

REFERENCE F2021/00521 - D08064738

REPORT OF Development Manager

3268 RESOLVED (Esber/Tyrrell)

- (a) **That** Council approve permanently closing part of Darcy Street, Parramatta, shown as Lot 131 coloured blue on Attachment 1, in accordance with Part 4 Division 3 of the Roads Act 1993.
- (b) **That** Council approve to classify the portion of Darcy Street being closed, shown as Lot 131 coloured blue on Attachment 1, as operational upon formal gazettal of the road closure.
- (c) **Further, that** Council delegate authority to the Chief Executive Officer to sign all documentation, including but not limited to land owner's consent, in connection with this matter.

## 17. INNOVATIVE

17.1 SUBJECT FOR NOTATION: Minutes of the 5/7 Parramatta Square Advisory Group Meeting held on 6 May 2021

REFERENCE F2021/00521 - D08042554

REPORT OF Business Governance Officer

3269 RESOLVED (Issa/Davis)

**That** Council defer consideration of this matter for a period of two (2) weeks.

17.2 SUBJECT FOR NOTATION: Minutes of the Smart City Advisory Committee Meeting held on 4 May 2021

REFERENCE F2017/00685 - D08045680

REPORT OF Project Officer

3270 RESOLVED (Issa/Tyrrell)

- (a) **That** Council note the minutes of the Smart City Advisory Committee meeting held on 4 May 2021 (provided at Attachment 1).
- (b) **Further, that** Council note that the Committee supports the University of Technology Sydney in submitting an Expression of Interest to the Smart Places Acceleration Program.

17.3 SUBJECT FOR APPROVAL: Post Gateway - Draft Development Control Plan and Draft Planning Agreement for 85-91 Thomas Street, Parramatta

REFERENCE RZ/11/2016 - D08012633

3271 RESOLVED (Esber/Tyrrell)

- (a) **That** Council endorse the draft amendments to Part 4.1.9 Morton Street Precinct, Parramatta DCP 2011, introducing new site-specific controls for the land at 85-91 Thomas Street, Parramatta, as provided at Attachment 1, for the purpose of public exhibition.
- (b) **That** Council authorise the Chief Executive Officer to commence the legal drafting of a Planning Agreement in accordance with the Letter of Offer as provided in Attachment 2, and terms outlined in this report on behalf of Council for the purpose of public exhibition.
- (c) **That** the draft amendment to Part 4.1.9, Parramatta DCP 2011 and draft Planning Agreement be placed on public exhibition concurrently with the updated Planning Proposal in Attachment 3, for a period of 28 days as required by the Gateway Determination in Attachment 4 and that a report be provided to Council on the outcomes of the public exhibition.
- (d) **Further, that** Council delegate authority to the Chief Executive Officer to correct any minor inconsistencies or anomalies of an administrative nature relating to the draft site-specific Development Control Plan and draft Planning Agreement documentation that may arise during the drafting and exhibition process.

DIVISION A division was called, the result being:-

AYES: Councillors Barrak, Bradley, Davis, Dwyer, Esber, Garrard, Issa, Jefferies, Pandey, Prociv, Tyrrell, Wearne and Zaiter

NOES: Councillor Wilson

17.4 SUBJECT FOR APPROVAL: Post Exhibition - Outcomes of two Planning Proposals and three DCP amendments for various matters in Epping

REFERENCE F2021/00521 - D08025044

REPORT OF Team Leader Land Use Planning

3272 RESOLVED (Tyrrell/Davis)

- (a) **That** Council receives and notes the submissions received during the public exhibition of the East Epping and Rosebank Avenue Planning Proposals and the draft amendments to the Hornsby Development Control Plan 2013 which are summarised at Attachment 2.
- (b) **That** Council endorse for finalisation the planning proposal relating to the following various properties in East Epping (provided at

**INNOVATIVE**

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<b>ITEM NUMBER</b>	17.3
<b>SUBJECT</b>	FOR APPROVAL: Post Gateway - Draft Development Control Plan and Draft Planning Agreement for 85-91 Thomas Street, Parramatta
<b>REFERENCE</b>	RZ/11/2016 - D08012633
<b>REPORT OF</b>	Project Officer Land Use
<b>APPLICANT:</b>	Think Planners Pty Ltd
<b>LANDOWNER:</b>	Century 888 Pty Ltd

**DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL: Nil****PURPOSE:**

The purpose of this report is:

- To seek Council's endorsement of a draft amendment to the Morton Street Precinct section of the Parramatta Development Control Plan and a draft Planning Agreement for land at 85-91 Thomas Street, Parramatta for public exhibition in conjunction with the Planning Proposal endorsed by Council on 9 June 2020

**RECOMMENDATION**

- That** Council endorse the draft amendments to Part 4.1.9 Morton Street Precinct, Parramatta DCP 2011, introducing new site-specific controls for the land at 85-91 Thomas Street, Parramatta, as provided at **Attachment 1**, for the purpose of public exhibition.
- That** Council authorise the Chief Executive Officer to commence the legal drafting of a Planning Agreement in accordance with the Letter of Offer as provided in **Attachment 2**, and terms outlined in this report on behalf of Council for the purpose of public exhibition.
- That** the draft amendment to Part 4.1.9, Parramatta DCP 2011 and draft Planning Agreement be placed on public exhibition concurrently with the updated Planning Proposal in **Attachment 3**, for a period of 28 days as required by the Gateway Determination in **Attachment 4** and that a report be provided to Council on the outcomes of the public exhibition.
- Further, that** Council delegate authority to the Chief Executive Officer to correct any minor inconsistencies or anomalies of an administrative nature relating to the draft site-specific Development Control Plan and draft Planning Agreement documentation that may arise during the drafting and exhibition process.

**TIMELINE**



**SITE DESCRIPTION**

1. The site at 85-91 Thomas Street, Parramatta is subject to *Parramatta Local Environmental Plan (PLEP) 2011*. It includes four (4) properties on the southern side of Thomas Street with a total site area of 6,321sqm as shown in **Figure 1**. At the rear of No.87 Thomas Street, there is a land parcel known as 87A Thomas Street which is already publicly owned Crown land and available for public open space. The 4 lots which form the subject site each contain a single dwelling house, all of which are owned by Century 888 Pty Ltd (the landowner). The legal descriptions of the properties are listed below:

- Lot 13 DP 1239 known as No. 85 Thomas Street
- Lot 142 DP 537053 known as No. 87 Thomas Street
- Lot 15 DP 1239 known as No. 89 Thomas Street
- Lot 16 DP 1239 known as No. 91 Thomas Street



**Figure 1:** Subject site at 85-91 Thomas Street, Parramatta

**PLANNING PROPOSAL MATTERS**

2. In June 2016, the applicant lodged an initial Planning Proposal seeking to increase the maximum floor space ratio (FSR) and maximum height of buildings (HOB) control to accommodate approximately 164 dwellings. The planning controls applicable at the time permitted approximately 59 dwellings and was based on the FSR which applied to the entire site area.
  
3. Whilst Council was undertaking the initial assessment of the Planning Proposal, a Council-led amendment known as Parramatta LEP 2011 – Amendment No.20 came into force on 28 July 2017. This LEP amendment reduced the developability of the site and placed a land acquisition burden on Council as detailed below.
  - 1,296sqm of land at No.85 now zoned RE1 – Public Recreation and reserved for acquisition for local open space, and
  - 1,200sqm of land at Nos.89-91 currently zoned R4 now identified for natural resources biodiversity provisions (see **Figure 2**).



**Figure 2:** Mapping of undevelopable land introduced by PLEP 2011 – Amendment No.20

4. The Planning Proposal was subsequently revised and it sought to recoup the GFA lost as a result of Amendment No.20 and to redistribute it into a taller built form within the remaining 3,825sqm developable site area. This facilitates a 6-storey residential flat building development across 2 buildings comprising of approximately 59 dwellings and 61 vehicular parking spaces. The revised Planning Proposal was reported to Council on 9 June 2020. At this meeting Council endorsed the Planning Proposal for submission to the Department of Planning, Industry and Environment (DPIE) for Gateway determination. Details of the endorsed Planning Proposal are shown in **Table 1** below.

**Table 1:** Planning Proposal for 85-91 Thomas Street, Parramatta

Parramatta LEP 2011	LEP Controls for site prior to Amendment 20 Until 28 July 2017	Current LEP Controls Since 28 July 2017	Current Planning Proposal
<b>Zoning</b>	R4 – High Density Residential (6,321sqm)	Part R4 High Density Residential (5,025sqm),	R4 High Density Residential (3,825sqm – developable land),



		Part RE1 Public Recreation (1,296sqm)	RE1 Public Recreation (2,496sqm – land dedication area)
<b>Maximum Building Height (HOB)</b>	11 metres (3 storeys)	11 metres (3 storeys) (R4 land only)	22 metres (6 storeys) (R4 land only), No HOB control for existing and proposed RE1 land.
<b>Maximum Floor Space Ratio (FSR)</b>	0.8:1 (entire site area)	0.8:1 (R4 land only)	1.3:1 (R4 land only), No FSR control for existing and proposed RE1 land.
<b>Maximum Gross Floor Area (GFA)</b>	5,057sqm (based on the total site area)	4,020sqm (based on R4 High Density Residential only)	4,973sqm (based on developable site area)
<b>FSR on Developable Portion</b> 3,825sqm	1.32:1	1.05:1	1.3:1
<b>Other Planning Controls</b>	Foreshore Building Line, Acid Sulfate Soils, Heritage	Foreshore Building Line, Acid Sulfate Soils, Heritage, Land Reserved for Acquisition, Natural Resources – Biodiversity, Natural Resources – Riparian Lands and Waterways	
<b>Maximum dwelling yield*</b>	59 dwellings	47 dwellings	59 dwellings

\* Dwelling Calculation = (Maximum GFA / 85sqm for high density dwellings)

5. On 18 August 2020, DPIE issued a Gateway Determination for the Planning Proposal, including conditions that must be completed prior to public exhibition. Council Officers have updated the Planning Proposal to reflect the Gateway Determination conditions for the purpose of public exhibition. A summary of the conditions and Council response is shown below in **Table 2**.

**Table 2:** Summary of Gateway Determination and Conditions for public exhibition purposes

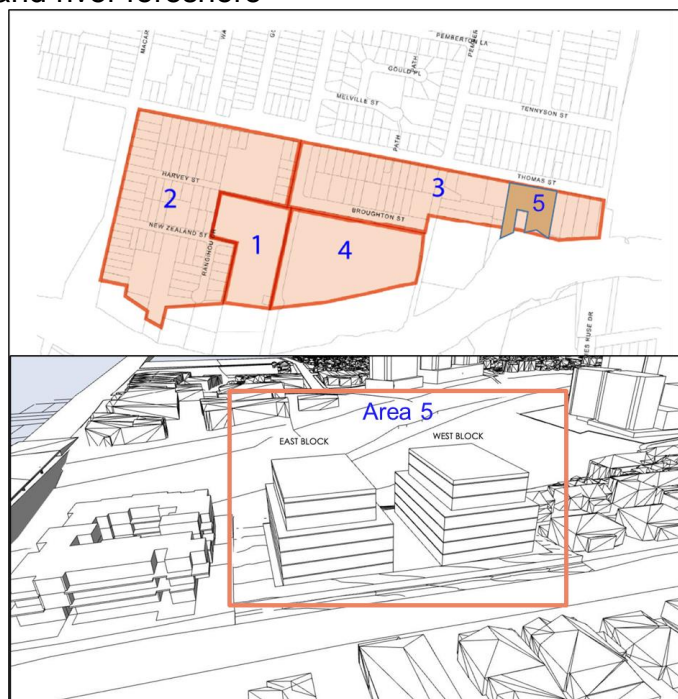
<b>DPIE Gateway Determination</b> (Attachment 3)	<b>Council Response in Updated PP</b> (Attachment 4)
<b>Condition 1a.</b> Update the explanation of provisions to outline the intended outcomes regarding the proposed changes to the minimum lot sizes	Part 2 of the PP has been updated to explain that the minimum lot size map will be amended and apply to the proposed 3,825sqm of R4 land only, and be removed from the proposed RE1 land
<b>Condition 1b.</b> Outline a suitable mechanism to ensure that land to be zoned RE1 Public Recreation has an appropriate acquiring authority identified. This may be by way of a planning agreement finalised prior to the making of the LEP; and	Part 2.1 of the PP is updated to reflect the Planning Agreement Offer of 2,496sqm of land dedication. This land will be dedicated to council at nil cost. The legal drafting will specify that execution and registration on title occurs prior to making of LEP amendment. The land dedication can occur prior to issue of Construction Certificate as required by DA conditions.
<b>Condition 1c.</b> Update Part 4.2 to ensure text identifies the intent of the proposal	Part 4.2 of the PP is updated to state there will be no net increase in GFA compared to PLEP 2011 as applied to the site prior to Amendment No.20 before 28 July 2017. The proposal redistributes residential GFA lost under Amendment 20 into a taller building form with an increased FSR to reflect the reduced developable area. There will also be

	dedication of Natural Resources - Biodiversity and RE1 zoned LRA land.
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6. There are no changes to the proposed dwelling yield, or relevant built form controls such as height, as a result of the Gateway Determination conditions.

## DRAFT DEVELOPMENT CONTROL PLAN

7. When Council endorsed the Planning Proposal for a Gateway Determination in June 2020, Council also resolved that a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to public exhibition. This resolution ensures that the detailed urban design analysis on streetscape, floor space ratio, building height, building separation and setbacks, deep soil, overshadowing and privacy is incorporated into the draft planning controls for this site.
8. There are existing precinct-based DCP controls for the subject site in Part 4.1.9 – Morton Street Precinct in Parramatta Development Control Plan 2011 (PDCP 2011). The Morton Street DCP was adopted by Council on 27 August 2007 and currently applies the Area 3 – Morton Street East (refer to **Figure 3** below) controls to future development on the subject site.
9. Council officers recommend incorporating site-specific DCP controls as part of a draft amendment to the Morton Street section of DCP 2011 as shown in **Attachment 1**. The draft amendment proposes to include a new “Area 5 – 85-91 Thomas Street” as shown in **Figure 3** below. This section will include specific controls in relation to:
- Building height and massing
  - Streetscape, building setbacks and separation
  - Deep soil, landscaping and future open space
  - Ecology and river foreshore

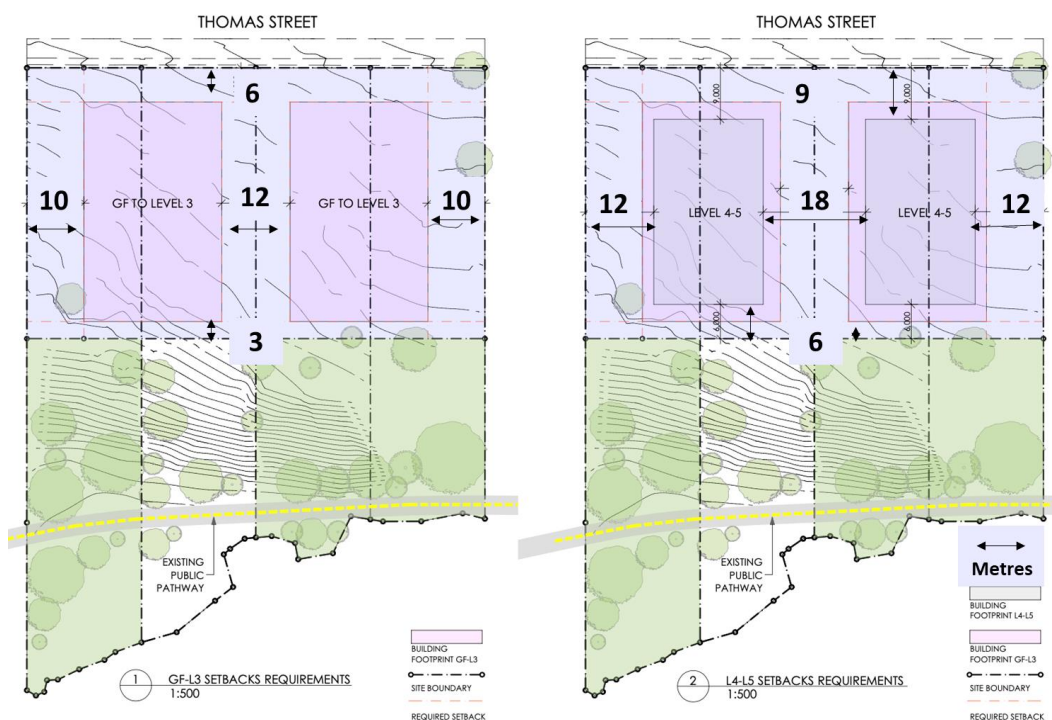


**Figure 3:** Map of Morton Street Precinct DCP and Indicative Building Envelope for Area 5

10. The indicative building envelope shown in **Figure 3** illustrates the endorsed Planning Proposal and will facilitate two 6-storey residential flat buildings equal

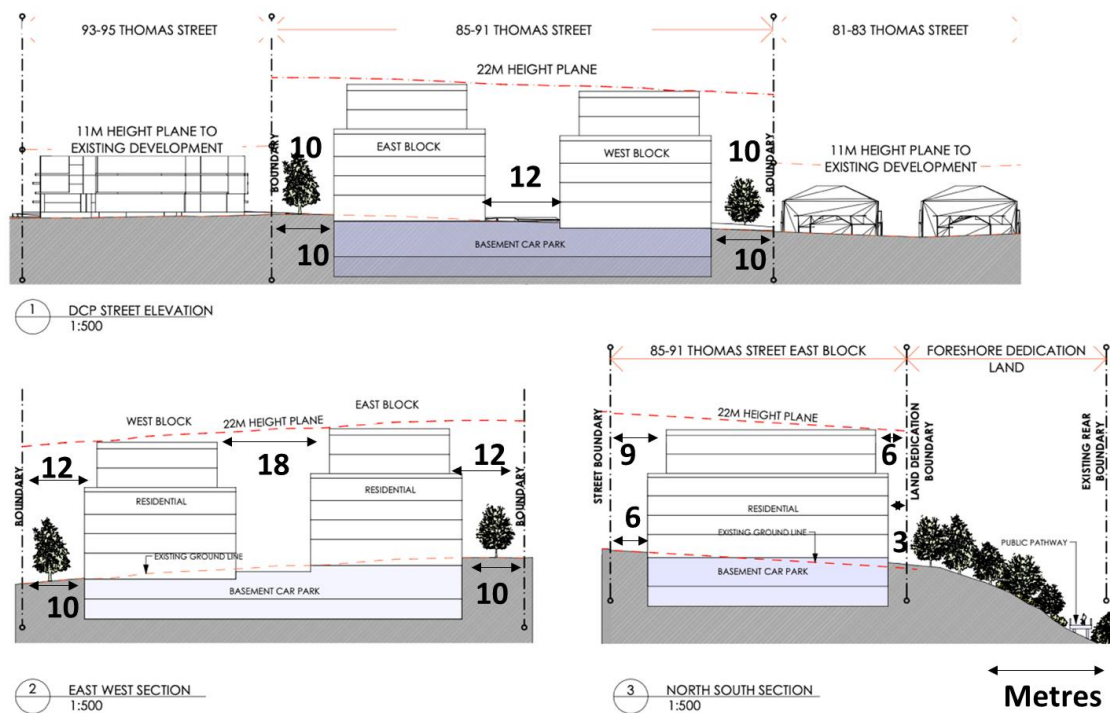
to approximately 59 apartment dwellings, which is an equivalent density to what the planning controls could allow on the site prior to Amendment 20.

11. It is considered that the building envelopes appropriately distribute the residential floorspace generated from the undevelopable land in a sensitive manner. Building footprints have been reduced with additional height resulting in greater setbacks and separation distances in improve built form transition to neighbouring development.
12. Following Council endorsement of the Planning Proposal’s associated reference design in June 2020 only minor changes to the building envelope have been made. Minor adjustments were made to require upper level setbacks to improve amenity, as well as greater provision for deep soil planting within the side boundaries by ensuring that basement car parking does not encroach into this area. **Figures 4 & 5** show the indicative building envelope in plan and elevation view.



