



Planning &
Environment

Parramatta North Urban Renewal Area
State Significant Site
Assessment Report



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Glossary

Council	Parramatta City Council
DCP	Development Control Plan
DEC	Department of Education and Communities
Department	Department of Planning and Environment
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
ha	Hectares
LEP	Local Environmental Plan
LGA	Local government area
Minister	Minister for Planning
NSW	New South Wales
OEH	Office of Environment and Heritage
proponent	UrbanGrowth NSW
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
TfNSW	Transport for NSW

Executive summary

Background

This report has been prepared to assess a proposal by UrbanGrowth NSW to amend the planning controls for land at North Parramatta to facilitate urban development. The land subject of the proposal consists of the Cumberland and Sport and Leisure sub precincts of the Parramatta North Urban Renewal Area. The land area totals 32.6 hectares and is located on the western edge of the Parramatta CBD.

On 21 July 2014 the Minister agreed to consider the Cumberland and Sport and Leisure sub precincts as a site of State significance for potential rezoning through a State Environmental Planning Policy. At this time the Minister agreed to initiate an investigation into the proposal by requesting that the Department make arrangements for a study to be undertaken to determine whether the land should be rezoned and if so, appropriate planning controls for the land.

Detailed study requirements were drafted by the Department in consultation with other relevant State agencies and Parramatta Council and issued to UrbanGrowth NSW on 24 September 2014. These requirements included urban design, heritage, traffic and transport, biodiversity, economic feasibility, utilities and infrastructure contributions and other environmental matters such as contamination and flooding.

State significant site proposal

On 22 October 2014, UrbanGrowth NSW submitted a State Significant Site study to the Department of Planning and Environment which included proposed changes to the *Parramatta Local Environmental Plan 2011* and the *Parramatta City Centre Local Environmental Plan 2007*, a draft amendment to the *Parramatta Development Control Plan 2011* and other relevant material.

The key components of the exhibited proposal include:

- Cumberland Sub Precinct:
 - 4,100 dwellings
 - 28,000m² GFA heritage reuse/adaption*
 - 4,000m² GFA retail
- Sport and Leisure Sub Precinct
 - 34,000m² GFA mixed use – mainly commercial
- 1,000 permanent jobs, 3,000 during construction
- Proposed building heights predominantly of 4, 6 and 8 storeys, also including 12, 14, 18, 20 and 30 storey buildings, generally on the eastern side of the subject site.

*The exhibited proposal and Response to Submissions referred to 28,000 sqm of adaptive reuse of heritage items. UrbanGrowth NSW subsequently confirmed that the figure is actually 20,000 sqm.

Consultation

The study was publicly exhibited between 19 November 2014 and 19 December 2014. Noting however, that exhibition took place close to the end of year holidays and given the community interest in the proposal the Department agreed to accept submissions up until its assessment was finalised. The Department received 166 public submissions, of which 45 were form submissions. 6 submissions were received from state government agencies/advisory bodies and a submission provided by Parramatta City Council.

The key issues raised in submissions are summarised below:

- Heritage
- Urban design, building height and density
- Biodiversity (Grey Headed Flying Foxes)
- Land use conflicts in Sports & Leisure sub precinct / Parramatta Pool
- Deerubbin Local Aboriginal Land Council land
- Loss of public land
- Transport, traffic and car parking
- Consultation / adequacy of information
- Open Space
- Local infrastructure
- Affordable housing
- Flooding and land contamination.

Response to submissions and revised proposal

UrbanGrowth NSW prepared a report responding to the submissions and modified the proposal to address key issues raised. It was submitted to the Department of Planning and Environment on 10 June 2015 and made publicly available on the Department of Planning and Environment's website on 17 June 2015.

