse impact on heritage values;*

This condition also has been addressed separately in Council's *Urban Design and Feasibility Analysis for the Church Street Precinct* (Church Street Precinct Study), informed by the *Heritage Analysis: Church Street Precinct* prepared by City Plan Heritage (June 2019).

### ***Overshadowing Gateway Conditions***

In addition to the above, there are four (4) Gateway conditions dealing with overshadowing and potential impacts of overshadowing and the protection of sunlight access to key public areas and heritage conservation areas within and around the Parramatta CBD. These conditions are as follows:

- (j) In relation to the proposed height of buildings control:*
- ii. provide further assessment of the overshadowing impact of the proposed controls on public open spaces surrounding the CBD compared to the existing controls.*
- iii. incorporate an assessment of the potential overshadowing impacts on Experiment Farm that may result from the proposed planning controls (outside the proposed sun access plane of 10am–2pm).*
- iv. provide further analysis to inform a sun access plane for the protected area of Parramatta Square between 12pm and 2pm, including the times of year that the proposed controls would apply.*
- (k) in relation to heritage matters, which may also influence the height and FSR outcomes:*
- ii. carry out an urban design study of the southern interface areas to ensure that excessive cumulative shadow impacts are not created across the northern sections of adjoining heritage conservation areas (HCA), including the Harris Park HCA, the Experiment Farm HCA, the Tottenham Road HCA and the South Parramatta HCA. These areas should receive a minimum of two hours' direct sunlight between 9am and 3pm at midwinter (21 June). If required, heights and FSRs are to be adjusted accordingly.*

In response to the Gateway Determination, City of Parramatta Council have undertaken an additional assessment into the potential impacts of overshadowing. Council's report *Overshadowing in the Parramatta CBD: Technical Paper* (6 June 2019) addressed the four issues raised in the conditions of the Gateway Determination. These were:

- an analysis of the potential overshadowing of Experiment Farm which may result from the planning controls;
- an analysis to inform a sun access protection surface (sun access plane) for the protected area of Parramatta Square between 12-noon and 2:00pm, including consideration of the times of year the proposed controls would apply;
- an assessment of the cumulative overshadowing from the southern areas of the CBD across nominated Heritage Conservation Areas (HCAs) – namely, Harris Park West, Experiment Farm, Tottenham Road, and South Parramatta; and
- a comparison of the overshadowing from both the existing and the proposed controls on public open spaces surrounding the CBD.

Although the *Technical Paper* did not specifically address the Opportunity Sites, the results of the analysis indicated that certain Opportunity Sites impacted sunlight access to heritage conservation areas and public open spaces. As a result, recommendations were made to Council to introduce a maximum Height of Building Control (inclusive of bonuses) for nominated blocks, some of which were Opportunity Sites. Refer to Sections 4 and 5 below for further detail.

### 1.3. The Brief

In accordance with the brief for the project (*City of Parramatta- Heritage Input- Review of Opportunity Sites in Parramatta CBD Consultant Brief*, July 2019), this Heritage Review is to include the following:

1. Using existing available heritage information and Council's urban design, planning and shadow analysis undertake:
  - A high-level assessment of the heritage impacts of the proposed opportunity sites on heritage items, heritage conservation areas and historic streetscapes;
  - A detailed assessment of the heritage impacts of the proposed opportunity sites within Testing Area Blocks (TAB) on heritage items, heritage conservation areas and historic streetscapes.
2. Provide a concise summary of heritage issues and demonstrate the merits or otherwise of the sites within the Study Area having an Opportunity Site annotation with regard to the impact of additional height and FSR on areas of heritage significance and historic streetscapes, including the surrounding Heritage Conservation Areas and areas of heritage significance that are situated adjacent to the Parramatta CBD area, as well as the World Heritage listed Old Government House and Domain.
3. If the provision of opportunity sites will have an adverse impact on areas of heritage significance, identify recommendations for Opportunity Sites to protect and manage heritage values. This could include amendments to draft Clause 7.16, removal of Opportunity Sites from the maps, preparation of development control plan controls and the like.

This heritage review will inform the *Review of Opportunity Sites Study* being prepared by Council to satisfy the conditions of the Gateway Determination and progress the Parramatta CBD Planning Proposal.

## 1.4. The Study Area

The Study Area occupies the central business district of Parramatta covering an area of land from Harris Street in the east to Pitt and O’Connell Streets in the west, and from Isabella Street in the north to Boundary and Raymond Streets in the south.

The subject of the study is those areas mapped as Opportunity Sites within the CBD boundary in Figure 2 (shaded yellow) and are subject to Clause 7.16 of the draft CBD PP. Opportunity Sites are zoned B4 Mixed Use and surround the CBD which is zoned B3 Commercial Core. The Testing Area Blocks (the subject of the detailed assessment) are shown in Figure 2 (outlined in purple).

Three Interface Areas have also been identified within the boundaries of the Study Area (shaded blue in Figure 2). These areas provide a transition, in terms of height and density, between the Core of the Parramatta CBD and surrounding low-scale residential areas, including those which have heritage significance, either as individual heritage items or heritage conservation areas.

In undertaking this review, the Heritage Conservation Areas within the Study Area and on the periphery of the CBD have also been considered. These areas include the South Parramatta Conservation Area, Harris Park West Conservation Area and Experiment Farm Conservation Area (hatched in red in Figure 2).

The area shown in Figure 2 noted as “Church Street Peer Review” (outlined in pink) is the subject of a review of the recommendations relating to the increased FSR provisions for Opportunity Sites in the report *Heritage Analysis: Church Street Precinct* prepared by City Plan Heritage (June 2019).

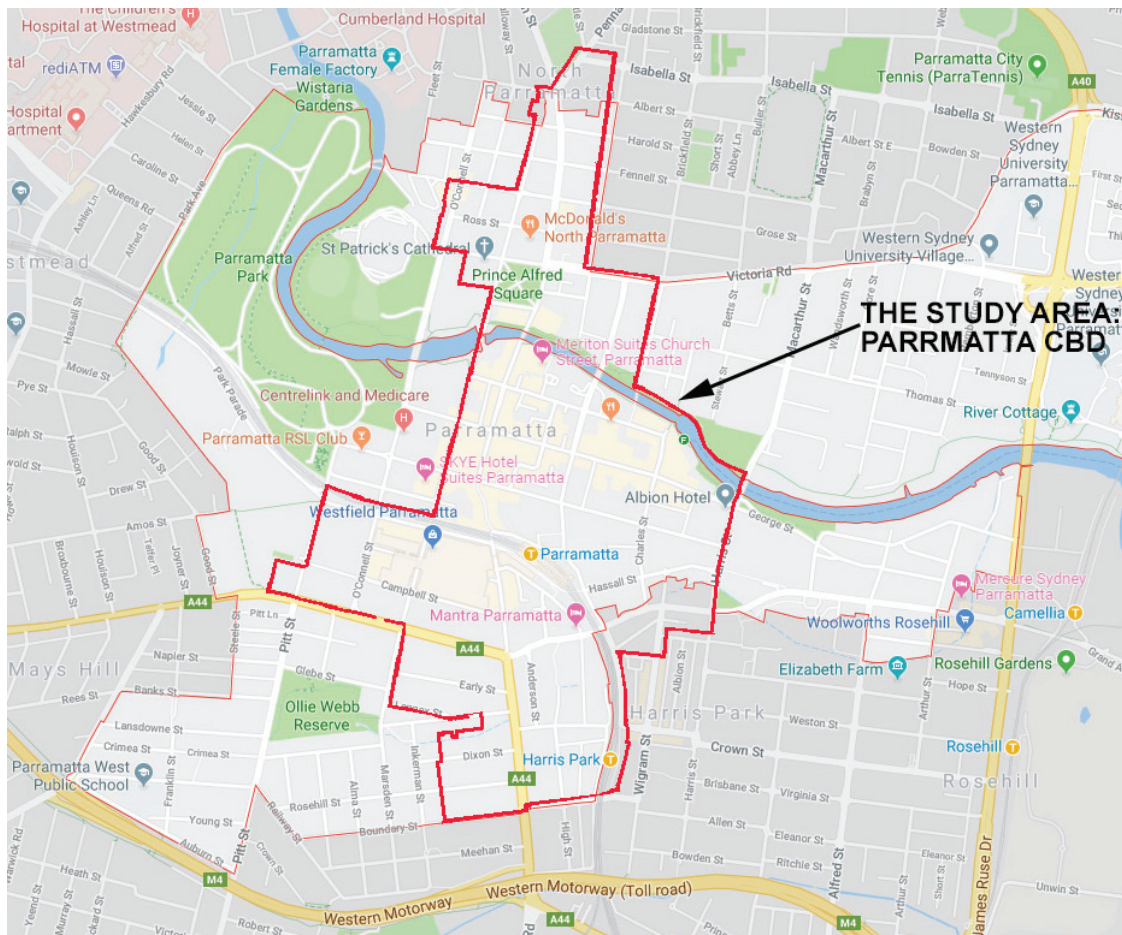


Figure 1: Map of the city of Parramatta and surrounding areas indicating the boundaries of the Study Area (outlined in red). Source: GoogleMaps, 2019

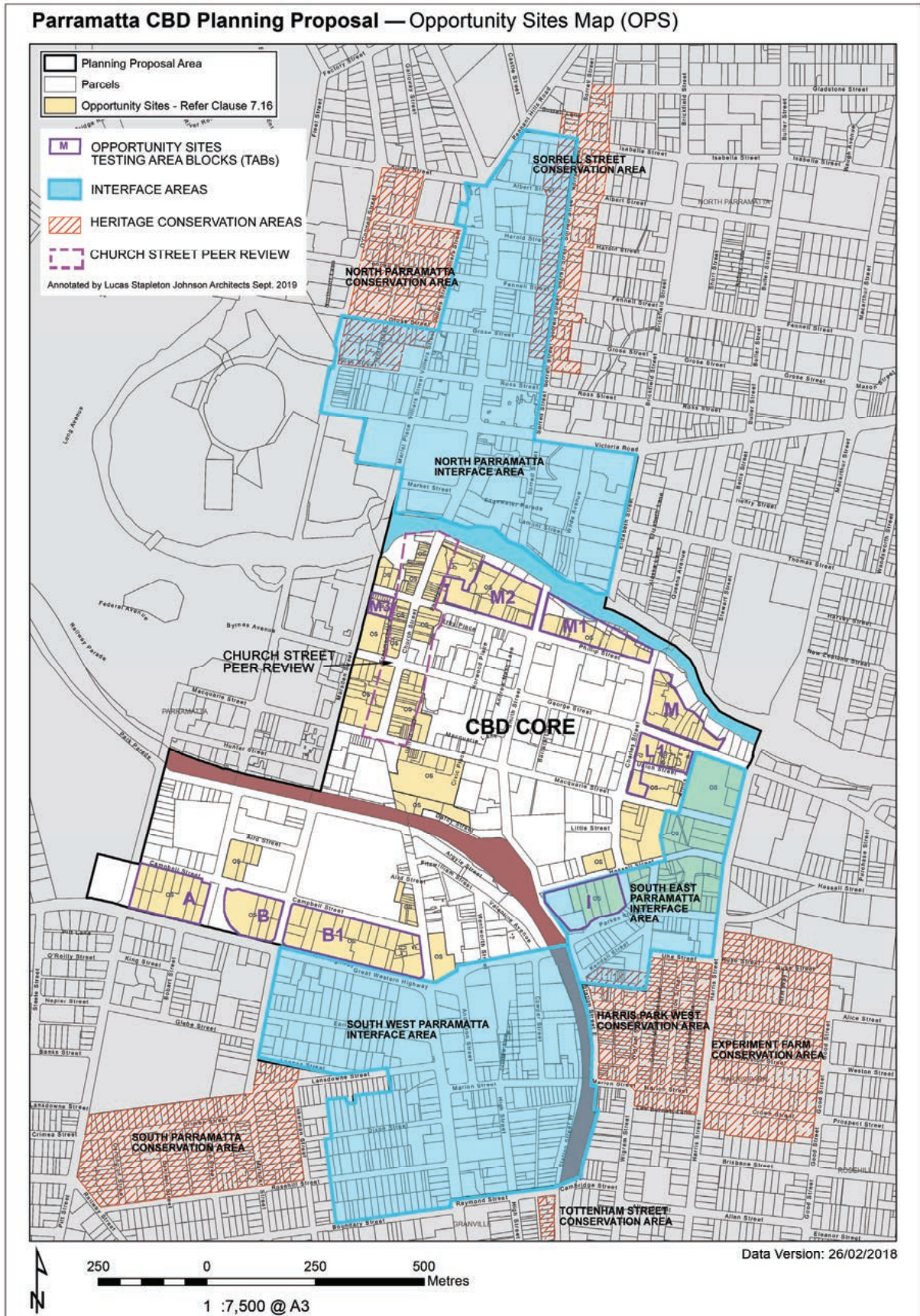


Figure 2: Opportunity Sites Map indicating the location of the Testing Area Blocks and the Church Street precinct, the subjects of this review, with adjacent “Interface Areas” and Heritage Conservation Areas. Source: City of Parramatta Council, annotated by LSJ, September 2019



## 1.5. Methodology

This heritage review follows generally the methodology recommended by the NSW Heritage Office in *Statement of Heritage Impact* (Revised 2002) and is in accordance with the *Australian ICOMOS Charter for Places of Cultural Significance (The Burra Charter)* and the *NSW Heritage Office Heritage Manual*.

For a detailed methodology specific to this heritage review, refer to Section 3 of this report.

## 1.6. Limitations

LSJ have relied on the existing heritage studies already prepared in support of the CBD PP, no additional historic research has been undertaken in the preparation of this report.

Consideration of Aboriginal cultural values and historical archaeology is outside the brief for this project and have not been considered as part of this report.

## 1.7. Report Authors

This report was prepared by Kate Denny, Ian Stapleton and Jessica Kroese of this office (see attached CVs). The Study Area and Testing Area Blocks were inspected by Ian Stapleton and Kate Denny on several occasions in August 2019.

Unless otherwise noted, all photographs are by the authors of this report.

## 1.8. Terminology and Abbreviations

This report adheres to the use of terms as defined in the Australia ICOMOS *Burra Charter* (2013).

For ease of reference, the following abbreviations have been adopted in this report:

CBD:	Central Business District
CBD PP:	Parramatta CBD Planning Proposal
Council:	City of Parramatta Council
LSJ:	Lucas, Stapleton, Johnson & Partners Pty Ltd
PLEP 2011:	<i>Parramatta Local Environmental Plan 2011</i>
PDCP 2011:	<i>Parramatta Development Control Plan 2011</i>
TAB:	Testing Area Block

## 1.9. Documentation Reviewed

The following documents have been reviewed as part of the preparation of this report:

*Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage listed values: Technical Report*, Planisphere, 2012

*Parramatta CBD Planning Strategy*, City of Parramatta Council, April 2015

*Heritage Study: CBD Planning Controls- City of Parramatta Council*, Urbis, December 2015

*Planning Proposal: Parramatta CBD Amendment to Parramatta LEP 2011*, City of Parramatta Council, April 2016

*Parramatta CBD: Heritage Study of Interface Areas*, Hector Abrahams Architects, June 2017

*Council Response to the Parramatta CBD Heritage Study of Interface Areas*, City of Parramatta Council, July 2017

*Church Street, Parramatta: Independent Review of Proposed Planning Controls*, report prepared for NSW Department of Planning & Environment, GML Heritage, September 2018

*Parramatta CBD Planning Proposal: Gateway Assessment Report*, Department of Planning & Environment, November 2018

*Parramatta CBD Planning Proposal: Gateway Determination*, Department of Planning & Environment, December 2018

*Heritage Interface Areas, Parramatta CBD: Peer Review*, report prepared for NSW Department of Planning & Environment, GML Heritage, December 2018

*Overshadowing in the Parramatta CBD: Technical Paper*, City of Parramatta Council, June 2019

*Heritage Analysis: Church Street Precinct*, City Plan Heritage, June 2019

*Parramatta CBD Planning Proposal – Response to Gateway Conditions: Review of Opportunity Sites – for consultant use*, City of Parramatta Council, August 2019

## 2. Matters for Consideration

The following section details the various matters for consideration that have the potential to impact on the heritage values of places, precincts and items within and surrounding the Parramatta CBD with specific reference to Opportunity Sites.

As detailed below, the additional FSR 3:1 bonus available via the Opportunity Sites clause may only be granted once all other constraints and provisions in relation to incentive FSR and other FSR bonuses have been satisfactorily met. For this reason, the various steps required to be met in order to achieve the maximum FSR for Opportunity Sites are also required to be considered in terms of potential impacts on the heritage values of the Parramatta CBD and immediate surrounds.

### 2.1. Floor Space Ratio and Additional Bonuses

#### *Base Floor Space Ratio*

Under the current *Parramatta Local Environmental Plan 2011* (PLEP 2011), most sites in the Parramatta CBD have one Floor Space Ratio (FSR) control.

The CBD PP retains in the main these FSRs as shown on the existing FSR Maps and proposes to introduce a second FSR control. Consequently, most sites within the Parramatta CBD Planning Proposal boundary will have two FSR controls, that is, “base FSR” and “incentive FSR”. In addition, most sites within the CBD PP will also be able to claim additional FSR bonuses, leading up to a maximum FSR allowance of 15:1.

The following diagram illustrates the range of FSR provisions that Opportunity Sites are able to claim under the CBD PP. Each provision is described in detail below.

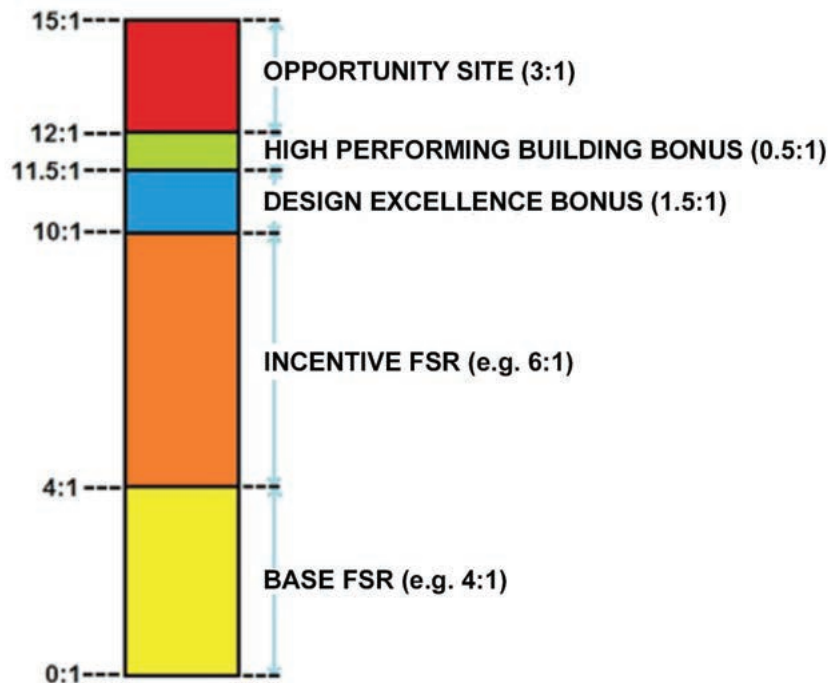


Figure 3: Parramatta CBD Planning Proposal FSR controls for Opportunity Sites. Source: Extracted from *Parramatta CBD Planning Proposal – Response to Gateway Conditions: Review of Opportunity Sites – for consultant use*, prepared by City of Parramatta Council, August 2019; Figure 5, pg.6, annotated by LSJ, August 2019

#### *Draft Clause 7.15 Community Infrastructure (Incentive) Floor Space Ratio*

The proposed Community Infrastructure (incentive) FSR control is generally 10:1 for land within the CBD Core (including the Opportunity Sites), and 6:1 for land north and south of the CBD Core (within the Interface Areas). Exceptions to these incentive FSRs include sites that are the subject of a gazetted Planning Proposal or for heritage reasons.

For sites within the CBD Core to achieve the maximum incentive FSR of 10:1 or 6:1 in the Interface Areas, sites must have an area equal to or greater than 1,800sqm. This requirement differs from the original endorsed planning proposal and was adopted by Council in April 2016.

For sites with an area less than required to achieve maximum incentive FSR, an amended FSR sliding scale control has been developed that includes a formula for determining the FSR for a site.

The intent of these changes to the FSR sliding scale is to balance equity of development potential with the physical capacity of the site and give certainty of development and fair value to the smaller sites while incentivising the consolidation of sites.

### ***Clause 7.10 Design Excellence***

The Planning Proposal amends the existing Design Excellence clause (Clause 7.10) by altering the conditions under which an architectural design competition must be held. The PLEP 2011 currently requires buildings greater than 55m or 13 storeys (or both) in height to undergo an architectural design competition.

If design excellence is achieved a 15% development bonus may be awarded to compensate for the cost of a design competition.

A proposed amendment to the clause will require buildings with a height greater than 40 metres or development involving or directly adjoining a heritage item seeking to achieve a FSR of 3:1 or greater, to undergo an architectural design competition.

The 15% bonus can be applied to either the base FSR and height, or the incentive FSR and height.

### ***Draft Clause 7.17 High Performing Buildings***

The Planning Proposal introduces a new clause (Clause 7.17) to foster efficient and sustainable use of energy and resources that minimise a new buildings' consumption of energy and water. For mixed use development with a minimum floor space ratio of 6:1, with a site area greater than 1,800sqm and front building line greater than 24 metres, an FSR Bonus of 5% is available.

To be eligible for the bonus, residential development must achieve water and energy targets greater than current BASIX targets, and for commercial premises over 2,000sqm, other specific water and energy targets must be achieved.

### ***Draft Clause 7.16: Opportunity Sites***

The Planning Proposal introduces Clause 7.16 which applies only to the land identified as an Opportunity Site (as per Figure 2 above), with an intent to allow additional residential development within the B4 Mixed Use Zone, providing the development meets certain conditions (refer also to Section 2.6 Site Depth below for endorsed amendments to this clause).

For Opportunity Sites, a development is eligible for a further bonus of FSR up to 3:1, over and above the incentive, design excellence and high performing buildings FSR bonuses. The conditions that an Opportunity Site is required to comply with are as follows:

- (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 development site is at least 40 metres wide at the front building line, has an area of at least 1,800 square metres; and*
  - (b) *the development demonstrates an appropriate transition to any heritage items; and*

- (c) *the development includes community infrastructure to the satisfaction of the consent authority, whether or not provided on the development site or an alternative site nominated by the consent authority.*
- (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 7.15; and*
  - (ii) *the 15% bonus floor space ratio and height for achieving design excellence under clause 7.10; and*
  - (iii) *the 0.5:1\* bonus floor space ratio for high performing buildings under clause 7.17; and*
- (b) *the development includes additional community infrastructure under this clause to the satisfaction of the consent authority above that provided under clause 7.15.*
- (6) *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.*
- (7) *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,**
  - (iv) the impact on any conservation area,**
  - (v) *the inclusion of community infrastructure,*
  - (vi) *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,*
  - (vii) *the bulk, massing and modulation of buildings,*
  - (viii) street frontage heights,**
  - (ix) *environmental impacts, such as sustainable design, **overshadowing and solar access**, visual and acoustic privacy, noise, wind and reflectivity,*
  - (x) *the achievement of the principles of ecologically sustainable development,*
  - (xi) *pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,*
  - (xii) *the impact on, and any proposed improvements to, the public domain,*
  - (xiii) *achieving appropriate interface at ground level between the building and the public domain,*
  - (xiv) *the excellence and integration of landscape design,*
  - (xv) *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. (Emphasis by report authors.)*

Note\*: Requirement amended to 5% and endorsed by Council in September 2018. Refer to relevant paragraph above.

## 2.2. Unlimited Commercial FSR

The Planning Proposal introduces a new clause (Clause 7.11) that applies to certain sites within the B4 Mixed Use zone that are identified on the Additional Local Provisions Area Map and includes Opportunity Sites as well as the Parramatta Square site containing the Parramatta Town Hall.

The new clause requires that a minimum of 1:1 commercial floor space is to be provided as part of a development of these sites, and that any additional commercial floor space (on top of the 1:1 requirement) is exempt from overall maximum floor space ratio controls applicable under Clauses 4.4 (FSR), 7.2 (FSR- Parramatta CBD) and 7.15 (Community Infrastructure FSR), but only where the site has a minimum area of 1,800 sqm.

The intent of the control is to exempt commercial development from overall maximum FSR controls to activate land on the edge of B3 Commercial Core zone and facilitate the provision of a range of commercial uses (business, office and retail) that will contribute to the long-term economic growth of the CBD.

The result is, if the unlimited FSR for commercial development becomes activated, some sites that have a minimum area of 1,800 sqm in the City Centre, including Opportunity Sites, will be subject to no FSR limits.