**Figure 4:** Plan view of setback and separation controls in Area 5, Morton Street DCP





**Figure 5:** Elevation view of setback and separation controls in Area 5, Morton Street DCP

13. The setback and separation distances shown in Figure 4.1.9.3(a), Figure 4.1.9.15 and Figure 4.1.9.16 of **Attachment 1** in the draft DCP exceed the minimum requirements of the Apartment Design Guide and Parramatta DCP 2011. The draft DCP also contains controls that require basement carparking access to be located within the building envelope. These site-specific provisions aim to provide a landscaped setting that minimises overshadowing and provides greater privacy to adjoining properties.
14. Saltmarshes and wetlands are located in close proximity to the site and are protected by the LEP controls relating to the Foreshore Building Line, Natural Resources – Biodiversity and local heritage listing of Parramatta River (Wetlands). To further protect these ecological areas, the draft DCP includes ecology and foreshore controls so stormwater run-off, overshadowing and lighting causes minimal disturbance to local flora and fauna within the nearby riparian corridor along the river.
15. The draft site-specific DCP has been prepared in accordance with the urban design, traffic and open space advice provided to date. Council officers are satisfied that the site-specific controls in the Draft Amendment to Morton Street DCP for “Area 5 – 85-91 Thomas Street” will ensure that the increase in HOB and FSR facilitated by the Planning Proposal can be properly managed and future development appropriately considers its surrounding context.

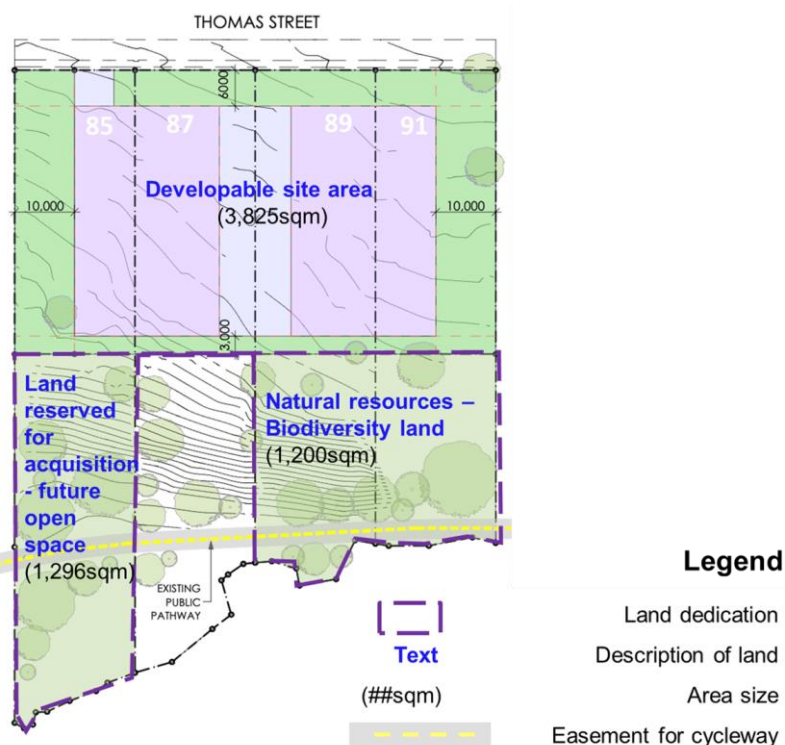
**DRAFT PLANNING AGREEMENT**

16. The applicant submitted a Letter of Offer to enter into a Planning Agreement with Council on 8 March 2021 in support of the Planning Proposal for the site. Together, they inform the changes to planning controls to enable a residential flat building on the developable site area (3,825sqm) and land dedication for the remaining undevelopable site area (2,496sqm). The scenario regarding the land dedication through a Planning Agreement was flagged with Council on 9 June 2020 and was endorsed by Council at this meeting. The submitted Letter

of Offer (included in **Attachment 2**) is consistent with this Resolution of Council.

*Letter of Offer*

17. The Draft Planning Agreement Offer includes 2,496sqm (approximately 0.25 hectares) of open space and ecologically sensitive land dedicated to Council at nil cost (see Figure 6). This allows Council to make the river foreshore land publicly accessible via a low acquisition cost pathway and offer better protection of the biodiversity land. The proposed land dedication reflects the intended use of the site by clearly delineating the developable portion of the site from the portion of the site that is currently zoned open space or has been identified as having ecological value. The land dedication is provided on the basis that there is no decrease in GFA compared to the planning controls in place when the Planning Proposal was lodged on 6 June 2016. The land dedication is mapped in the PLEP 2011 and comprises of two parts:
  - i. 1,296sqm of land at No.85 now zoned RE1 – Public Recreation and shown as land reserved for acquisition for local open space, and
  - ii. 1,200sqm of land at Nos.89-91 currently zoned R4 now identified for natural resources - biodiversity provisions



**Figure 6:** Description of 2,496sqm of land dedication in Draft Planning Agreement

18. The Draft Planning Agreement Offer also provides Council with the mechanism to acquire land identified for future open space (which is currently zoned RE1 but is unfunded) and biodiversity at nil financial cost.
19. The development potential of the land to be dedicated under the planning controls in place prior to Amendment 20 is being extracted and redistributed onto the developable site area as part of the Planning Proposal. The land dedication offer has not changed since Council endorsed the Planning Proposal and Planning Agreement Offer on 9 June 2020.

20. A land value uplift assessment has not been undertaken as the planning proposal is only seeking to recoup the residential density potential which may have been able to be achieved under the planning controls in place on the site when the Planning Proposal was lodged. The Draft Planning Agreement Offer moves away from a value capture approach and towards an infrastructure needs approach as required by the Planning Agreements Practice Note (DPIE, February 2021). Council's City Planning and Property Development Group are satisfied that the Draft Planning Agreement does not require a land value uplift assessment given the nominal uplift being sought by the Planning Proposal and that the undevelopable land is being dedicated at no cost.
21. Under Council's Planning Agreements Policy, planning proposals outside the CBD seeking uplift in density need to be supported by a planning agreement that is valued at 50% of the resulting land value uplift. At the 9 June 2020 Council Meeting, Council endorsed the officer recommendation which varies the planning agreements policy in this instance and set the parameters for negotiating this land dedication offer. The draft Letter of Offer is consistent with Council's previous resolution and it is therefore recommended that the draft Planning Agreement be exhibited with the draft Planning Proposal and draft DCP.
22. The Planning Agreement should be executed and registered on the land title prior to finalisation of the Planning Proposal post-exhibition.

### **CURRENT DEVELOPMENT APPLICATION**

23. On 19 April 2021, the applicant lodged a Development Application which proposes demolition of existing structures (4 dwelling houses), tree removal and construction of two x 7 storey boarding house buildings consisting of 237 boarding rooms with 118 basement parking spaces and land dedication at the rear (DA/312/2021). The application was recently publicly exhibited from 28 April 2021 to 26 May 2021.
24. Boarding houses are a permissible use within the R4 – High Density Residential zone area under the current and proposed planning controls for the site. Boarding house developments must also satisfy other more detailed controls such as State Environmental Planning Policy (Affordable Rental Housing) 2009 and Parramatta DCP 2011 (Part 2, Part 3, Part 5.1 for Boarding Houses).
25. The DA is being considered as part of a separate assessment process which is currently underway in accordance with the currently applicable planning controls. The updated Planning Proposal, Draft DCP and Planning Agreement will become matters for consideration for any subsequent DAs that are submitted after the Planning Proposal and DCP have been placed on public exhibition.

### **CONSULTATION & TIMING**

26. Pending Council's resolution on this matter, the Planning Proposal, draft DCP and draft Planning Agreement will be publicly exhibited with the Planning Proposal. The exhibition will be conducted in accordance with the Gateway determination and the requirements of the *Environmental Planning and*

*Assessment Act 1979*. The outcome of the public exhibition will then be reported to Council.

### Stakeholder Consultation

27. The following stakeholder consultation has been undertaken in relation to this matter:

<b>Date</b>	<b>Stakeholder</b>	<b>Stakeholder Comment</b>	<b>Council Officer Response</b>	<b>Responsibility</b>
28 September 2020 / 6 October 2020	City Design	Review of initial Draft DCP	Include description and objectives for new "Area 5" section on the subject site within Part 4.1.9 – Morton Street Precinct. Figures and controls must be amended.	City Planning/ City Design
29 September 2020 / 5 March 2021	Natural Resources & Open Space	Include Ecology & River Foreshore controls. Estimate maintenance costs of the proposed land dedication also provided.	Applicant to include Ecology & River Foreshore controls so no significant impact from lighting, stormwater run-off or overshadowing impacts the nearby saltmarsh and mangrove communities.	City Planning
24 March 2021 / 29 March 2021	Property Development Group	No objections raised to the items in the VPA offer. A value uplift assessment is not required in this instance due to impacts of PLEP – Amendment No.20 on developability.	PLEP 2011 – Amendment 20 identifies 2,496sqm as open space and ecologically sensitive land. Dedicating 1,296sqm land at No.85 extinguishes Council's acquisition burden for local open space. Dedicating 1,200sqm land at No.89 & 91 provides the public protection of environmentally sensitive biodiversity land.	City Planning/ Property Development Group
20 April 2021/ 5 May 2021	Development Assessment	Status of DA/312/2021 for a 7-storey boarding house under current controls	DA scheme varies from the Planning Proposal scheme in relation to density, parking, setback and separation distances. Boarding houses are permitted in the	City Planning

			zone. The DA will be assessed as part of a separate assessment process which is currently underway.	
13 May 2021	Finance	The monetary and CAPEX contributions are not included in the current adopted four-year budget and if resolved, will be included within the budget process or as part of quarterly review.	The transfer of the land assets will remove Council's obligation under the existing zoning regime to acquire the asset (estimated fair value of \$1.3m in April 2020). Maintenance of the land assets is not included in the current adopted budget and is estimated at about \$5,000 per year which is immaterial compared to revenue to be generated by redevelopment under the proposed planning controls.	City Planning/ Finance

### Councillor Consultation

28. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor Comment	Council Officer Response	Responsibility
9 June 2020	Council endorsed the Planning Proposal to request a Gateway Determination and that a site-specific DCP be prepared and VPA be negotiated in accordance with the 2,496sqm of land dedication proposed.	The Planning Proposal has not changed following Gateway Determination however minor refinements to the reference scheme has been made as part of preparing the Draft DCP. The DCP & VPA have been prepared and negotiated in accordance with the resolution.	City Planning

### **LEGAL IMPLICATIONS FOR COUNCIL**

29. The Gateway Determination at **Attachment 4** requires Council to exhibit the Planning Proposal, Draft DCP and Draft Planning Agreement for a minimum of 28 days.



30. The drafting of the Planning Agreement will be by both parties in accordance with the recommendation of this report. The costs associated with the drafting of the Planning Agreement and explanatory note will be at the cost of the applicant which is in accordance with Council's Planning Agreements Policy.

## FINANCIAL IMPLICATIONS FOR COUNCIL

31. The proposed Planning Agreement negotiated will involve the applicant dedicating 2,496sqm of land at nil cost to Council. A portion of this land is already subject to an unencumbered public access easement for the Parramatta Valley Cycleway. The costs and maintenance of this cycleway are already accounted for by the operational budget of Council.
32. The land dedication comprises of 1,296sqm identified for local acquisition and 1,200sqm for natural resources biodiversity. The transfer of these items in the planning agreement will remove Council's obligation under the existing zoning regime to acquire the asset (estimated fair value of \$1.3m in April 2020). Council's Property Development Group have advised that land dedication as part of the Draft Planning Agreement allows for the most cost-effective acquisition pathway to transfer this asset into Council ownership. This land will be in addition to the Section 7.11 and 7.12 contributions payable at the time the development proceeds.
33. Maintenance of the 0.25 hectares of land dedication is estimated at about \$5,000 per year. This maintenance cost is not included in the current adopted budget. This amount is immaterial compared to revenue to be generated by redevelopment under the proposed planning controls. Council's Natural Resources & Assets Team have advised that transferring this asset into Council ownership as part of the Draft Planning Agreement offers better protection for future open space & biodiversity land along the river foreshore.
34. The financial impacts to the budget, as set out in this section, will be included in the next Quarterly Budget Review for endorsement by Council. The table below represents the estimated timing of the additional contribution to be received if Council resolves to approve this report.

	FY 20/21	FY 21/22	FY 22/23	FY 23/24
<b>Operating Result</b>				
Capital contribution (non-cash)		\$1,300,000		
External Costs				
Internal Costs		(\$5,000)	(\$5,000)	(\$5,000)
Depreciation				
Other				
<b>Total Operating Result</b>		\$1,295,000	(\$5,000)	(\$5,000)
<b>Funding Source</b>		General Revenue	General Revenue	General Revenue
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>		NIL	NIL	NIL
<b>Funding Source</b>				

35. The costs associated with the preparation, exhibition and finalisation of the Planning Proposal, draft DCP and draft Planning Agreement are internal resources and consultancy costs. The developer will reimburse any consultancy costs relating to the Planning Agreement, which will then result in nil cost to Council for this item.

## CONCLUSION

36. It is recommended that Council endorse the Draft Development Control Plan and Draft Planning Agreement Offer for 85-91 Thomas Street, Parramatta and that the Chief Executive Officer be authorised to prepare the legal drafting in accordance with the Letter of Offer provided in **Attachment 2** on behalf of Council for the purpose of public exhibition.
37. If endorsed, the draft DCP and draft Planning Agreement will be publicly exhibited concurrently with the Planning Proposal for 85-91 Thomas Street, Parramatta for a minimum of 28 days. A further report will be prepared for Council on the outcome of the public exhibition period.

Kieren Lawson  
**Project Officer Land Use**

Michael Rogers  
**Land Use Planning Manager**

Paul Perrett  
**Chief Financial Officer**

David Birds  
**Acting Executive Director, City Planning & Design**

Brett Newman  
**Chief Executive Officer**

## **ATTACHMENTS:**

<a href="#">1</a>	Draft Amendment to Morton Street DCP - for exhibition	7 Pages
<a href="#">2</a>	8 March 2021 Planning Agreement Offer - for exhibition	2 Pages
<a href="#">3</a>	Updated Planning Proposal - for exhibition	59 Pages
<a href="#">4</a>	Gateway Determination - for exhibition	2 Pages

## REFERENCE MATERIAL

## RZ/11/2016 – 85-91 Thomas Street, Parramatta

### DRAFT AMENDMENTS TO THE PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Amendments shown in blue.

#### Section 4.1 Town and Neighbourhood Centres

##### 4.1.9 Morton Street Precinct

##### 4.1.9 Design Controls

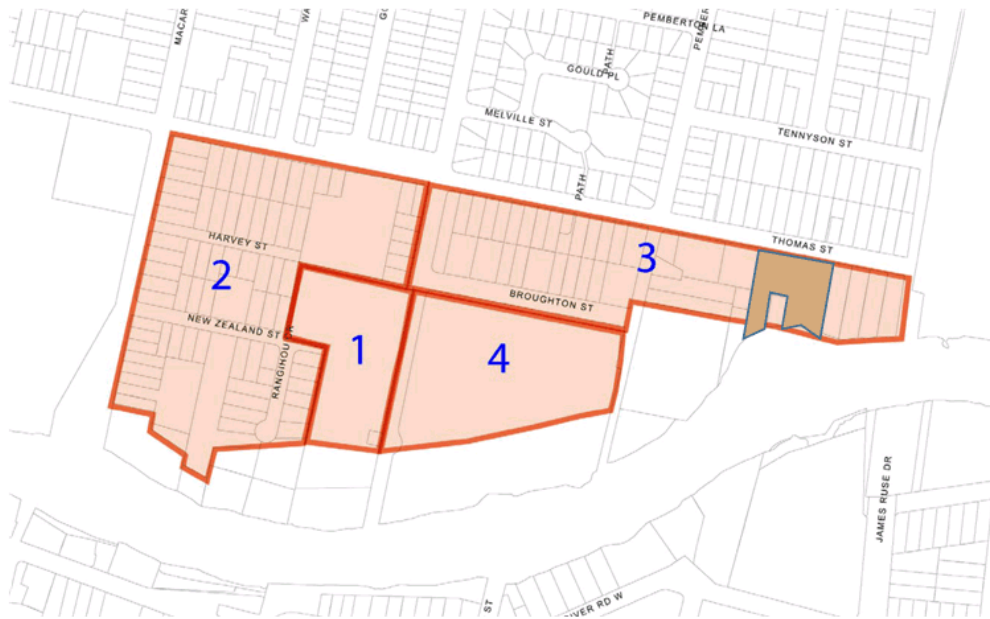
Area 1 – Riverfront

Area 2 - Morton Street – West

Area 3 - Morton Street – East

Area 4 - No. 2 Morton Street

Area 5 – 85-91 Thomas Street



Area 5 site specific controls provide for generous side setbacks to create separation to adjoining residential properties, and incorporates rear setbacks intended to create a landscape separation to the Parramatta River.

##### Indicative Building Envelopes

(insert) C.4 Development in Area 5 must be in accordance with the indicative building envelopes as shown in Figure 4.1.9.3(a). Development must provide an appropriate design

response to protect the amenity of adjoining residential sites and enable a rear landscape area that separates development on the site from the Parramatta River foreshore.

**Building Form**

(renumber C.5 and alter to state)

The built form controls correlate with the indicative building envelopes shown in Figure 4.1.9.3 and Figure 4.1.9.3(a). The design of buildings must comply with the relevant standards for each building type.

Update Figure 4.1.9.3 Indicative Building Envelopes on page 4.1-54 with a text box stating:

“Unique controls for 85-91 Thomas Street provided in Figure 4.1.9.3(a)”



**Figure 4.1.9.3 Indicative Building Envelopes**

Insert new Figure 4.1.9.3(a) Indicative Building Envelopes for Area 5

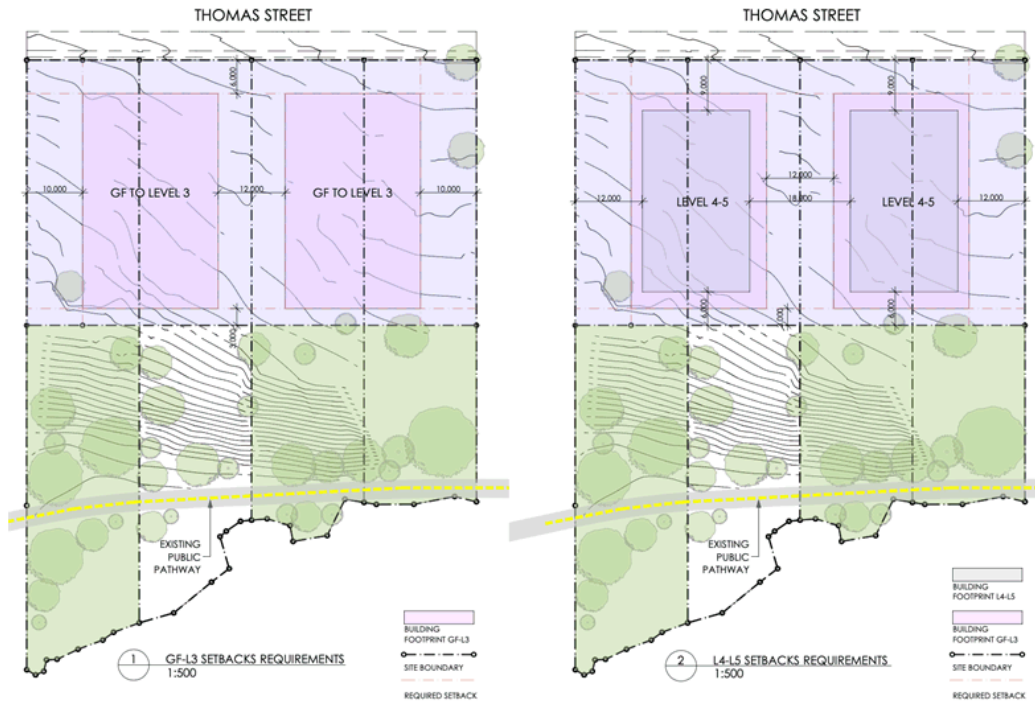


Figure 4.1.9.3(a) Area 5 Indicative Building Envelopes

Insert New Section

**Urban Design in Area 5 (85-91 Thomas Street)**

- C?? Buildings should provide a 4 storey base with a recessed upper 2 storeys, providing a maximum 6 storey form. Refer to figures 4.1.9.14 and 4.1.9.15.
- C?? Buildings should be designed to create streetscapes that are characterised by:
  - a. clearly defined edges, and
  - b. architectural treatments that are interesting and relate to the design and human scale of existing buildings.
- C?? Generous setbacks should be provided to ensure built form is in a landscaped setting.
- C?? Opportunities for views to Parramatta CBD and Parramatta River are to be realised in the design of new buildings.