Key amendments proposed by UrbanGrowth NSW in response to the submissions received include:

- Delete or reduce the proposed height of buildings in the most sensitive heritage precincts, including:
 - Reduce proposed 12 storey building to 6 storeys (but increase the building footprint (F5-1))
 - Reduce 4 proposed 3 storey buildings to 2 storeys (Development block F2)
 - Delete 4 storey wing of the proposed building (F7-1) near the Female Factory and reduce the proposed 6 storey building (F7-2) to 4 storeys
 - Delete the proposed part 6 and part 16 storey building (E3-2 and E3-3) south of the existing recreation hall and convert to public open space
- Increase the footprint of proposed buildings in the Central Male Block locality and partial demolition of a building identified as of moderate significance in the built heritage study undertaken by TDK Architects (Development block F3)
- Reallocate proposed height removed from sensitive heritage precincts and partially redistribute to the eastern edge of the Urban Renewal Area
- Delete 3 proposed buildings (F8-2,3 & 5) in the vicinity of the Grey Headed Flying Fox camp
- Reconfigure buildings within development block H2-H5 to relocate proposed taller towers centrally within the development block, and reducing the height of buildings directly fronting O'Connell Street which adjoins the North Parramatta Conservation Area

- Prohibit residential uses in proposed buildings on O’Connell Street next to Parramatta Stadium (Development blocks SA, SB, SC and SD) and reduce the southerly extent of development block SD
- Zone open spaces RE1 Public Recreation and propose to dedicate spaces to Parramatta Council
- Replace the initially proposed Maximum Gross Building Area development standard with an FSR development standard and associated LEP map
- Amend the proposed draft Development Control Plan to reflect the revisions.

These amendments include a number of changes which had been agreed to with the NSW Heritage Council to satisfy the concerns raised in relation to the exhibited proposal, as outlined in the letter from NSW Heritage Council dated 1 April 2015 (Appendix F).

The proposed amendments reduce the proposed overall gross floor area by 13,366m². The total gross floor area proposed in the revised proposal is 420,088m² reduced from 433,454m². The total number of proposed dwellings under the revised proposal is 3,900, reduced from 4,100.

Department’s assessment and recommended changes

The Department has carefully considered the study, draft development control plan amendments issues raised in submissions and UrbanGrowth NSW’s response to submissions.

The Department supports most of the amendments proposed by UrbanGrowth NSW, but also recommend that the following amendments are appropriate to mitigate potential impacts:

- Defer the Sport and Leisure sub precinct (around 34,000 sqm of mixed use floor space) from the proposal to allow for a master plan to be prepared to determine the most appropriate future use for the land. This would need to have consideration a range of issues including potential land use conflicts with Parramatta Stadium, impacts on heritage view corridors from Old Government House and Domain, and the future of the Parramatta Swimming Pool.
- Defer the NSW Linen Service land from the proposal, including proposed 8 storey building to the north of the Linen Service wall, (development block B - approximately 550 dwellings) to enable further consideration of the suitability of this land for residential uses given the presence 6-8 metre heritage walls.
- Reduce building heights and floor space potential in the block bounded by Fleet, Albert, O’Connell and Fennell Streets (development block H2-H5) to ensure an appropriate transition to the North Parramatta Conservation Area. The maximum building height opposite the Conservation Area would be reduced to 6 storeys, with the maximum overall height in this location 20 storeys. The floor space potential under the recommended FSR map would limit development within this area to predominantly 6-8 storeys with two towers of up to 20 storeys. The recommended changes would reduce the dwelling yield in this area from 1,190 dwellings, as exhibited, to 900 dwellings.
- Reduce the height of the proposed 30 storey building at the northern most part of the site fronting O’Connell Street to a maximum height of 66m (20 storeys) to allow for a building which transitions appropriately from Council’s height controls for the CBD north, while providing for a landmark feature building at the entry to the site. However, the exhibited floor space potential in this area of the site (development block A1) would be maintained allowing up to 345 dwellings.
- Amend the area proposed to be zoned RE1 Public Recreation at the south of the Cumberland sub precinct adjacent to the Parramatta River to include the extent of the Grey Headed Flying Fox colony where it is not impacted by existing buildings and increase the width of the RE1 zone to 30m.
- Include the Grey Headed Flying Fox colony on the existing Natural Resources – Biodiversity map under the *Parramatta Local Environmental Plan 2011* to apply clause 6.4 Biodiversity Protection to this area.