Figure 4: Detail from the draft Additional Local Provisions Map showing those sites where cl. 7.11 applies (outlined in blue). The majority of these sites have been identified as Opportunity Sites. Source: City of Sydney Council

## 2.3. Building Height

As with FSR, the current PLEP 2011 applies a single height control to land within the CBD. This height control, in most circumstances, will be retained under the CBD PP as the “base” height control. A second height control (Incentive Height of Buildings) will apply to land within the CBD, which can be taken up in exchange for the provision of Community Infrastructure (under Clause 7.15) in accordance with the following conditions:

- (a) the development is able to demonstrate an **appropriate transition to any heritage items or conservation areas** (Emphasis by report authors.); and
- (b) the development includes community infrastructure to the satisfaction of the consent authority, whether or not provided on the development site or an alternative site nominated by the consent authority.

Most sites within the Study Area will not have a site specific height control identified under the Incentive Height Map other than the Auto Alley Precinct (the southern extent of Church Street within the Study Area), Church Street between Macquarie Street and the Lennox Bridge and other sites adjoining or in the vicinity of heritage items within a landscaped setting (e.g. St John’s Anglican Cathedral) and some located within the Interface Areas.

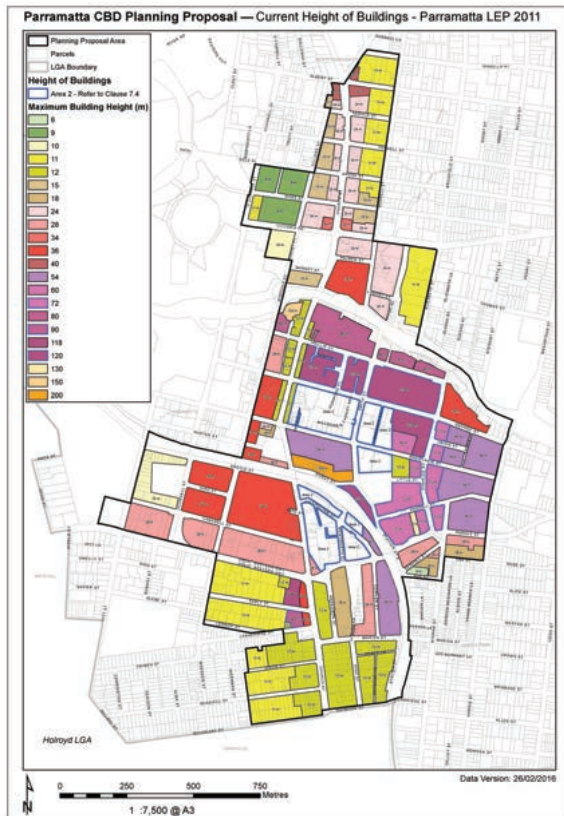


Figure 5: Diagram illustrating the range of height provisions for the Study Area under the current PLEP 2011.

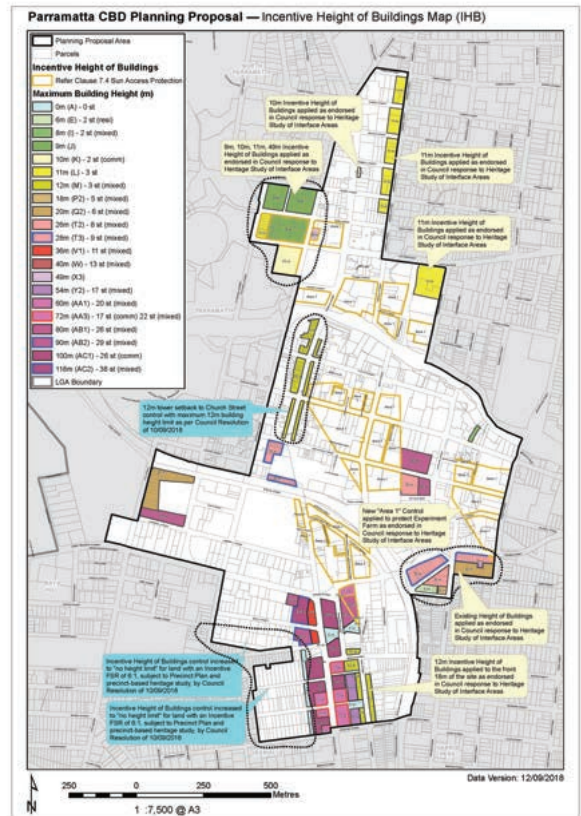


Figure 6: Diagram illustrating the range of height provisions for the Study Area under the CBD PP for incentive height of building controls.

All other areas have no height controls specified under the Incentive Height of Buildings Map and are limited in permissible height only by an amended airspace operations control that regulates intrusions into prescribed airspace. Heights are effectively limited to the Radar Terrain Clearance Chart (RTCC) for the prescribed airspace for Sydney Airport. For Parramatta, the building height limit based on the RTCC equates to 243 metres AHD.

One other height restriction applies across the Study Area, that being those areas that have been identified as located within Sun Access Protection Areas under draft Clause 7.4 (refer below for further details).

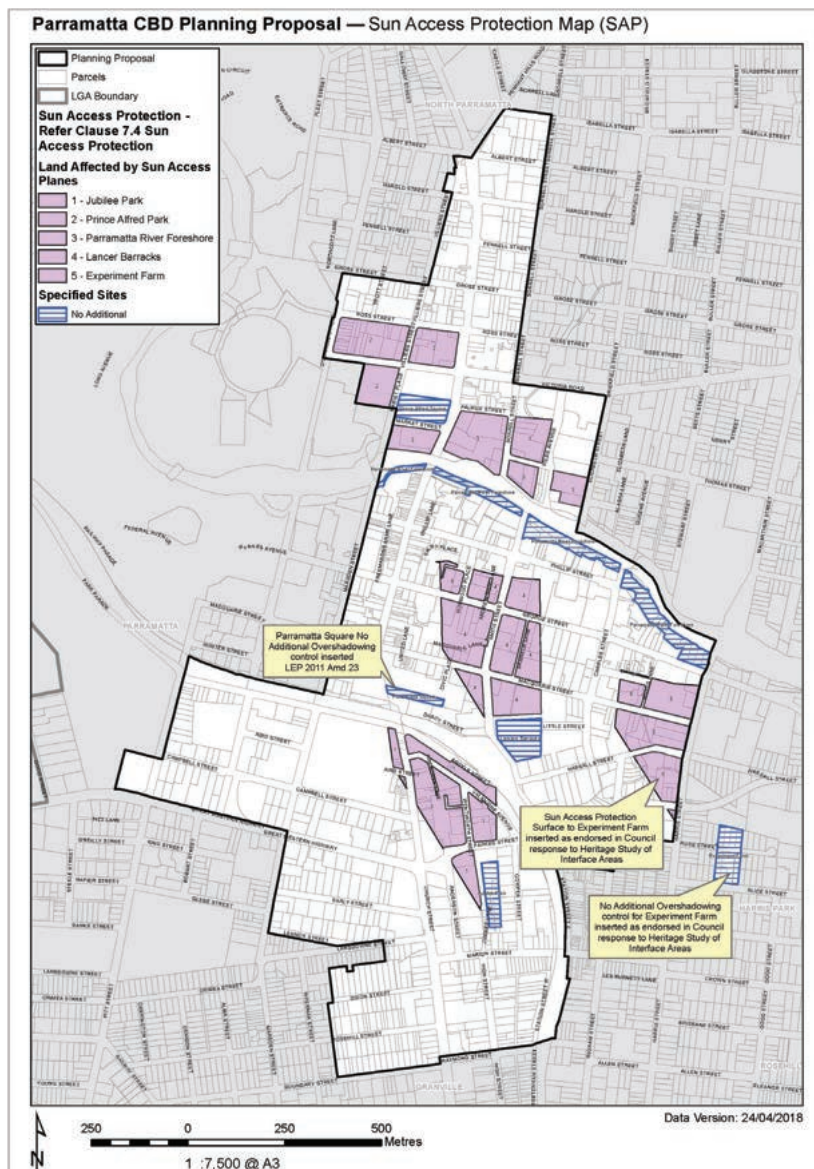


Figure 7: Draft Sun Access Protection Map from the CBD PP. Source: City of Parramatta Council

## 2.4. Sun Access Protection

The Planning Proposal identifies properties on the proposed Height of Buildings (HOB) Map and the proposed Incentive Height of Building (IHOB) Map that cannot exceed a height determined by a sun access plane. To protect solar access to key open spaces between 12:00pm and 2:00pm on 21<sup>st</sup> June (mid-winter), a sun access plane is created over the land and extends in a strip ascending as one moves back from the front of the plane.

Council is proposing to replace the existing clause with two new clauses (amended Clause 7.4 and Clause 7.4A) where solar access is to be protected to Prince Alfred Square, Parramatta River Foreshore, Lancer Barracks site and Jubilee Park (as shown on the Solar Access Protection Map, see Figure 7). Two additional areas have been identified for Parramatta Square and Experiment Farm. The Parramatta Square area is intended to protect sun access to part of the public domain area at Parramatta Square between 12 noon and 2.00pm on 21<sup>st</sup> June. The Experiment Farm area is intended to protect sun access to Experiment Farm Cottage and its immediate curtilage between 10.00am and 2.00pm.

In response to conditions issued in the Gateway Determination, Council is also undertaking detailed assessments to test the cumulative impacts of overshadowing to surrounding conservation areas and open spaces (as discussed above).



## 2.5. Heritage & Appropriate Transition

The existing PLEP 2011 controls relating to heritage under Clause 5.10 are being retained without change.

During the preparation stage of the CBD PP, a Heritage Study was undertaken by Urbis (*Heritage Study: CBD Planning Controls*, December 2015), which analysed the Planning Strategy supporting the CBD PP in relation to potential heritage impacts as a result of proposed changes to FSR. The report was included in the supporting documents with the CBD PP for Gateway Determination.

However, the DPIE in considering several site-specific planning proposals raised questions in relation to heritage issues for the Interface Areas at the periphery of the CBD. In response to these issues, Council commissioned a further heritage study, *Parramatta CBD: Heritage Study of Interface Areas*, prepared by Hector Abrahams Architects (HAA), July 2017.

The HAA Study assessed at a precinct scale the impact of the CBD PP on heritage items and HCAs within and adjacent to the Interface Areas and within the Parramatta CBD. One of the recommendations of the study was to include a new Clause 7.21 - Managing heritage impacts in PLEP 2011, which applies to the whole of the CBD 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”. The new heritage clause provides clarity as to what constitutes “appropriate transition” (as per draft clause 7.16(4)(b) and draft clause 7.15(2)(a), refer to above) and additional protections over and above the current (standard) heritage clause. The draft Clause 7.21 is as follows:

### 7.21 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

*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.*

#### (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*
- (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.*

## **2.6. Site Depth**

The issue of site depth for Opportunity Sites arose from consideration of a site-specific planning proposal at 286-300 Church Street, Parramatta. The outcome of the analysis undertaken by City of Parramatta Council was a recommendation that additional provisions be included into the draft Clause 7.16 (Opportunity Sites) of the CBD PP to address site isolation, impacts on historic streetscapes and adding minimum site depth requirements.

In September 2018, Council resolved to amend draft Clause 7.16 to require in addition to the minimal site requirement of 1,800sqm and a minimum street frontage requirement of 40 metres, that a minimum site depth also be required in the amount of:

- *35 metres, where the site is a corner site with at least two street frontages; or*
- *40 metres, in all other situations.*

## **2.7. Heritage Floor Space**

The Urbis Heritage Study (December 2015) included an investigation of the merits of a potential transferable development rights scheme for heritage floor space ratios. The report discusses a “proposed model” that allows for additional FSR on development sites through the amalgamation of heritage sites with adjacent sites and that this process could be further complimented by a design excellence process to achieve both conservation outcomes and additional FSR throughout the city centre. However, in February 2016, Council decided to defer consideration of a heritage floor space transfer scheme to a separate LEP amendment to be undertaken at a future date.

### 3. Methodology

This report has been prepared with regards to the guideline document *Statements of Heritage Impact*, NSW Heritage Office and Department of Planning and Environment (1996) and is consistent with the relevant principles and guidelines of the *Australia ICOMOS Burra Charter* (2013).

Generally, the methodology for this report has involved three steps: a review of relevant documentation, a site survey and an assessment of potential heritage impacts as a result of the development of Opportunity Sites. These three steps are discussed in further detail below.

#### 3.1. Documentation Review

A review of relevant, available information already prepared as part of the development of the Parramatta CBP Planning Proposal was reviewed with specific reference to already identified heritage constraints, issues for consideration and recommendations in relation to the following:

- heritage items;
- heritage conservation areas;
- historic streetscapes; and
- historic or important view lines within and across the Parramatta CBD.

Section 1.9 of this report outlines the documentation reviewed as part of this Heritage Report.

#### 3.2. Site Survey

In August 2019, the authors of this report conducted site surveys of the Parramatta CBD with the aim of understanding the morphology of the CBD core in terms of building heights, setbacks, podium heights and view lines. The Testing Area Blocks were the principal focus of the site survey however, all Opportunity Sites were inspected. In undertaking the site survey, the eight heritage design opportunities (refer to Section 3.4 below) were applied to each Testing Area Block.

#### 3.3. Assessing Potential Heritage Impacts

The NSW Heritage Council's document *Statements of Heritage Impact* (2002) provides a list of questions that should be considered when new development is proposed adjacent to a heritage item. These questions are:<sup>1</sup>

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to a heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*
- *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

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<sup>1</sup> NSW Heritage Office and Department of Urban Affairs & Planning, 2002; *Statements of Heritage Impact*, p. 7

However, as this report is addressing only potential new development adjacent to or within the vicinity of a heritage item and/or heritage conservation area, not all the above questions can be answered or are of relevance.

This heritage review needs to anticipate the ways in which new development that takes advantage of the proposed incentives and bonuses for height and FSR may potentially result in negative impacts on heritage items, heritage conservation areas and historic streetscapes within and around the Parramatta CBD. Issues such as architectural detailing, proportions, materials selection and form of potential new development have necessarily been discounted in this heritage review.

As discussed in the *Parramatta CBD Heritage Study of Interface Areas* (Hector Abrahams Architects, 2017), the nature of an impact upon heritage is influenced by many factors, including the type, scale, and context of the proposal. The report goes on to state:

“A more helpful way to consider the impact of a new development upon heritage is to consider the relationship that will exist between them.....Where a poor relationship exists, this can lead to poor heritage outcomes in terms of isolation, overshadowing, or disturbance of existing street patterns and rhythms.”<sup>2</sup>

For the purposes of this report, a number of key **heritage design opportunities** have been identified that speak to the potential impacts on areas of heritage significance resulting from the development of the Opportunity Sites.

### 3.4. Heritage Design Opportunities

In considering the potential impacts of the development of the Opportunity Sites, the components of a future development which could result in negative impacts are those that relate to the bulk, scale and siting of a new building. Each of these components of a new development have the potential to result in a poor relationship between the new building and an adjacent heritage item or locality.

Negative impacts which may result include an unacceptable level of overshadowing, the blocking or obscuring of view lines both to and from an historic place, obscuring or substantially altering the setting of a heritage item and the isolation or “widowing” of a heritage item, amongst others.

For this report, eight heritage design opportunities have been identified that attempt to capture the main ways in which a large-scale tower building may impact on heritage items, heritage conservation areas, historic streetscapes and special precincts within and surrounding the Parramatta CBD.

Most of these impacts individually can be mitigated and/or avoided by the considered siting of towers and the provision of appropriate setbacks (i.e. design opportunities). However, in some instances, height restrictions may also be necessary for mitigation purposes.

The eight heritage design opportunities identified for the purposes of this heritage review are discussed below.

#### 3.4.1. Impact 1: Views to and from

Retaining or enhancing available views of individual heritage items and precincts within their urban context is important in understanding the history of a place, as well as the broader locality in which a building or precinct of cultural significance is located.

<sup>2</sup> Hector Abrahams Architects, 2017; *Parramatta CBD Heritage Study of Interface Areas*, p. 30

Views do not necessarily need to be broad views or even long-distance views of a heritage item in its immediate setting, and sometimes glimpse views or “slot views” between buildings can be just as important in understanding the history and significance of a place within its urban context. Likewise, views along streets can provide long views with a variety of heritage items amongst newer development (the northern side of Phillip Street is an example) which clearly communicate the history of development of a particular area.



Figure 8: Glimpse view of the roofs of heritage listed commercial buildings fronting Church Street (indicated with an arrow) as seen from Marsden Street to the west.



Figure 9: Glimpse view of the northern bank of Parramatta River at end of laneway leading off Phillip Street.

One implication of applying both the Opportunity Site FSR bonus (3:1) and the unlimited commercial FSR is the potential to obscure views to and from heritage items in and around the Parramatta CBD, due to significant differences in the scale of new buildings and the siting of tower podiums.

### 3.4.2. Impact 2: Historic View lines

In some circumstances historic view lines continue to exist within a contemporary urban cityscape and allow for a greater understanding of the history of a place. Historical view lines may represent evidence of earlier town planning schemes with streets or public squares being intentionally aligned with important buildings or other places of note (for example the relationship between George Street and Old Government House), they may also be surviving evidence of a view that was appreciated in the past and represented in historic artworks and photography and although the setting may have changed dramatically over time, the same view line remains in place.

One implication of applying both the Opportunity Site FSR bonus (3:1) and the unlimited commercial FSR is the potential to adversely impact on historic view lines within the Parramatta CBD due to the scale and siting of new development which may create canyon effects and the enclosure of historic view lines.



Figure 10: Painting of George Street, Parramatta looking east from the gates of Parramatta Park, dated 1804-5, by George William Evans, Caroline Simpson Library & Research Collection, Sydney Living Museums, 31758



Figure 11: Contemporary view looking down the length of George Street from the George Street Gatehouse. The alignment of the roadway and the open sky and vegetation at the furthest extent of the view all survive. Source: GoogleMaps, 2019

### 3.4.3. Impact 3: Scale

Given that the draft PLEP provisions of the CBD PP allows for unlimited heights and FSRs for Opportunity Sites, the scale of new development is an important consideration in terms of the potential impacts on adjacent heritage items and precincts. A larger scale building located directly next to a smaller heritage listed building can result in loss of context for the heritage item (due to the siting of the new development) and can visually overwhelm and detract from the heritage item, impacting on aesthetic values.

The impact of the scale of a new development on a heritage item is a visual impact and deciding whether the scale of new development has or will have a negative impact on an adjacent heritage item is dependent on both buildings being visible within a person's field of view.<sup>3</sup>

Where only close-range views of a heritage item are available and only the lower portion of a large-scale tower building is captured in the field of view, the disparity of scale between the two buildings is not readily perceived and the tower building tends to form a backdrop to the heritage item. Other issues may arise such as a sense of enclosure or the heritage item being overwhelmed, however these can be resolved through the careful siting of new development and ensuring adequate setbacks between the heritage item and new development are implemented.



Figure 12: The Commercial Hotel on Station Street East with large tower building behind. The view from street level does not allow for the full extent of the tower to be perceived in the same view of the heritage item.



Figure 13: View of heritage listed property at No. 62-64 Macquarie Street with larger scale development enveloping the historic building. Source: GoogleMaps, 2019

Where scale does become an issue is those situations where longer range views allow for the full extent of the large-scale tower building to be viewed adjacent to the heritage item, thus allowing the viewer to understand the disparity in scale between the two buildings. For scale to be an issue for a heritage item, medium to long range views need to exist that allow this disparity to be perceived.

### 3.4.4. Impact 4: Overshadowing impacts

One of the major impacts of new development potentially taking up the available increased height and floor space ratios of Opportunity Sites is the potential overshadowing of individual heritage items, heritage conservation areas and historic streetscapes and localities. Overshadowing of a place impacts on the amenity of a property and diminishes the appeal and sometimes the practicality of a place to continue to be used. The follow-on negative impact of this situation is that once the use of a place of cultural significance is considered to be no longer viable (due to loss of amenity), the ongoing care, maintenance and conservation of the place is less likely to occur.

<sup>3</sup> The field of view is the extent of the observable world that is seen at any given moment. Source: [https://en.wikipedia.org/wiki/Field\\_of\\_view](https://en.wikipedia.org/wiki/Field_of_view)

For overshadowing to be an issue, solar access needs to have been reduced to an unacceptable level and this is considered by the Department of Planning, Industry & Environment in the case of Heritage Conservation Areas to be less than two hours of direct sunlight between 9am and 3pm at midwinter (21<sup>st</sup> June).

The increased height controls within the Parramatta CBD which potentially enable development up to 243 metres (AHD) will have implications for overshadowing. The impacts of overshadowing from very tall tower development may impact the setting and amenity of heritage items located throughout the Parramatta CBD, as well as heritage items and heritage conservation areas within close proximity to the CBD. Overshadowing impacts need to be taken into account when considering new developments for tall towers in Opportunity Sites.



Figure 14: Aerial view of Parramatta CBD showing overshadowing from the Meriton apartments and hotel at 330 Church Street. This view shows overshadowing at approximately 2pm. Source: SixMaps, 2019

### 3.4.5. Impact 5: Setbacks and Podiums

In undertaking the site survey, it was noted that some of the Testing Areas Block already had an established pattern of development in terms of street frontage setbacks and/or podium heights that resulted in minimal or acceptable impacts on items of cultural significance.

For example, buildings located on the northern side of Phillip Street immediately to the east of the former ANZ bank building (306 Church Street) are set back from the street frontage by a minimum of 3 metres and, although only a small amount, this is enough to allow the heritage listed former ANZ bank building to appear prominent in the streetscape (see Figure 15). Another example is found on Campbell Street where the late 20<sup>th</sup> century residential flat buildings located to both the east and west of the State heritage listed Lennox House (39 Campbell Street) are setback by approximately 8 metres from the street frontage, again supporting the visual prominence of the heritage item in views along the street (see Figure 16).

In these cases, the existing development pattern should be retained and, where possible, improved; but never removed or reduced.

For other Testing Areas Block, future development would benefit from the introduction of side and street frontage setbacks and a limited podium height in order to minimise negative impacts on sites and places of cultural significance, particularly in those instances where the Testing Areas Block contains a heritage item or is directly adjacent to a heritage item.



Figure 15: View looking west down Phillip Street towards to the former ANZ bank building. Note the sympathetic street frontage setback for the adjacent buildings to the east retain clear views of the historic building.



Figure 16: Aerial view of Campbell Street showing the already established street frontage setbacks for the group of late 20<sup>th</sup> century residential flat buildings located either side of Lennox House, a state heritage item. Source: GoogleMaps, 2019

### 3.4.6. Impact 6: Blue Sky/Skyline Silhouettes

Within the context of a dense urban environment, blue sky (or open air) above and behind a heritage item should be considered as being part of the historical setting of the place. The absence of contemporary, tall buildings encroaching into views (both short and long-range views) of a heritage item provides a number of benefits to the understanding and appreciation of that heritage item, including:

- Imparts a sense of respect. The building and its immediate setting have been retained despite (perhaps) decades of development pressure and the increased development within the vicinity of the item.
- Reinforces the historic character of the place by clearly not relating to the scale of surrounding contemporary development. This difference is an indicator that the item was built before modern standards, styles and requirements for city buildings developed.
- Introduces a sense of space into a locality that may be densely developed by tall tower blocks.
- Can serve to maintain the landmark nature of an historic building within the broader city scape.

One implication of applying both the Opportunity Site FSR bonus (3:1) and the unlimited commercial FSR to new development is the potential to adversely impact on the setting of heritage items within the Parramatta CBD due to the scale and siting of new development which may reduce or remove blue sky in existing views of heritage items.



Figure 17: Spire of St. John's Anglican Cathedral, a significant local landmark (indicated with an arrow), seen in the distance looking south down Church Street.



Figure 18: View of Lennox House, Campbell Street with blue sky behind to the south-east.



### 3.4.7. Impact 7: Historic Development Patterns

Another indicator of the potential age of an historic building is its configuration within the established development pattern of the immediate locality. The configuration of historic buildings, including their orientation to the street, street frontage setbacks, allotment shape etc., may be “out of step” with subsequent surrounding development and this inconsistency in the development pattern tends to reinforce the historic character of a place. The amalgamation of allotments containing a heritage item in order to achieve site area, site width and site depth requirements for Opportunity Sites as per the CBD PP and their subsequent development has the potential to obscure historic development patterns.



Figure 19: Aerial view of Harrisford and surrounding development showing legal allotment boundaries. Note the irregular side boundary alignments for Harrisford (outlined in orange). Source: SixMaps, 2019

### 3.4.8. Impact 8: Isolation or “Widowing” of Heritage Items

As discussed in the HAA Study, “a part of the city composed of a predominately uniform collection of buildings or subdivision allotment can be gradually eroded in a piecemeal fashion, until the heritage qualities of a place are seen to rest on a building that, in isolation, may be of little heritage value. Isolated heritage sites make for permanent negative landmarks”.<sup>4</sup>

Given that one of the aims of the Parramatta CBD PP is to incentivise consolidation of smaller sites to enable greater FSR and heights for new development, the isolation of heritage items is an increased possibility depending on how surrounding sites are amalgamated and developed.