- C.?? Buildings fronting the off-road pedestrian network are to be designed to provide for casual surveillance.
- C?? Buildings fronting the proposed public open space area along the riverfront are to be modulated to create interest as viewed from the river and foreshores.
- C.20 Where development is proposed that requires the management of flood impacts, the following urban design considerations apply:

Insert New Figures 4.1.9.14 and 4.1.9.15

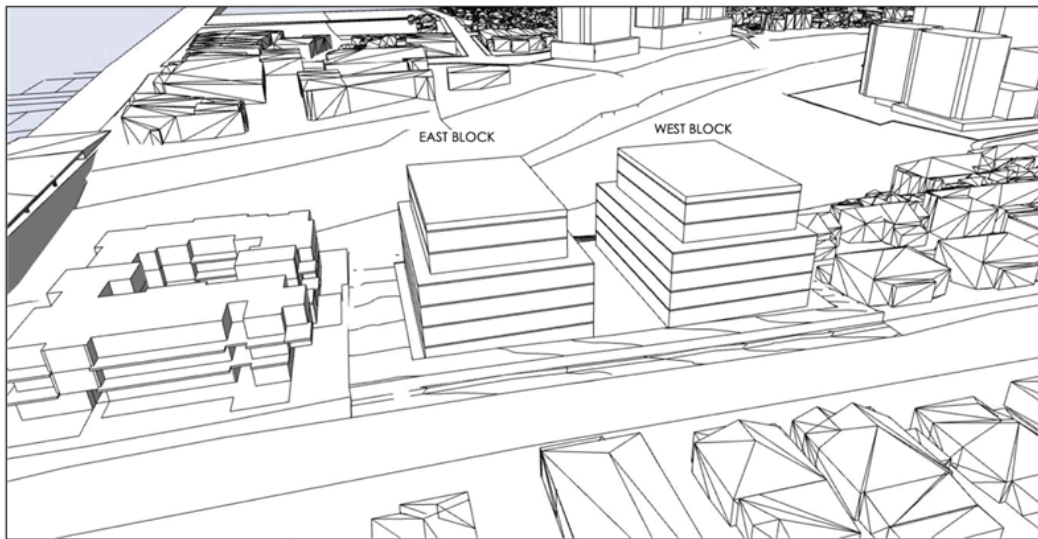


Figure 4.1.9.14 Area 5 Recessed Levels 5 & 6

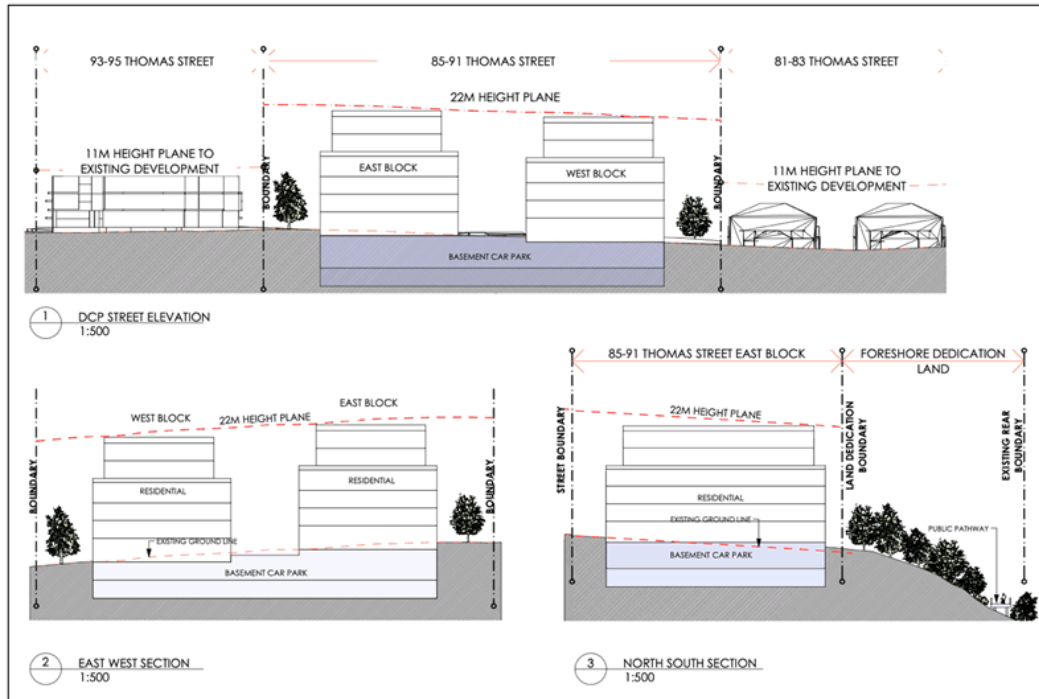


Figure 4.1.9.15 Sections

Insert New Section

**Development within Area 5**

- C.?? Entrances to buildings are to be clearly defined and well lit.
- C.?? Vehicular crossings are to be minimised to reduce disruption of pedestrian flow and safety.
- C.?? Deep soil zones along the front, side and rear boundaries should be provided to allow for a landscape setting. Refer to Figure 4.1.9.16.

Insert new figure 4.1.9.16



Figure 4.1.9.16 Area 5 Deep Soil Zone

Insert New Section within Area 5

**Ecology and River Foreshore**

C1 - Development is to demonstrate no significant impact to saltmarsh and mangrove ecological communities as a result of stormwater run-off or overshadowing

C2 - Lighting is to be designed to minimise light spill into the ecologically sensitive river riparian corridor to prevent disturbance to nocturnal fauna

8 March 2021

Chief Executive Officer  
City of Parramatta Council  
PO Box 32  
Parramatta NSW 2124

Dear Sir/Madam

### Planning Agreement Offer

Century 888 Pty Ltd offers to enter into a Planning Agreement with Council under section 7.4 of the *Environmental Planning and Assessment Act 1979* in connection with Planning Proposal 85-91 Thomas Street, Parramatta [RZ/11/2016].

Century 888 Pty Ltd accepts the terms as generally set out in the Council's Planning Agreement template and in the following table:

Item	Terms
<b>Parties</b>	City of Parramatta Council Century 888 Pty Ltd
<b>Land</b>	<ul style="list-style-type: none"> <li>Lot 13 DP 1239 known as No. 85 Thomas Street</li> <li>Lot 142 DP 537053 known as No. 87 Thomas Street</li> <li>Lot 15 DP 1239 known as No. 89 Thomas Street</li> <li>Lot 16 DP 1239 known as No. 91 Thomas Street</li> </ul>
<b>Planning Proposal / Development Application</b>	<p>RZ/11/2016 seeks to amend the Parramatta Local Environmental Plan 2011 in relation to the land by:</p> <ul style="list-style-type: none"> <li>Maintaining the R4 – High Density Residential zone for the developable part of the site (3,825sqm) and extending the RE1 – Public Recreation zone for the undevelopable land affected by the Natural Resources - Biodiversity control,</li> <li>Increasing the maximum Building Height (HOB) control from 11 metres to 22 metres across the R4 zoned part of the site, and removing the HOB control from the undevelopable land,</li> <li>Increasing the Floor Space Ratio (FSR) control from 0.8:1 to 1.3:1 across the R4 zoned part of the site, and removing the FSR control from the undevelopable land,</li> <li>Removing No.85 Thomas Street from the Land Reserved for Acquisition Map, subject to agreement being reached regarding the Planning Agreement</li> </ul>
<b>Monetary Contribution</b>	Nil
<b>Works</b>	Nil

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Item	Terms
<b>Dedication of Land</b>	The 2496sqm of land to be dedicated to Council must be subdivided from any development lots prior to the issuing of a Construction Certificate for development on the site. The transaction of land dedication and subdivision will be made at nil cost to Council.
<b>Other Public Benefits</b>	Dedication of open space shown as part of Parramatta LEP 2011 – Amendment No.20
<b>Application of section 7.11, 7.12 and 7.24</b>	Remain application
<b>Registration</b>	The developer is required to register the Planning Agreement under the <i>Real Property Act 1900</i> at the developer's expense in accordance with section 7.6 of the Environmental Planning and Assessment Act 1979.
<b>Dispute Resolution</b>	The Council will require a planning agreement to provide for mediation of disputes between the parties to the agreement, at their own cost, before the parties may exercise any other legal rights in relation to the dispute in accordance with section 5.14 of Councils Planning Agreements Policy 2018.
<b>Security</b>	The dedication of the land can only occur once lots are created, as part of a development application process. The dedication of the land will be triggered as a condition of consent prior to the issue of a Construction Certificate and offset contributions as part of this development consent.
<b>Restrictions on Issue of Certificates</b>	Yes. The dedication of land will be triggered as a condition of consent prior to the issue of a Construction Certificate.
<b>Other Terms</b>	Nil
<b>Costs</b>	Century 888 Pty Ltd agrees to pay Council's reasonable costs of and incidental to the negotiation, preparation and entering into the agreement, as well as administration and enforcement of the planning agreement in accordance with the terms set out in the template planning agreement.

Yours faithfully

**Century 888 Pty Ltd**

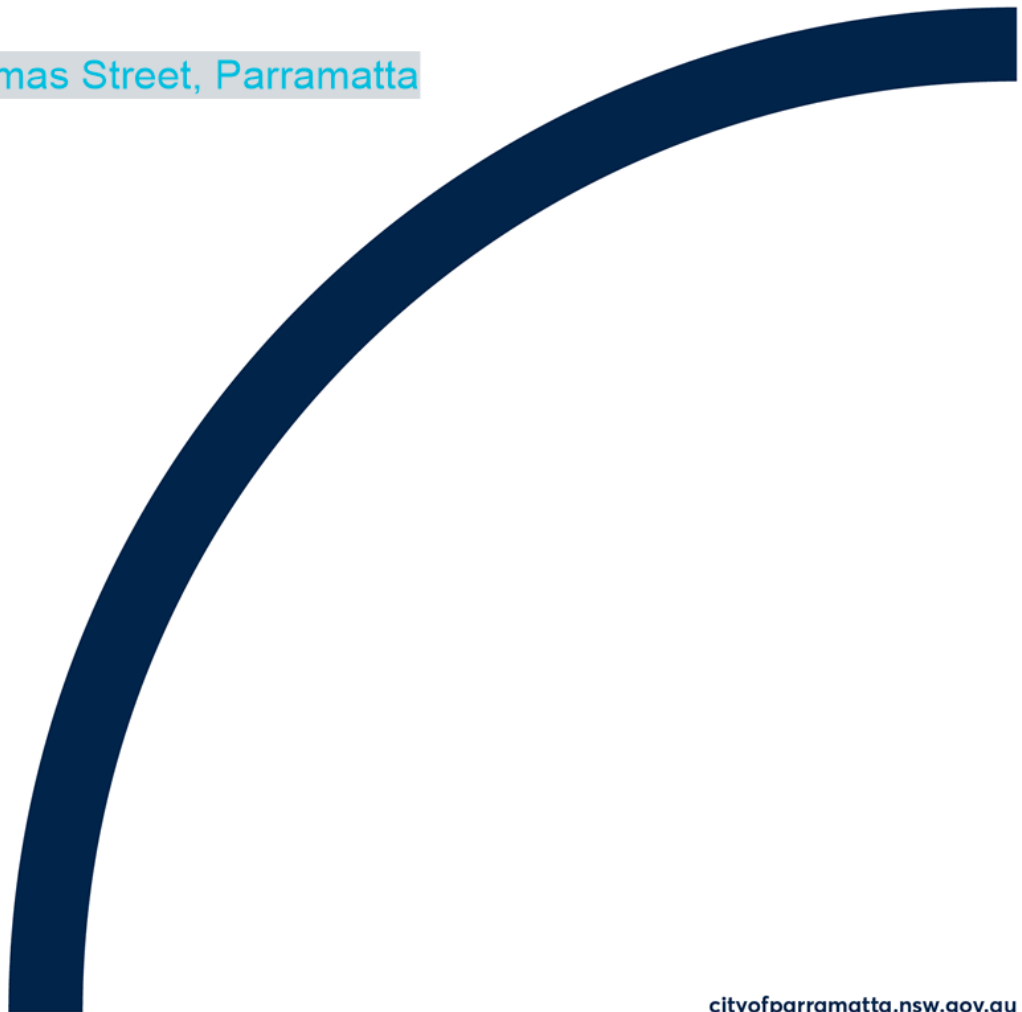
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# PLANNING PROPOSAL

[Subject]

85-91 Thomas Street, Parramatta



[cityofparramatta.nsw.gov.au](http://cityofparramatta.nsw.gov.au)



# PLANNING PROPOSAL

[Subject]

85-91 Thomas Street, Parramatta

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PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

### Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	ThinkPlanners	June 2016 – Initial Proposal
2.	ThinkPlanners	August 2018 – Former Revision
3.	ThinkPlanners	March 2020 – Current Scheme

Council versions:

No.	Author	Version
1.	City of Parramatta Council	Report to Local Planning Panel and Council on the assessment of planning proposal
2.	City of Parramatta Council	Report to Council reflecting Gateway Conditions for public exhibition purposes

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

# INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (August 2016) and 'A Guide to Preparing Planning Proposals' (August 2016) and 'Guidance for merged councils on planning functions' (May 2016).

## Background and context

On 6 June 2016, Council received a Planning proposal application from Think Planners which sought to amend the planning controls applicable to the site at 85-91 Thomas Street, Parramatta under Parramatta Local Environmental Plan 2011 (PLEP 2011). The land at 85-91 Thomas Street includes 4 Torrens title land parcels that are shown below and legally described as follows:

- Lot 13 DP 1239, known as No. 85 Thomas Street
- Lot 142 DP 537053 known as No. 87 Thomas Street
- Lot 15 DP 1239 known as No. 89 Thomas Street
- Lot 16 DP 1239 known as No 91 Thomas Street



Figure 1 – Sites at 85-91 Thomas Street subject to the planning proposal

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

Under *Parramatta Local Environmental Plan 2011* the site:

- is zoned part R4 – High Density Residential, part RE1 – Public Recreation
- has a minimum Lot Size of 550 sqm;
- has a maximum Building Height of 11 metres;
- has a maximum Floor Space Ratio (FSR) of 0.8:1;
- has a land acquisition for local open space applying to 1,296sqm of privately owned RE1 zoned land at No.85;
- 30m wide Foreshore Building Line
- Acid Sulfate Soils,
- Heritage,
- Land Reserved for Acquisition,
- Natural Resources – Biodiversity,
- Natural Resources – Riparian Lands and Waterways

An extract of each the above maps is provided in Part 4 – Mapping; specifically, Section 4.1 Existing controls.



PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to adjust the land use zoning, building height and floor space ratio on the site at 85-91 Thomas Street to accommodate a residential flat building development within the developable portion of the site. In order to accommodate the gross floor area of 0.8:1 across the privately owned site, there will be an adjustment in land use zoning boundaries, increase in maximum building height and maximum floor space ratio for the proposed R4 land.

The owners of the subject site (Century 888 Pty Ltd) authorised ThinkPlanners to submit the original Planning Proposal in June 2016 to coordinate the matters relating to the subject site and this rezoning application.

The Planning Proposal intends to deliver the following outcomes for the site:

- Accommodate high-density residential development up to 4,973sqm outside the undevelopable portions of the site
- Locate the building envelope and mass the Gross Floor Area within the developable portion of the site,
- Accommodate similar amount of GFA on the site as permitted by the planning controls prior to *Parramatta LEP 2011 – Amendment No.20 Review*
- Dedicate land identified for acquisition, public open space and natural resources.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

## PART 2 – EXPLANATION OF PROVISIONS

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

In order to achieve the desired objectives the following amendments to the *PLEP 2011* would need to be made:

1. Amend the **Land Zoning Map** to maintain the R4 – High Density Residential zone for the developable part of the site (3,825sqm) and extending the RE1 – Public Recreation zone for the undevelopable land affected by the Natural Resources - Biodiversity controls. (Sheet LZN\_[010]).
2. Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB\_010) from 11 metres to 22 metres that equates to 6 storeys for the proposed R4 land within the developable area of the site. Removing the Height of Buildings control for the proposed RE1 land.
3. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR\_010) from 0.8:1 to 1.3:1 for the proposed R4 land within the developable area of the site. Removing the Floor Space Ratio control for the proposed RE1 land.
4. Amend the **Minimum Lot Size Map** (Sheet LSZ\_010) to retain the existing minimum lot size of 550sqm for the proposed R4 zoned land and remove the Minimum Lot Size control for the 1,200sqm of undevelopable land at the rear affected by the proposed extension of the RE1 zone and existing Natural Resources – Biodiversity control.
5. Remove the land reserved for acquisition which applies to the 1,296sqm of land at the rear of No.85 Thomas should this land be dedicated to Council as part of an executed Planning Agreement

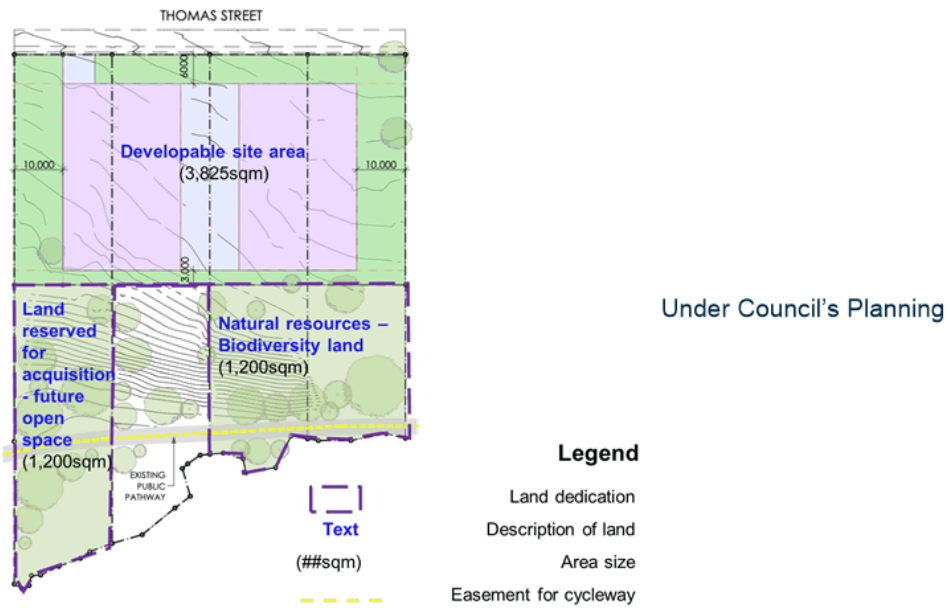
### 2.1. Other relevant matters

#### 2.1.1. Voluntary Planning Agreement

The subject site and proposed development uplift being sought lends itself to the provision of public benefits, consistent with Council's Planning Agreements policy. The proponent expressed interest into entering a Voluntary Planning Agreement consistent with the policy. The applicant submitted an updated Letter of Offer on 8 March 2021 to reflect the detailed terms of the Planning Agreement and gateway assessment of the Planning Proposal. The applicant is currently proposing the following VPA item:

- Dedication of 2,496sqm of privately owned land to Council within the undevelopable part of the site at the south which comprises of:
- 1,296sqm of privately owned land zoned RE1 and identified for land acquisition for open space at No.85 Thomas Street,
- 1,200sqm of privately owned land identified under the Natural Resources – Biodiversity map and proposed for RE1 zoning as part of this Planning Proposal.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta



Under Council's Planning

Agreements Policy, planning proposals outside the Parramatta CBD seeking uplift in density need to be supported by a planning agreement that is valued at 50% of the resulting land value uplift. It is acknowledged that the gazettal of Amendment 20 reduced the development potential on the site and the planning proposal is only seeking to recoup the density potential it may have been able to achieve under the planning controls in place prior to this amendment. Based on an acceptance of this approach, it is not considered necessary to seek a planning agreement achieving 50% land value uplift, as there is effectively no increase in overall development potential of the site. It is also acknowledged that the site may not have been able to achieve the full density potential under the previous planning controls due to the constrained nature of the southern portion of the site, however the previous controls did allow development on this part of the site and the gazettal of Amendment 20 removed that potential.