- Include a design excellence clause within the *Parramatta Local Environmental Plan 2011* which is generally consistent with the provisions which currently apply to the Parramatta City Centre.

A table summarising the changes is provided at Appendix G and a community newsletter outlining the changes provided at Appendix H.

In addition, it is also recommended that land subject to the successful Deerubbin Aboriginal Land Council land claim be dealt with as a second stage to this rezoning combined with the deferred NSW Linen Service land.

A draft State Environmental Planning Policy has been prepared to amend the *Parramatta Local Environmental Plan 2011* that applies to the land. The draft State Environmental Planning Policy includes amendments to the zoning, height, FSR and Natural Resources – Biodiversity maps, as well as the introduction of a design excellence clause.

The draft State Environmental Planning Policy has a number of benefits, including that it would:

- Support the growth of Parramatta as Sydney's second CBD and delivery of the Greater Parramatta to Olympic Peninsula Priority Growth area as envisaged by *A Plan for Growing Sydney*.
- Support the preservation and adaptive re-use of heritage buildings that are of local, State and National significance.
- Facilitate the delivery of:
 - approximately 3,000 new dwellings, including affordable housing at a minimum of 3% of the overall development yield
 - a village centre with 4,000 sqm of retail floor space
 - 5.7 hectares of public open space including foreshore open space along the Parramatta River, a central open space in the location of the existing oval, and two smaller parks
 - improved connectivity and accessibility to destinations surrounding the site, including Parramatta Park, the Parramatta CBD and Westmead Health Precinct.

An Infrastructure Schedule has also been prepared to outline the infrastructure requirements to support the proposed development of the site, including local and regional road upgrades, affordable housing and open space (Appendix C).

Conclusion

Following detailed assessment and on balance, the Department supports the proposal, subject to the imposition of appropriate controls on future development to be secured under the draft State Environmental Planning Policy and Infrastructure Schedule. A draft Development Control Plan amendment will be prepared, exhibited and adopted by Council to support the State Environmental Planning Policy.

The Department recommends that the Minister for Planning refers the draft SEPP instrument to the Governor to be made.

1 Site overview

1.1 Location and site description

The Parramatta North Urban Renewal Area comprises 146 hectares of land located between the Parramatta CBD and the Westmead Health Precinct (Figure 1). The Urban Renewal Area is bisected by the Parramatta River (north-south) and the Western Rail Line (east-west). The Parramatta CBD and train – bus transport interchange is located approximately 2.6km south east of the most northern part of the Urban Renewal Area.



Figure 1 Location of Parramatta North Urban Renewal Area

The Urban Renewal Area comprises four sub precincts referred to as the Cumberland (40ha), Sport and Leisure (21ha), Old Kings School (4ha) and Parramatta Park (81ha) sub precincts (Figure 2).