Figure 20: Example of an isolated or widowed heritage item at the intersection of Wigram and Una Streets. Source: GoogleMaps, 2019

<sup>4</sup> HAA, 2017; *Parramatta CBD: Heritage Study of Interface Areas*, p. 33

## 4. High Level Assessment of the Opportunity Sites

The following is a high-level assessment of the potential impacts of the proposed Opportunity Sites located within the Parramatta CBD on heritage items, heritage conservation areas and historic streetscapes.

This assessment aims to identify the principal areas of heritage value within and on the periphery of the Parramatta CBD and applies the eight heritage design opportunities (as per Section 3.4 above) across all identified Opportunity Sites.

### 4.1. The Heritage of the Parramatta CBD

Parramatta was the second township to be established in the colony after Sydney in 1788 when in October of that year a site was selected for a redoubt at the Crescent, in what is now Parramatta Park, and on 4 November 1788, convicts were sent to the site, cleared the land and planted crops to feed the colony of Sydney. Apart from government agriculture, private farming also began. In November 1789, James Ruse was occupying land at Experiment Farm, which he was cultivating.

The original inhabitants of Parramatta belonged to the Darug (Dharug, Daruk) language group and the clan that occupied the area was known as the Burramattagal. The Bidjigal occupied the areas to the north and west.



Figure 21: Painting by J. Lycett, dated 1819 entitled “West view of Parramatta” Source: SLNSW/ML 53

A formal town was laid out in 1790 with a long transverse street lined with convict huts, later known as George Street (originally High Street), leading from the wharf to Government House (now Old Government House). Other buildings erected included a granary, stores, and military barracks. A hospital was operating in 1789 and in 1792 a new brick hospital was built on a site by the river. A gaol was commenced in 1797 in, what is now, Prince Alfred Park (to the north of Parramatta River).

The first service at St John's Anglican Cathedral was held on 17 April 1803 and its distinctive towers were added in the 1810s. Originally all communication to and from Parramatta was by river, but a rough track to Sydney was opened and Parramatta Road was laid out about 1797.<sup>5</sup>

Today, the City of Parramatta retains a wealth of surviving colonial buildings and places and historical archaeological sites and places and the city is of cultural significance for its ability to demonstrate, in its physical forms, historical layering, documentary and archaeological records, the development of colonial and post-colonial settlement in Sydney and New South Wales.<sup>6</sup>

Located within and/or adjacent to the Parramatta CBD Planning Proposal boundary there are approximately 28 State heritage items, 2 State listed archaeological items, 1 Commonwealth heritage item, 131 locally listed heritage and archaeological items and six heritage conversation areas identified in the PLEP 2011.

Located on the western boundary of the Study Area is the World Heritage Listed property of Old Government House and Domain (Parramatta Park).

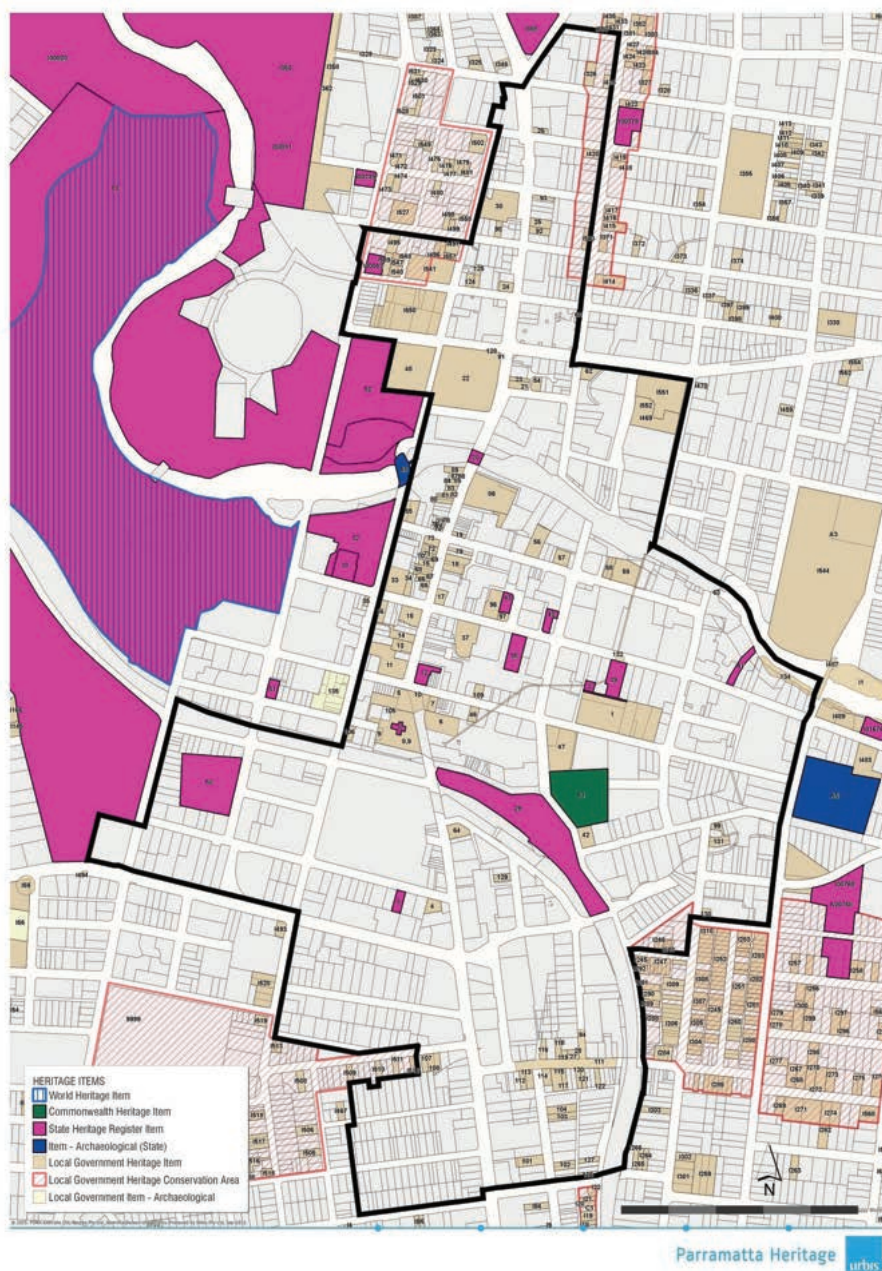


Figure 22: Diagram of the Study Area identifying heritage items throughout and their highest level of protection. Source: *Heritage Study-CBD Planning Controls*, Urbis, 2015; p. 6

<sup>5</sup> Kass, T., 2008; "Parramatta" cited in *Dictionary of Sydney*, <https://dictionaryofsydney.org>

<sup>6</sup> Urbis, 2015; *Heritage Study: Parramatta- CBD Planning Controls* for City of Parramatta Council, p. 5

## 4.2. Special Precincts and Historic Streetscapes

Aside from individual heritage items and heritage conservation areas, there are a number of localities in and around the city centre that although they include listed and unlisted heritage items, are not identified as heritage conservation areas. Regardless, these localities are of importance to the history the development of Parramatta and are worthy of consideration in the future development of the CBD.

### 4.2.1. Old Government House and Domain and the Park Edge Highly Sensitive Area

Defining the western edge of the Parramatta CBD, Parramatta Park is a large public parkland that is a local and State heritage item and contains Old Government House and Domain, which is included in the *Australian Convict Sites* World Heritage serial listing.

The technical report entitled *Development in Parramatta City and the impact on Old Government House and Domain's World and National Heritage listed values*, prepared by Planisphere, 2012 undertakes an assessment of potential impacts as a result of the further development of the Parramatta CBD and provides a methodology to allow proposals for new developments to be assessed against visual impacts on the Old Government House and Domain's World and National Heritage Values. The analysis within this report resulted in identifying an "area of sensitivity" based on important views to and from Old Government House and the Domain and a layering of viewshed, topography and proximity.

The "area of sensitivity" was further divided into "sensitive" or "highly sensitive". The "highly sensitive" areas of the city were identified as those areas which are prominent within the "foreground" of a view and are affected by multiple important view cones. These are the areas where details of built form are more pronounced and have a high risk of resulting in a significant impact upon the World and National Heritage values of Old Government House and Domain.

The "sensitive" areas of the city were identified as those areas which appear in the middle ground of a view, or which do not feature within an important view cone. Development in these areas may have some impact, but there is no risk of resulting in a significant impact upon the World and National Heritage values.<sup>7</sup> The "sensitive" area covers the majority of the Parramatta CBD and includes the Opportunity Sites.

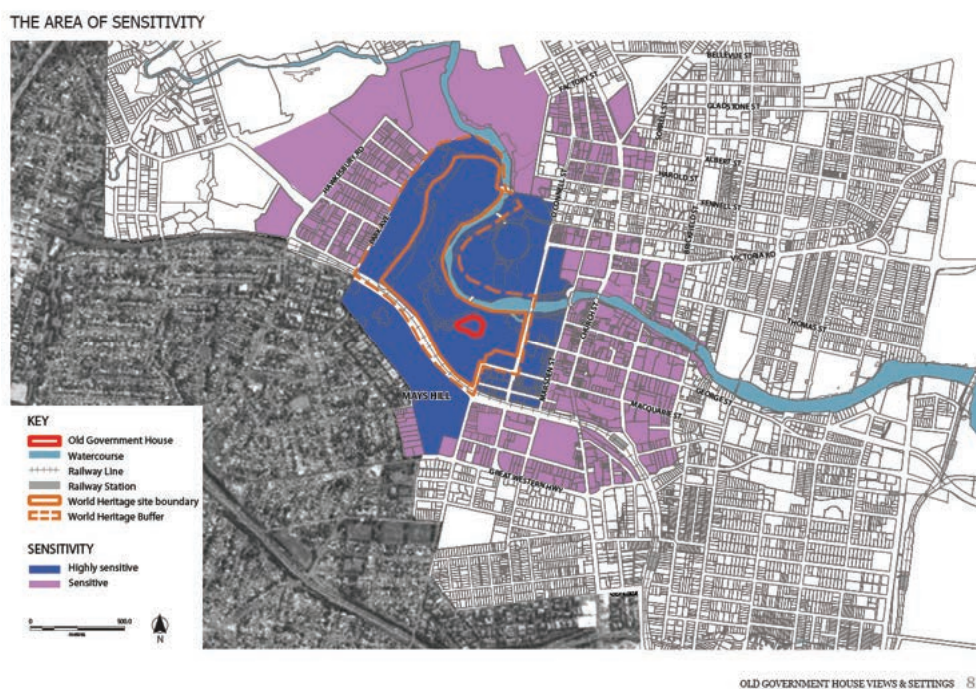


Figure 23: The Area of Sensitivity map provided for in the *Development in Parramatta City and the impact on Old Government House and Domain's World and National Heritage listed values: Technical Report*. Source: Planisphere, 2012; p. 81

<sup>7</sup> Planisphere, 2012; p. 80

The division between the “sensitive” and “highly sensitive” areas is Marsden Street, a street that is dominated by civic buildings forming the Parramatta Justice Precinct and containing a number of individual heritage items (the Court House Tower, Brislington and the former St. Andrews Uniting Church and Hall). The allotments on the eastern side of Marsden Street between Parramatta River and Macquarie Street are identified as Opportunity Sites.

Based on the outcomes of the Planisphere Technical Report and consistent with the “Implementation Plan” in the adopted *Parramatta CBD Planning Strategy* (2015), the “Park Edge Highly Sensitive Area” on the western edge of the City Centre adjacent to the World Heritage listing of Old Government House and Domain is an area where it is not proposed to change the FSR or building height controls as part of the CBD PP. This area of land serves as a “buffer zone” between the density and height of the city core development and the open parklands of Old Government House and Domain.

***Potential Impacts:***

Council’s analysis included in *Overshadowing in the Parramatta CBD: Technical Paper* (June 2019) identified that only the southern extent of Parramatta Park, adjacent to the Great Western Highway, would potentially be affected by the 243m AHD building height (permissible under the incentive building height provisions). Council’s testing was based on a threshold requiring a minimum of 50% of the park’s area to receive four hours or more of sunlight between 9am and 3pm on 21<sup>st</sup> June (midwinter) and demonstrated that this requirement is easily achieved for Parramatta Park.

There is some potential for overshadowing to occur within the “park edge highly sensitive area” as a result of Opportunity Sites to the northwest and west, in particular as a result of the development of Opportunity Sites located along Church Street and Marsden Street. However, as the “park edge highly sensitive area” is bounded on its western side by the undeveloped Parramatta Park, any overshadowing to occur will only happen between 9am and 10am, ensuring adequate solar access to the “park edge highly sensitive area”.

**4.2.2. Church Street Precinct and View Corridor**

The Church Street Precinct is a unique locality within the CBD and a key heritage area within Parramatta, containing 29 heritage items and 4 listed archaeological sites. Church Street also serves as a key view corridor within the CBD, with an historic vista from Lennox Bridge and Parramatta River through to St John’s Anglican Cathedral.

The 2-3 storey street edge defines a pedestrianised corridor that accommodates outdoor dining and nightlife within the CBD. There are high concentrations of listed heritage items along Church Street and the character of this precinct is considered of significance and worth retaining with the amount of visibility and daylight access to the street essential to maintaining the amenity of the area.<sup>8</sup>

In addition, the historic view corridor looking south down Church Street allows the spire of St John’s Anglican Cathedral to be viewed with blue sky behind, a landmark skyline silhouette of one of Parramatta’s most significant, early buildings in the centre of the city. It has been noted that should the Opportunity Sites (Testing Areas Block B1) on the Great Western Highway to the south of the cathedral be developed, then this blue sky view could potentially be removed and replaced with tower developments as a backdrop to the cathedral.

***Potential Impacts:***

All sites on the western side and the majority of sites on the eastern side of Church Street between Lennox Bridge and Macquarie Street are identified as Opportunity Sites. Potential impacts as a result of the development of the Church Street Opportunity Sites, as well as Opportunity Sites to the west (on Marsden Street) and the northeast (Phillip Street) are as follows:

<sup>8</sup> City Plan Heritage, 2019; Heritage Analysis: Church Street Precinct; p. 35

- Unacceptable levels of overshadowing;
- Loss of blue sky/skyline silhouettes due to unsympathetic podium heights and tower setbacks; and
- Visual impacts due to disparity in scale between heritage items on Church Street and new development to the east and west.
- Loss of blue sky views behind (south) St. John’s Anglican Cathedral as viewed from Church Street, should Opportunity Sites on the Great Western Highway be developed.

#### **4.2.3. Parramatta Square/Centenary Square/St. John’s Anglican Cathedral**

Historically the civic centre of Parramatta, the area that is now known as Parramatta Square refers to the land generally bounded by Macquarie Street, Smith Street, Darcy Street and Church Street Mall in the Parramatta City Centre and is adjacent to Centenary Square, the Centennial Memorial Clock, St. John’s Anglican Cathedral and St. John’s Parish Hall. The area to the east of the cathedral and containing the Parramatta Town Hall building and a large development site is an identified Opportunity Site.

It is noted that a strip of land to the east of St John’s Anglican Cathedral and in line with an identified historic view of the building (refer also to discussion regarding view lines below) is already protected from any additional overshadowing between 12 noon and 2 pm in the PLEP 2011.

#### ***Potential Impacts:***

Located as it is in the centre of the city, St. John’s Anglican Cathedral is surrounded by core lands and Opportunity Sites that, if developed to the maximum potential, may result in negative impacts on the State heritage listed building, as well as surrounding public spaces. Of note is the potential for large scale development to the south (see Testing Area Blocks B1) to obscure views of the towers of St. John’s Anglican Cathedral as seen against blue sky (a landmark skyline silhouette in the centre of the city) when viewed from the north down Church Street. Refer also to discussion under 4.2.2. *Church Street Precinct and View Corridor* above.

#### **4.2.4. George Street**

As discussed above, the town of Parramatta was initially laid out in 1790 around a long transverse street leading from the wharf to Government House. Originally known as High Street, it is today known as George Street and retains essentially the same alignment as when first layout in the late 18<sup>th</sup> century. The Planisphere Technical Report (2012) discusses briefly the history of development of George Street noting that when first laid out the street was to be 62/61 metres (approximately 200 feet) wide, indicating the high status the street held in the initial town plan. However, by the second stage of planning of Parramatta in 1811, when extensions were laid out by Governor Macquarie, George Street was narrowed to its present width of 20 metres (approximately 65 feet).<sup>9</sup>

An interpretation of the historic width of George Street has been provided for in the *Parramatta Development Control Plan 2011* which states that the upper level building setback at the George Street frontage (both north and south sides) is required to be 20 metres to interpret the historic alignment of this street. The podium is to have a street frontage height of 4 storeys/14 metres on a nil setback to George Street or alternatively a publicly accessible forecourt is to be provided for the full extent of the 20 metres building setback. (Part 4.3.3.1 Control C3, PDCP 2011).

Similarly, the HAA Heritage Study (2017) identifies the eastern end of George Street (containing the historic property Harrisford) as a “special interest area” and an important, historic entry point into the

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<sup>9</sup> Planisphere, 2012; p. 11

city, noting that the eastern-most end of George Street maintains a view to the sky (blue sky) when viewed from the west.<sup>10</sup>

### ***Potential Impacts:***

Opportunity Sites are located to both the eastern and western ends of George Street within the city centre, the development of which have the potential to impact on individual heritage items located on George Street and throughout the city core as a result of the following:

- Overshadowing;
- visual impacts of scale;
- obscuring of views of blue sky at the eastern end of George Street and in street views of individual heritage items along George Street;
- the potential isolation of heritage items; and
- the narrowing of the historic view line along George Street due to tower setbacks.

### **4.3. View lines and Blue Sky**

As noted in the Urbis Heritage Study (2015), views and vistas are an essential part of Parramatta's cultural landscape and contribute to the quality of the environment. A number of significant views and vistas are already identified in the PDCP 2011 and additional views have been identified in the Planisphere report (2012) in relation to Old Government House and Domain. Refer to Figure 24 for identification of significant view lines throughout the CBD.

The PDCP 2011 notes that it is important that views within the city and into and out of the city are maintained from as many points as possible and that views are regarded as significant when they terminate at places of architectural, landscape, or cultural significance. This may include views of major parks or publicly significant objects or heritage buildings (see Part 4.3.3.4 Views and View Corridors of PDCP 2011).

In addition, the PDCP 2011 discusses the importance of the silhouettes of buildings and the city skyline, noting that the silhouettes of many buildings are significant and contribute to the identity of the commercial core of the city and its skyline. This includes blue sky or open air above and behind heritage items.

The Planisphere report (2012) undertakes a detailed analysis of various views of, from and within Old Government House and Domain and provides an assessment of their significance. Generally, views of, from and within the World Heritage listed site will not be impacted on by the development of Opportunity Sites in the CBD, as street views to and from the park are generally able to be retained.

### ***Other Views***

In undertaking this heritage review, additional view lines throughout the CBD have been identified that relate to specific heritage items or historic view lines within the city core that have the potential to be impacted on should Opportunity Sites be developed. These additional view lines are:

1. Historic view line east and west along George Street (historic street and view line)
2. View west from Harris Street up George Street, a key entry point into the city core with views taking in Harrisford, 182 George Street;
3. Views east and west along Phillip Street taking in groups of heritage items and terminating at the west with a view of the former ANZ bank building (heritage item) and at the east by views to Parramatta River;
4. Views north and south along Marsden Road with groups of heritage items and other buildings that together form part of a judicial district.

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<sup>10</sup> HAA, 2017; p. 93

Other identified views include glimpse views of the Parramatta River available down laneways and between buildings on Phillip Street.

In addition, some (but not all) individual heritage items that benefit from blue sky views have been identified, specifically those heritage items with blue sky views that could potentially be impacted on by the development of Opportunity Sites within the vicinity. These heritage items include the following:

- A. St. John's Anglican Cathedral (landmark view down Church Street);
- B. Historic smaller-scale commercial buildings on both east and west sides of Church Street between Lennox Bridge and Macquarie Street;
- C. Court House Tower, George Street;
- D. Former ANZ Bank Building, 306 Church Street (view of cupola)
- E. St George's Terrace, 48-56 Phillip Street;
- F. Harrisford, 182 George Street;
- G. Lancer Barracks, 2 Smith Street;
- H. Lennox House, 39 Campbell Street;
- I. View east down George Street to eastern city entry point (historic view line); and
- J. Parramatta Town Hall, 182 Church Street.

Refer to Figure 25 below for identification of other views of note within the Parramatta CBD.

***Potential Impacts:***

The development of Opportunity Sites around the city core have the potential to impact on individual heritage items and on historic views as per the following:

- Street views into and out of Old Government House Domain (Parramatta Park) may be impacted on by podium heights and tower setbacks, resulting in the narrowing of view lines along historic streets (e.g. George Street as discussed above).
- Views to and from individual heritage items within or adjacent to Opportunity Sites may be interrupted or obscured due to building setbacks; and
- Large scale development has the potential to reduce blue sky settings of individual heritage items.



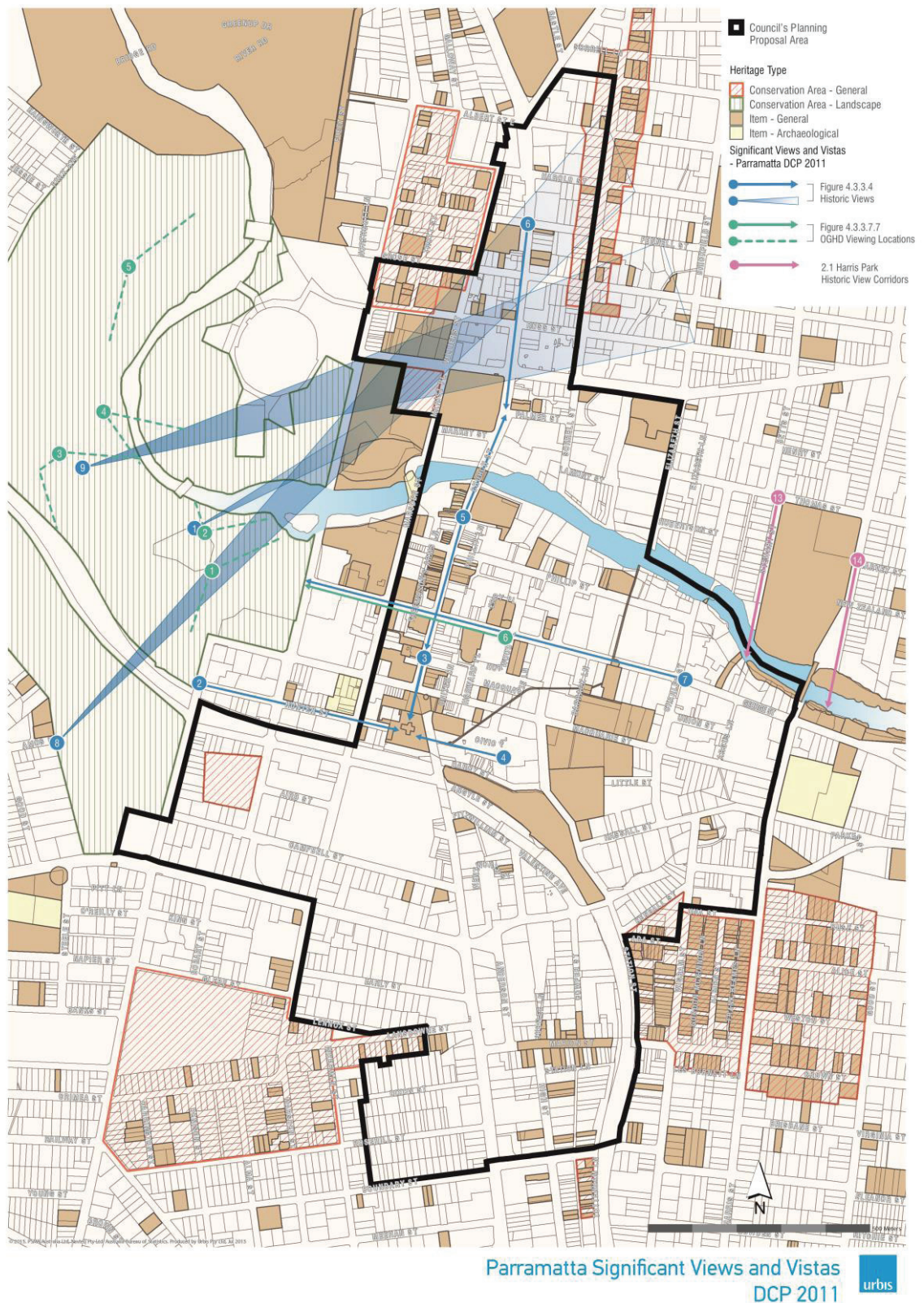


Figure 24: Diagram illustrating identified significant views and vistas in and around the Study Area as per the Parramatta DCP 2011. Source: Urbis, 2015p. 7