In addition, the Planning Agreement is proposing to dedicate land that is identified for acquisition under PLEP 2011 free of cost, thereby removing an acquisition burden on Council. Without the Planning Proposal and associated Planning Agreement, Council would ultimately be required to purchase the land from the owner. The Planning Agreement is also proposing to dedicate the undevelopable portion of the R4 High Density Residential zoned land to Council free of cost. This land is intended to provide a contiguous vegetation buffer along the rear of the site with the adjacent RE1 Public Recreation land. It is therefore recommended that this portion of the R4 High Density Residential zoned be rezoned to RE1 Public Recreation to match the adjoining land and to properly reflect its intended use.

The proposed mechanism for the land dedication has been negotiated with the applicant, Councils Planners, Property and Operations teams. The VPA will be drafted so that execution of the agreement and registration on title occurs prior to making of the future LEP amendment. The land dedication can occur prior to issue of Construction Certificate as required by a DA conditions of consent. It is recommended that Council authorise the CEO to prepare the legal drafting of the agreement for the purposes of public exhibition..

**2.1.2. Draft Development Control Plan**

Given the nature of redevelopment proposed on the site, a site-specific Development Control Plan (DCP) will be required to support any future development on the site. The

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

site-specific DCP would amend the existing Part 4.1.9 of the Morton Street Precinct, Parramatta DCP 2011 to guide the redevelopment of the site through a new 'Area 5', which will have regard to the local context and detailed design requirement for the site.

This new section will be informed by new DCP controls in relation to:

- Building height and massing
- Streetscape, building setbacks and separation
- Deep soil, landscaping and future open space,
- Ecology and river foreshore

Both the draft Voluntary Planning Agreement and draft Development Control Plan will be exhibited concurrently as part of the public exhibition stage following Gateway Determination.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

# PART 3 – JUSTIFICATION

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

## 3.1 Section A - Need for the planning proposal

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

### 3.1.1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, the Planning Proposal responds to the State Government’s initiatives for growth in the Greater Sydney Commission’s Greater Parramatta and Olympic Peninsula (GPOP) area and Department of Planning Industry and Environment’s (DPIE) draft Greater Parramatta Growth Area which is in close proximity to the site. The GPOP area is an approximate area which will broadly experience significant growth and change over the next 20 years (see Figure 2).

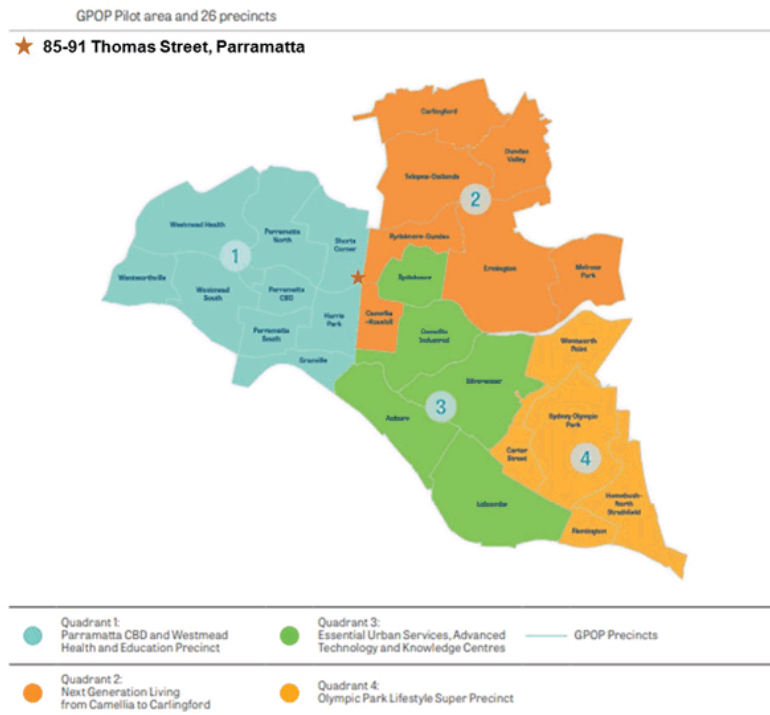


Figure 2– Subject site within GPOP



PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

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

Redevelopment of the site for the site under the Planning Proposal reinstates the amount of permissible high-density floor space permitted on the site when the Planning Proposal was lodged in June 2016, and prior to *Parramatta LEP 2011 – Amendment No.20 Review of Land Reserved for Acquisition* which was gazette on 28 July 2017. This amendment rezoned R4 land at No.85 Thomas Street to RE1 – public recreation with a Land Acquisition affection for local open space. No.89 and No.91 were also affected by Amendment No.20 which identified 1,200sqm of R4 land for Natural Resources controls, making this portion of the site undevelopable, but able to be used for calculating FSR.

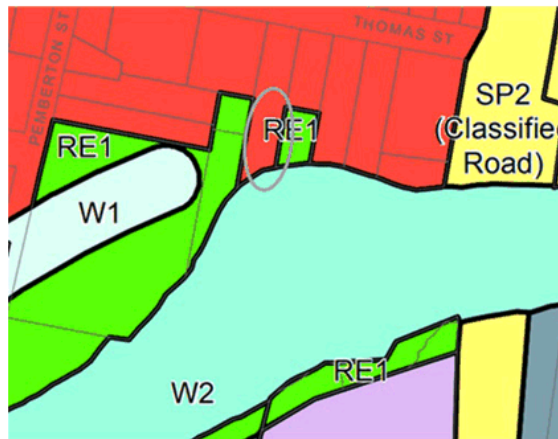


Figure 3 - Zoning of site prior to PLEP 2011 Amendment No.20

Prior to this amendment, 5,057sqm of GFA was permitted under 0.8:1 FSR across the site. The current planning controls allow a maximum of 4,020sqm of GFA is permitted. The Planning Proposal proposed changes in land use zoning boundaries to reflect the developable portions of the site, increase in maximum building height and increase maximum floor space ratio controls. These changes could accommodate approximately 4,973sqm of GFA across the developable site area, which is a lower GFA than what was permissible on the site when the PP was lodged. It also allows for the undevelopable portion of the site to be dedicated for public recreation and natural resources land.

The redevelopment would see 55-59 apartment dwellings accommodated on the site, which is equal to or lower than what was permissible on the site when the Planning proposal was lodged. A change in building height provides opportunities for the previously permissible floor space provision to be accommodated on the site.

### 3.2. Section B – Relationship to strategic planning framework

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

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

### 3.2.1. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

#### A Metropolis of Three Cities

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* (“the GSRP”) a 20 year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036.

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

#### Infrastructure and Collaboration

An assessment of the planning proposal’s consistency with the GSRP’s relevant Infrastructure and Collaboration objectives is provided in Table 3a, below.

**Table 3a** – Consistency of planning proposal with relevant GSRP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Relevant Objective	Comment
<b>A city supported by infrastructure</b>	<b>O1:</b> Infrastructure supports the three cities	The Region Plan highlights that the Central River City is undergoing a rebuilding program in a high-growth environment, which required existing infrastructure to be optimised. Redevelopment of the existing R4 zoned site in close proximity to James Ruse Drive and Parramatta Valley Cycleway to accommodate a maximum of 6-storey development hopes to maximise the 4,973sqm GFA, which is slightly below the GFA previously permissible on the site prior to PLEP 2011 – Amendment No.20 when the Planning Proposal was lodged. A VPA will also be negotiated aside this Planning Proposal once the strategic parameters and planning controls have been set.
	<b>O2:</b> Infrastructure aligns with forecast growth – growth infrastructure compact	
	<b>O3:</b> Infrastructure adapts to meet future need	
	<b>O4:</b> Infrastructure use is optimised	

#### Liveability

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

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

Liveability Direction	Relevant Objective	Comment
<b>A city for people</b>	<b>O6:</b> Services and infrastructure meet communities’ changing needs	The Planning Proposal hopes to optimise land identified for future public open space and existing natural resources (biodiversity & riparian lands and waterways). The
	<b>O7:</b> Communities are healthy, resilient and socially connected	



PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

	<p><b>O8:</b> Greater Sydney's communities are culturally rich with diverse neighbourhoods</p>	<p>PP allocates GFA under a change to zone boundaries for high-density and public recreation land use zones to reflect the developable site area, and increases to maximum HOB and FSR controls to accommodate 4,972sqm, which is slightly below the GFA which could be accommodated on the site when the PP was lodged, prior to PLEP 2011 – Amendment No.20.</p>
	<p><b>O9:</b> Greater Sydney celebrates the arts and supports creative industries and innovation</p>	
<p><b>Housing the city</b></p>	<p><b>O10:</b> Greater housing supply</p>	<p>The subject site is situated outside Council's already identified growth precincts and currently zoned high-density residential . The PP proposes to accommodate 59 apartment dwellings under an increase in height up to 22m and increase in FSR across the developable portion up to 1.3:1. The PP also removes HOB, FSR and LRA controls for the area identified for land dedication. The reference design accommodates 4,973sqm of high-density residential GFA, which is below what could have been achieved when the PP was lodged.</p>
	<p><b>O11:</b> Housing is more diverse and affordable</p>	<p>Given the site is already zoned R4 – High Density Residential where residential flat buildings are already permitted, and that the Planning Proposal is not seeking a significant uplift over and above what the site could previously achieve, the Planning Proposal is considered to be consistent with this objective and Council's LSPS in this instance.</p> <p>It is anticipated that City of Parramatta is expected to meet and potentially exceed its housing targets set by the Greater Sydney Commission, thus the change in planning controls must be justified in accordance with other Liveability Directions.</p>
<p><b>A city of great places</b></p>	<p><b>O12:</b> Great places that bring people together</p>	<p>The site is situated in close proximity to the Parramatta River, Western Sydney University and the periphery of Parramatta CBD which provide opportunities to future residents for employment, education and recreation.</p>
	<p><b>O13:</b> Environmental heritage is identified, conserved and enhanced</p>	<p>Parts of the site are identified for natural resources-biodiversity, natural resources – riparian lands and waterways and environmental heritage I1- Wetlands Parramatta River. Future development on the site will be located away from these sensitive environmental areas.</p>

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

### Productivity

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

**Table 3c** – Consistency of planning proposal with relevant GSRP Actions – Productivity

Productivity Direction	Relevant Objective	Comment
<b>A well connected city</b>	<b>O14:</b> The plan integrates land use and transport creates walkable and 30 minute cities	The site is located in close proximity to James Ruse Drive, Parramatta Valley Cycleway which connect to Parramatta CBD nearby. The increase in building height to accommodate high-density residential dwellings supports integrating land use with walkable 30min cities to the Central River City of Parramatta.
	<b>O15:</b> The Eastern, GOP and Western Economic Corridors are better connected and more competitive	The subject site is located within the Shorts Corner precinct of GOP. This precinct is not identified for growth as part of Phase 1 or Phase 2 of the Place-based Infrastructure Compact. The PP does not see an increase in residential GFA above what was previously permitted on the site at lodgement of the PP.
<b>Jobs and skills for the city</b>	<b>O19:</b> Greater Parramatta is stronger and better connected	This Planning Proposal is generally consistent with the vision under O19 of the region plan. An increase in building height allows for the GFA previously available under the zoning prior to 28 July 2017 to be massed within a 6-storey built form.
	<b>O21:</b> Internationally competitive health, education, research and innovation precincts	The Planning Proposal does not seek to allow for employment floor space. The application adjusts the area boundaries affected by R4 – High Density Residential and RE1 – Public Recreation to reflect the developable areas of the site and land dedication.
	<b>O22:</b> Investment and business activity in centres	
	<b>O23:</b> Industrial and urban services land is planned, retained and managed	
<b>O24:</b> Economic sectors are targeted for success		

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

**Sustainability**

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

**Table 3d – Consistency of planning proposal with relevant GSRP Actions – Sustainability**

Sustainability Direction	Relevant Objective	Comment	
A city in its landscape	<b>O25:</b> The coast and waterways are protected and healthier	<p>The subject site included planning affections from Natural Resources – Riparian Lands and Waterways &amp; Biodiversity and the Foreshore Building Line along the southern portion of the site. The reference design locates the future building envelope outside the affected areas on the elevated topography at the north of the site. The southern portion of the site would be rezoned RE1 and dedicated to Council.</p> <p>Concerns were raised in the initial assessment regarding the coastal mangroves and saltmarshes. Department of Primary Industries indicated in November 2017 that <i>“does not see any reason for potential shading issues on mangrove and saltmarsh species to prevent the lodgement of this development, as proposed”</i></p>	
	<b>O27:</b> Biodiversity is protected, urban bushland and remnant vegetation is enhanced		
	<b>O28:</b> Scenic and cultural landscapes are protected		The proposal is situated in close proximity to Parramatta River. A substantial setback is proposed for future development that locates the building out of the Foreshore Building Line, Natural Resources affectation and heritage area.
	<b>O29:</b> Environmental, social and economic values in rural areas are protected and enhanced		N/A
	<b>O30:</b> Urban tree canopy cover is increased		Deep soil areas are proposed for the front and side setbacks. A site specific DCP proposed to accommodate urban tree canopy cover on the site to enhance the streetscape and improve privacy between neighbouring properties.
	<b>O31:</b> Public open space is accessible, protected and enhanced		The subject site includes an acquisition for local open space on No.85 Thomas Street. The subject site is also subject to an easement for the Parramatta Valley Cycleway along the southern edge of the site.
	<b>O32:</b> The Green grid links Parks, open spaces, bushland and walking and cycling paths		The subject site already includes elements of the green grid along the southern portion of the site within the natural resourced affected land where the Parramatta Valley cycleway is located.

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

An efficient city	O33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The proposal does not include sustainability initiatives such as recycled water, sustainable building materials, photovoltaics. Should the proposal proceed, initiatives towards net-zero emission by 2050, methods of recycling construction and ongoing waste should be investigated as part of the Development Application stage. Further consideration should be given to council's environmental sustainability strategy when delivering the proposal.
	O34: Energy and water flows are captured, used and re-used	
	O35: More waste is re-used and recycled to support the development of a circular economy	
A resilient city	O36: People and places adapt to climate change and future shocks and stresses	The proposal does include some flood affected land. However, the proposed building is located away from the land impacted by natural hazards.
	O37: Exposure to natural and urban hazards is reduced	
	O38: Heatwaves and extreme heat are managed	

**Implementation**

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

**Table 3d – Consistency of planning proposal with relevant GSRP Actions – Implementation**

Implementation Direction	Relevant Objective	Comment
Implementation	O39: A collaborative approach to city planning	The proposal is responding to in depth consultation between Council, the applicant and Department of Primary Industries.

**Central City District Plan**

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

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

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

### Infrastructure and Collaboration

An assessment of the planning proposal's consistency with the CCDP's relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 4a, below.

**Table 4a** – Consistency of planning proposal with relevant CCDP Actions – Infrastructure and Collaboration

Infrastructure and Collaboration Direction	Planning Priority/Action	Comment
<p><b>A city supported by infrastructure</b></p> <p><b>O1:</b> Infrastructure supports the three cities</p> <p><b>O2:</b> Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p><b>O3:</b> Infrastructure adapts to meet future need</p> <p><b>O4:</b> Infrastructure use is optimised</p>	<p><b>PP C1: Planning for a city supported by infrastructure</b></p> <ul style="list-style-type: none"> <li>• <b>A1:</b> Prioritise infrastructure investments to support the vision of <i>A metropolis</i></li> <li>• <b>A2:</b> Sequence growth across the three cities to promote north-south and east-west connections</li> <li>• <b>A3:</b> Align forecast growth with infrastructure</li> <li>• <b>A4:</b> Sequence infrastructure provision using a place based approach</li> <li>• <b>A5:</b> Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans</li> <li>• <b>A6:</b> Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and flexible regulations to allow decentralised utilities</li> </ul>	<p>The site located on Thomas Street is in close proximity to the James Ruse Drive regional route and Parramatta Valley Cycleway. The site may be easily accessed via car, bus or bicycle. The proposal arranges the currently permissible high-density residential use within the northern half of the subject site in hope to utilise the existing assets at the south for natural resources and public open space.</p>
<p><b>O5:</b> Benefits of growth realized by collaboration of governments, community and business</p>	<p><b>PP C2: Working through collaboration</b></p> <ul style="list-style-type: none"> <li>• <b>A7:</b> Identify prioritise and delivery collaboration areas</li> </ul>	

### Liveability

An assessment of the planning proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in Table 4b, below.

**Table 4b** – Consistency of planning proposal with relevant CCDP Actions – Liveability

Liveability Direction	Planning Priority/Action	Comment
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<p><b>A city for people</b>  <b>O6:</b> Services and infrastructure meet communities' changing needs</p>	<p><b>PP C3: Provide services and social infrastructure to meet people's changing needs</b></p> <ul style="list-style-type: none"> <li>• <b>A8:</b> Deliver social infrastructure that reflects the need of the community now and in the future</li> <li>• <b>A9:</b> Optimise the use of available public land for social infrastructure</li> </ul>	<p>As part of the proposal, the application proposed to dedicate 1,296sqm land at No.85 Thomas Street for public open space as identified in the land reserved for acquisition map and 1,200sqm of land at No.89 and 91 Thomas Street identified for Natural Resources – Riparian Lands and Waterways &amp; Biodiversity for council ownership.</p>
<p><b>O7:</b> Communities are healthy, resilient and socially connected  <b>O8:</b> Greater Sydney's communities are culturally rich with diverse neighbourhoods  <b>O9:</b> Greater Sydney celebrates the arts and supports creative industries and innovation</p>	<p><b>PP C4: Working through collaboration</b></p> <ul style="list-style-type: none"> <li>• <b>A10:</b> Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d).</li> <li>• <b>A11:</b> Incorporate cultural and linguistic diversity in strategic planning and engagement.</li> <li>• <b>A12:</b> Consider the local infrastructure implications of areas that accommodate large migrant and refugee populations.</li> <li>• <b>A13:</b> Strengthen the economic self-determination of Aboriginal communities by engagement and consultation with Local Aboriginal Land Council's.</li> <li>• <b>A14:</b> Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden including (a-c).</li> <li>• <b>A15:</b> Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places</li> </ul>	<p>The initial application has been referred to the former Department of Primary Industries for comment on the sensitive ecology areas to the south as identified in the Natural Resources and Heritage Map. The input from state government agencies has assisted in preparing a supportable scheme.</p> <p>Council's LEP Amendment No.20 relating to Land Reserved for Acquisition has also affected the application identifying parts of the site for public recreation and natural resources biodiversity/riparian lands and waterways. This impacted the developable of the R4 zoned site. This Planning Proposal hopes to facilitate development in accordance with the intentions of the controls of the site.</p>
<p><b>Housing the city</b>  <b>O10:</b> Greater housing supply  <b>O11:</b> Housing is more diverse and affordable</p>	<p><b>PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</b></p> <ul style="list-style-type: none"> <li>• <b>A16:</b> Prepare local or district housing strategies that address housing targets [abridged version]</li> <li>• <b>A17:</b> Prepare Affordable Rental housing Target Schemes</li> </ul>	<p>City of Parramatta is expected to meet and potentially exceed its housing targets set by the Greater Sydney Commission, thus the change in planning controls cannot be justified under O10 which proposes to increase the supply of housing.</p> <p>A Planning Proposal increasing the maximum building height provides an opportunity for the applicant to obtain Gross Floor Area (GFA) for high-density residential uses from the undevelopable land zoned R4 and, and in this exceptional</p>

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		<p>circumstance the privately owned RE1 portion rezoned by a Council let proposal.</p> <p>No affordable housing is included in the planning proposal at this stage. The proposal could investigate potential to include future affordable housing stock on the site under Council's Affordable Housing Policy.</p>
<p><b>A city of great places</b>  <b>O12:</b> Great places that bring people together  <b>O13:</b> Environmental heritage is identified, conserved and enhanced</p>	<p><b>PP C6: Creating and renewing great places and local centres, and respecting the District's heritage</b></p> <ul style="list-style-type: none"> <li>• <b>A18:</b> Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by (a-e)</li> <li>• <b>A19:</b> Identify, conserve and enhance environmental heritage by (a-c)</li> <li>• <b>A20:</b> Use place-based planning to support the role of centres as a focus for connected neighbourhoods</li> <li>• <b>A21:</b> In Collaboration Areas, Planned Precincts and planning for centres (a-d)</li> <li>• <b>A22:</b> Use flexible and innovative approaches to revitalise high streets in decline.</li> </ul>	<p>The site reference scheme proposed a design that masses the building envelope within the developable portion of the site in the northern half of the site. It provides separation between the development and existing environmental constraints such as the open space acquisition, natural resources area and Parramatta River.</p>

**Productivity**

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4c, below.