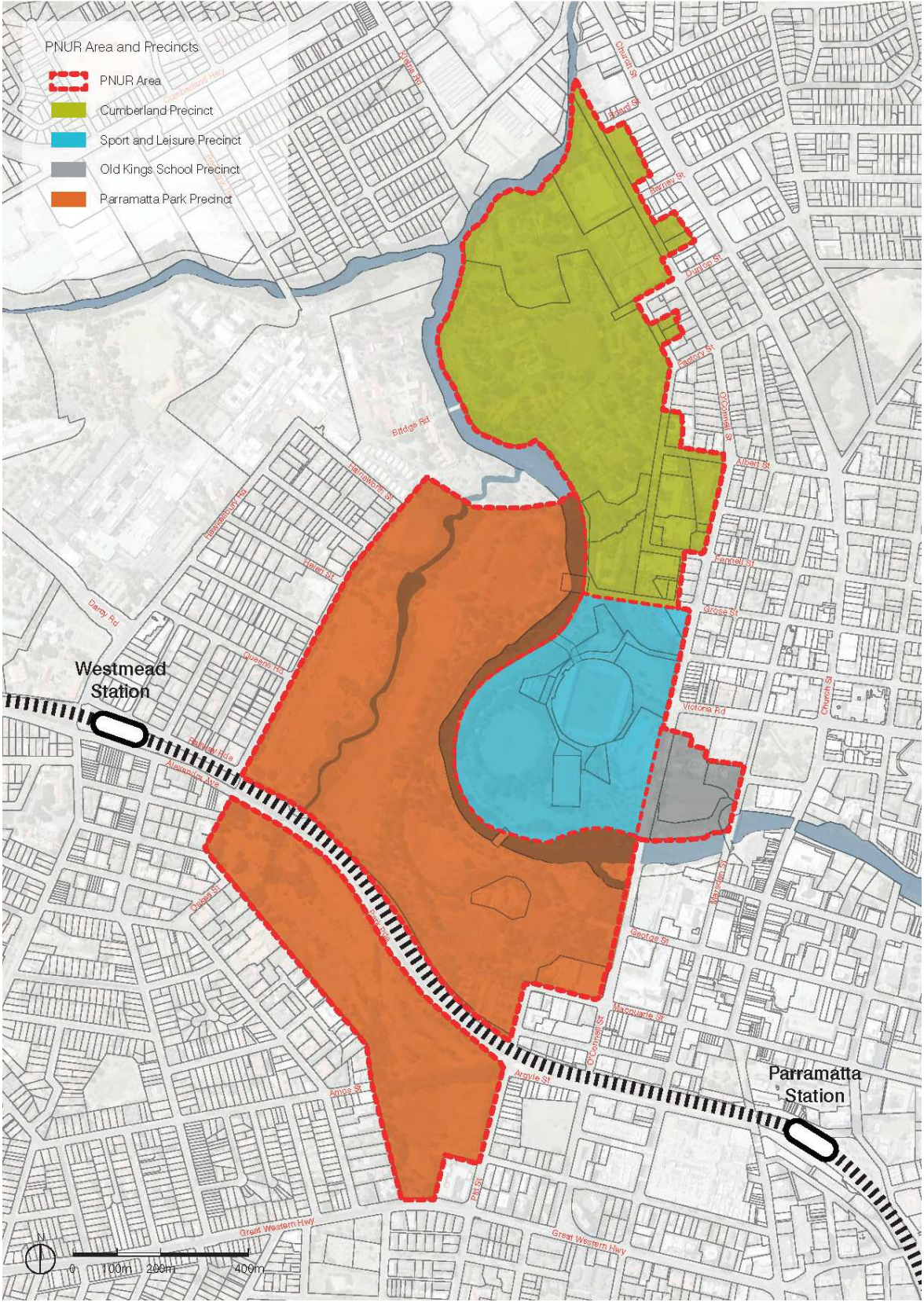


Figure 2 Parramatta North Urban Renewal Area boundary

The land subject of this report comprises parts of the Cumberland and Sport and Leisure sub precincts ('the site') of approximately (30.1ha) and (2.5ha) hectares respectively (Figure 3).