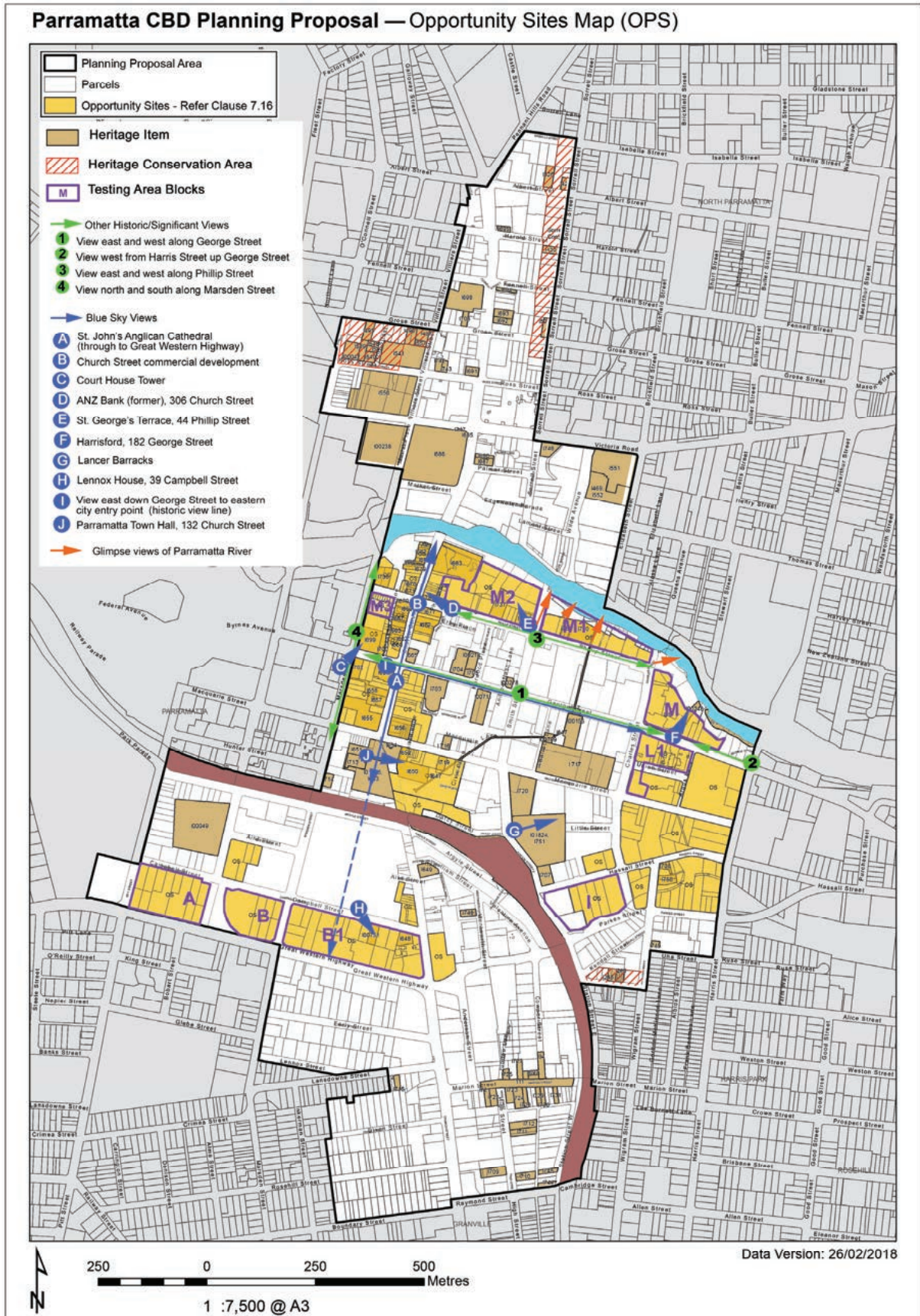


Figure 25: Diagram showing other view lines located throughout the Study Area including available views of Parramatta River and heritage items with blue sky views as backdrops. Source: City of Parramatta Council, annotated by LSJ, August 2019

#### 4.4. Overshadowing

As already noted, the potential for overshadowing impacts on items and areas of heritage significance as a result of the development of Opportunity Sites is considerable. The potential height and FSR of new developments on Opportunity Sites may result in extensive overshadowing of individual heritage items located throughout the Parramatta CBD and on heritage items and heritage conservation areas located around the periphery of the CBD to the south, southwest and southeast.

##### 4.4.1. Gateway Determination conditions

In response to the four conditions of the Gateway Determination issued by the DPIE, Council has undertaken overshadowing analysis that considers the cumulative impact from the existing planning controls (PLEP 2011) with the Incentive Height of Building provisions proposed as part of the Parramatta CBD PP. The outcome of the analysis to satisfy the Gateway conditions are detailed in Council's *Technical Paper on Overshadowing in the Parramatta CBD* (June 2019). On 24<sup>th</sup> June 2019, a Council Report on this matter was presented to Councillors, who resolved to defer making a resolution until further testing was undertaken (including the testing of a number of Opportunity Sites). The following areas were the subject of the additional overshadowing tests:

- Experiment Farm;
- Parramatta Square (between 12 noon and 2 pm);
- Heritage Conservation Areas across the southern areas of the CBD: Harris Park West, Experiment Farm, Tottenham Road and South Parramatta Heritage Conservation Areas; and
- Public open spaces surrounding the CBD.

##### 4.4.2. Sun Access Plane

The intent of the proposed sun access plane is to protect identified key spaces between 12pm and 2pm. This heritage review has also considered the recommended maximum building height (inclusive of bonuses) that apply to Opportunity Sites as set out in Council's *Technical Paper* (June 2019). This includes the proposed amended maximum building heights for Testing Area Blocks A (100 metres), B (100 metres) and I (part 72 metres and part 130 metres). The outcomes and recommendations as a result of Council's additional testing include the following:

- "As part of the CBD PP, it is proposed to replace the existing clause [Clause 7.4] with a new clause where solar access is to be protected on 21 June between 12:00pm and 2:00pm to part of Prince Alfred Square, the southern bank of the Parramatta River Foreshore, Lancer Barracks site and part of Jubilee Park and the 'protected area of Parramatta Square'. It is intended that the land to be protected will be identified on a map and a Sun Access Protection (SAP) Map.
- Consistent with the direction taken in the original CBD PP, sites affected by a SAP are not eligible for Opportunity Site bonus provisions. As shown in [Figure 26 below], it is proposed that opportunity sites affected by a SAP will be removed from the Opportunity Site Map and therefore no longer eligible to seek the additional bonus FSR."<sup>11</sup>

Refer to Figure 28 below for revised Sun Access Plane map showing Opportunity Sites to be removed.

##### 4.4.3. Opportunity Sites FSR

This review is concerned with the potential heritage impacts of Opportunity Sites and the main point of difference between Opportunity Sites and other B3 and B4 zoned land within the Parramatta CBD is a FSR amount of 3:1, allowing a maximum FSR of 15:1 for Opportunity Sites compared with other sites which can only claim up to 12:1 FSR (inclusive of bonuses). As such, heritage impacts that result specifically from this 3:1 increase in FSR need to be identified in order to determine whether an Opportunity Site should be retained or removed.

<sup>11</sup> City of Parramatta Council, 2019; *Parramatta CBD Planning Proposal- Response to Gateway Conditions*; p. 29

As part of the process of undertaking this Heritage Review, Council has prepared modelling showing the difference between overshadowing impacts of the Testing Area Blocks should these blocks be developed to 15:1 FSR compared with overshadowing impacts of these same blocks being developed to only 12:1 FSR.

The shadow analysis prepared by Council demonstrates overshadowing between 9am to 3pm on 21<sup>st</sup> June with an outline of the shadow impacts of 12:1 (yellow outline) and 15:1 (red outline) in two scenarios, Scenario 1 and Scenario 2. The key difference between Scenario 1 and 2 as it relates to Opportunity Sites is, Scenario 2 includes reduced building heights on Testing Area Blocks A and B (consistent with the heights recommended in the *Technical Paper*, June 2019), and a 12:1 FSR on the site-specific planning proposal site at 286 Church. Refer to Figures 26 and 27 below and Appendix A for complete copy of Council modelling.

Both Scenarios include shadow outlines for 12:1 and 15:1 overlaid on “existing shadows” (shown grey). Existing shadows for the purposes of this shadow analysis includes: existing development, approved DAs, sites under construction, building heights already determined via a Design Competition or Site-Specific Planning Proposal and development in a reported and or endorsed Urban Design Study i.e., Church Street Setback Study, Civic Link Framework Plan and Auto Alley Framework (2014).

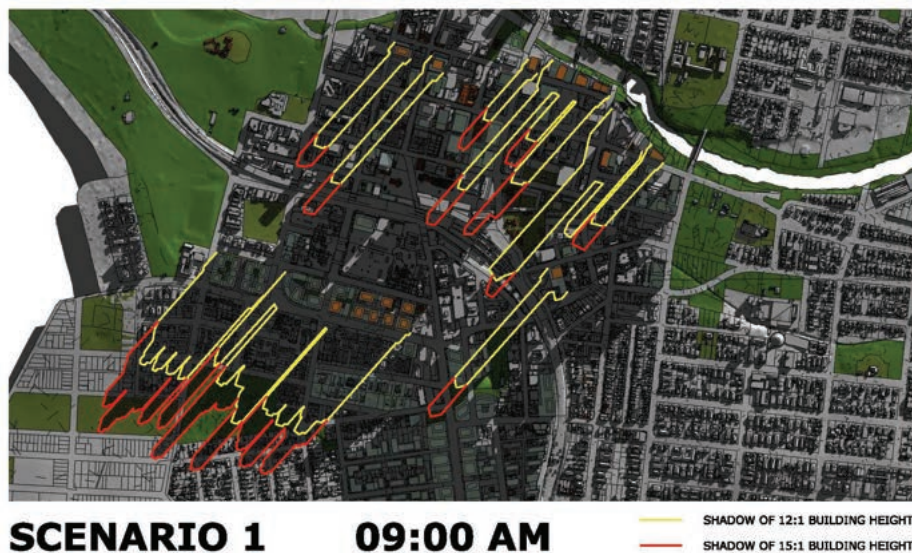


Figure 26: Scenario 1 overshadowing testing for 9.00am on 21<sup>st</sup> June. Source: City of Parramatta Council, September 2019

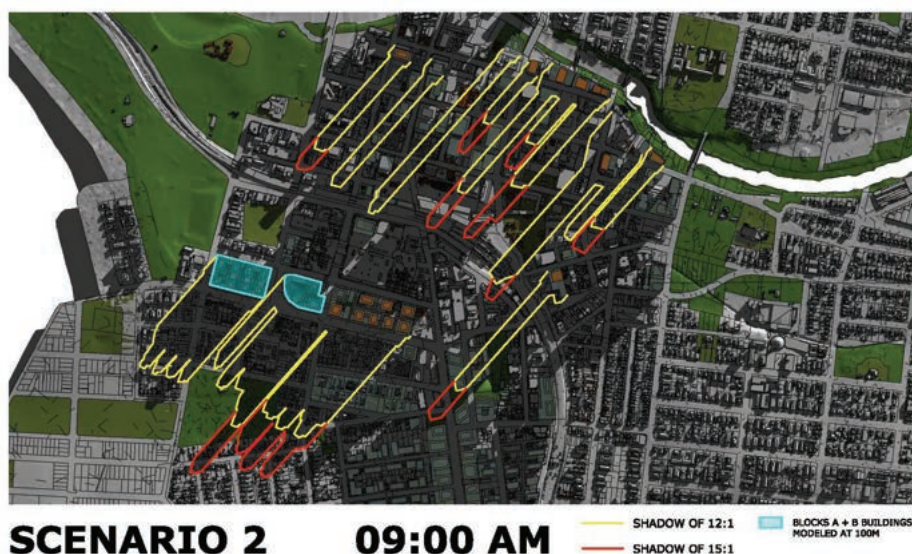


Figure 27: Scenario 2 overshadowing testing for 9.00am on 21<sup>st</sup> June. Source: City of Parramatta Council, September 2019

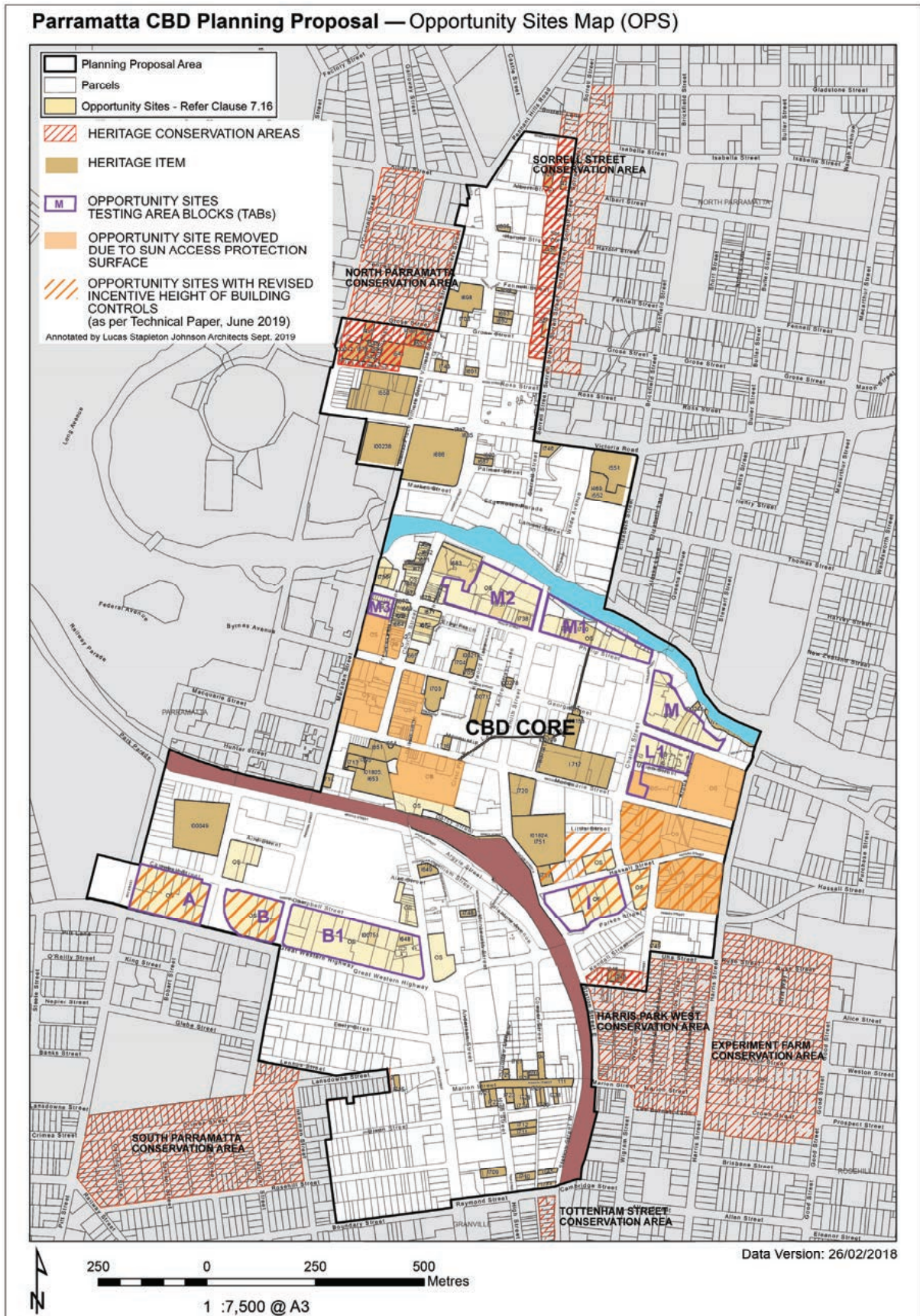


Figure 28: Opportunity Sites affected by Sun Access Protection surfaces and Opportunity Sites with revised incentive height of building provisions based on recommendations in the *Technical Paper*, June 2019. Adopted from Figure 13 in the *Parramatta CBD Planning Proposal- Response to Gateway Conditions*, 2019; p. 30

## 4.5. Potential Heritage Impacts of the Opportunity Sites

Figure 29 below illustrates the potential impacts of Opportunity Sites (as currently endorsed by Council) on areas of heritage significance based on the eight identified heritage issues (heritage design opportunities).

Whilst Figure 29 does not consider the implications of Council's overshadowing analysis (including the Sun Access Planes) and the controls beyond 15:1 FSR (i.e. unlimited commercial FSR available under Clause 7.17), it should be noted that Council are proposing to remove a number of Opportunity Sites as a result of the revised Sun Access Plane and revised proposed maximum building heights outlined in the *Technical Paper* (as illustrated in Figure 28 above).

### 4.5.1. Summary

In applying the eight heritage design opportunity criteria across the Opportunity Sites within the Parramatta CBD, it became clear that a number of key factors led to an Opportunity Site being identified as potentially having substantial impacts on heritage items, conservation areas and historic streetscapes within and surrounding the Parramatta CBD.

In this case, a substantial heritage impact is considered to be a combination of two or more of the eight heritage design opportunity criteria potentially resulting from the development of the Opportunity Site city block. For example, an Opportunity Site that has been identified as potentially resulting in overshadowing impacts, interruptions to historic view lines, obscuring blue sky views behind heritage items and visual impacts as a result of the disparities in scale between new development and individual heritage items (heritage design opportunity numbers 4, 2, 6 and 3) has a far greater level of impact than an Opportunity Site that has been identified as only potentially resulting in overshadowing impacts (heritage design opportunity number 4). Essentially, a single heritage design opportunity is more readily mitigated or dealt with during the design development process for an Opportunity Site, than a combination of factors of concern.

As illustrated in Figure 29, Opportunity Sites located in close proximity to the historic portions of the city centre of Parramatta (i.e. around Parramatta Square, along Church Street and along the southern bank of Parramatta River) are more likely to have been identified as having the potential for substantial heritage impacts. In addition, those Opportunity Sites that are in close proximity to heritage conservation areas located on the perimeter of the CBD are also more likely to have the potential for substantial heritage impacts (for example the Opportunity Site city block bounded by Harris, Parkes, Wigram and Hassall Street on the eastern boundary of the CBD will impact on the adjacent Harris Park West heritage conservation area and depending on the height of new development, Experiment Farm heritage conservation area).

Factors that lead to the identification of a greater number of impacts include the following:

- Individual heritage item/s located within or directly adjacent to Opportunity Site city blocks;
- Density of individual heritage items located within Opportunity Site city block (the greater the number of heritage items, the greater the number of potential impacts);
- Proximity to individual heritage items and heritage conservation areas both within and surrounding the Parramatta CBD; and
- Location of an Opportunity Site city block on an historic street or along an historic view corridor.

Only one Opportunity Site has been identified as having no potential heritage impacts, that is the site at the intersection of Aird and O'Connell Streets in the southwestern portion of the Parramatta CBD. This Opportunity Site, although located adjacent to St. John's Cemetery, is not visible within the same view lines as those that capture the cemetery and is not located within any identified historic

streetscape or important view line. The site will not overshadow the cemetery or Parramatta Park further to the west and any overshadowing to the south and southeast will be culminative with the adjacent Opportunity Sites along the Great Western Highway.

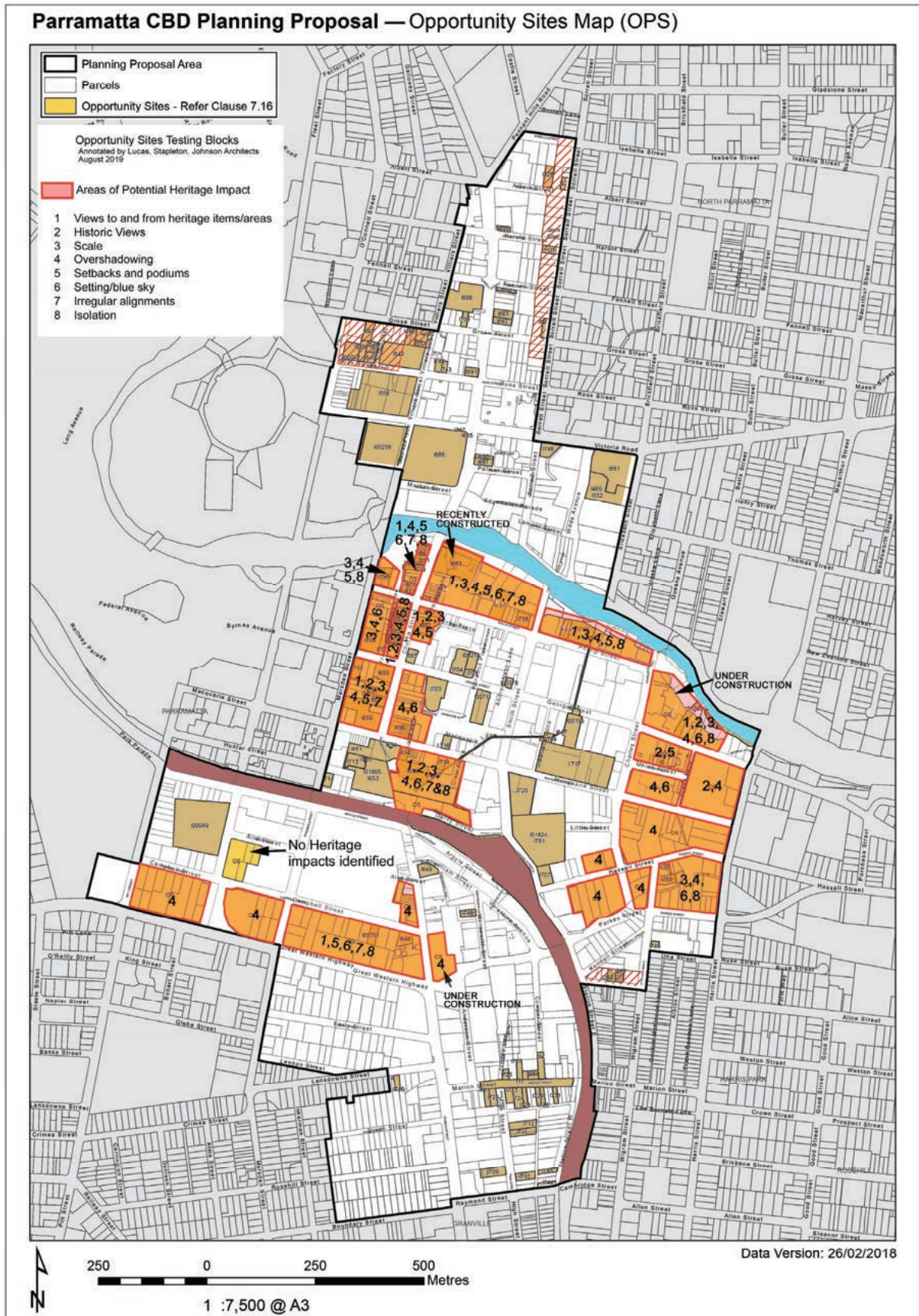


Figure 29: Analysis of the potential impacts on heritage items, heritage conservation areas and historic streetscapes as a result of the development of the Opportunities Sites throughout the Parramatta CBD. Source: City of Parramatta Council, annotated by LSJ, August 2019

## 5. Detailed Assessment of the Testing Area Blocks

The following is a detailed assessment of potential impacts on heritage items, heritage conservation areas and historic streetscapes as a result of the development of Opportunity Sites. This assessment applies the eight heritage design opportunities (as per Section 3.4 above) on the identified Testing Area Blocks across the Parramatta CBD. Note the term “Proposed Revised Incentive Height” used below refers to the maximum height set out in Council’s *Technical Study on Overshadowing in the Parramatta CBD*, June 2019.