**Table 4c – Consistency of planning proposal with relevant CCDP Actions – Productivity**

Productivity Direction	Planning Priority/Action	Comment
<p><b>A well-connected city</b>  <b>O19:</b> Greater Parramatta is stronger and better connected</p>	<p><b>PP C7: Growing a stronger and more competitive Greater Parramatta</b></p> <ul style="list-style-type: none"> <li>• <b>A23:</b> Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged]</li> <li>• <b>A24:</b> Revitalise Hawkesbury Road so that it becomes the civic, transport, commercial and community heart of Westmead</li> <li>• <b>A25:</b> Support the emergency services transport, including helicopter access</li> <li>• <b>A26:</b> Prioritise infrastructure investment [abridged]</li> <li>• <b>A27:</b> Manage car parking and identify smart traffic management strategies</li> </ul>	<p>The existing R4 zoned site is located in close proximity to the Parramatta CBD and intends to deliver additional high-density residential dwellings in close proximity to the employment generating uses in Parramatta CBD.</p> <p>Redevelopment for high-density residential uses on the site is subject to significant environmental and topographic restraints to the southern portion of the site. The Planning Proposal, site-specific DCP and draft VPA endeavour to address the highly restrained environmental condition of the site within an R4 zoning in close proximity to Parramatta CBD.</p>



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	<ul style="list-style-type: none"> <li>• <b>A28:</b> Investigate opportunities for renewal of Westmead East as a mixed use precinct</li> </ul>	
<p><b>Jobs and skills for the city</b></p> <p><b>O15:</b> The Eastern, GOP and Western Economic Corridors are better connected and more competitive</p>	<p><b>PP C8: Delivering a more connected and competitive GOP Economic Corridor</b></p> <ul style="list-style-type: none"> <li>• <b>A28:</b> Investigate opportunities for renewal of Westmead East as a mixed use precinct PPC8</li> <li>• <b>A29:</b> Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GOP Economic Corridor</li> <li>• <b>A30:</b> Prioritise transport investments that enhance access to the GOP between centres within GOP</li> </ul>	<p>The proposal maintains the existing R4 – High Density Residential zone for the subject site across the developable area at the northern portion of the site along the street, and extends the existing RE1 – Public Recreation use across the undeveloped site area which is proposed for land dedication. The site is located within the GOP corridor and in a location near local bus routes, regional highways and local cycleways that supports the 30-minute city.</p>
<p><b>O14:</b> The plan integrates land use and transport creates walkable and 30 minute cities</p>	<p><b>PP C9: Delivering integrated land use and transport planning and a 30-minute city</b></p> <ul style="list-style-type: none"> <li>• <b>A32:</b> Integrate land use and transport plans to deliver a 30-minute city</li> <li>• <b>A33:</b> Investigate, plan and protect future transport and infrastructure corridors</li> <li>• <b>A34:</b> Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network</li> <li>• <b>A35:</b> Optimise the efficiency and effectiveness of the freight handling and logistics network by (a-d)</li> <li>• <b>A36:</b> Protect transport corridors as appropriate, including the Western Sydney Freight Line, North South train link from Schofields to WS Airport as well as Outer Sydney Orbital and Bells Line of Road-Castlereagh connections</li> </ul>	
<p><b>O23:</b> Industrial and urban services land is planned, retained and managed</p>	<p><b>PP C10: Growing investment, business opportunities and jobs in strategic centres</b></p> <ul style="list-style-type: none"> <li>• <b>A37:</b> Provide access to jobs, goods and services in centres [abridged]</li> <li>• <b>A38:</b> Create new centres in accordance with the principles for Greater Sydney’s centres</li> <li>• <b>A39:</b> Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional floorspace</li> </ul>	<p>The Planning Proposal would locate additional housing in close proximity to the Parramatta CBD. It is anticipated that additional housing will grow investment and business opportunities for everyday retail and commercial uses at the site and is therefore consistent with PP C10.</p>

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<b>O23:</b> Industrial and urban services land is planned, retained and managed	<b>PP C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land</b>	N/A
<b>O24:</b> Economic sectors are targeted for success	<b>PP C12: Supporting growth of targeted industry sectors</b>	N/A

### Sustainability

An assessment of the planning proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4d, below.

**Table 4d –** Consistency of planning proposal with relevant CCDP Actions – Sustainability

Sustainability Direction	Planning Priority/Action	Comment
<b>A city in its landscape</b> <b>O25:</b> The coast and waterways are protected and healthier	<b>PP C13: Protecting and improving the health and enjoyment of the District's Waterways</b> <ul style="list-style-type: none"> <li>• <b>A60:</b> Protect environmentally sensitive areas of waterways</li> <li>• <b>A61:</b> Enhance sustainability and liveability by improving and managing access to waterways and foreshores for recreation, tourism, cultural events and water based transport</li> <li>• <b>A62:</b> Improve the health of catchments and waterways through a risk based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes</li> <li>• <b>A63:</b> Work towards reinstating more natural conditions in highly modified urban waterways</li> </ul>	The proposal is situated adjacent to Parramatta River. A substantial setback is proposed for future development that locates the building out of the Foreshore Building Line, Natural Resources affectation and heritage area. The reference design proposed positions future development outside the affected areas on the elevated topography at the north of the site.
<b>O26:</b> The coast and waterways are protected and healthier	<b>PP C14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element</b> <ul style="list-style-type: none"> <li>• <b>A64:</b> Implement South Creek Corridor Project and use the design principles for South Creek to deliver a cool and green Western Parkland City</li> </ul>	The subject site is adjacent to the Parramatta River and impacted by the Coastal Management SEPP 2018. The Foreshore Building Line in the LEP also affects the subject site.

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<p><b>O27:</b> Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p><b>O28:</b> Scenic and cultural landscapes are protected</p>	<p><b>PP C15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes</b></p> <ul style="list-style-type: none"> <li>• <b>A65:</b> Protect and enhance biodiversity by (a-c) [abridged]</li> <li>• <b>A66:</b> Identify and protect scenic and cultural landscapes</li> <li>• <b>A67:</b> Enhance and protect views of scenic and cultural landscapes from the public realm</li> </ul>	<p>The subject site includes urban bushland which is classified as Natural Resources – Riparian Lands and Waterways. This has been taken into consideration when preparing the reference design for the planning proposal, which includes both developable and undevelopable portions to the site.</p>
<p><b>O30:</b> Urban tree canopy cover is increased</p> <p><b>O32:</b> The Green grid links Parks, open spaces, bushland and walking and cycling paths</p>	<p><b>PP C16: PP C16: Increasing urban tree canopy cover and delivering Green grid connections</b></p> <ul style="list-style-type: none"> <li>• <b>A68:</b> Expand urban tree canopy in the public realm</li> <li>• <b>A69:</b> progressively refine the detailed design and delivery of (a-c) [abridged]</li> <li>• <b>A70:</b> Create Greater Sydney green Grid connections to the Western Sydney Parklands</li> </ul>	<p>The subject site already includes urban tree canopy within the southern portion of the site. This area is anticipated to be maintained as existing as part of the planning proposal.</p> <p>Deep soil areas are proposed for the front and side setbacks. A site specific DCP proposed to accommodate urban tree canopy cover on the site to enhance the streetscape and improve privacy between neighbouring properties.</p>
<p><b>O31:</b> Public open space is accessible, protected and enhanced</p>	<p><b>PP C17: Delivering high quality open space</b></p> <ul style="list-style-type: none"> <li>• <b>A71:</b> Maximise the use of existing open space and protect, enhance and expand public open space by (a-g) [abridged]</li> </ul>	<p>The subject site includes an acquisition for local open space on No.85 Thomas Street. The subject site is also subject to an easement for the Parramatta Valley Cycleway along the southern edge of the site. The easement will be maintained as part of the future development.</p> <p>The Planning Agreement Offer also includes land dedication for the existing RE1 land affected by a land acquisition (1,296sqm) and natural resources biodiversity land (1,200sqm).</p>
<p><b>An efficient city</b></p> <p><b>O33:</b> A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</p> <p><b>O34:</b> Energy and water flows are captured, used and re-used</p> <p><b>O35:</b> More waste is re-used and recycled to support the development of a circular economy</p>	<p><b>PP C19: Reducing carbon emissions and managing energy, water and waste efficiently</b></p> <ul style="list-style-type: none"> <li>• <b>A75:</b> Support initiatives that contribute to the aspirational objectives of achieving net-zero emissions by 2050</li> <li>• <b>A76:</b> Support precinct-based initiatives to increase renewable energy generation and energy and water efficiency</li> <li>• <b>A77:</b> Protect existing and identify new locations for waste recycling and management</li> </ul>	<p>The proposal does not include sustainability initiatives such as recycled water, sustainable building materials, photovoltaics. Should the proposal proceed, initiatives towards net-zero emission by 2050, methods of recycling construction and ongoing waste should be investigated as part of the Development Application stage. Further consideration should be given to council's environmental sustainability strategy when delivering the proposal.</p>

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	<ul style="list-style-type: none"> <li>• <b>A78:</b> Support innovative solutions to reduce the volume of waste and reduce waste transport requirements</li> <li>• <b>A79:</b> Encourage the preparation of low carbon, high efficiency strategies to reduce emissions, optimise the use of water, reduce waste and optimising car parking provisions where an increase in total floor in 100,000sqm</li> </ul>	
<p><b>O36:</b> People and places adapt to climate change and future shocks and stresses</p> <p><b>O37:</b> Exposure to natural and urban hazards is reduced</p> <p><b>O38:</b> Heatwaves and extreme heat are managed</p>	<p><b>PP C20: Adapting to the impacts of urban and natural hazards and climate change</b></p> <ul style="list-style-type: none"> <li>• <b>A81:</b> Support initiatives that respond to the impacts of climate change</li> <li>• <b>A82:</b> Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing areas most exposed to hazards</li> <li>• <b>A83:</b> Mitigate the urban heat island effect and reduce the vulnerability to extreme heat</li> <li>• <b>A84:</b> Respond to the direction for managing flood risk in Hawkesbury-Nepean Valley</li> <li>• <b>A85:</b> Consider strategies and measures to manage flash flooding and safe evacuation when planning for growth in Parramatta CBD</li> </ul>	<p>The proposal does include some flood affected land. However, the proposed building envelope in the reference design is located away from the land impacted by natural hazards.</p>

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

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

**Parramatta 2038 Community Strategic Plan**

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region. The planning proposal is considered to meet the strategies and key objectives identified in the plan including:

- 3.4 Provide green spaces for recreation, relaxation and enjoyment
- 6.1 Engage in strategic planning and implement innovative solutions to manage the growth of our city

**Parramatta Local Strategic Planning Statement**

The LSPS sets out the long-term vision for land use planning in a council's local government area (LGA) and responds to broader priorities identified in the District Plans and integrates with a Council's Community Strategic Plan. The LSPS will provide greater weight to strategic planning in the broader plan making process and any new planning proposal must justify any inconsistency with this framework.

The Planning Proposal is assessed against the broad directions of the LSPS as shown below in Table 5.

**Table 5: LSPS Assessment**

Broad Directions of LSPS	Comment
1. Focus employment growth in the Parramatta Metropolitan Centre (Parramatta CBD) and Strategic Centres of Epping and Sydney Olympic Park and Westmead Innovation Precinct	N/A
2. Housing growth is focused in identified Growth Precincts	The site is not within an already identified housing growth precinct in Council's LSPS, Council's LHS or the GOPP Place-based infrastructure compact. The site is already zoned R4 – High Density Residential. Prior to Parramatta LEP 2011 – Amendment No.20, the entire 6,321sqm of privately owned land had a 0.8:1 FSR allowing up to 5057sqm of GFA . This Planning Proposal redistributes that previously available floorspace within the developable portion of the site (3,825sqm) in an increased height limit of 22m and increase FSR of 1.3:1 applying to the R4 land.
3. Preserve and enhance the low-scale character and identity of suburban City of Parramatta suburbs outside of the GOPP area	Residential flat buildings are already a permissible use on the subject site. The planning proposal does not propose to change the R4 zoning of the developable portion of the site. The reference design provides substantial setbacks exceeding what would be required by the Apartment Design Guide to better protect the amenity and privacy of adjoin R4 zoned sites, some which still include single dwelling houses



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	(north of Thomas St). There additional setbacks allow for deep soil and urban tree canopy cover.
4. Stage Housing Release with infrastructure delivery.	The site is situated within the “Shorts Corner” precinct, which is not identified as an area for prioritised growth in the short to medium term. Notwithstanding, the Planning Proposal does not propose a significant increase in GFA compared to what was achievable on the site prior to the recent rezoning under Parramatta LEP 2011 – Amendment 20 that introduced RE1 zoning, land acquisition and biodiversity controls on the site. Therefore it is considered by Council officers that the Planning Proposal should proceed despite the recommendation of the draft PIC
5. Housing Diversity underpins any future changes to planning controls	Given the site is already zoned R4 – High Density Residential and that the Planning Proposal is not seeking a significant uplift over and above what the site could previously achieve, the Planning Proposal is considered to be consistent with the LSPS in this instance.
6. The majority of employment lands are protected to ensure no net loss of jobs or employment lands	N/A
7. Neighbourhoods, places and development are well-balanced, connected and sustainable	No affordable housing is included in the planning proposal at this stage. Council’s Affordable Housing Policy provides opportunities to work towards well-balanced and sustainable development.
8. Protection of the environment, including providing for sustainable development	The subject site has an existing easement for the Parramatta Valley cycleway along the southern portion of the site to assist in providing Green grid and River foreshore connections. The site also includes a 30m Foreshore Building Line, within that area includes Natural Resources – Biodiversity and Natural Resources – Riparian Lands and Waterways affectations. There is also a land acquisition affectation at the No.85 Thomas Street site for privately owned land currently zoned RE1. Opportunity to designate privately owned RE1 land undevelopable land to public open space and land affected by Natural Resources Riparian Lands & Waterways and Biodiversity will be negotiated as part of a future VPA.

**Parramatta Local Housing Strategy**

Council is also required to prepare a Local Housing Strategy (LHS) in accordance with the Central City District Plan. The LHS will convey the type and location of new housing in the City of Parramatta LGA. It will consider supply and demand for housing, local land use opportunities and constraints, demographic factors and appropriate building typologies to support a mix of housing.

**Table 6: Draft LHS Assessment**

Key Findings of Draft LHS	Comment
Finalise Parramatta CBD Planning Proposal and Granville (South) Planning Proposal	The subject site is located outside the Parramatta CBD and Granville Precinct. As mentioned

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(Parramatta Road Urban Transformation Strategy).	previously, the increase in building height allows the landowner to accommodate the 4,973sqm of apartment dwelling floorspace permissible on the site prior to 28 July 2017 when Parramatta LEP 2011 – Amendment No.20 was gazette.
Implement Westmead Innovation District Master Plan.	N/A
Continue housing delivery in already zoned precincts and their related site-specific planning proposals.	The subject site is already zoned R4 and does not lead to additional high-density residential floor space outside the already identified growth precincts than that currently permissible by the site area and FSR prior to 28 July 2017.
Investigate more medium density, low-rise housing types (terraces and townhouses) in suitable locations.	Residential flat buildings are already a permissible use on the subject site. The planning proposal does not propose to change the R4 zoning of the developable portion of the site and terraces and townhouses cannot be mandated for the site.
Pursue an Affordable Housing Scheme for new Growth Precinct Planning Proposals.	No affordable housing is included in the planning proposal at this stage. The proposal could investigate potential to include future affordable housing stock on the site under Council's Affordable Housing Policy.
Complete structure plan and design guidelines for all Growth Precincts.	The site is outside the identified structure plan areas for growth precincts. The application currently proposes a scale of development that does not trigger the need to prepare precinct wide analysis from high-density residential zone land in the nearby area bound by James Ruse Drive, Parramatta River, Macarthur Street and Victoria Road.

Both the LSPS and LHS will be used in the future to set a strategic framework for future housing and guide the planning in this area, across the LGA and are likely to come into effect in 2020. Given that the site has existing R4 zoning, the LSPS and LHS are unlikely to preclude redevelopment for high-density residential uses such as apartments on the site. Council officers recommend that the Planning Proposal be updated following Gateway Determination and prior to public exhibition to reflect the final Local Housing Strategy as endorsed by Council in mid 2020.

### 3.2.2. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 5 below).

**Table 5 –** Consistency of planning proposal with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 1 Development Standards	N/A	SEPP 1 does not apply to Parramatta LEP 2011



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SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 6 – Number of Storeys in a Building	N/A	Standard instrument definitions apply.
SEPP 33 – Hazardous and Offensive Development	x	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP No 55 Remediation of Land	x	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 60 – Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	✓	Detailed compliance with SEPP 65 will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal. During the design development phase, detailed testing of SEPP 65 and the Residential Flat Design Code was carried out and the indicative scheme is capable of demonstrating compliance with the SEPP.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed amendment.
SEPP (BASIX) 2004	N/A	Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓	May apply to future development of the site.
SEPP (Infrastructure) 2007	x	May apply to future development of the site.
Sydney Regional Environmental Plan No 18– Public Transport Corridors	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the <i>Parramatta LEP 2011</i> .
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.