### 5.1. Testing Block A



Issue	Comment
<b>Location</b>	Located to the southwest of the CBD in the city block bounded by Campbell Street to the north, Great Western Highway to the south, Pitt Street to the west and O'Connell Street to the east.
<b>Description</b>	<p>Contains late 20<sup>th</sup> century residential flat buildings fronting the Great Western Highway, Campbell Street and Pitt Street.</p> <p>Fairly consistent building heights of approximately 8 levels with consistent street frontage setbacks along Great Western Highway of approximately 11 metres.</p> <p>Southern portion of Testing Block fronting Great Western Highway is at a higher ground level than the northern portion fronting Campbell Street, which is a dramatic level change.</p>



<b>Issue</b>	<b>Comment</b>
<b>Base Height</b>	28 metres
<b>Incentive Height</b>	No height limit (243 metres AHD)
<b>Proposed Revised Incentive Height (inclusive of bonuses)</b>	100 metres
<b>Base FSR</b>	3.5:1
<b>Incentive FSR</b>	10:1
<b>Heritage Items in the Testing Block</b>	Nil
<b>Heritage Items/HCAs in the vicinity</b>	Yes Parramatta Park and the “Highly Sensitive Area” as identified in Planisphere report (2012) South Parramatta Conservation Area Item I520: 78, 80, 82, 84 and 86 Marsden Street Item I493: 41 Great Western Highway
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<i>Views to and from</i>	N/A
<i>Historic View lines</i>	N/A
<i>Scale</i>	N/A
<i>Overshadowing impacts</i>	Overshadowing of the South Parramatta Conservation Area has been mitigated by the proposed revised Incentive Height limit of 100 metres. However, overshadowing of the individual heritage items at 78-86 Marsden Street and 41 Great Western Highway will occur and based on testing undertaken by Council ( <i>Technical Paper: Overshadowing in the Parramatta CBD</i> , June 2019), these heritage items will not achieve 2 hours of sun access between 9am and 3pm on 21 <sup>st</sup> June.
<i>Setting/Blue Sky</i>	N/A
<i>Setbacks/Podium</i>	N/A
<i>Historic Development Patterns</i>	N/A
<i>Isolation</i>	N/A
<b>Comments</b>	Based on Council’s testing of potential overshadowing ( <i>Technical Paper</i> , June 2019), a height limit of 100m will avoid impacting the north-eastern part of the South Parramatta Conservation Area in the afternoon of the 21st June. Based on Council’s modelling of the difference between overshadowing impacts as a result of 12:1 FSR and 15:1 FSR, a 12:1 FSR will result in better outcomes in terms of overshadowing for the South Parramatta Conservation Area, although overshadowing impacts have been mitigated by restricting the height limit of TAB A to 100m, as recommended in the <i>Technical Paper</i> , June 2019.  However overshadowing impacts on the individual heritage items at 41 Great Western Highway and Nos. 78-86 Marsden Street remain substantially the same between 12:1 and 15:1FSR. None of the identified individual heritage items achieve 2 hours of solar access on 21 <sup>st</sup> June under draft Clause 7.16 Opportunity Sites or draft Clause 7.15 Community Infrastructure (Incentive) FSR bonus.

Issue	Comment
<b>Recommendations</b>	<p>Remove as Opportunity sites and restrict maximum building height to that specified in Council's <i>Technical Report</i> which ensures compliance with the Gateway condition for overshadowing of the HCA.</p> <p>Include additional provisions in the CBD PP to ensure a minimum of 2 hours sun access on the 21<sup>st</sup> June is achieved for individual heritage items within the Parramatta CBD.</p>

## 5.2. Testing Block B

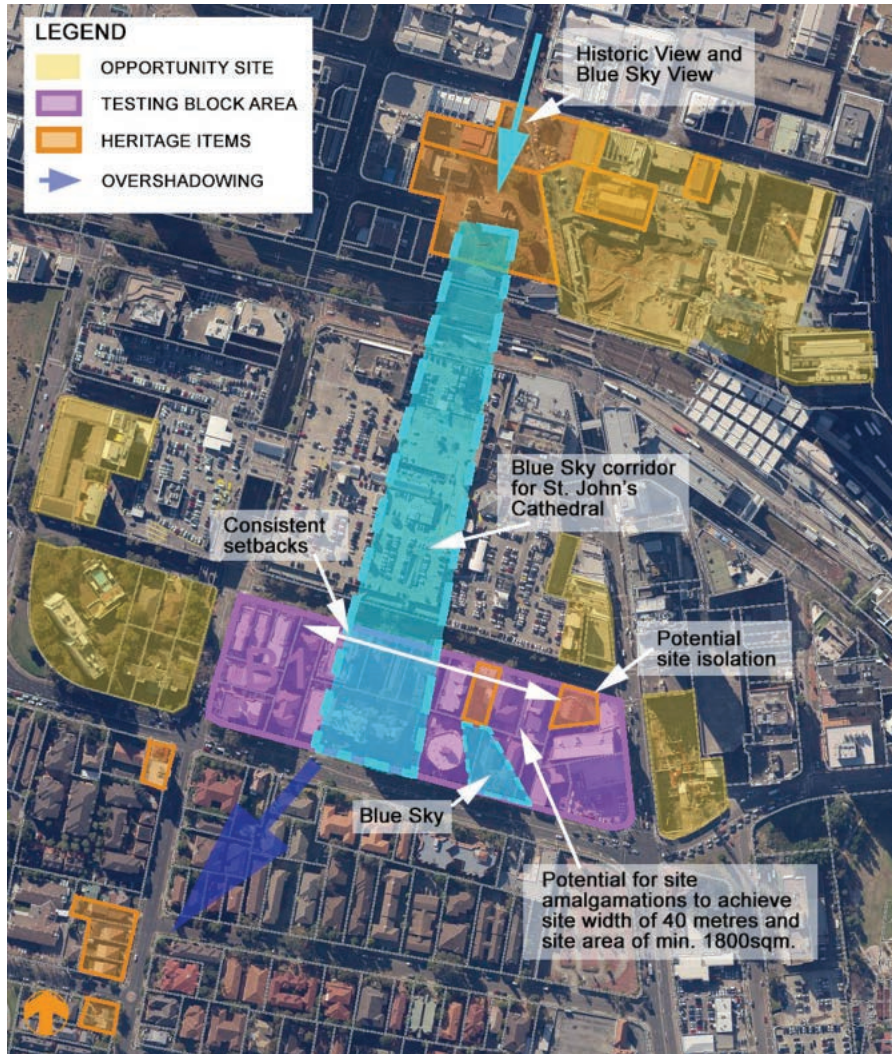


Issue	Analysis and Comment
<b>Location</b>	Located to the southwest of the CBD in the city block bounded by Campbell Street to the north, Great Western Highway to the south, O'Connell Street to the west and Marsden Street to the east.
<b>Description</b>	<p>Residential flat building development of dating from the late 20<sup>th</sup> century.</p> <p>Prominent "Seidler-esque" residential flat building located at the eastern intersection of O'Connell Street and Great Western Highway of approximately 16 storeys, aligned north-west/south-east, breaking typical development pattern of north-south alignments of surrounding buildings. Located next to former City of Parramatta Council building on Great Western Highway. No consistency in setbacks or building heights along Great Western Highway.</p> <p>Four to five level residential flat buildings fronting Campbell Street directly opposite Westfield Shopping Centre (max of 3-4 storeys presently). One with irregular alignment to street frontage in line with larger scale building fronting Great Western Highway.</p> <p>Southern portion of Testing Area Block fronting Great Western Highway is at a higher ground level than the northern portion fronting Campbell Street, which is a dramatic change.</p>

Issue	Analysis and Comment
	Traffic bridge leading from Marsden Street to carparking within Westfield Shopping Centre to the north creates a strong separation between Testing Block Area B and the CBD to the northeast.
<b>Base Height</b>	28 metres
<b>Incentive Height</b>	No height limit (243 metres AHD)
<b>Proposed Revised Incentive Height (inclusive of bonuses)</b>	100 metres
<b>Base FSR</b>	3.5:1
<b>Incentive FSR</b>	10:1
<b>Heritage Items in Testing Block</b>	Nil
<b>Heritage Items/HCAs in Vicinity</b>	<p>Yes</p> <p>South Parramatta Conservation Area</p> <p>Item I520: 78, 80, 82, 84 and 86 Marsden Street</p> <p>Item I493: 41 Great Western Highway</p>
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<i>Views to and from</i>	N/A
<i>Historic View lines</i>	N/A
<i>Scale</i>	N/A
<i>Overshadowing impacts</i>	<p>Overshadowing of the South Parramatta Conservation Area has been mitigated by the proposed revised Incentive Height limit of 100 metres.</p> <p>However, overshadowing of the individual heritage items at 78-86 Marsden Street and 41 Great Western Highway will occur and based on testing undertaken by Council (<i>Technical Paper: Overshadowing in the Parramatta CBD</i>, June 2019), these heritage items will not achieve 2 hours of sun access between 9am and 3pm on 21<sup>st</sup> June.</p>
<i>Setting/Blue Sky</i>	N/A
<i>Setbacks/Podium</i>	N/A
<i>Historic Development Patterns</i>	N/A
<i>Isolation</i>	N/A
<b>Comments</b>	<p>Based on Council's testing of potential overshadowing (<i>Technical Paper</i>, June 2019), a height limit of 100m will avoid impacting the north-eastern part of the South Parramatta Conservation Area in the afternoon of the 21st June. Based on Council's modelling of the difference between overshadowing impacts as a result of 12:1 FSR and 15:1 FSR, a 12:1 FSR will result in better outcomes in terms of overshadowing for the South Parramatta Conservation Area, although overshadowing impacts have been mitigated by restricting the height limit of TAB B to 100m, as recommended in the <i>Technical Paper</i>, June 2019.</p> <p>However overshadowing impacts on the individual heritage items at 41 Great Western Highway and Nos. 78-86 Marsden Street remain substantially the same between 12:1 and 15:1. None of the individual heritage items achieve 2 hours of solar access on 21<sup>st</sup> June under draft Clause 7.16 Opportunity Sites</p>

Issue	Analysis and Comment
	or draft Clause 7.15 Community Infrastructure (Incentive) FSR bonus.
<b>Recommendations</b>	<p>Remove as Opportunity sites and restrict maximum building height to that specified in Council's <i>Technical Report</i> which ensures compliance with the Gateway condition for overshadowing of the HCA.</p> <p>Include additional provisions in the CBD PP to ensure a minimum of 2 hours sun access on the 21<sup>st</sup> June is achieved for individual heritage items within the Parramatta CBD.</p>

### 5.3. Testing Block B1

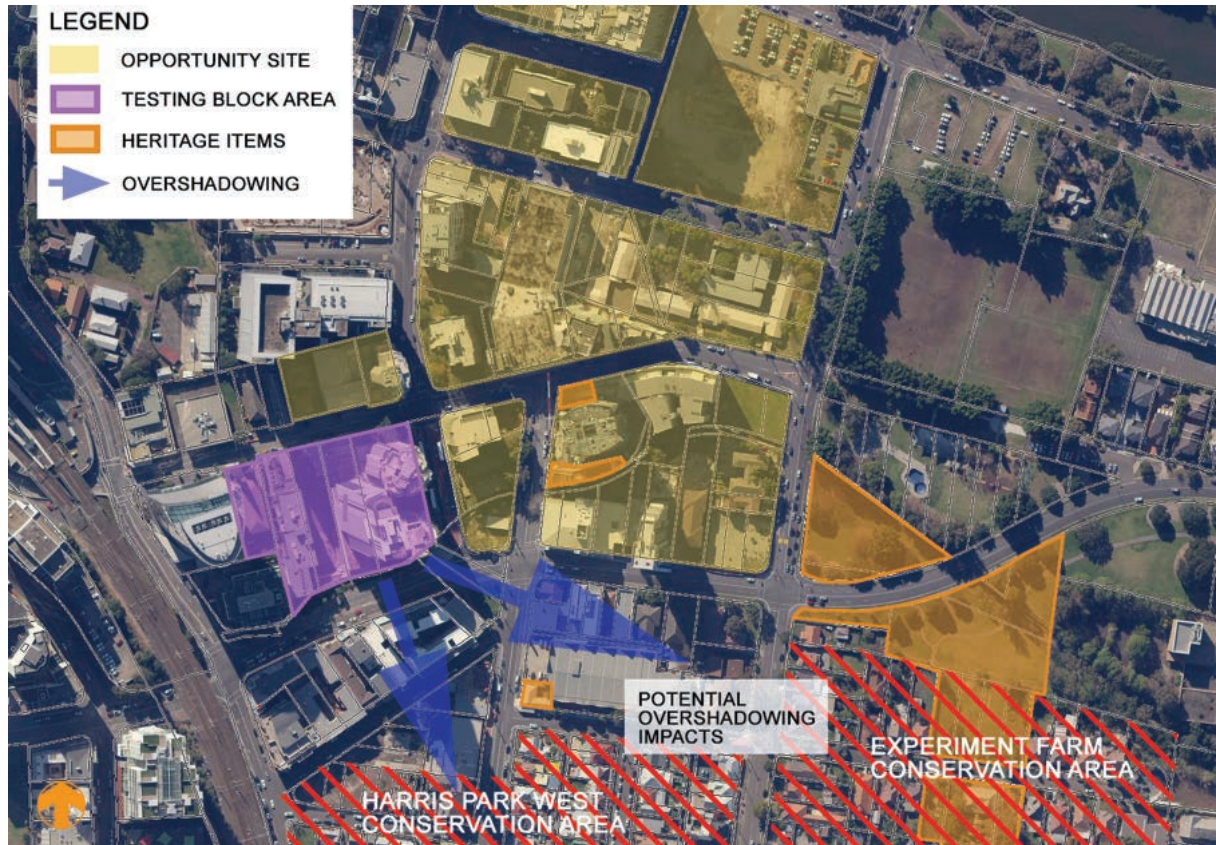


Issue	Analysis and Comment
<b>Location</b>	Located to the south of the CBD in the city block bounded by Campbell Street to the north, Great Western Highway to the south, Marsden Street to the west and Church Street to the east.
<b>Description</b>	<p>Residential flat buildings dating from the late 20<sup>th</sup> century fronting both the Great Western Highway and Campbell Street.</p> <p>RFBs along the Great Western Highway are a mix of building heights from approximately 4 storeys to 10 storeys with a low-rise commercial property at the intersection of the Highway and Church Street.</p> <p>Campbell Street dominated by residential flat buildings, predominantly 9</p>

Issue	Analysis and Comment
	<p>storeys in height.</p> <p>Southern portion of Testing Block Area B1 fronting Great Western Highway is at a higher ground level than the northern portion fronting Campbell Street.</p>
<b>Base Height</b>	28 metres
<b>Incentive Height</b>	No height limit (243 metres AHD)
<b>Base FSR</b>	3.5:1
<b>Incentive FSR</b>	10:1 (including heritage items)
<b>Heritage Items in Testing Block</b>	<p>Yes</p> <p>Item I00751: Lennox House, 39 Campbell Street (SHR No. 00751)</p> <p>Item I647: (former) Masonic Centre, 47 Campbell Street</p>
<b>Heritage Items/HCAs in Vicinity</b>	<p>Yes</p> <p>Item I520: 78, 80, 82, 84 and 86 Marsden Street</p> <p>Item I493: 41 Great Western Highway</p>
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<b>Views to and from</b>	East-west along Campbell Street to the two heritage items
<b>Historic View lines</b>	Nil
<b>Scale</b>	No- medium to long range views not available.
<b>Overshadowing impacts</b>	<p>Yes</p> <p>Maintaining the Incentive Height of 243 metres would impact heritage items at Marion Street (to the southeast of the Opportunity Site) in the afternoon and potentially the South Parramatta Heritage Conservation Area (to the southwest of the Opportunity Site) in the morning.</p> <p>The block has not been identified for a revised Incentive Height control, as the proposed reduction to the Incentive Heights for Testing Areas Blocks A and B enable at least two hours of sunlight between 9am and 3pm on 21<sup>st</sup> June to the South Parramatta Heritage Conservation Area.</p> <p>Based on the results of testing contained in <i>Technical Paper on Overshadowing</i> (June 2019), it appears that the group of Marion Street heritage items to the southeast of B1 are completely overshadowed on 21<sup>st</sup> June from 9am to 3pm.</p> <p>However, based on Council’s modelling of the difference between 12:1 and 15:1 FSR for TAB B1, the Marion Street group of heritage items is not overshadowed by TAB B1 until 3pm. Other overshadowing impacts between the hours of 9am and 3.00pm are as a result of existing, under construction or endorsed/approved development.</p>
<b>Setting/Blue Sky</b>	<p>Yes</p> <p>Blue sky visible above Lennox House to the south-east when viewed from Campbell Street.</p> <p>Medium range views looking south down Church Street to St. John’s Cathedral include blue sky above the cathedral resulting in a “blue sky corridor” cutting across Testing Block Area B1.</p>
<b>Setbacks/Podium</b>	Yes- with a consistent street frontage setback of approximately 8 metres for residential flat buildings fronting Campbell Street.

Issue	Analysis and Comment
<b>Historic Development Patterns</b>	Yes- heritage items are located forward of street frontage building line of later development along Campbell Street.
<b>Isolation</b>	<p>Yes- two heritage items within close proximity with existing infill development of two residential flat buildings:</p> <p>No. 41 Campbell Street is of a sympathetic height (3 storeys)</p> <p>No. 43 Campbell Street is 9 storeys and a visually dominating and detracting element in the streetscape when viewed together with the two heritage items from Campbell Street.</p>
<b>Comments</b>	<p>The main impacts of the Opportunity Site Testing Block Area B1 are:</p> <ul style="list-style-type: none"> <li>• Potential for visual impacts on St John’s Cathedral through loss of visual setting and blue sky when viewed along Church Street from the north.</li> <li>• Potential visual impacts on Lennox House through loss of visual setting, and blue sky to the southeast when viewed from Campbell Street.</li> <li>• Potential for siting of new development to visually overwhelm and isolate Lennox House and the (former) Masonic Centre.</li> <li>• Potential for Lennox House (Item I00751, SHR No. 00751) to be amalgamated with property/properties to the west and/or east to achieve 40 metre site width and 1800sqm site area to benefit from CI 7.16 Opportunity Sites provisions.</li> <li>• Potential for (former) Masonic Centre (Item I647) to be isolated through the development of sites (amalgamated) to the west, east, south and southwest.</li> </ul>
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Remove Opportunity Sites within the blue sky corridor for St. John’s Anglican Cathedral and provide height restriction to 36 metres (the height of the Westfield site directly to the north of the TAB), but height limit to be tested in terms of potential visual impacts.</li> <li>• Retain Opportunity Sites in TAB B1 outside of identified blue sky corridor for St John’s Anglican Cathedral.</li> <li>• Include setback provisions for TAB B1 to the HOB Map and IHOB map to maintain a consistent 8 metre setback along Campbell Street as per existing, ensuring the two heritage items remain prominent in the streetscape.</li> <li>• Include podium height of 3 storeys with 8-10 metre tower setback to HOB Map and IHOB map for TAB B1.</li> </ul>

## 5.4. Testing Block I

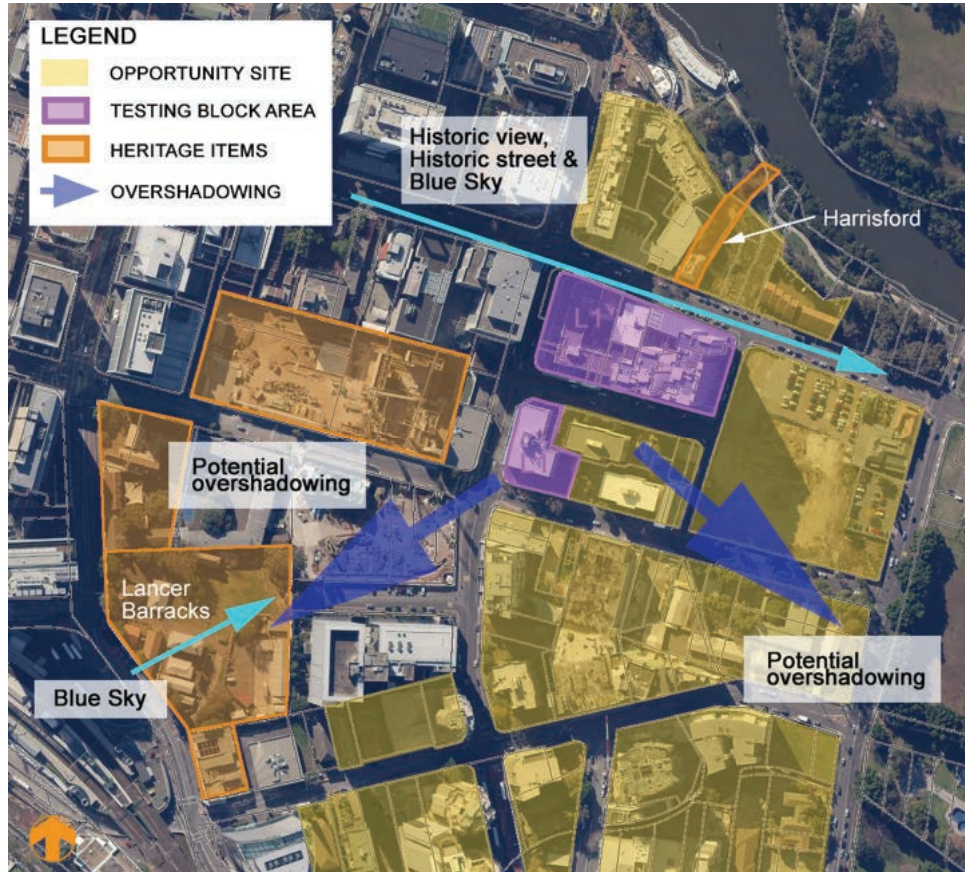


Issue	Analysis and Comment
<b>Location</b>	Located to the east of Parramatta Railway Station in the city block defined by Station Street East to the west, Parkes Street to the south, Wigram Road to the east and Hassall Street to the north.
<b>Description</b>	This Testing Areas Block is already fully developed with large mixed residential/commercial buildings except for Nos. 5-7 Hassell Street which retains a late 20 <sup>th</sup> century three storey residential flat building, a remnant of a previous phase of increased density development on the city edge.
<b>Base Height</b>	72 metres 11 Hassall Street- 130 metres
<b>Incentive Height</b>	No height limit (243 metres AHD)
<b>Proposed Revised Incentive Height (inclusive of bonuses)</b>	72 metres 11 Hassall Street- 130 metres
<b>Base FSR</b>	8:1 56-60 Station Street East- 10:1 11 Hassall Street- 10.2:1 (Site specific Planning Proposal)
<b>Incentive FSR</b>	10:1
<b>Heritage Items in Testing Block</b>	Nil

Issue	Analysis and Comment
<b>Heritage Items/HCA in Vicinity</b>	<p>Yes</p> <p>Harris Park West Conservation Area</p> <p>Experiment Farm Conservation Area</p> <p>Item I750: Attached houses, 113 and 115 Wigram Road</p> <p>Item I708: Semi-detached cottages, 23 and 25 Hassell Street</p> <p>Item I749: Shop, 105 Wigram Road</p>
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<i>Views to and from</i>	N/A
<i>Historic View lines</i>	N/A
<i>Scale</i>	N/A
<i>Overshadowing impacts</i>	<p>Yes</p> <p>Potential overshadowing impacts on the two adjacent Heritage Conservation Areas as well as individual heritage items within the CBD, on the periphery of the CBD and within the Heritage Conservation Areas.</p>
<i>Setting/Blue Sky</i>	N/A
<i>Setbacks/Podium</i>	N/A
<i>Historic Development Patterns</i>	N/A
<i>Isolation</i>	N/A
<b>Comments</b>	<p>Council's <i>Technical Paper on Overshadowing</i> (June 2019) identified this block for revised Incentive Height controls in order to reduce overshadowing impacts on the Harris Park West Heritage Conservation Area, although the report also noted that the reduced heights do not entirely remove the overshadowing impacts back to what may occur under the current LEP controls. The revised heights in TAB I will be unable to yield additional FSR for the Opportunity Site incentive. Given the adverse impacts on the adjacent heritage conservation areas and the inadequacy of mitigation measures in terms of revised building heights, this Opportunity Site should be removed from the CBD PP and current LEP controls maintained.</p> <p>It is also noted that 11 Hassall Street was the subject of a Site-Specific Planning Proposal to allow an increase in height to 130 metres and increase in FSR to 10.2:1 (exclusive of bonuses) which has been gazetted (PLEP 2011 Amendment 14). This increase will result in additional overshadowing on the Harris Park West Conservation Area. However, as TAB I has already been substantially developed, overshadowing impacts already exist.</p>
<b>Recommendations</b>	<p>Remove as Opportunity Site.</p> <p>Future SSPPs and proposals for development should take into account overshadowing of Harris Street West Conservation, Experiment Farm Conservation Area and individual heritage items in the vicinity. A minimum of 2 hours between 9am and 3pm on 21<sup>st</sup> June is recommended for individual heritage items.</p>



### 5.5. Testing Block L1

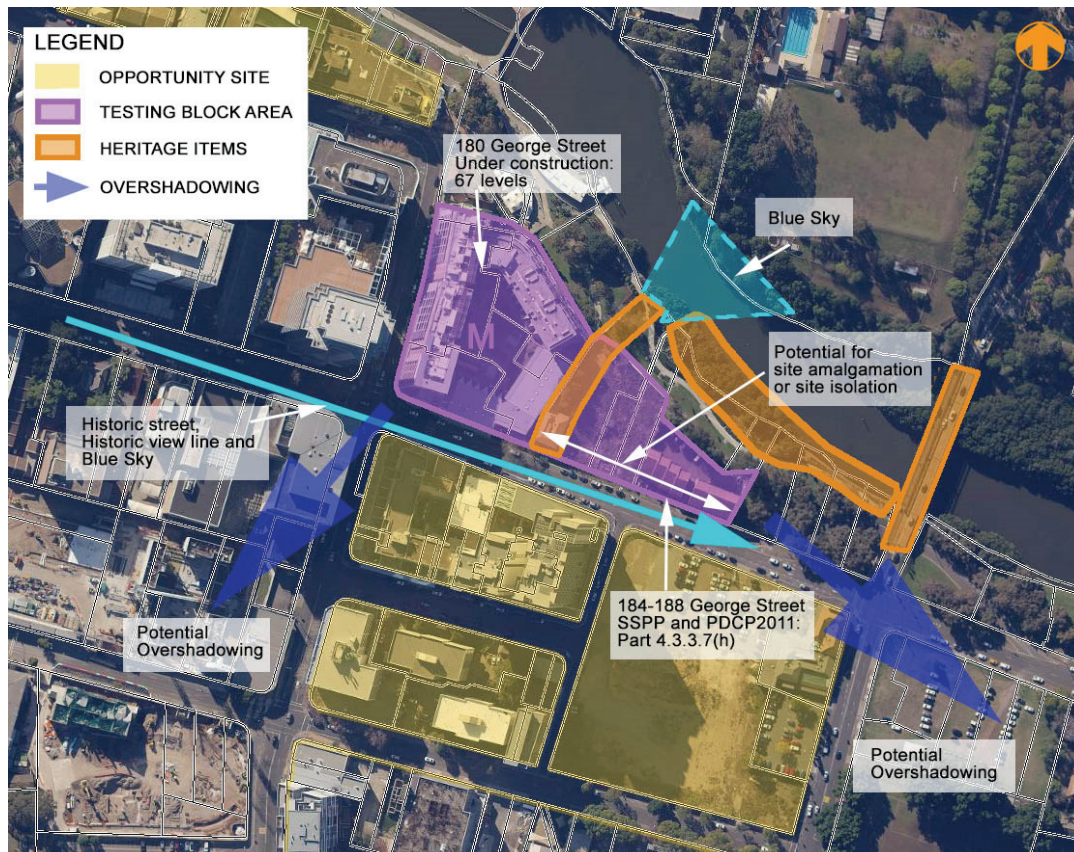


Issue	Analysis and Comment
<p><b>Location</b></p>	<p>Located to the north east of the CBD on the southern side of the eastern end of George Street within the boundaries of the City Centre. Testing Block Area L1 encompasses the city block defined by George Street on the north, Charles Street on the west, Union Street on the south and Argus Lane on the east.</p> <p>Testing Block Area L1 also includes the building at No. 20 Charles Street located in the city block to the south, defined by Union Street to the north, Charles Street to the west, Macquarie Street to the south and Argus Lane to the east.</p>
<p><b>Description</b></p>	<p>The northern portion of L1 consists of mixed-use development on the east fronting George Street, approximately 19 storeys with a three-storey podium, with inconsistent tower setbacks on George Street (between 4 and 12 metres). To the west of these buildings, at the corner of George and Charles Street is a mixed-use development of 7 storeys with no podium.</p> <p>The southern portion of L1 contains a 7-9 storey commercial building with a three-storey podium fronting Union Street. The tower setback from the podium is minimal (approximately 5 metres)</p> <p>The Testing Area Block is located to the west of Opportunity Sites located within the South East Parramatta Interface Area and for which the IHB Map indicates height restrictions under “Area 1” as the adjacent sites fall within the Experiment Farm Sun Access Plane (SAP).</p>
<p><b>Base Height</b></p>	<p>Part 72 metres</p> <p>Part 54 metres (adjacent to Interface Area)</p>
<p><b>Incentive Height</b></p>	<p>No height limit (243 metres AHD)</p>

<b>Issue</b>	<b>Analysis and Comment</b>
<b>Base FSR</b>	6:1
<b>Incentive FSR</b>	10:1
<b>Heritage Items in Testing Block</b>	Nil
<b>Heritage Items/HCAs in Vicinity</b>	<p>Yes</p> <p>Item I00248: Harrisford, 182 George Street (SHR No. 00248)</p> <p>Item I717: Convict barracks wall, 80-100 Macquarie Street</p> <p>Item I720: Arthur Phillip High School, 175 Macquarie Street</p> <p>Item I751: Lancer Barracks Group, 2 Smith Street</p> <p>Item I707: Commercial Hotel, 24 Hassall Street</p>
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<b><i>Views to and from</i></b>	N/A
<b><i>Historic View lines</i></b>	<p>Yes</p> <p>View east and west along George Street, an historic street and taking in individual heritage items including Harrisford located to the north of L1. Potential for development of northern portion of L1 to encroach into view line and/or result in a canyon like effect along George Street.</p>
<b><i>Scale</i></b>	N/A
<b><i>Overshadowing impacts</i></b>	<p>Yes</p> <p>Potentially L1 will result in overshadowing of the Experiment Farm Conservation Area, Harris Park West Conservation Area as well as the individual heritage items Experiment Farm and Hambleton Cottage located to the southeast, outside the boundaries of the CBD.</p> <p>There is also potential for overshadowing of Lancer Barracks, 2 Smith Street to the southwest of L1.</p>
<b><i>Setting/Blue Sky</i></b>	<p>Yes</p> <p>The eastern end of George Street, long range views down the street culminate in blue sky and vegetation, similar to historic views depicted in colonial era artworks.</p> <p>The southern portion of L1 has the potential to project into blue sky views above and behind Lancer Barracks when viewed from the southwest (Station Street East).</p>
<b><i>Setbacks/Podium</i></b>	<p>Yes</p> <p>Existing development in L1 has 2-3 level podiums with varying upper level setbacks.</p>
<b><i>Historic Development Patterns</i></b>	N/A
<b><i>Isolation</i></b>	N/A
<b>Comments</b>	<p>Part 4.3.3 of PDCP 2011 includes the following provisions for development along George Street: <i>the upper level building setback at the street frontage is required to be 20 metres to interpret the historic alignment of this street. The podium is to have a street frontage height of 4 storeys/14 metres on a nil setback to George Street or alternatively a publicly accessible forecourt is to be provided for the full extent of the 20 metres building setback.</i> (Part 4.3.3.1</p>

Issue	Analysis and Comment
	<p>Building Form: Street and River Frontage Heights and Upper Level Setbacks, Control C3). These provisions mitigate the potential for impacts on the historic view lines and blue sky views available along George Street.</p> <p>The existing Sun Access Plane for Lancer Barracks is based on protecting solar access on June 21 between 12 noon and 2pm and the existing Sun Access Plane for Experiment Farm protects solar access between 10am and 2pm on 21st June.</p> <p>The Gateway Determination conditions requires Harris Park West Conservation Area and Experiment Farm Conservation Area to receive a minimum of two hours' direct sunlight between 9am and 3pm on 21 June.</p> <p>The development of L1 (both north and south portions) will not impact on the adopted period for solar access to Lancer Barracks.</p> <p>Based on Council's testing (<i>Technical Paper on Overshadowing</i>, June 2019), substantial overshadowing of Harris Park West Conservation Area and Experiment Farm Conservation Area occurs as a result of the development of Opportunity Sites on the east and southern boundaries of the CBD. The development of L1 would contribute to these overshadowing impacts in the period between 2pm and 3pm however based on Council's modelling of the difference between 12:1 FSR and 15:1 FSR overshadowing, these additional impacts are negligible, occurring over a small portion of open space to the north of Experiment Farm.</p> <p>Regardless, Council is recommending that the southern portion of L1 be removed as an Opportunity Site as it is affected by a Solar Access Plane.</p>
<b>Recommendations</b>	<p><b><i>Northern Portion</i></b></p> <p>Retain northern portion of L1 as Opportunity Site.</p> <p>Include setback provisions on the HOB Map and IHOB map for the northern portion of L1 in line with DCP requirements: 4 storey podium with 20m upper level setback from the street frontage to mitigate negative visual impacts on the historic street alignment and views down George Street.</p> <p><b><i>Southern Portion</i></b></p> <p>Remove southern portion of L1 as an Opportunity Site based on Council recommendations, as it is affected by a Solar Access Plane.</p> <p>Provide height restrictions to the southern portion of L1 to protect blue sky views behind Lancer Barracks (as seen from the southwest), possibly 100m height would be acceptable but needs to be tested in terms of potential visual impacts.</p>

## 5.6. Testing Block M

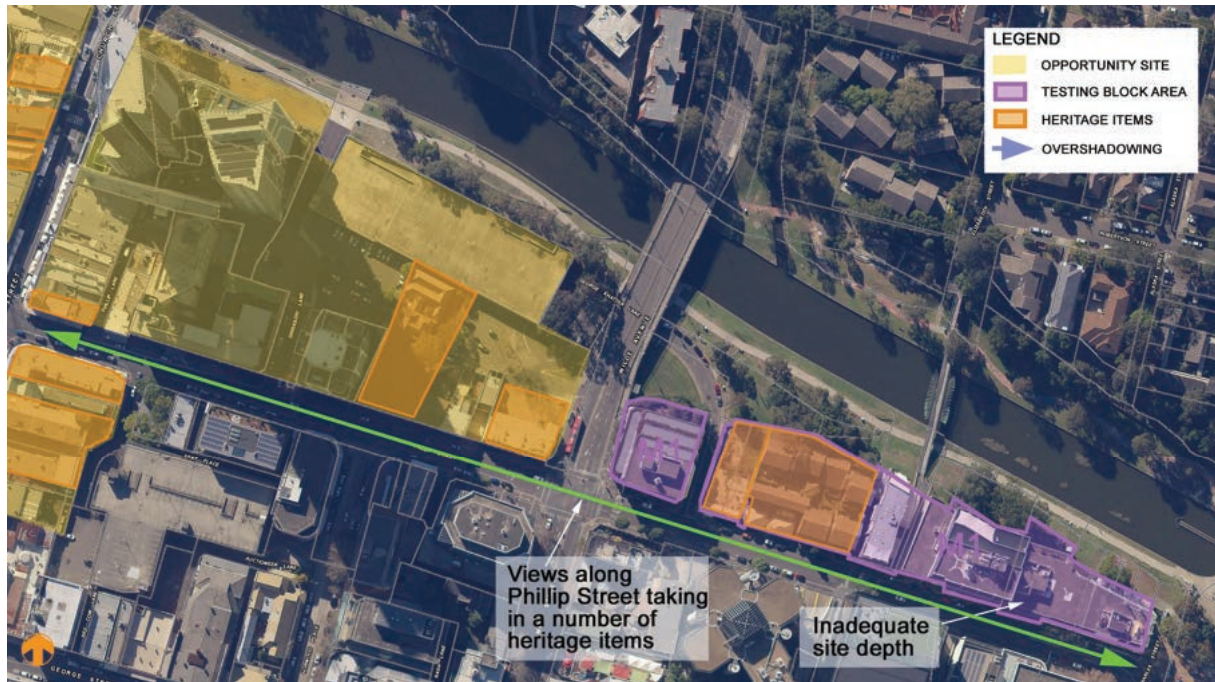


Issue	Analysis and Comment
<b>Location</b>	Located to the north west of the city centre and encompassing the city block defined by George Street on the south, Charles Street on the west, Parramatta River and the River Walk on the north and commercial development at 190 George Street on the east.
<b>Description</b>	<p>Located on the northern side of George Street at the eastern extent of the street within the boundaries of the Study Area, TAB M contains a large commercial building at the junction of George and Charles Street currently under construction for a mixed-use development known as 180 George Street. This building is to be 67 levels (approximately 190 m).</p> <p>The TAB also contains the State heritage listed two-storey building Harrisford, a vacant allotment and a row of two level commercial offices. The TAB backs onto Parramatta River and Harris Street is the nearest cross street to the east.</p>
<b>Base Height</b>	<p>190 m for 180 George Street (SSPP)</p> <p>8 m for Harrisford, 182 George Street</p> <p>36 m for 184 to 190 George Street.</p>
<b>Incentive Height</b>	<p>No height limit (243 metres AHD)</p> <p>8 m for Harrisford, 182 George Street</p>
<b>Proposed Revised Incentive Height (inclusive of bonuses)</b>	<p>190 metres for 180 George Street</p> <p>8 metres for 182 George Street</p> <p>120 metres for 184 to 190 George Street (SSPP)</p>

<b>Issue</b>	<b>Analysis and Comment</b>
<b>Base FSR</b>	10:1 for 180 George Street (SSPP) 4:1 for 182-190 George Street
<b>Incentive FSR</b>	10:1 including Harrisford, 182 George Street
<b>Heritage Items in Testing Block</b>	Yes Item I00248: Harrisford, 182 George Street (SHR No. 00248)
<b>Heritage Items/HCA in Vicinity</b>	Yes Item I735: Wetlands, Parramatta River Item I717: Gasworks Bridge
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<b><i>Views to and from</i></b>	Yes Views from the east looking up George Street to the east elevation and overall form of Harrisford.
<b><i>Historic View lines</i></b>	Yes View east and west along George Street, an historic street and taking in individual heritage items including Harrisford. Potential for development of TAB M to encroach into view lines and/or result in a canyon like effect along George Street.
<b><i>Scale</i></b>	Yes Potential to view Harrisford in same view as the whole of 180 George Street from the east on George Street.  There is already a clear disparity of scale visible between Harrisford and the mixed-use development at No. 111 George Street opposite when viewed from the east.
<b><i>Overshadowing impacts</i></b>	Yes Potential overshadowing to Harrisford, however based on Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts, Harrisford will retain solar access on 21 <sup>st</sup> June from 9.00am to 1.00pm, regardless of the development of the adjacent site to the west at 180 George Street and the potential development of 184-188 George Street to the east.
<b><i>Setting/Blue Sky</i></b>	Yes Blue Sky views are available to the north and northeast of Harrisford with views through to wetlands and vegetation on the northern bank of Parramatta River.  In addition, at eastern end of George Street, long range views down the street culminate in blue sky and vegetation, similar to historic views depicted in colonial era artworks.
<b><i>Setbacks/Podium</i></b>	Yes Existing buildings at 190 George Street have a staggered setback along the George Street frontage allowing for views of the east elevation of Harrisford.
<b><i>Historic Development Patterns</i></b>	Yes Irregular allotment configuration for Harrisford.

Issue	Analysis and Comment
<b>Isolation</b>	<p>Yes</p> <p>The development sites on either side of Harrisford have no incentive to amalgamate with the Harrisford site as site width, site depth and site area is able to be achieved by the amalgamation of other sites along George Street that do not contain a heritage item. The substantial height increases available to the Opportunity Sites could result in tower developments visually overwhelming the heritage item.</p>
<b>Comments</b>	<p>The development of the TAB M has the potential to have substantial, negative impacts on the State heritage listed property Harrisford located in the middle of the Opportunity Site TAB M. The key issues include:</p> <ul style="list-style-type: none"> <li>• obscuring views of the building from the east;</li> <li>• impacts on setting (potential loss of blue sky view),</li> <li>• visual impacts of scale of new developments,</li> <li>• isolation.</li> </ul> <p>No. 180 George Street was the subject of a Site Specific Planning Proposal to allow for a permissible FSR of 10:1 (exclusive of bonuses) which has been gazetted under PLEP 2011 Amendment 26.</p> <p>Nos. 184-188 George Street was also the subject of a Site Specific Planning Proposal to increase the maximum building height to 120m (38 storeys) and increase the maximum floor space ratio to 10:1 (excluding design excellence and any other bonuses), which has been gazetted under PLEP 2011 Amendment 31.</p> <p>The properties at 184-188 George Street are also identified as a “Strategic Precinct” under Part 4.3 of the PDCP 2011 (Part 4.3.3.7(h)). The DCP controls for these properties include:</p> <ul style="list-style-type: none"> <li>• A two-level podium on George Street with a minimum setback of 5.3m to the east increasing to 9m on the west, with minimum 3m tower setback.</li> <li>• Pedestrian link along eastern boundary of Harrisford with minimum width of 6 metres at its interface with Harrisford House and gradually reduced to a minimum of 5 metres.</li> </ul> <p>It is noted that the setback provisions for 184-188 George Street are inconsistent with the setback requirements for the whole of George Street under Part 4.3.3.1 Building Form: Street and River Frontage Heights and Upper Level Setbacks, which requires a 4 storey podium with 20m upper level setback from the street frontage along both the east and west sides for the entire length of George Street within the CBD.</p> <p>It is unlikely that 190 George Street would be developed in accordance with Cl 7.16 for Opportunity Sites, as the site does not meet the 40m site depth requirement.</p>
<b>Recommendations</b>	<p>As the western half of TBA M (180 George Street and 184-188 George Street) is already the subject of gazetted LEP amendments for a FSR of 10:1, recommendations can only relate to the eastern half of the TBA.</p> <ul style="list-style-type: none"> <li>• Remove 190 George Street as an Opportunity Site due to inadequate site depth and impacts on views.</li> <li>• Ensure podium heights, street frontage setbacks and upper level setbacks for 190 George Street are equal to or greater than those provided for 184-188 George Street under the PDCP 2011.</li> </ul>

## 5.7. Testing Block M1

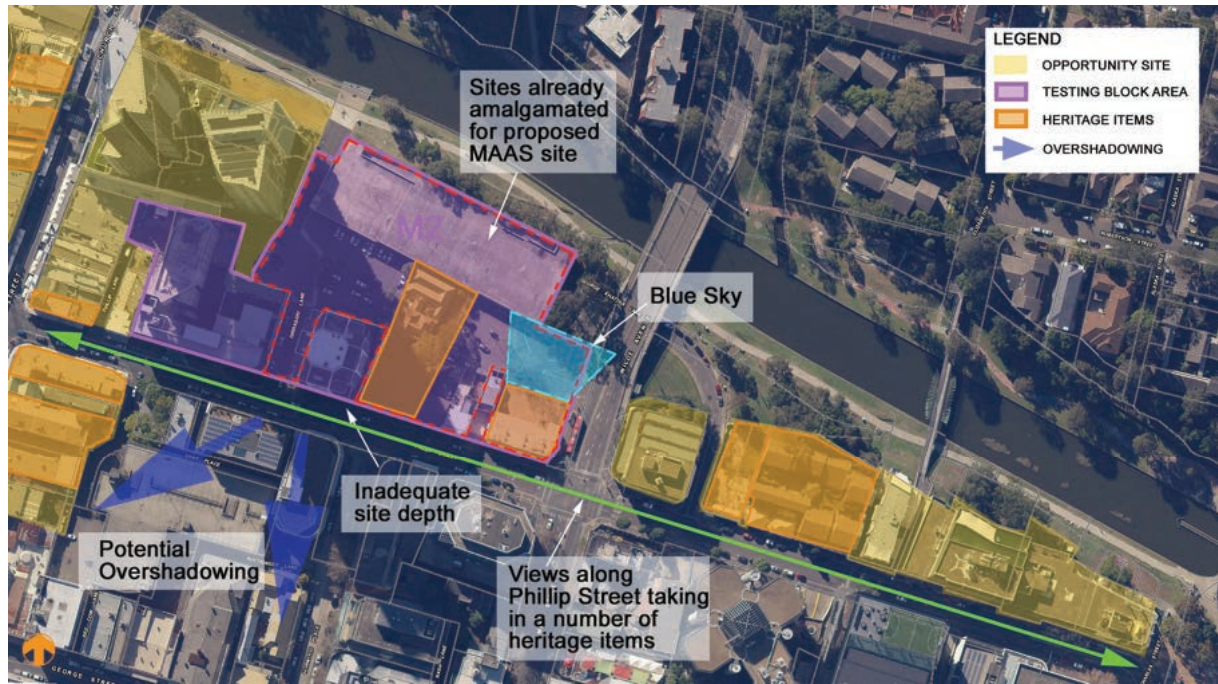


Issue	Analysis and Comment
<b>Location</b>	<p>Located to the north of the city centre and defining the southern edge of the Parramatta River, TBA M1 encompasses the city block defined by Phillip Street on the south, Smith Street on the west, the River Walk on the north and Charles Street on the east. Small laneways intersect this block providing glimpse views of the river and vegetation on the north bank.</p> <p>The western portion of M1 is separated from the remainder of the TAB by George Khattar Lane and No. 58-60 Phillip Street is a stand alone development site in the TAB.</p>
<b>Description</b>	Located on the northern side of Phillip Street, TBA M1 contains a group of single storey colonial cottages at 64-70 Phillip Street (I739 and I740) in amongst, late 20 <sup>th</sup> century medium to large scale commercial buildings.
<b>Base Height</b>	80 m
<b>Incentive Height</b>	No height limit (243 metres AHD)
<b>Base FSR</b>	6:1
<b>Incentive FSR</b>	10:1 (including all heritage items)
<b>Heritage Items in Testing Block</b>	<p>Yes</p> <p>Item I739: colonial cottages, 64 &amp; 66 Phillip Street</p> <p>Item I740: colonial cottages, 68A &amp; 70 Phillip Street</p>
<b>Heritage Items/HCA in Vicinity</b>	<p>Yes</p> <p>Item I737: Willowgrove, 34 Phillip Street</p> <p>Item I738: St George's Terraces, 44 Phillip Street</p>
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<b>Views to and from</b>	<p>Yes</p> <p>Long views of the northern side of Phillip Street taking in the historic buildings in amongst contemporary developments.</p>

Issue	Analysis and Comment
	<p>Glimpse views are available of the Parramatta River northern bank between buildings and down laneways off Phillip Street.</p> <p>The eastern end of TAB M1 is terminated by a view of the Parramatta Ferry terminal and partial views of wetlands vegetation on the south and north banks of the river are available looking east along Phillip Street.</p>
<i>Historic View lines</i>	No
<i>Scale</i>	<p>Yes</p> <p>Potential to view whole of new tower development to north (rear) of the colonial cottages.</p>
<i>Overshadowing impacts</i>	<p>Yes</p> <p>Potential overshadowing of the colonial cottages at 64 to 70 Phillip Street and individual heritage items located along Church Street to the southwest.</p>
<i>Setting/Blue Sky</i>	No
<i>Setbacks/Podium</i>	No
<i>Historic Development Patterns</i>	No
<i>Isolation</i>	<p>Yes</p> <p>Potential for isolation for the colonial cottages at 64 to 70 Phillip Street.</p>
<b>Comments</b>	<p>It is noted that the properties in the eastern portion of TAB M1 (Nos. 68 to 96 Phillip Street) do not meet the minimum site depth requirement of 40 metres. Of those sites that do meet the requirement, Nos. 68 and 70-74 Phillip Street also contain individual heritage items which effectively restrict the area of development for these sites to a site depth of less than 40 metres (allowing for the heritage items to be retained as part of any new development proposal).</p> <p>In addition, there is high potential for substantial impacts in terms of overshadowing to the individual heritage items at Nos. 64, 66, 68A and 70 Phillip Street if tower development is permitted to the northern portion of these allotments.</p> <p>The development of TAB M1 will also result in overshadowing of individual heritage items within the CBD to the south. However, based on Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts against "existing development", the development of TAB M1 will have negligible additional overshadowing impacts compared to existing impacts.</p>
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Remove Nos. 64 to 96 Phillip Street from Opportunity Sites due to inadequate site depths and potential negative impacts on heritage items in this locality.</li> <li>• Retain Nos. 58-60 Phillip Street as Opportunity Site.</li> <li>• Include additional provisions in the CBD PP to ensure a minimum of 2 hours sun access on the 21<sup>st</sup> June is achieved for individual heritage items within the Parramatta CBD.</li> </ul>