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SEPP (Urban Renewal) 2010	x	N/A
SEPP Coastal Management	✓	<p>This applies to this site as it adjoins 'Coastal Wetlands' and is located within the 100m buffer zone of the Mean High Water Mark of the Parramatta River. The Coastal</p> <p>SEPP gives effect to the objectives of the Coastal Management Act 2016, defining the four coastal</p> <p>management areas as per the Act through detailed mapping and specific assessment criteria for each</p> <p>coastal management area as outlined in the attached Fact Sheet. Councils must consider these criteria when assessing proposals for development that fall within one or more of the mapped areas</p>

### 3.2.3. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

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

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

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

**Table 6** – Consistency of planning proposal with relevant Section 9.1 Directions

Relevant Direction	Comment	Compliance
<b>1. Employment and Resources</b>		
<b>2. Environment and Heritage</b>		
Direction 2.2 – Coastal Management	The subject site is located within the coastal zone as identified by the SEPP and Coastal Management Act. The planning proposal does not intensify the land use towards the southern portion of the site as this is proposed for land dedication to Council. This will provide better consistency with this SEPP.	Yes
Direction 2.3 - Heritage Conservation	The subject site contains part of I1 – Coastal Wetlands, Parramatta River. Council is satisfied that the planning proposal maintains the integrity of the item can be maintained under the proposed indicative massing within the developable portion of the site.	Yes
<b>3. Housing, Infrastructure and Urban Development</b>		

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

Direction 3.1 - Residential Zones	The Planning Proposal is consistent with this direction, in that it: <ul style="list-style-type: none"> <li>• facilitates additional housing in close proximity to the Parramatta City Centre that is currently not provided on the site</li> <li>• provides residential development in an existing urban area that will be fully serviced by existing infrastructure</li> <li>• does not reduce the permissible residential density of land, but does reduce the amount of residential land.</li> </ul>	Yes
Direction 3.4 - Integrating Land Use and Transport	The Planning Proposal is consistent with this direction, in that it: <ul style="list-style-type: none"> <li>• will provide new dwellings in close proximity to existing bus and bicycle transport links</li> <li>• will enable residents to walk or cycle to work if employed in the Parramatta City Centre or utilise the heavy rail service.</li> <li>• will maintain and provide additional commercial premises in proximity to existing transport links</li> <li>• makes more efficient use of space and infrastructure by increasing densities on an underutilised site.</li> </ul>	Yes
<b>4. Hazard and Risk</b>		
Direction 4.1 - Acid Sulfate Soils	The site is identified as Class 5 on the Acid Sulfate Soils and part Class 2 on the Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 5 areas. However, this will be addressed further at the development application stage. Buildings will not be located in the Class 2 area.	Yes
Direction 4.3 - Flood Prone Land	Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.	Yes
<b>5. Local Plan Making</b>		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.2 – Reserving Land for Public Purposes	The subject site includes a land reserved for acquisition affectation on No.85 Thomas Street. This portion of land is already zoned RE1 and proposed to be dedicated to Council as part of the Planning Proposal process. Future development under the reference design does not proposed high-density residential development within this portion of the site.	Yes
Direction 6.3 - Site Specific Provisions	The Planning Proposal does not introduce any site specific provisions.	Yes
<b>6. Metropolitan Planning</b>		
Direction 7.1 - Implementation of A Plan for Growing Sydney	This direction works towards ensuring planning proposals are consistent with the metropolitan region plan. In doing so, an assessment of the planning	Yes

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	proposal has been carried out with regards to the GSC's A Metropolis of Three Cities. This has been included above as part of the relationship to strategic planning framework under Section B.	
Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<p>The Planning Proposal is not located within the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan although is located within close proximity of the area.</p> <p>The subject site is located within the Shorts Corner precinct of GPOP. This precinct is not identified for growth as part of Phase 1 or Phase 2 of the Place-based Infrastructure Compact.</p>	Yes

**3.3. Section C – Environmental, social and economic impact**

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

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

Yes, the subject site identifies 1,200sqm of land at the southern part of No.89 and 91 Thomas Street be identified as part of the Natural Resources – Biodiversity and Natural Resources – Riparian Lands and Waterways. This land remains zoned R4 with maximum building height and floor space ratios still applying to the land but is undevelopable for high-density residential purposes. The affectation of the site consequent to on 28 July 2017, Parramatta LEP 2011 – Amendment No.20.



**Figure 4 & 5-** Subject site and land affectation by Natural Resources – Riparian Lands and Waterways (left) and Biodiversity (right)

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

Heritage

The subject site is affected by the heritage associated with the Parramatta River Wetlands (Item 1 – Schedule 5, Environmental Heritage). This item is located within the undevelopable portion of the site and relates principally to the adjacent Parramatta River. Should the Planning Proposal proceed, land identified as part of heritage will be dedicated to Council ownership.

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**Figure 6** - Heritage affection on subject site by I1 – Parramatta River

The current Planning Proposal proposes that the building envelope is located outside the area affected by Heritage in hope to resolve the heritage and ecological concerns. The Planning Proposal will be referred again to Heritage regarding the heritage and wetland matters as part of a public exhibition associated with a Gateway Determination should the Planning Proposal proceed.

#### Ecology

Adjacent to the site also includes coastal mangroves and saltmarshes. The Planning Proposal was referred to the former Department of Primary Industries in 2017 seeking comment regarding potential shading impacts to marine vegetation such as the mangroves and saltmarsh to the south of the site. On 15 May 2017, Primary Industries recommended a precautionary approach regarding the ongoing long-term impacts to both the mangroves and saltmarsh. The applicant then provided a revised report which allowed Primary Industries to complete a further assessment. Primary Industry clarified on 9 November 2017 that there "does not see any reason for potential shading issues on mangrove and saltmarsh species to prevent the lodgement of this development, as currently proposed, as a Planning Proposal.

Former concepts for the planning proposal that proposed an increase in GFA for the site raised concerns for Council's Natural Resources and Open Space team. Caution was raised as an increase in density for the site could set a planning precedent for planning controls to change for the wider precinct which would result cumulative overshadowing impact to the mangroves and salt-marshes. Whilst the Planning Proposal still seeks an increase in height and may increase overshadowing to this ecology, Council officers consider this risk as resolved it satisfies as the planning precedent issue is resolved and an increase in density for this site in isolation (no net-increase in floor-space compared to 2016 controls) is satisfactory.

#### Flooding

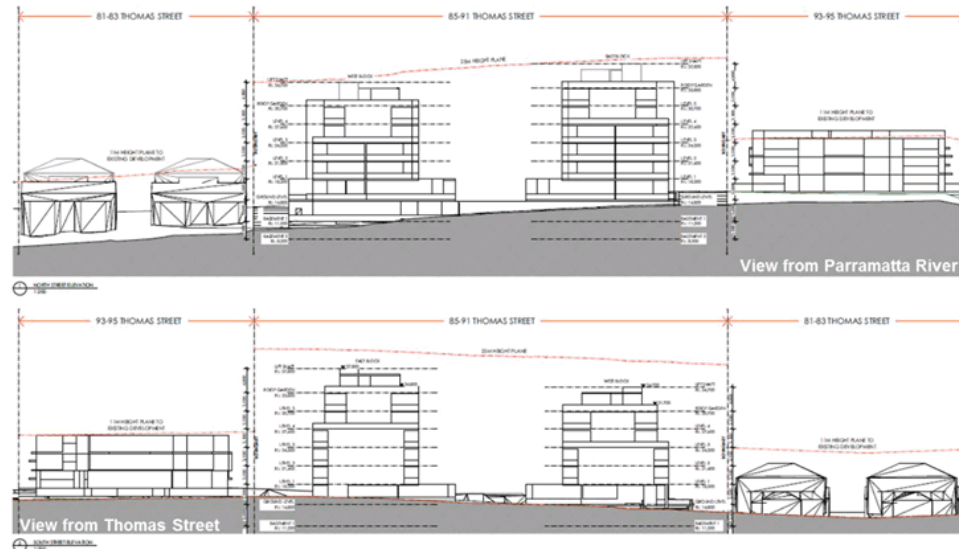
The site is located adjacent to the Parramatta River and includes a steep topography upwards towards Thomas street. The northern part of the site is relatively flat above RL-12. Land towards the south of the site identified for potential land dedication to Council is more susceptible to flooding impacts.



## PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. This will also include any design detail required to ensure compliance with Council's water management controls within the Parramatta DCP 2011.

### Urban Design



**Figure 7-** Reference Design for subject site (Source: PTI Architecture)

On 4 February 2020, the applicant provided Council a revised reference design for the Planning Proposal for 85-91 Thomas Street, Parramatta. The applicant's reference design proposes a 25-metre Maximum Building Height which could accommodate approximately 7 storeys. Council's Planning and Design units have maintained their recommendation that there is strategic merit in increasing the height to a maximum of 6 storeys to accommodate a similar amount of high-density residential floor-space permissible on the site at lodgement of the Planning Proposal.

### Floor Space Ratio

The current scheme submitted by the applicant generates 4,994sqm of GFA for high-density residential purposes. This amount is 953sqm greater than what the current planning controls allow. It is also 63sqm less than the GFA permissible on the site at lodgement in June 2016 where a 0.8:1 FSR control applying to the entire site area (i.e. 5,057sqm of GFA). The Planning Proposal aims to amend the maximum Building Height and Floor Space Ratio controls to accommodate no-net increase in high-density residential GFA compared to what was previously permissible under Development Application controls on the site at lodgement of the application. Therefore the dwelling yield, while increasing compared to the current controls, will be the same when compared to the planning controls which applied to the site when the Planning Proposal was lodged with Council.

### Building Height

The existing building height control allows for high-density residential development of maximum 3-storeys to be accommodated on the site. The adjoining property at 93-95 Thomas Street demonstrates a recent example of what could be developed under the existing planning controls (DA/630/2012). This neighbouring development is able to comfortably achieve the current maximum FSR within the existing building height as it does not need to respond to the



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topographic constraints and foreshore building line evident on the subject site, which significantly reduces the developable area of the subject site.

The applicant’s Planning Proposal proposes a 25-metre Maximum Building Height which could accommodate approximately 7 storeys. This height limit is considered excessive given the reference design proposes only 6-storey development on the site. Figure 8 and 9 show that a 22m height plan can accommodate the reference design and reasonably achieve a 6-storey development despite the sloping topography. The 6-storey height is supportable with a 4-storey street wall, additional setbacks for 5th & 6th storeys and separation to adjacent development. The reference design accommodates a 3.3m variation between the proposed ground level at Thomas Street (RL 14.5m) and lower ground level at the rear (RL 11.2m). This maintains a 4-storey form at street level and no more than 6-storeys across the site.

Part 3.1 of the Parramatta DCP 2011 provides a preliminary building envelope guide recommends a 20m height limit for 6-storey residential flat buildings, with this assessment taking into consideration the sloping topography of the site to inform an appropriate building height. The applicant has revised their concept design to a building envelope of maximum 6-storeys, however still proposes a maximum building height of 25 metres. This height limit is considered onerous for a 6-storey development on the site, with a revised increase in height up to 22m for approximately 6 storeys for the following reasons:

- i. It represents a 10% variation from 20m in the DCP Preliminary Building Envelope recommendation for 6-storey residential flat buildings,
- ii. It is double the existing HOB control which would allow the currently permissible high-density residential floorspace on the southern half of the site (located in the foreshore building line) to be massed in a taller built form,
- iii. It accommodates the 3.3m variation between the proposed ground level at Thomas Street (RL 14.5m) and lower ground level at the rear (RL 11.2m). This maintains a 4-storey form at street level and no more than 6-storeys across the site.
- iv. Rooftop gardens above a 6<sup>th</sup> storey to inform a 25 metres HOB are not certain and could lead to a 7<sup>th</sup> storey being accommodated.

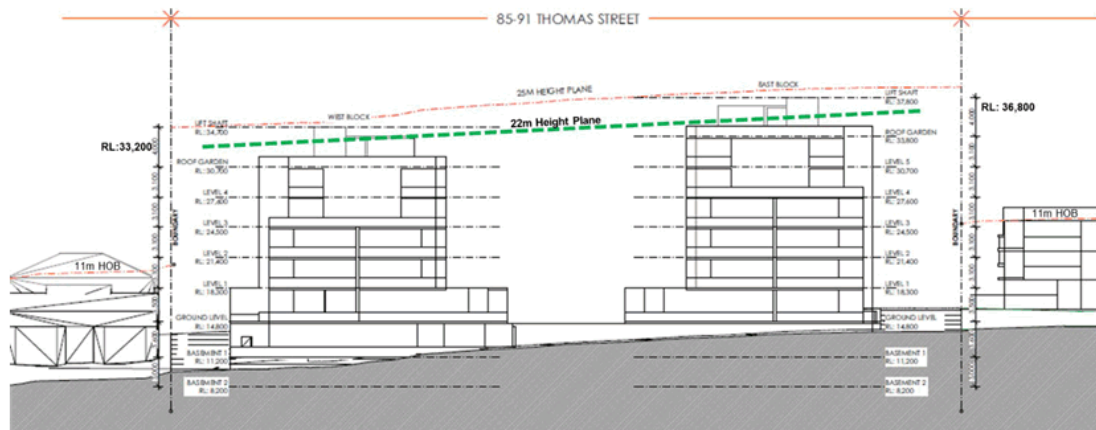


Figure 8 – Section facing north from Parramatta River with adjacent properties (Source: PTI Architecture)

PLANNING PROPOSAL – 85-91 Thomas Street, Parramatta

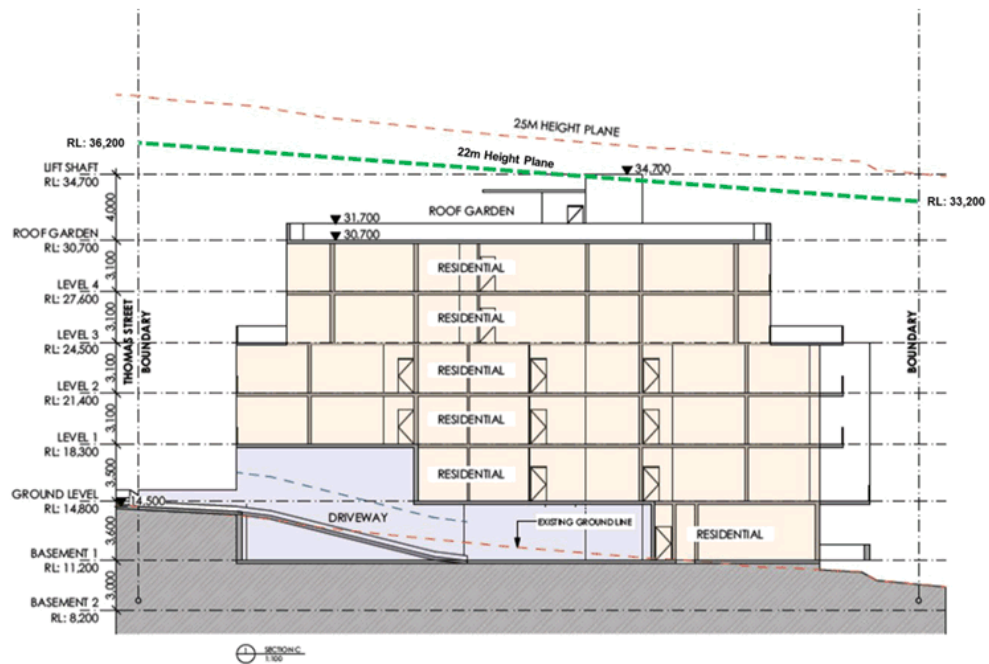


Figure 9– Section facing east from adjacent townhouse development (Source: PTI Architecture)

### Building Separation & Setbacks

Given the potential increase in building height on the subject site, it is important to carefully manage privacy and amenity impacts on the adjacent properties, particularly the adjacent townhouse development located near the boundary at 81-83 Thomas Street and single dwelling houses on the northern side of Thomas Street.

The Apartment Design Guide and SEPP 65 set the minimum standards for building separation and setbacks for any residential flat building development on the site. Currently, the ADG would require a minimum of 9 metres separation between habitable and non-habitable rooms for buildings up to 4 storeys, and minimum of 12 metres for buildings 5 to 8 storeys. The reference design included as part of this planning proposal seeks to provide:

- Street setback of 6 metres up to 4-storeys, 9 metre setback up to 6-storeys, 10 metre for rooftop
- Side setback of 10 metres up to 4-storeys, 12 metre setback up to 6-storeys, 13 metre for rooftop.
- Minimum 12 metre building separation between west and east block apartment buildings,
- Rear setback of 3 metres to edge of developable portion of site and foreshore building line,

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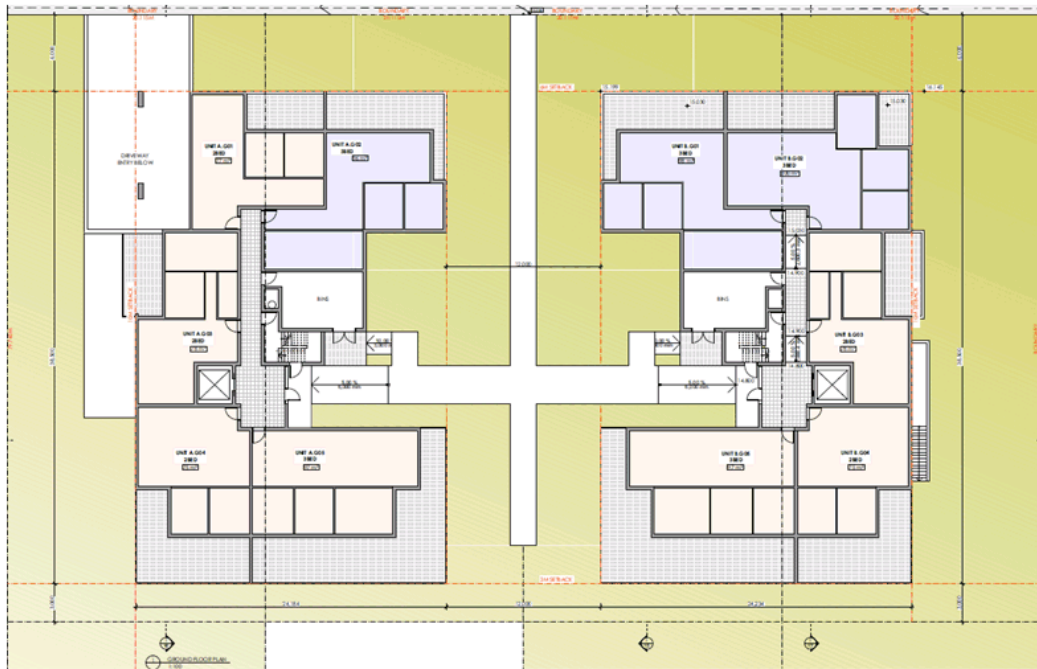


Figure 10 – Ground Floor Setbacks for developable site area

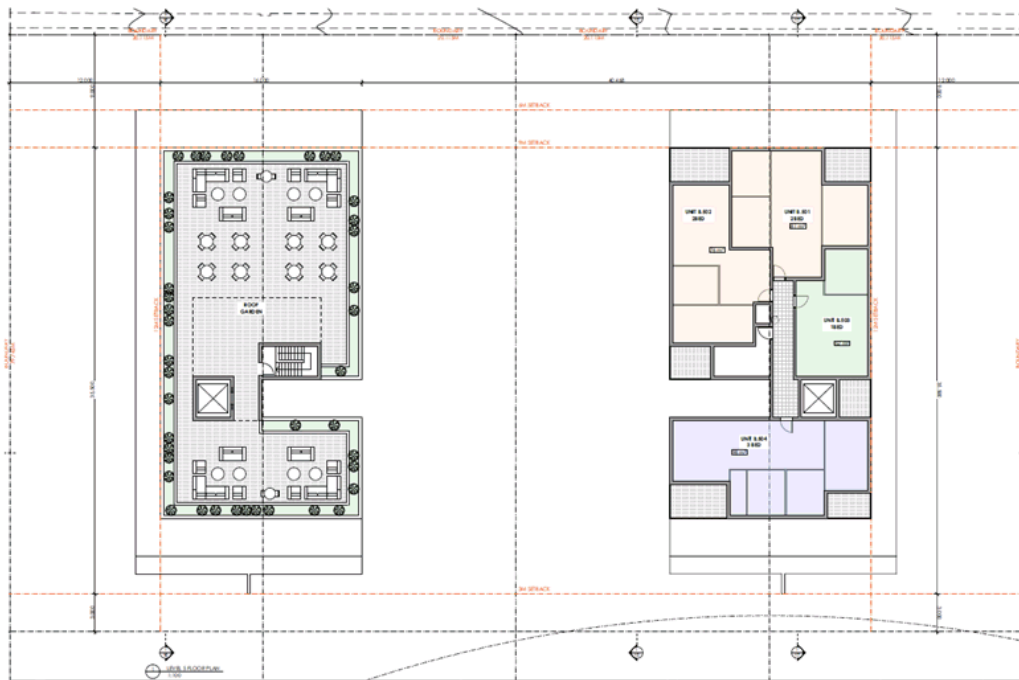


Figure 11 – Level 5 and 6 Setbacks developable site area

Deep soil areas and tree plantings within 6 metres of the front and side property boundary will be required to further improve the relationship of the site with neighbouring buildings. This hopes to provide a satisfactory interface with adjacent properties and satisfy concerns relating to privacy and amenity. The setbacks proposed under the reference design are supportable by Council officers in addressing the privacy and amenity of neighbouring and future residents. These setback standards will be reinforced by a proposed site-specific DCP.