## 5.8. Testing Block M2

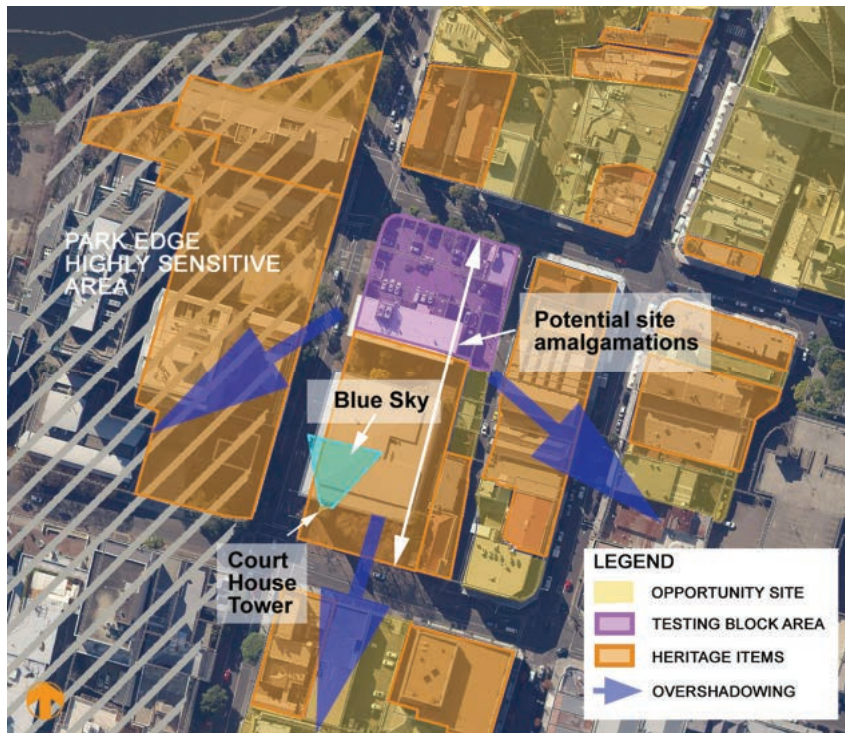


Issue	Analysis and Comment
<b>Location</b>	<p>Located to the north of the city centre and defining the southern edge of the Parramatta River, TAB M2 encompasses the majority of the city block defined by Smith Street on the east, Phillip Street on the south, Parramatta River and the River Walk on the north and the Park Royal Hotel on the west.</p> <p>The properties fronting Church Street to the west within the city block are excluded from the TAB.</p>
<b>Description</b>	<p>Located on the northern side of Phillip Street, TAB M2 contains a mix of historic, small scale buildings in amongst, late 20<sup>th</sup> century medium to large scale commercial buildings.</p> <p>Included in the group of historic buildings is Willow Grove, 34 Phillip Street (I737) with a substantial setback from the street frontage and St George's Terrace, 44 Phillip Street (I738) occupying a key corner site at the intersection of Phillip and Smith Streets. Both these properties are located on a large amalgamated site including a three-storey carpark building adjacent to the river (proposed site for the Museum of Applied Arts and Sciences development).</p>
<b>Base Height</b>	80 m
<b>Incentive Height</b>	No height limit (243 metres AHD)
<b>Base FSR</b>	6:1
<b>Incentive FSR</b>	10:1 (including all heritage items)
<b>Heritage Items in Testing Block</b>	<p>Yes</p> <p>Item I737: Willowgrove, 34 Phillip Street</p> <p>Item I738: St George's Terraces, 44 Phillip Street</p>
<b>Heritage Items/HCA in Vicinity</b>	<p>Yes</p> <p>Item I678: former ANZ Bank building, 306 Church Street</p> <p>Item I739: colonial cottages, 64 &amp; 66 Phillip Street</p> <p>Item I740: colonial cottages, 68A &amp; 70 Phillip Street</p>

Issue	Analysis and Comment
	<p>Item I672: sandstone and brick wall at 268, 288 and 290 Church Street.</p> <p>Item I677: Shop, 302 Church Street</p>
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<i>Views to and from</i>	<p>Yes</p> <p>Long views of the northern side of Phillip Street taking in the historic buildings in amongst contemporary developments.</p> <p>Glimpse views are available of Parramatta River northern bank between buildings and down laneways off Phillip Street.</p> <p>The western end of TAB M2 is terminated by valuable views of the former ANZ Bank building, 306 Church Street (I678) and views of the cupola of the building are prominent looking westwards down the length of Phillip Street. Later developments immediately to the east of the bank building have minimal street frontage setbacks (approximately 3 metres) that nevertheless allow for clear views of the building along Phillip Street.</p>
<i>Historic View lines</i>	No
<i>Scale</i>	<p>Yes</p> <p>Potential to view any new development to the north (rear) of Willowgrove and St George's Terraces together with the heritage items.</p>
<i>Overshadowing impacts</i>	<p>Yes</p> <p>Potential overshadowing of Willowgrove, St. George's Terrace and individual heritage items located along Church Street to the southwest.</p>
<i>Setting/Blue Sky</i>	<p>Yes</p> <p>The existing low scale development at the rear (north) of St George's Terrace allows for blue sky views from the south and south-east.</p>
<i>Setbacks/Podium</i>	<p>Yes</p> <p>Existing minimal setbacks to larger scale commercial development at western end of Phillip Street which support long views of the former ANZ Bank Building (I678) to the west.</p> <p>Willowgrove (I737) has a substantial setback from the street frontage.</p>
<i>Historic Development Patterns</i>	No
<i>Isolation</i>	<p>Yes</p> <p>Potential for isolation for St George's Terrace and Willowgrove.</p>
<b>Comments</b>	<p>Potential overshadowing of Willowgrove and St. George's Terrace has not been able to be assessed at this stage, as Council's modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts excluded the central portion of TAB M2 as it is identified as the proposed MAAS site and no information regarding possible future forms, heights and FSR for this site have as yet been provided.</p>
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Retain TAB M2 as Opportunity Site</li> <li>• Maintain minimum of 3m street frontage setbacks along Phillip Street for new development to ensure heritage items located on the street frontage remain visually prominent in the streetscape.</li> <li>• Ensure glimpse views of Parramatta River are retained and seek opportunities as part of new development to enhance or increase.</li> </ul>

Issue	Analysis and Comment
	<ul style="list-style-type: none"> <li>• Provide height restrictions to those developable areas located to the north and northwest of St. George's Terrace to protect blue sky views. Further visual testing from street level may be required to establish an appropriate height for new development that will not reduce views of blue sky behind the terrace row.</li> <li>• Ensure St George's Terrace and Willowgrove are provided with access to sunlight for a minimum of 2 hours between 9am and 3pm on 21<sup>st</sup> June, taking into account existing overshadowing as a result of new development to the northwest (former David Jones site) and any new development for the proposed MAAS site.</li> </ul>

### 5.9. Testing Block M3



Issue	Analysis and Comment
<b>Location</b>	Located to the northwest of the city centre and occupying the northern half of the city block defined by Marsden Street to the west, Phillip Street to the north, Freeman's Lane to the east and George Street to the south.
<b>Description</b>	TAB M3 contains an undeveloped, wall car-parking area associated with the Parramatta Police Station. The TAB is surrounded by individual heritage items, is directly to the east of the Park East Highly Sensitive Area and forms part of the civic/court precinct of Marsden Street.
<b>Base Height</b>	28m
<b>Incentive Height</b>	No height limit (243 metres AHD)
<b>Base FSR</b>	4:1
<b>Incentive FSR</b>	10:1
<b>Heritage Items in Testing Block</b>	Nil
<b>Heritage Items/HCA in Vicinity</b>	Yes I699: Court House Tower, 12 George Street

Issue	Analysis and Comment
	<p>Numerous individual heritage items to north, south, east and west of TAB M3.</p> <p>Located adjacent to “Park Edge Highly Sensitive Area” for Old Government House Domain.</p>
<b>Analysis Against the 8 Heritage Design Opportunities</b>	
<b><i>Views to and from</i></b>	No
<b><i>Historic View lines</i></b>	<p>Yes</p> <p>Views of the St. Andrew’s Church spire to the north of the TAB along Marsden Street from the north and south and views of the Court House Tower to the south of the TAB.</p>
<b><i>Scale</i></b>	<p>Yes</p> <p>Potential for views of tower development at TAB M3 to be visible behind the individual heritage items located along Church Street to the east, visually overwhelming the individual items and the historic streetscape.</p>
<b><i>Overshadowing impacts</i></b>	<p>Yes</p> <p>Potential overshadowing impacts over individual heritage items located to the south and southeast and over the Park Edge Highly Sensitive Area to the east and southeast and over the Court House Tower to the south.</p>
<b><i>Setting/Blue Sky</i></b>	<p>Yes</p> <p>The upper section of the Court House Tower is seen from the south, southwest and south east with blue sky above the adjacent Parramatta Local Court building.</p>
<b><i>Setbacks/Podium</i></b>	No
<b><i>Historic Development Patterns</i></b>	No
<b><i>Isolation</i></b>	No
<b>Comments</b>	<p>TAB M3 is located within an area that consists of numerous individual heritage items; and is adjacent to the Church Street Precinct, an historic streetscape and the Park Edge Highly Sensitive Area.</p> <p>The large numbers of heritage items in this locality constrains the potential development of TAB M3 as an Opportunity Site in terms of overshadowing, visual impacts on adjacent heritage items in terms of scale, potential impacts on views of landmark heritage items in the vicinity (including former St. Andrew’s Uniting Church, 2 Phillip Street) and impacts on blue sky views of the Court House Tower, as well as potential negative visual impacts on Church Street heritage items in terms of scale and blue sky views.</p> <p>In terms of overshadowing, Council’s modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts indicates that some additional overshadowing of the Park Edge Highly Sensitive Area and the Court House Tower will occur as a result of the development of TAB M3, however, by 12 noon on 21<sup>st</sup> June, these shadows have moved to the east, ensuring these localities have adequate sun access for the remainder of the day.</p> <p>The individual heritage items along Church Street to the east and southeast will be overshadowed by any development of TAB M3, however, based on Council’s modelling of the difference between 12:1 and 15:1 FSR overshadowing impacts against “existing development”, the development</p>

Issue	Analysis and Comment
	<p>of TAB M3 will have negligible additional overshadowing impacts on Church Street compared to existing overshadowing.</p> <p>However, issues of visual impacts in relation to scale and view lines to adjacent landmark heritage items remain and a limited Incentive Building Height is recommended to mitigate these potential heritage impacts.</p>
<b>Recommendations</b>	<p>Retain as Opportunity Site, if supported by the results following testing to determine appropriate maximum building height.</p> <ul style="list-style-type: none"> <li>• Limit Incentive Building Height (including bonuses) for TAB M3 to minimise additional overshadowing impacts and visual impacts as a result of scale on individual heritage items to the south, north and east.</li> <li>• Ensure siting of any new development at TBA M3 retains blue sky behind the Court House Tower as seen from the south and southwest;</li> <li>• Ensure individual heritage items within the CBD including those on Marsden Street, George Street, Phillip Street and Church Street within the vicinity of TAB M3 are provided with access to sunlight for a minimum of 2 hours between 9am and 3pm on 21<sup>st</sup> June.</li> </ul>

## 6. Peer Review of the Church Street Precinct Study

The following section undertakes a peer review of the Council's commissioned report *Heritage Analysis: Church Street Precinct* (City Plan Heritage, June 2019), and specifically the recommendations relating to the Opportunity Sites. The City Plan study was prepared to address a condition of the Gateway Determination for the draft Parramatta CBD Planning Proposal (CBD PP) issued by the Department of Planning and Environment (DPE) on the 13 December 2018.

The relevant Gateway Condition (k) iii states:

- (k) *in relation to heritage matters, which may also influence the height and FSR outcomes:*
- iii. *along Church Street between Lennox Bridge and Macquarie Street, retain the FSR of 3:1, the height limit of 12m and the podium setback of 18m unless a heritage, urban design and commercial feasibility study is carried out to demonstrate that a reduced tower podium setback has merit from a heritage, urban design and commercial feasibility perspective, and consider removing opportunity sites in this precinct if additional height and FSR will have an adverse impact on heritage values;*

### 6.1. Background to the Church Street Precinct controls

The Urbis *Heritage Study* (2015) provided the following recommendations for the Church Street Precinct:

- Retain the current 12m Height of Buildings control and 3:1 FSR permissible under PLEP 2011 for the first 18 metres of the site;
- Remainder of the site to have an FSR of 10:1 and no height of buildings controls; and
- Where substantial redevelopment is not possible then a 12m height of buildings control and 3:1 FSR should be applied to the entire site.

However, Council resolved to amend the Base and Incentive Height of Building maps for Church Street between Macquarie Street and the Parramatta River to show a 12m tower setback control, and a podium height of 12m and an Incentive FSR of 10:1 for all sites, regardless of the above recommendations.

In June 2019, in response to the Gateway Condition k (ii), City of Parramatta Council undertook an *Urban Design, Heritage and Feasibility Analysis for Church Street Precinct*. This study was reported to the June 24 2019 Council Meeting, however a resolution on the report recommendation was deferred by Councillors. The study undertook two forms of testing of the Church Street Precinct. Test 1 was prepared in response to the assessment of a site-specific Planning Proposal at 286 Church Street and looked at 18m, 12m and 10m upper level (tower) setback scenarios on Church Street and included testing of other site specific Planning Proposals and other sites within the Church Street Precinct.

In brief, the outcomes of Test 1 were:

- 18m tower setback achieves better outcome in terms of views to the sky, views down Church Street and cumulative solar access
- Only two of the eight assumed consolidated sites could accommodate viable towers with 18m tower setbacks and a 15:1 max. FSR;
- To achieve an 18m tower setback, large sites need to be created via consolidation to provide a viable tower floor plate.
- 12m tower setback results in some impacts on views to sky and increased overshadowing;
- Four of the eight assumed consolidated areas can accommodate viable towers with 12m tower setback and a 15:1 max. FSR;
- 10m tower setback has greater impacts on views to the sky and increased overshadowing;
- Four of the eight assumed consolidated areas can accommodate viable towers with 10m tower setback and a 15:1 max. FSR.

Test 2 was prepared in response to the Gateway Determination and involved urban design and feasibility testing (or developability testing) of a 12m upper level (tower) setback scenario on Church Street, including other site-specific Planning Proposals and other sites within the Church Street Precinct.

In brief, the outcomes of Test 2 were:

- Having planning controls (i.e. draft Clause 7.11) that provide unlimited commercial floor space is a mismatch between building outcomes and precinct character;
- Minimum site area of 1800sqm required to achieve the mapped incentive FSR of 10:1 generates a floor plate less than 700sqm with a 12m tower setback. A site area 2200sqm will most likely generate a floorplate of 700sqm.

Recommendations of the *Urban Design, Heritage and Feasibility Analysis for Church Street Precinct* were as follows:

- “That Council adopt the Incentive FSRs of 3:1 and 10:1 (including Design Excellence and High Performing Building bonuses to a max of 12:1) for the Church Street Precinct;
- Council remove the Opportunity Site FSR and unlimited commercial FSR bonuses for the Church Street precinct given the heritage and overshadowing constraints;
- Council support a 12m tower podium setback control for the Church Street precinct to ensure a consistent streetscape presentation and viable tower floorplates;
- Council adopt Incentive Height of Building control of 12m and no height limit for the Church Street Precinct;
- Council prepare supporting DCP controls to ensure that tower podiums are designed to be appropriately integrated into the heritage streetscape.”<sup>12</sup>

<sup>12</sup> City of Parramatta Council, 7<sup>th</sup> June 2019; *Parramatta CBD Planning Proposal- Response to Gateway Conditions: Urban Design, Heritage and Feasibility Analysis for Church Street Precinct prepared by Council Officers, and associated Heritage Study for the Church Street Precinct- prepared by City Plan Heritage*; pp. 50-52

## 6.2. The City Plan Heritage Report

The City Plan Heritage report, *Heritage Analysis: Church Street Precinct*, June 2019, was prepared to provide analysis and heritage input into the combined heritage, urban design and commercial feasibility study for the Church Street Precinct, Parramatta.

However, although the introduction of the report also states that the study was to address the relevant condition of the Gateway Determination for the draft Parramatta CBD Planning, it does not appear that any analysis of the heritage benefits or otherwise of a podium setback of 18m for the Church Street Precinct was undertaken.

The City Plan Heritage study states that the proposed draft planning controls of a 12m podium (or tower) setback will have “some but acceptable impacts on the established and recognised unique heritage values of the Church Street Precinct”<sup>13</sup>, provided that the recommendations of the Council’s study and the City Plan Heritage study are implemented.

The City Plan Heritage study goes on to state that: “The findings of the Urban Design and Feasibility study justify the reduction of the podium setbacks from 18m to 12m as this will provide a consistent approach along the precinct and the number of sites that would be able to achieve a feasible development is limited. Hence the adverse impact on the overall heritage characteristics of this low scale unique historic streetscape will be managed.”<sup>14</sup>

The City Plan Heritage study does not provide an analysis of the potential impacts of a 18m tower setback compared to a 12m tower setback with respect to impacts on historic views, existing views to and from heritage items and the streetscape of Church Street, or on the issues of scale, overshadowing, blue sky views or isolation. As such, the support of a 12m tower setback for the Church Street Precinct has not been found to have been justified on heritage grounds within the City Plan Heritage study.

The study does however acknowledge that the development of a tower immediately adjacent to or incorporating a heritage item beyond the allowable 10:1 (12:1 including bonuses) FSR has the potential to impact on the physical fabric and finishes of the heritage item, as well as reducing the ability to manage the identified archaeological resource of the site. This consideration has led the study to conclude that the Opportunity Sites FSR bonus of an additional 3:1 (totalling a max FSR of 15:1) may result in unacceptable additional impacts on the ground and first floor plates and fabric of a heritage item and therefore should not be supported within the Church Street Precinct.

## 6.3. Recommendations

Given that no heritage reason has been provided to justify the reduced podium (tower) setback of 12m within the Church Street Precinct, it is recommended that a 18m podium (tower) setback be provided for both the east and west sides of Church Street between Lennox Bridge and Macquarie Street.

In addition, as stated in both the June 2019 Council report and the City Plan Heritage study, given that very few sites within the Church Street Precinct would have the capacity in terms of site area, site width and site depth requirements to accommodate a development of 15:1 FSR as per the Opportunity Sites provisions, Opportunity Sites should be removed from the Church Street Precinct.

Likewise, as noted in the Council report, given that allowing unlimited commercial floor space over and above the maximum Opportunity Sites 15:1 FSR provisions or the maximum 12:1 FSR bonuses is considered to be a mismatch between building outcomes and precinct character, Clause 7.11 should not apply to any site within the Church Street Precinct between Lennox Bridge and Macquarie Street.

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<sup>13</sup> City Plan Heritage; June 2019, p.44

<sup>14</sup> Ibid.

Other recommendations contained within the City Plan Heritage study that have pertinence to this study are as follows:

- Podium heights should be based on the adjoining heritage item(s)' dominant parapet height to ensure the item's dominance is maintained along the streetscape to maintain the current people's experience.
- Where additional FSR is gained for a particular site through amalgamations and design excellence or other planning benefits, the preparation of a conservation management document becomes crucial in order to ensure the heritage aspects of the respective heritage item(s) and surrounding historic context is not detrimentally affected. Council should have strict rules on the preparation of such independent conservation studies and should endorse them preferably at the preliminary stages of planning proposals, feasibility studies and development applications.
- Podiums should be designed in consideration to the narrow subdivision pattern and rhythm of the traditional shopfronts.

## 7. Conclusion & Recommendations

Based on the above high-level assessment and detailed assessment of heritage impacts and taking into account the outcomes of the peer review of the City Plan Heritage study into the Church Street Precinct, the development of Opportunity Sites to their maximum potential of 15:1 FSR and together with the Unlimited Commercial FSR above 1:1 (Clause 7.11), has the potential to result in negative impacts on individual heritage items, heritage conservation areas, historic streetscapes and special precincts in and surrounding the Parramatta CBD.

This review aimed to identify the heritage impacts as a result of the 3:1 increase in FSR available only for Opportunity Sites and to recommend appropriate measures for the mitigation of these impacts. However, achieving the maximum development potential for Opportunity Sites is a staged process that requires development to first meet the requirements and provisions of Community Infrastructure (Clause 7.15), Design Excellence (Clause 7.10) and High Performing Buildings (Clause 7.17).

As such potential heritage impacts as a result of the development of Opportunity Sites are able to be mitigated and/or managed as part of meeting the requirements of Clause 7.16(5), that is demonstrating compliance with the three preceding LEP clauses.

However, it is also noted that the FSR available under Clause 7.11 (Commercial Premises in Zone B4 Mixed Use located in the Vicinity of Zone B3 Commercial Core) largely negates the protective measures built into Clauses 7.10, 7.16 and 7.17. As the majority of the Opportunity Sites are mapped as "Additional Local Provisions" which allows unlimited commercial FSR under Clause 7.17 (after a minimum 1:1 of commercial is provided), the maximum FSR of 15:1 under Clause 7.16 is actually only the maximum FSR for residential development when these two LEP clauses are applied. Given the level of heritage impact resulting from the Opportunity Sites bonus (see Section 4), the unlimited commercial FSR available under Clause 7.11 could only increase the potential for negative heritage impacts.

The following recommendations are proposed to ensure that the heritage values within and surrounding the Parramatta CBD are further protected.

Refer also to Figure 30 below.



## 7.1. Summary of Heritage Issues

### 7.1.1. Clause 7.11: Commercial Premises in Zone B4 Mixed Use located in the vicinity of Zone B3 Commercial Core

Opportunity Sites have been developed by City of Parramatta Council to allow additional residential development within the B4 Mixed Use zone in those areas that surround the city centre of Parramatta. However, it has been found in this heritage review that the emphasis in the objectives and controls for Opportunity Sites, and the B4 Mixed Use zone more generally, continue to benefit the commercial development of these sites.

As per the CBD PP, the proposed FSR incentives and bonuses up to a maximum of 12:1 are applicable to both the B4 Mixed Use zone and the B3 Commercial Core zone of the city centre. The Opportunity Sites are distinguished by being able to be awarded an additional 3:1 FSR bonus, bringing the total maximum FSR for these sites to 15:1.

However, draft Clause 7.11 of the CBD PP allows for any commercial development above 1:1 on an Opportunity Site with a site area of over 1,800sqm, to be discounted in the overall FSR calculations.

The potential heritage issues of an unlimited commercial FSR for Opportunity Sites is two-fold:

1. Unlimited commercial FSR coupled with the unlimited height (243m AHD) provisions would allow for very tall buildings to be developed and may have substantial negative impacts on heritage items, heritage conservation areas and historic streetscapes both within the CBD and on its periphery, in terms of overshadowing, scale and visual impacts on settings and historic view lines.
2. The draft Clause 7.11 largely negates any of the protective provisions being introduced in the CBD PP under Clause 7.16 Opportunity Sites addressing the conservation of heritage items and heritage conservation areas within and surrounding the city centre. Essentially, any heritage constraints built into the objectives and controls for the Opportunity Sites FSR bonus will only apply to that portion of the building that is designated as residential use, including the preparation of a development control plan addressing site-specific heritage issues.

#### **Recommendation**

- The provisions of Clause 7.11 should be removed from any site located within the Church Street Precinct between Lennox Bridge and Macquarie Street (refer to discussions under Section 6 above);
- The provisions of Clause 7.11 should be removed from any Opportunity Site where more than one Heritage Design Opportunity has been identified in the high-level assessment undertaken for this report (refer to Section 4 above); that is, where a combination of issues have been identified as potentially resulting from the development of the subject Opportunity Site. In this way, the protective provisions for heritage items provided for under draft Clause 7.16 will be required to be met for those buildings proposing to develop up to 15:1 FSR.
- Clause 7.11 should be removed from any Opportunity Site that has already been identified for removal based on potential impacts on Sun Access Planes.
- Clause 7.11 should be removed from any Opportunity Site where a restricted maximum height is recommended by Council in the *Technical Paper: Overshadowing in the Parramatta CBD* (June 2019) that would equate to an Incentive FSR of 10:1 or less.
- That Clause 7.11 be amended to place a maximum percentage restriction for commercial uses above 1:1 to be discounted from the overall FSR calculations for those Opportunity Sites that have been identified as only having overshadowing impacts as per the high-level assessment undertaken for this report (that is, those Opportunity Sites that have been identified as only having Heritage Design Opportunity number “4” as a matter for consideration). However, the appropriate amount of commercial use above 1:1 to be discounted from FSR should be

calculated based on tested overshadowing impacts as a result of a FSR greater than 15:1 for individual Opportunity Sites.

In line with the above, it is also recommended that the objectives for the B4 Mixed Use zone be amended to include the following text (in red):

*1 Objectives of zone:*

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*
- *To create opportunities to improve the public domain and pedestrian links.*
- *To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.*
- *To protect and enhance the unique qualities and character of individual heritage items and heritage conservation areas and special precincts within and surrounding the Parramatta City Centre.*

### **7.1.2. Overshadowing Impacts**

Given that the first objective of Opportunity Sites is to provide opportunities for the development of tall, slender towers, consequently, the main potential issue for heritage is overshadowing impacts.

As discussed above, the main difference between the Opportunity Site and other sites throughout the Parramatta CBD is the 3:1 FSR bonus on top of the 12:1 FSR bonus. In order to undertake a meaningful assessment of the potential impacts of the full development potential of Opportunity Sites on surrounding heritage items, heritage conservation areas, historic streetscapes and special precincts, a comparison between the potential impacts of 12:1 and 15:1 in terms of overshadowing is required.

Based on the high-level assessment undertaken in Section 4 above, all Opportunity Sites have the potential to overshadow heritage places within and surrounding the CBD in a way that may have negative impacts.

It is noted that Council have undertaken further testing and analysis in relation to building heights and cumulative impacts of overshadowing over open spaces and heritage conservation areas on the periphery of the Parramatta CBD. This work by Council resulted in a recommendation for reduced maximum building height for some Opportunity Sites located to the south and east of the CBD, as well as recommendations for the removal of some Opportunity Sites that fall within Sun Access Planes for Lancer Barracks, Parramatta Square and Experiment Farm and Curtilage.

In addition, Council has prepared shadow analysis that demonstrates the difference in overshadowing impacts between the development of the Testing Area Blocks at 12:1 FSR and at 15:1 FSR. This work has demonstrated that, in the main, the overshadowing impacts of 15:1 FSR for the Testing Areas Block Opportunity Sites will have some cumulative overshadowing impacts, although generally these are considered to be negligible or of little impact due to the overshadowing resulting from “existing development”.

Regardless, overshadowing impacts on individual heritage items located within the Parramatta CBD remain an issue, given the proliferation of heritage items located throughout the CBD and the potential for these places to be completely overshadowed between 9am and 3pm on 21<sup>st</sup> June with no respite

should Opportunity Sites be developed to their full potential in conjunction with “existing development”.<sup>15</sup>

As a principle, solar access for a minimum period of 2 hours between 9am and 3pm on 21<sup>st</sup> June to heritage items should be supported, however it is acknowledged that in practice, many individual heritage items located throughout the Parramatta CBD may already not receive adequate solar access due to existing development, endorsed development and/or existing controls in the PLEP 2011.

Therefore, it is recommended that existing solar access to individual heritage items located throughout the Parramatta CBD not be further reduced as a result of substantial new development under the Incentive FSR (including bonuses) provisions, under the Unlimited Commercial FSR provisions (Clause 7.11) or under the Opportunity Sites provisions (Clause 7.16).

### ***Recommendations***

- Include requirements for individual heritage items located within the boundaries of the Parramatta CBD to (where possible) achieve a minimum of two hours of solar access between 9am and 3pm on 21<sup>st</sup> June, or where existing solar access already does not meet this minimum requirement, not be further reduced as a result of new development under the following draft clauses:
  - Clause 7.10: Design Excellence- Parramatta CBD;
  - Clause 7.11: Commercial Premises in Zone B4 Mixed Use located in the vicinity of Zone B3 Commercial Core; and
  - Clause 7.16: Opportunity Sites.

Refer below for suggested wording.

### **7.1.3. Additional Heritage Provisions**

In order to ensure that the eight Heritage Design Opportunities discussed above form part of the basis of heritage considerations in the design and development of Opportunity Sites, it is recommended that these considerations be incorporated into the existing draft clauses for the CBD PP.

It is further recommended that heritage impact considerations that are able to be resolved or mitigated through the siting of any new development should be incorporated into the early stages of the process of attaining the Opportunity Sites FSR award, specifically the Design Excellence considerations provided for under draft Clause 7.10.

Heritage impact considerations that relate specifically to the potential negative impacts of tall, slender towers such that can be achieved under Clause 7.16 Opportunity Sites should be incorporated into the matters for consideration for the Development Control Plan that is required to be developed for the Opportunity Sites.

It is also recommended that to ensure that individual heritage items are conserved and protected in those circumstances where the heritage item is amalgamated with adjoining sites in order for the Opportunity Site to meet the site width, site area and/or site depth provisions, that the repair, restoration and/or reconstruction of the heritage item forms part of the overall development proposal.

### ***Recommendations:***

- Clause 7.10 Design Excellence- Parramatta CBD should be amended to include the following text (in red) to ensure that specific heritage impact considerations are addressed as part of the

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<sup>15</sup> As defined above in Section 4.4.3; “existing development” includes existing buildings, approved DAs, sites under construction and building heights already determined via a Design Competition or Site-Specific Planning Proposal and development in a reported and or endorsed Urban Design Study

architectural design competition and design excellence considerations:

7.10 *Design Excellence—Parramatta City Centre*

- (4) *In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—*
- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
  - (b) *whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
  - (c) *whether the proposed development detrimentally impacts on view corridors,*
  - (d) *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 and archaeological issues and streetscape constraints or opportunities, taking into account the following specific issues:*
      - *Retention of existing blue sky (open air) behind heritage items as viewed from street-level;*
      - *Front setbacks of new development are to ensure adjacent individual heritage items remain visibly prominent in the streetscape;*
      - *Retention of existing views to and from individual heritage items;*
      - *Retention of existing historic view lines in the vicinity;*
      - *Retention of historic markers in the town plan including irregular allotment configurations and site setbacks;*
    - (iv) *the retention of a minimum of 2 hours solar access between 9.00am and 3.00pm on 21<sup>st</sup> June for individual heritage items within the path of shadow for any new development. For individual heritage items that already do not meet this minimum requirement, further reduction in solar access is not supported.*

It is noted that a proposed amendment to the clause will require buildings with a height greater than 40 metres or development involving or directly adjoining a heritage item seeking to achieve a FSR of 3:1 or greater, to undergo an architectural design competition.

- Clause 7.11(5) Commercial Premises in Zone B4 Mixed Use located in the vicinity of Zone B3 Commercial Core should be amended to include the following text (in red) to minimise the impact of additional overshadowing on individual heritage items within and surrounding the CBD as a result of the increased FSR:
  - (4) *Any additional commercial premises floor space provided in excess of the minimum specified in subclause (3) will be exempt from the overall maximum floor space ratio specified in clauses 4.4, 7.2 or 7.15 (where community infrastructure is included with the development), but only where:*
    - *the site has a minimum area of 1,800 square metres; and*
    - *a minimum of 2 hours solar access between 9.00am and 3.00pm on 21st June is retained for individual heritage items within the path of shadow for any new development. For individual heritage items that already do not meet this minimum requirement, further reduction in solar access is not supported.*
- Clause 7.16(5) Opportunity Sites should be amended to include the following text (in red) to provide a guarantee that any heritage item amalgamated into a development site is retained and

conserved appropriately as part of the development proposal:

- (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 7.15; and*
    - (ii) *the 15% bonus floor space ratio and height for achieving design excellence under clause 7.10; and*
    - (iii) *the 0.5:1 bonus floor space ratio for high performing buildings under clause 7.17; and*
  - (b) *the development includes additional community infrastructure under this clause to the satisfaction of the consent authority above that provided under clause 7.15; 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.*
- Clause 7.16 (7) Opportunity Sites should be amended to include the following text (in red) to provide specific issues for consideration as part of the development control plan required to be prepared for any Opportunity Sites:
  - (7) *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 item/s;*
      - (iv) *the impact on any conservation area including additional overshadowing,*
      - (v) *the inclusion of community infrastructure,*

#### **7.1.4. Draft Clause 7.21 Managing Heritage Impacts**

The proposed draft Clause 7.21 Managing Heritage Impacts developed in the HAA study of Interface Areas provides a good approach to the ongoing management of heritage impacts for the Parramatta CBD, particularly in those circumstances where site specific considerations have not been picked up or analysed in detailed as part of the CBD Planning Proposal process.

However, although the City Plan Heritage study for the Church Street Precinct does not comment on proposed draft Clause 7.21, the study does recommend the preparation of a Conservation Management Plan to avoid detrimental impacts on established heritage values. It is therefore recommended that the following text (in red) be included within draft Clause 7.21(4):

- (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*
    - (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.*
- (d) *Where a conservation management plan is required in accordance with clause 4(a)(ii), it should be submitted to Council for endorsement prior to the lodgement of the development application and/or site specific planning proposal or as part of any design competition or in support of any development control plan as required by Clause 7.16(6).*

#### **7.1.5. General Recommendations**

- George Street: Include setback provisions on the revised Height of Buildings (HOB) Map and Incentive Height of Building (IHOB) Map for the Parramatta CBD in line with DCP requirements; that is a 4 storey podium with 20m upper level setback from the street frontage to mitigate negative visual impacts on the historic street alignment and on historic view lines.
- Phillip Street: Retain existing glimpse views of Parramatta River and the vegetated north bank of the river as seen between buildings and down laneways on the northern side of Phillip Street. Seek opportunities in the development of Opportunity Sites to provide additional views from George Street to Parramatta River to the north.

#### **7.1.6. Testing Area Block Recommendations**

##### ***Block A:***

- Remove as Opportunity Site.
- Restrict maximum building height to that specified in Council's *Technical Report* which ensures compliance with the Gateway condition for overshadowing of the HCA.

##### ***Block B:***

- Remove as Opportunity Site.
- Restrict maximum building height to that specified in Council's *Technical Report* which ensures compliance with the Gateway condition for overshadowing of the HCA.

##### ***Block B1:***

- Remove Opportunity Sites within the blue sky corridor for St. John's Anglican Cathedral and restrict maximum building height to 36 metres (to be tested).
- Retain Opportunity Sites outside of blue sky corridor for St. John's Anglican Cathedral.
- Include setback provisions of 8 metres along Campbell Street to ensure Lennox House and the former Masonic Centre remain visually prominent in the streetscape;
- Include podium height provisions on the HOB Map and IHOB map of 3 storeys with 8-10 metre tower setback along Campbell Street to avoid isolation of the two heritage items.

**Block I:**

- Remove as Opportunity Site.

**Block L1:**

- Retain northern portion as Opportunity Site.
- Remove southern portion as Opportunity Site as per Council's assessment, as it is affected by a Solar Access Plane.
- Provide restricted Incentive Building Height control to the southern portion of L1 to protect blue sky views behind (northeast) Lancer Barracks. Suggested Incentive Building Height limit of 100 metres (including bonuses) based on testing of visual impacts.
- Include setback provisions on the revised Height of Buildings (HOB) Map and Incentive Height of Building (IHOB) Map for the northern portion of L1 in line with DCP requirements (4 storey podium with 20 metre upper level setback from the street frontage).

**Block M:**

As the western half of TBA M (180 George Street and 184-184 George Street) are already the subject of gazetted LEP amendments for a FSR of 10:1, recommendations can only relate to the eastern half of the TBA as follows:

- Remove 190 George Street as an Opportunity Site.
- Ensure podium heights, street frontage setbacks and upper level setbacks for 190 George Street in any future development under Clause 7.10 Design Excellence are equal to or greater than those provided for 184-188 George Street under the PDCP 2011.

**Block M1:**

- Remove Nos. 64 to 96 Phillip Street as Opportunity Sites due to inadequate site depths and negative impacts on individual heritage items.
- Retain Nos. 56-60 Phillip Street as Opportunity Site.

**Block M2:**

- Retain as Opportunity Site.
- Include minimum 3 metre street frontage setbacks along northern side of Phillip Street setback provisions on the revised Height of Buildings (HOB) Map and Incentive Height of Building (IHOB) Map for the Parramatta CBD for new development to ensure heritage items located on the street frontage remain visually prominent in the streetscape.
- Restrict maximum building height to 28 metres (to be tested) to developable areas located to the north and northwest of St. George's Terrace to protect blue sky views.

**Block M3:**

- Retain as Opportunity Site, if supported by testing results for an appropriate maximum building height to minimise visual impacts as a result of scale on individual heritage items to the south, north and east and to retain blue sky views to the north and north east of the Court House Tower.

**7.1.7. Church Street**

The following recommendations for the Church Street Precinct between Lennox Bridge and Macquarie Street are based on the peer review of the City Plan Heritage study *Heritage Analysis: Church Street Precinct*, June 2019.

- Opportunity Sites should be removed from the Church Street Precinct.
- In the absence of any heritage reason to reduce the tower setback within the Church Street Precinct to 12 metres, a 18m podium (tower) setback be provided for both the east and west sides of Church Street between Lennox Bridge and Macquarie Street. Include setback provisions on the revised the revised Height of Buildings (HOB) Map and Incentive Height of Building (IHOB) Map for the Parramatta CBD
- Clause 7.11 should not apply to any site within the Church Street Precinct between Lennox Bridge and Macquarie Street.

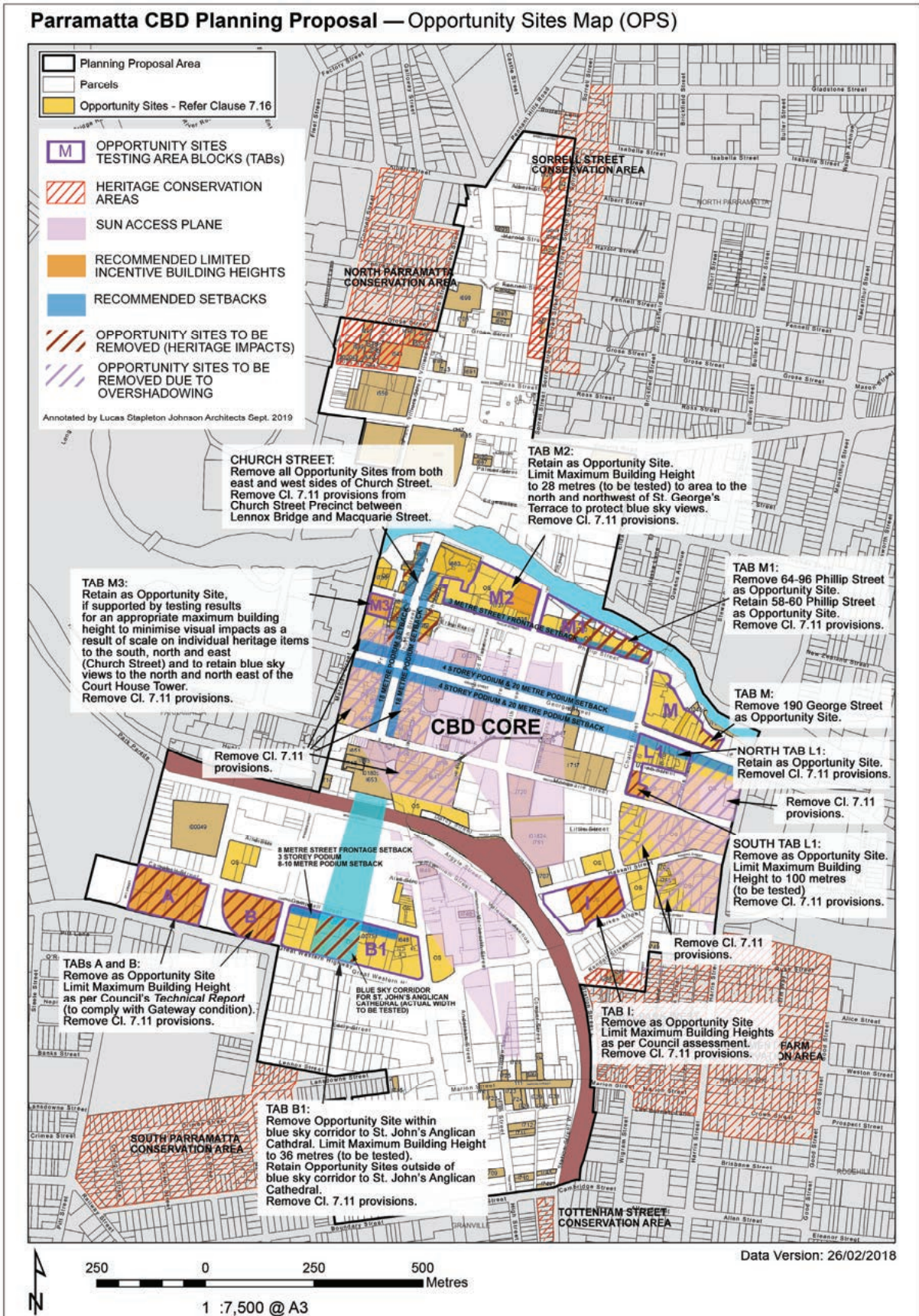


Figure 30: Opportunity Sites and Testing Area Blocks showing recommendations to mitigate potential heritage impacts.





## **APPENDIX A: Overshadowing Modelling for Scenario 1 and Scenario 2**

Prepared by City of Parramatta Council, 18<sup>th</sup> September 2019





SHADOW OF 12:1 BUILDING HEIGHT

SHADOW OF 15:1 BUILDING HEIGHT

**09:00 AM**

**SCENARIO 1**



SHADOW OF 12:1 BUILDING HEIGHT

SHADOW OF 15:1 BUILDING HEIGHT

**10:00 AM**

**SCENARIO 1**



SHADOW OF 12:1 BUILDING HEIGHT

SHADOW OF 15:1 BUILDING HEIGHT

**11:00 AM**

**SCENARIO 1**



SHADOW OF 12:1 BUILDING HEIGHT

SHADOW OF 15:1 BUILDING HEIGHT

**12:00 PM**

**SCENARIO 1**



SHADOW OF 12:1 BUILDING HEIGHT



SHADOW OF 15:1 BUILDING HEIGHT



# SCENARIO 1 01:00 PM





SHADOW OF 12:1 BUILDING HEIGHT

SHADOW OF 15:1 BUILDING HEIGHT

**02:00 PM**

**SCENARIO 1**



SHADOW OF 12:1 BUILDING HEIGHT

SHADOW OF 15:1 BUILDING HEIGHT

**03:00 PM**

**SCENARIO 1**



BLOCKS A + B BUILDINGS  
MODELED AT 100M



SHADOW OF 12:1



SHADOW OF 15:1



**09:00 AM**

**SCENARIO 2**



BLOCKS A + B BUILDINGS  
MODELED AT 100M



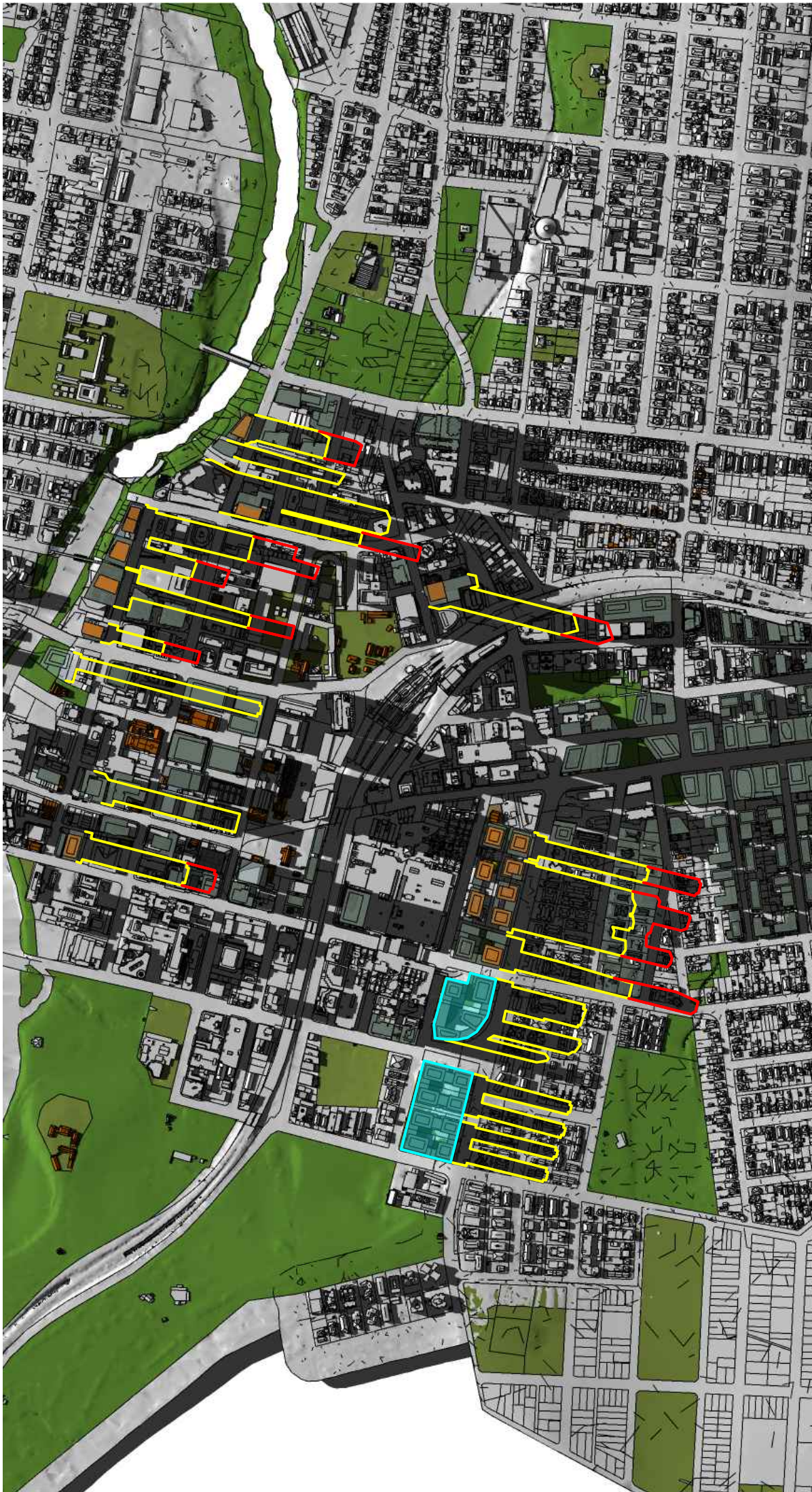
SHADOW OF 12:1



SHADOW OF 15:1



# SCENARIO 2 10:00 AM



BLOCKS A + B BUILDINGS  
MODELED AT 100M



SHADOW OF 12:1



SHADOW OF 15:1



# SCENARIO 2 11:00 AM



BLOCKS A + B BUILDINGS  
MODELED AT 100M



SHADOW OF 12:1



SHADOW OF 15:1



# SCENARIO 2 12:00 PM



BLOCKS A + B BUILDINGS  
MODELED AT 100M



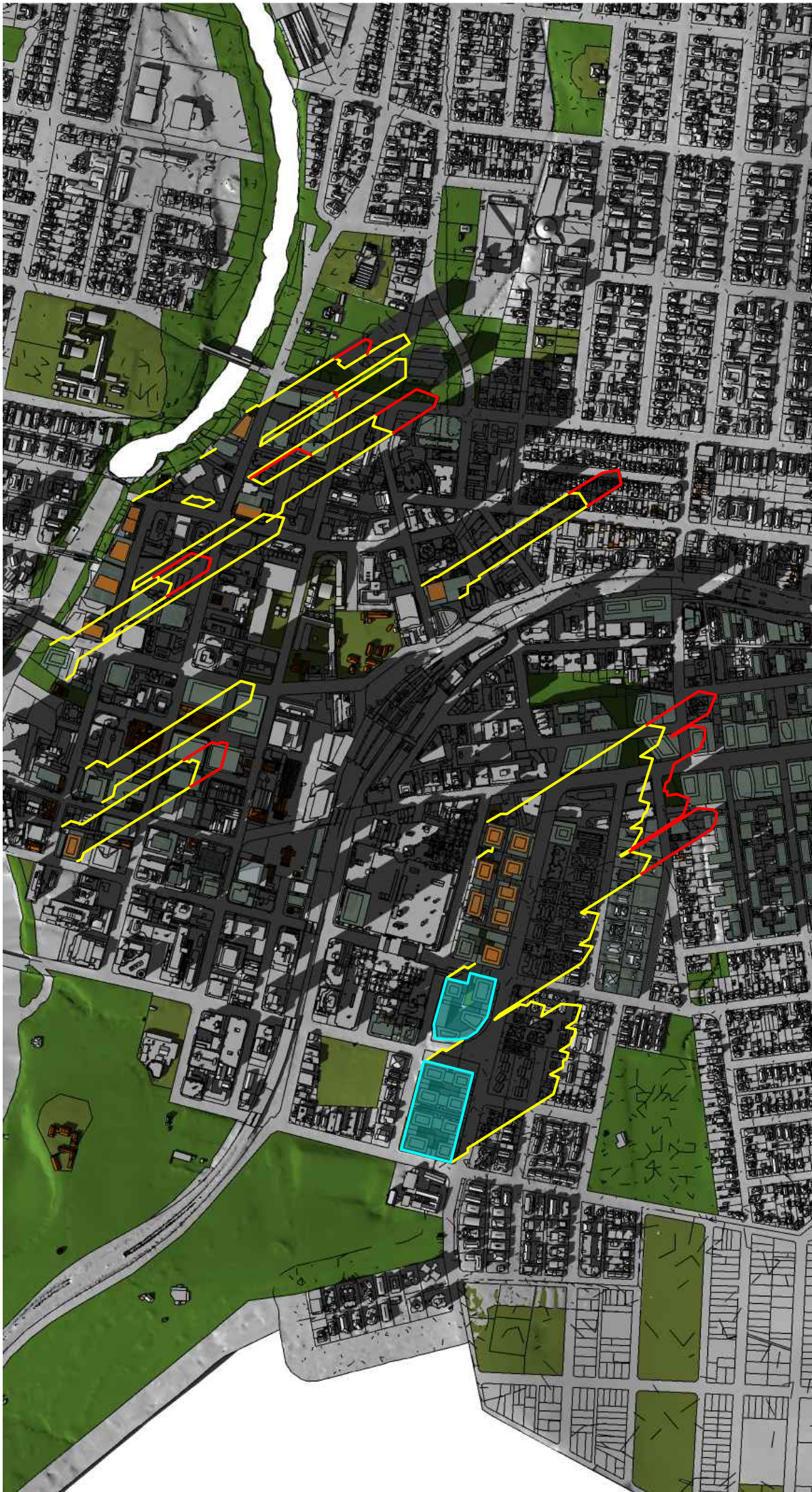
SHADOW OF 12:1



SHADOW OF 15:1



# SCENARIO 2 01:00 PM



BLOCKS A + B BUILDINGS  
MODELED AT 100M



SHADOW OF 12:1



SHADOW OF 15:1



# SCENARIO 2 02:00 PM





BLOCKS A + B BUILDINGS  
MODELED AT 100M



SHADOW OF 12:1



SHADOW OF 15:1



**03:00 PM**

**SCENARIO 2**