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Future development on the site proposes to amalgamate the 4 lots subject to the Planning Proposal. Amalgamation of the sites is supported if the proposed development addresses the scale of adjacent development (such as the townhouses, existing apartment building and single dwellings) and rhythm of the surrounding subdivision pattern with adequate building separation and setbacks exceeding the Apartment Design Guide requirements. Previous concept designs demonstrated a singular elongated row building, driveway and basement entry outside the building envelope, building within the foreshore building line, no additional setback for floors above 4-storeys, are not supported due to their adverse impacts on neighbouring properties and surrounding streetscape. The modulation of the façade will be supported by landscaping and further design detail at Development Application stage as guided by the site specific DCP. The current concept design includes two apartment blocks spaced evenly across the 4 lots, with additional front and side setbacks for Level 5 and 6 which provide a transitioning scale and separation to the scale of development and is supportable (see Figure 11).



Figure 11 – Indicative streetscape

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

Council and State Government does not identify Thomas Street, and this part of Parramatta (Short's Corner) as a growth precinct in accordance with Council's Draft Local Housing Strategy and GSC's Draft Place-based Infrastructure Compact. No major rezonings are required in this precinct for housing are likely to be made by City of Parramatta to meet the 5 year and 20 year housing targets. Any new proposals for new precincts must be justified under strategic planning objectives other than housing supply.

The Planning Proposal, draft site-specific Development Control Plan and draft Planning Agreement are informed by 2,496sqm of land dedication proposed which relates to the southern part of the site. Some of this land is identified for biodiversity and riparian lands (1,200sqm) and some for local open space (1,296sqm). Land dedication is supported in principle as part of the planning proposa.

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### 3.4. Section D – State and Commonwealth Interests

#### 3.4.1. Is there adequate public infrastructure for the planning proposal?

On 7 November 2019, the GSC released the draft Place-based Infrastructure Compact (PIC) for the Greater Parramatta and Olympic Peninsula (GPOP) area. Specifically, the PIC outlines a draft-sequencing plan to support GPOP and growth in certain precincts in order to inform capital investment plans and budget processes of NSW Government agencies. The site is situated within the “Shorts Corner” precinct, which is not included as part of Phase 1 or Phase 2 areas and therefore not identified for growth within the GPOP (see page 45 and 47, PIC). This makes an increase in density above the 0.8:1 FSR across the whole site area difficult to support.

The Planning Proposal is being facilitated so the applicant may accommodate the 4,655sqm of intended GFA for the subject site as intended by the R4 zoning of the site. It decants the GFA from land zoned R4 outside the Foreshore Building Line, Natural Resources area and Land Reserved for Acquisition which makes most of the undevelopable land. Should the applicant intend to dedicate the 2,496sqm of undevelopable land to Council, the Floor Space Ratio for the site would increase from 0.8:1 to 1.2:1 FSR. Council officers support the massing of GFA within a 6-storey dual building envelope, requiring an increase in maximum HOB from 11m to 22m. Floor Space Ratio and Maximum Building Heights will be removed from the undevelopable portion of the land which is proposed for RE1 zoning.

There is likely to be a modest land value uplift given that no additional floor-space is proposed as part of the application. A base-value for the land is also difficult to identify given the 1,296sqm portion at No.85 Thomas Street was zoned R4 at lodgement, and RE1 at pre-Gateway reporting stage.

The VPA also provides a no-cost pathway for Council to become owners of the RE1 land. This removes the acquisition burden and potentially greater cost for Council to acquire the land from the landowner. It is uncertain whether that this offer is consistent with Council's Planning Agreement's Policy which seeks to capture 50% of the value uplift for sites outside of the Parramatta CBD. The dedication of the RE1 land is considered a supportable public benefit that outweighs the cost of assessing and completing a peer-review process of a valuation report for a planning proposal that does not propose additional high-density residential floorspace. The land value uplift process is considered an unreasonable expectation for this application and the VPA offer is acceptable in principle only.

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

Consultation with the State and Commonwealth public authorities will be undertaken once the gateway determination has been issued.





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Figure 13 – Existing building heights extracted from the Parramatta LEP 2011 Height of Buildings Map

Figure 13 illustrates the existing 11 metre maximum building height.

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Figure 14 – Existing floor space ratio extracted from the Parramatta LEP 2011 Floor Space Ratio Map

Figure 14 illustrates the existing 0.8:1 Floor Space Ratio.

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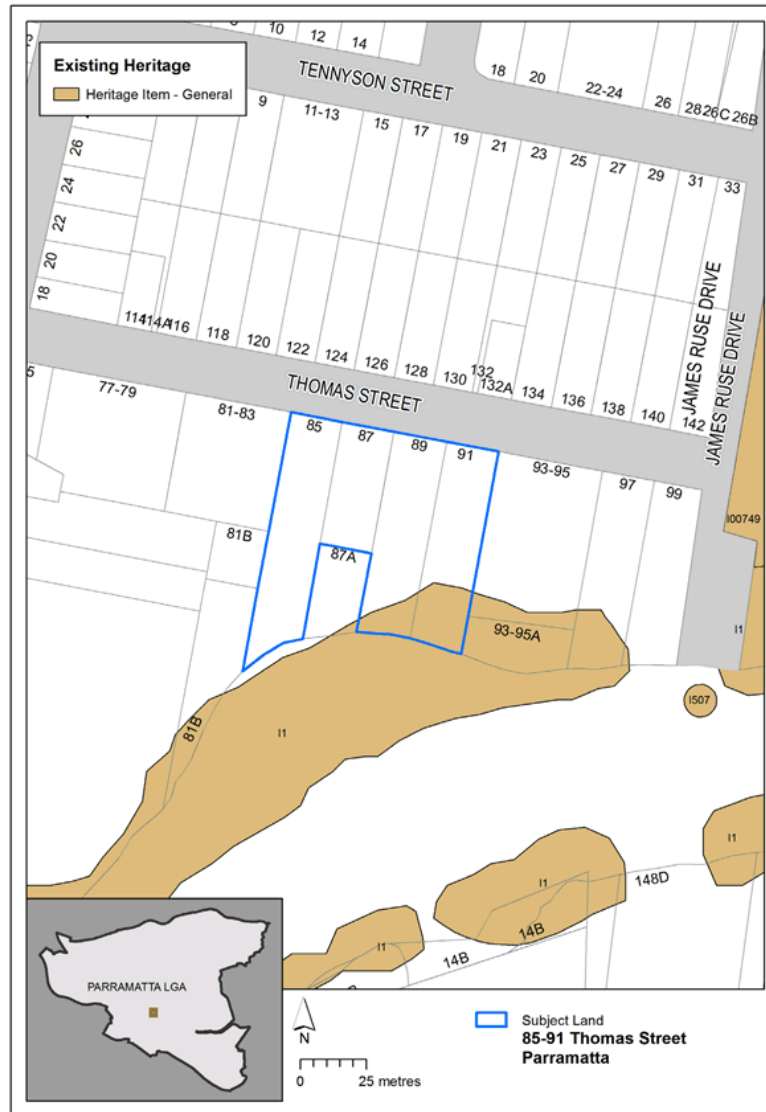


Figure 15 – Existing heritage items extracted from the *Parramatta LEP 2011* Heritage Map

Figure 15 above illustrates Item 1 – Parramatta River Wetlands of local significance which impact the site.

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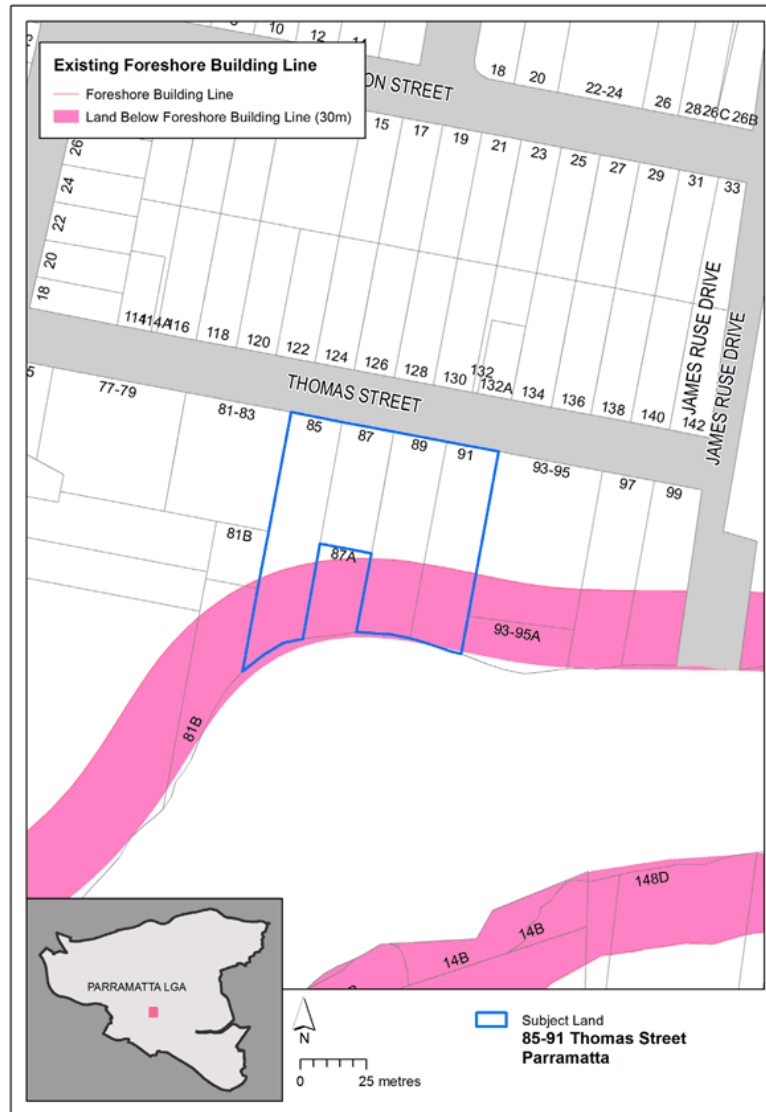


Figure 16 – Existing Foreshore Building Line in Parramatta LEP 2011 Map

Figure 16 above illustrates the extent of the Foreshore Building Line map

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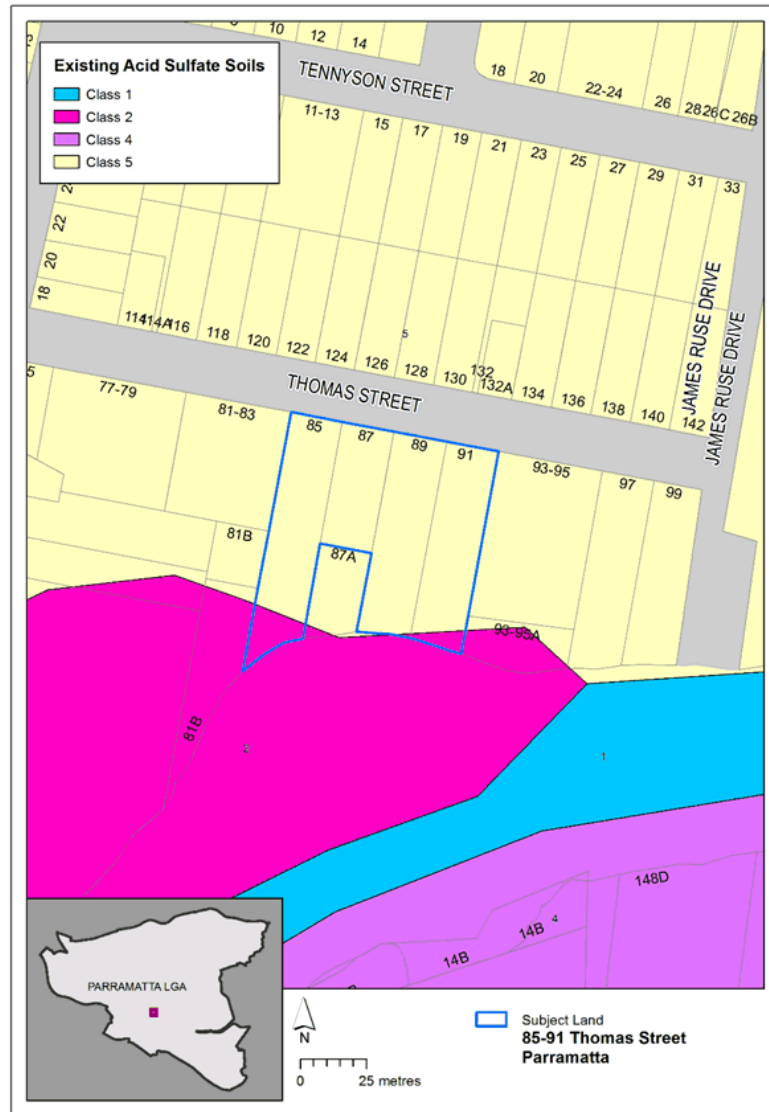


Figure 17 – Existing Acid Sulfate Soils in Parramatta LEP 2011 Map

Figure 17 above illustrates the extent of the Acid Sulfate Soils on the subject site. The developable portion is subject to Class 5, with some land to the south Class 2.

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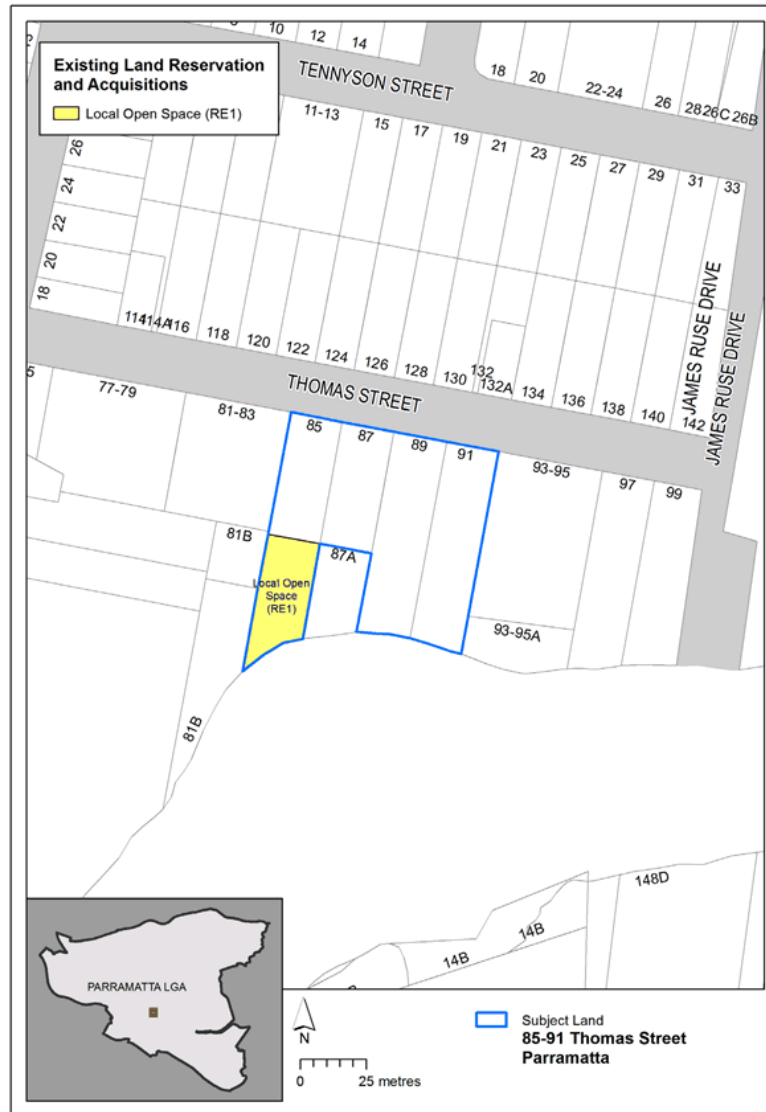


Figure 18 – Existing Land Reserved for Acquisition in Parramatta LEP 2011 Map

Figure 18 above illustrates the extent of the Land Reserved for Acquisition map showing the affectation on No.85 Thomas Street.



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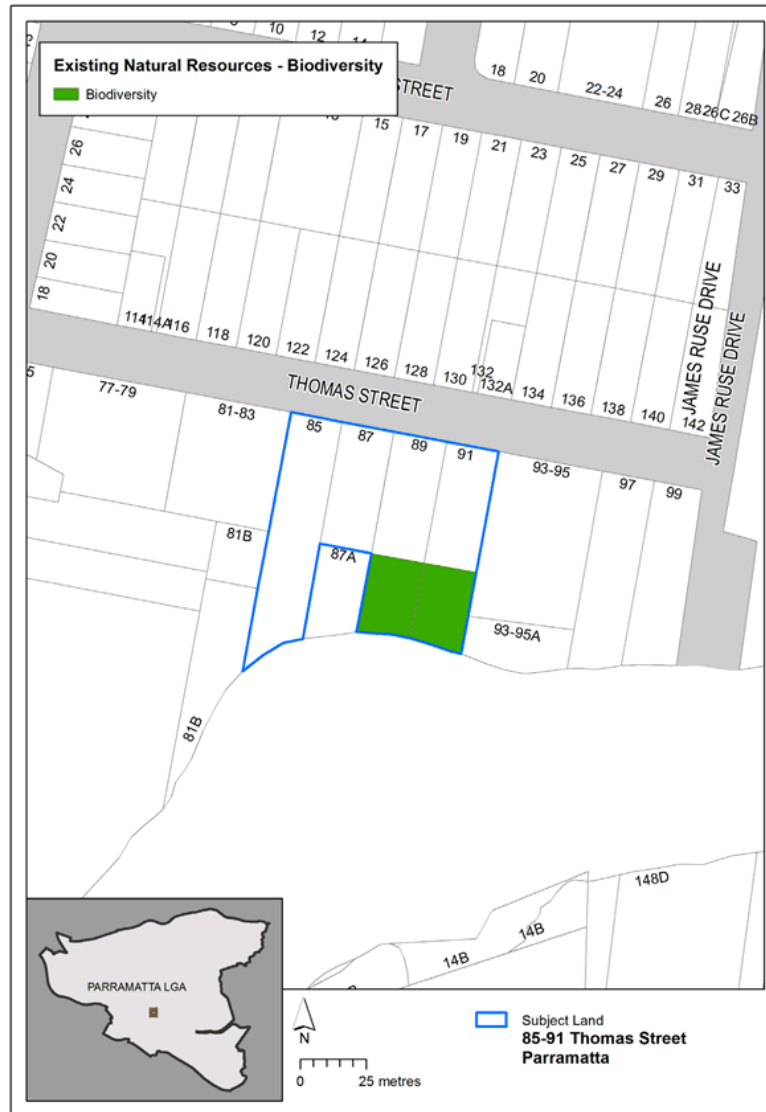


Figure 19 – Existing Natural Resources - Biodiversity in Parramatta LEP 2011 Map

Figure 19 above illustrates the extent of the Natural Resources -Biodiversity map showing the affectation on No.89-91 Thomas Street within the undevelopable portion of the site.

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Figure 20 – Existing Natural Resources – Riparian Land and Waterways in Parramatta LEP 2011 Map

Figure 20 above illustrates the extent of the Natural Resources – Riparian Land and Waterways map showing the affectation on No.89-91 Thomas Street.

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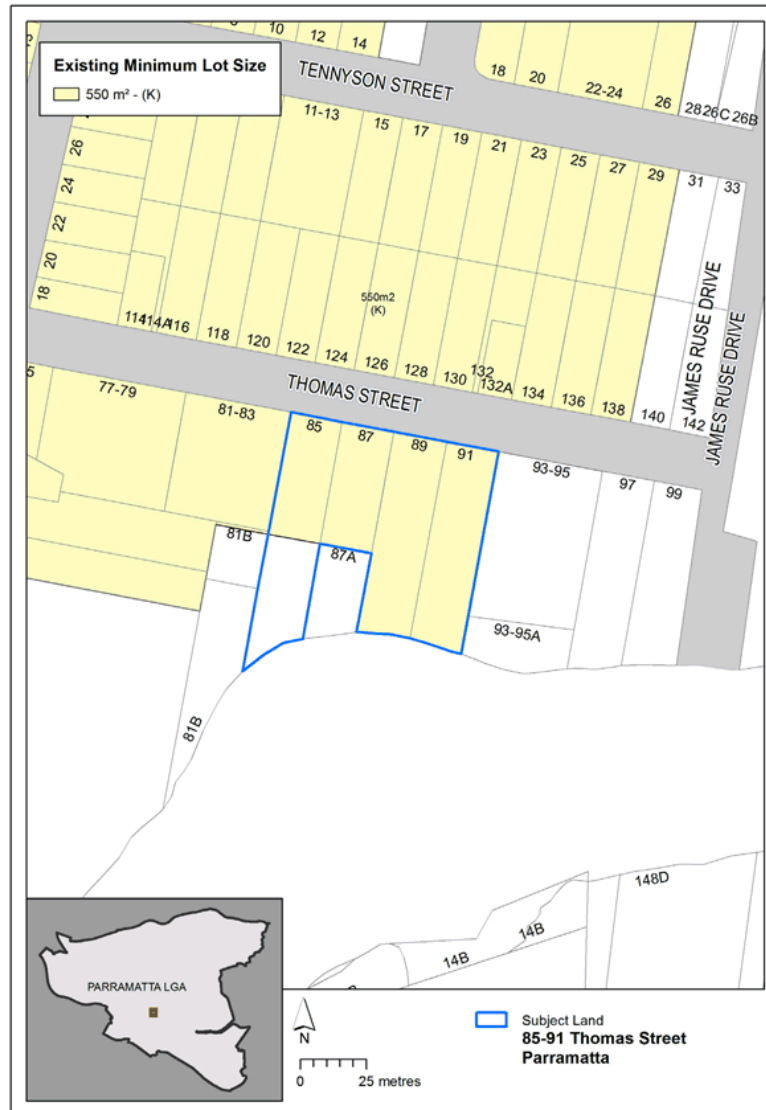


Figure 21 – Existing Minimum Lot Size in Parramatta LEP 2011 Map

Figure 21 above illustrates Minimum Lot Size of 550sqm on the subject site.

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### 4.2 Proposed controls

The proposed controls seek to recoup the developability achievable on the site prior to the notification of Parramatta LEP 2011 – Amendment No.20 on 28 July 2017 which resulted in 2,496sqm of land at the rear of the site being identified as undevelopable land. The proposed controls seek to amend the planning controls so the same amount of GFA achievable prior to Amendment No.20 may be achieved. The figures in this section illustrate the proposed changes to zoning, maximum building height, floor space ratio, minimum lot size and land reserve for acquisition mapping for the subject site to achieve this. No other changes are proposed as part of the Planning Proposal.

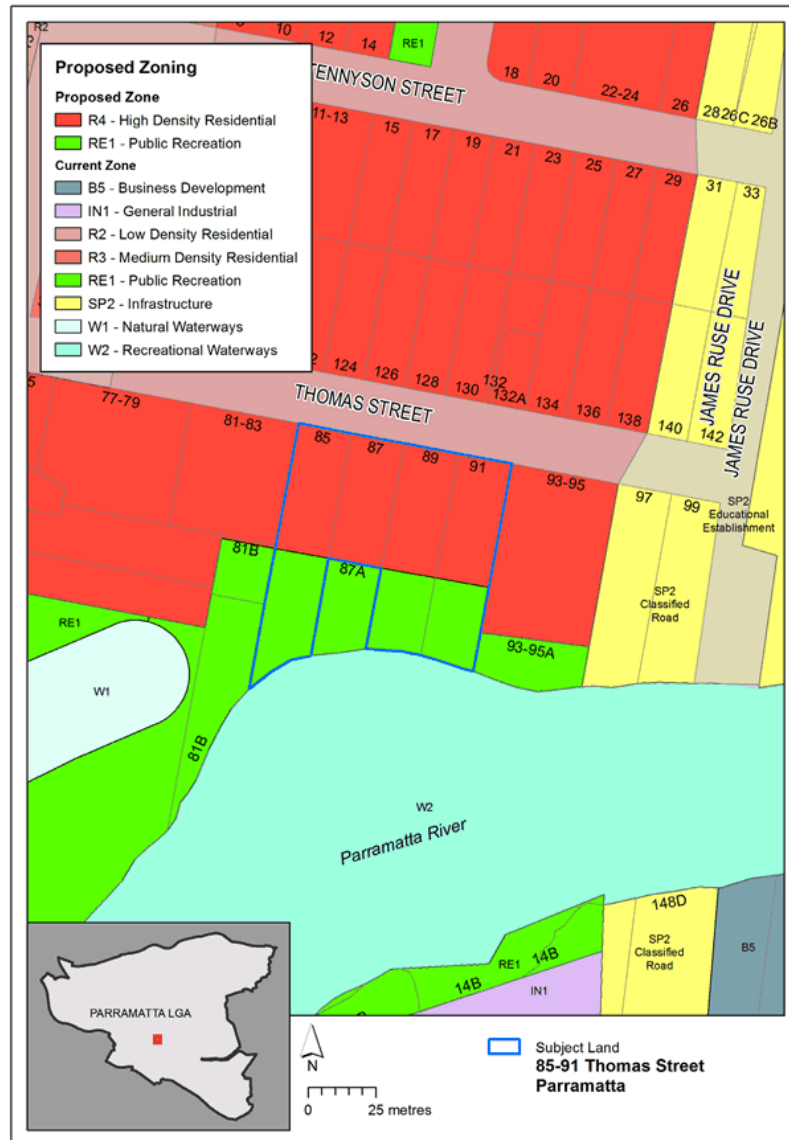


Figure 22 – Proposed amendment to the Parramatta LEP 2011 Land Use Zoning Map

Figure 22 above illustrates proposed boundary changes to land use zoning to reflect the developable and undevelopable portions of the site and proposed land dedication.

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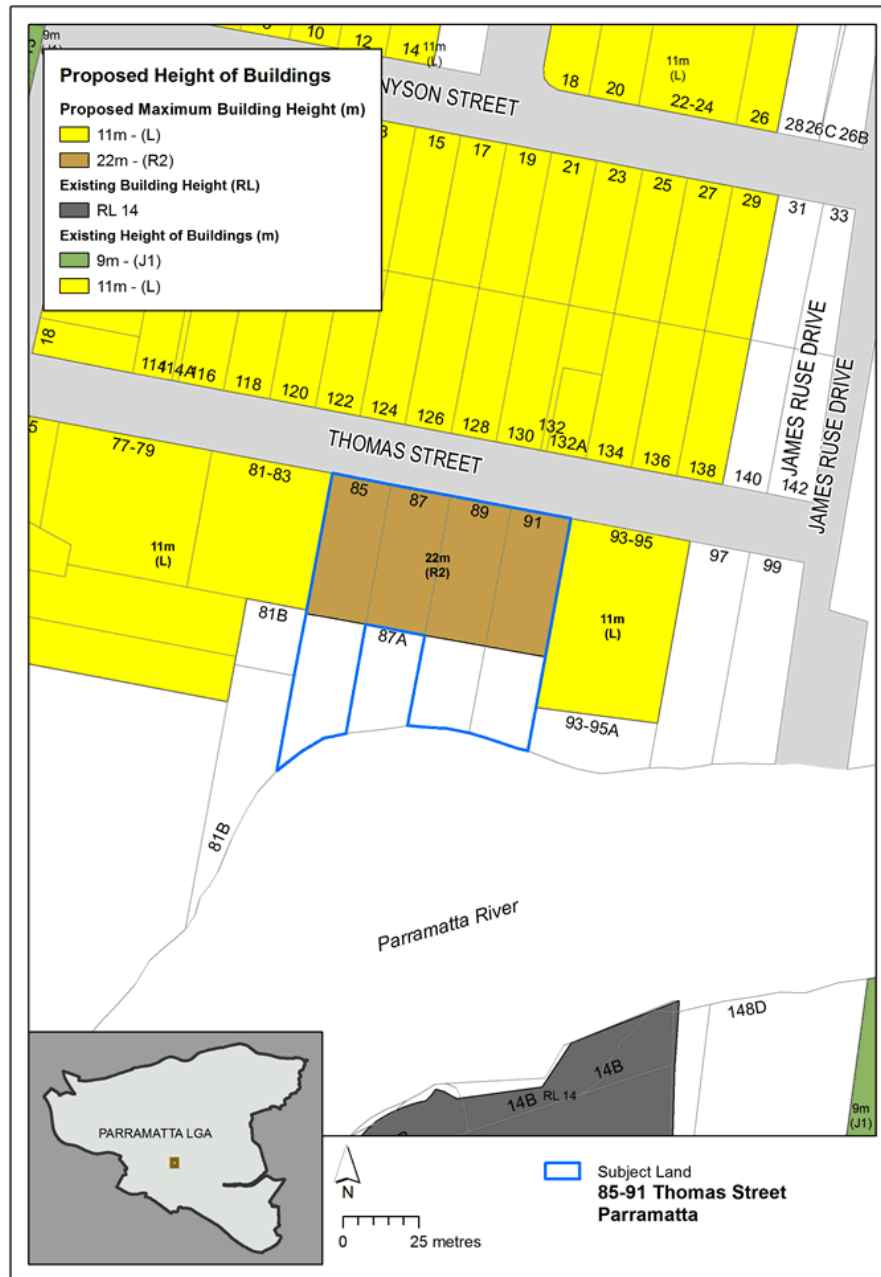


Figure 23 – Proposed Maximum Building Height in Parramatta LEP 2011 Map

Figure 23 above illustrates the extent of the proposed maximum building height up to 22 metres. It also shows the removal of HOB control for the undevelopable land.

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Figure 24 – Proposed Floor Space Ratio in Parramatta LEP 2011 Map

Figure 24 above illustrates the extent of the proposed floor space ratio of 1.3:1. It also shows the removal of FSR control for the undevelopable land.



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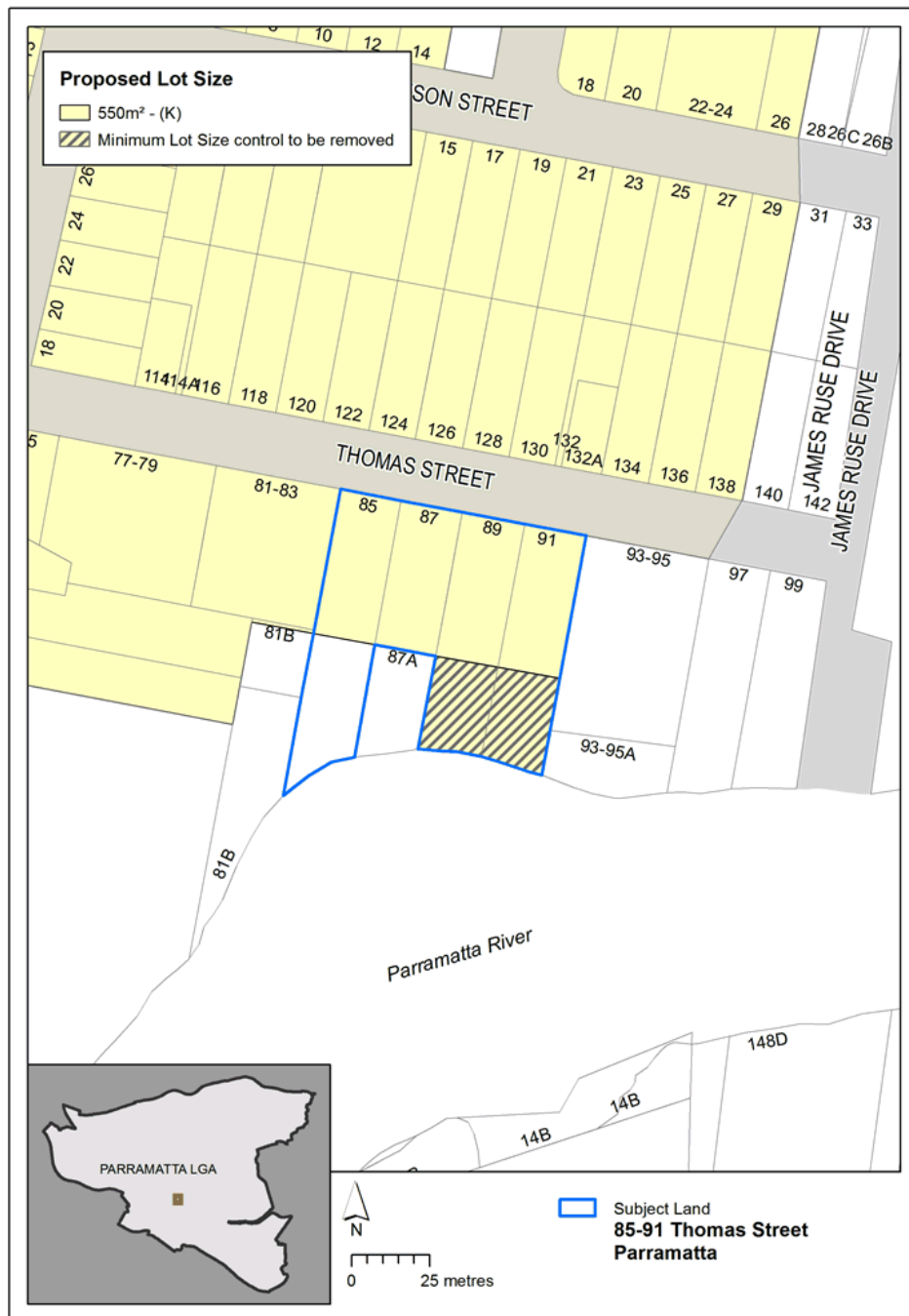
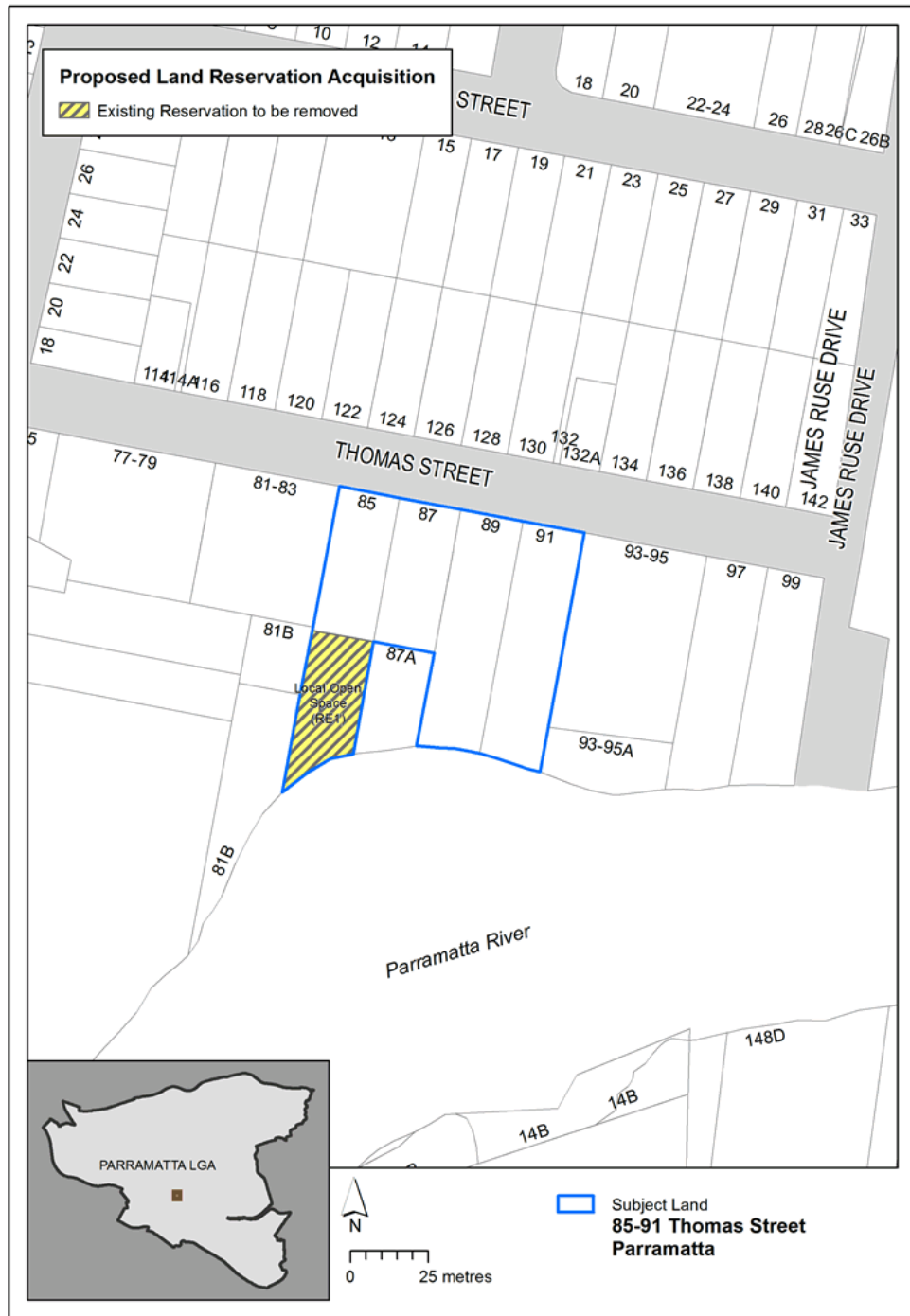


Figure 25: Proposed Minimum Lot Size Map in Parramatta LEP 2011 Map

Figure 25 illustrates the removal of the minimum lot size control from the undevelopable land proposed to be rezoned to RE1 Public Recreation and dedicated to Council as part of the Planning Proposal.

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**Figure 26:** Proposed Land Reserved for Acquisition Map in Parramatta LEP 2011 Map

Figure 26 illustrates the extent of the proposed land reserved for acquisition map. It shows the removal of the land acquisition if the land is dedication to Council at nil cost for local open space as part of the Draft Planning Agreement

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## PART 5 – COMMUNITY CONSULTATION

The planning proposal (as revised to comply with the Gateway determination) is to be publicly available for community consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

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

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## PART 6 – PROJECT TIMELINE

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

Table 7 below outlines the anticipated timeframe for the completion of the planning proposal.

**Table 7** – Anticipated timeframe to planning proposal process

MILESTONE	ANTICIPATED TIMEFRAME
Report to LPP on the assessment of the PP	April 2020
Report to Council on the assessment of the PP	May 2020
Referral to Minister for review of Gateway determination	June 2020
Date of issue of the Gateway determination	August 2020
Date of issue or revised Gateway determination (if relevant)	
Commencement and completion dates for public exhibition period	July/August 2021
Commencement and completion dates for government agency notification	July/August 2021
Consideration of submissions	September 2021
Consideration of planning proposal post exhibition and associated report to Council	November/December 2021
Submission to the Department to finalise the LEP	December 2021
Notification of instrument	January 2022

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## **Appendix 1 – Concept Plans**

(D07279676)

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## **Appendix 2 – Ecological Response**

(D06327650)

D07287757 (RZ/11/2016)

54



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## **Appendix 3 – Traffic Report**

(D06327650)

D07287757 (RZ/11/2016)

55

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## **Appendix 4 – VPA Offer**

(D07991959)



## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_COPAR\_005\_00):** To rezone land and amend development controls at 85-91 Thomas Street, Parramatta.

I, the Acting Director, Central (GPOP) at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (LEP) 2011 to rezone land and amend development controls at 85-91 Thomas Street, Parramatta should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to:
  - a. update the explanation of provisions to outline the intended outcomes regarding the proposed changes to the minimum lot sizes;
  - b. outline a suitable mechanism to ensure that land to be zoned RE1 Public Recreation has an appropriate acquiring authority identified. This maybe by way of a planning agreement finalised prior to the making of the LEP; and
  - c. update Part 4.2 to ensure text identifies the intent of the proposal.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Transport for NSW;
  - Department of Planning, Industry and Environment – Energy, Environment and Science; and
  - NSW Heritage.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Prior to finalisation, the planning proposal is to be updated to address consistency with Section 9.1 Direction 6.3 Reserving land for public purposes.
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated                      18<sup>th</sup> day of August                      2020.



**Jazmin van Veen**  
**Acting Director, Central (GPOP)**  
**Central River City and Western**  
**Parkland City**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**

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