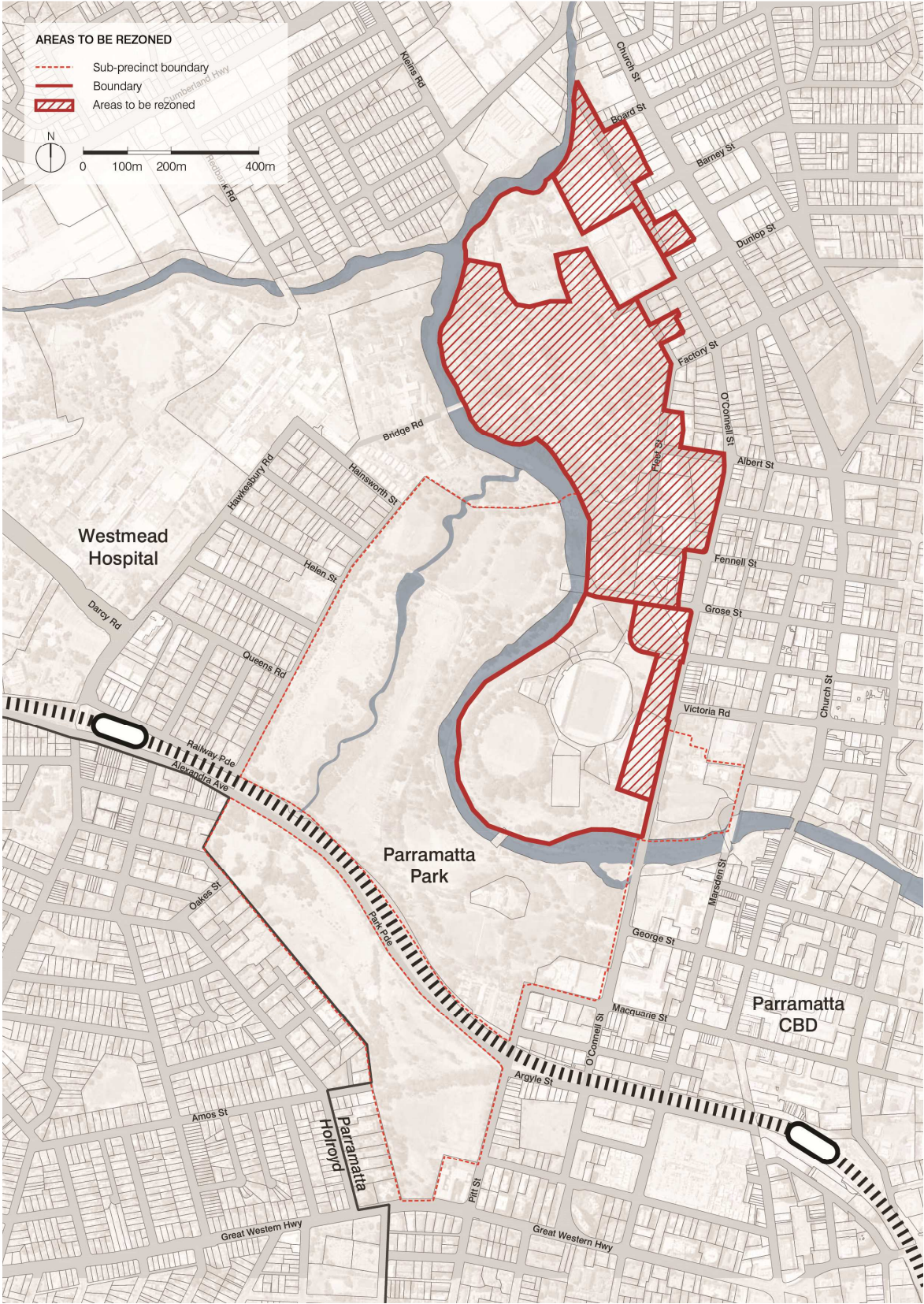


Figure 3 Area subject of UrbanGrowth NSW State significant site proposal

The site includes all Government owned land within the Cumberland sub precinct with the exception of the Parramatta Gaol and adjoining land which is currently owed by Government Property NSW. The Parramatta Goal and adjoining land was excluded from the site as it was subject of an active Aboriginal land claim process at the time the proposal was lodged. The land claim has now been determined in the favour of the Deerubbin Aboriginal Land Council and the land is required to be transferred to the Land Council's ownership by 23 December 2016.

Within the Sport and Leisure sub precinct the site comprises land adjacent to O'Connell Street in the location of the existing Parramatta Pool and adjoining car parking and the Parramatta Leagues Club.

The site is within the ownership of the following State government agencies:

- Crown Land
- NSW Health
- Housing Commission of NSW
- Land and Housing Corporation
- Corrective Services
- Disability Services
- Parramatta Park Trust
- The State of NSW
- Venues NSW (Parramatta Stadium Trust).

Figure 4 shows the spatial layout of the land owners. All land owners within the site have consented to the rezoning application being made by UrbanGrowth NSW and have signed an agreement to work together to realise urban renewal on the land.

The site is within the Parramatta local government area.

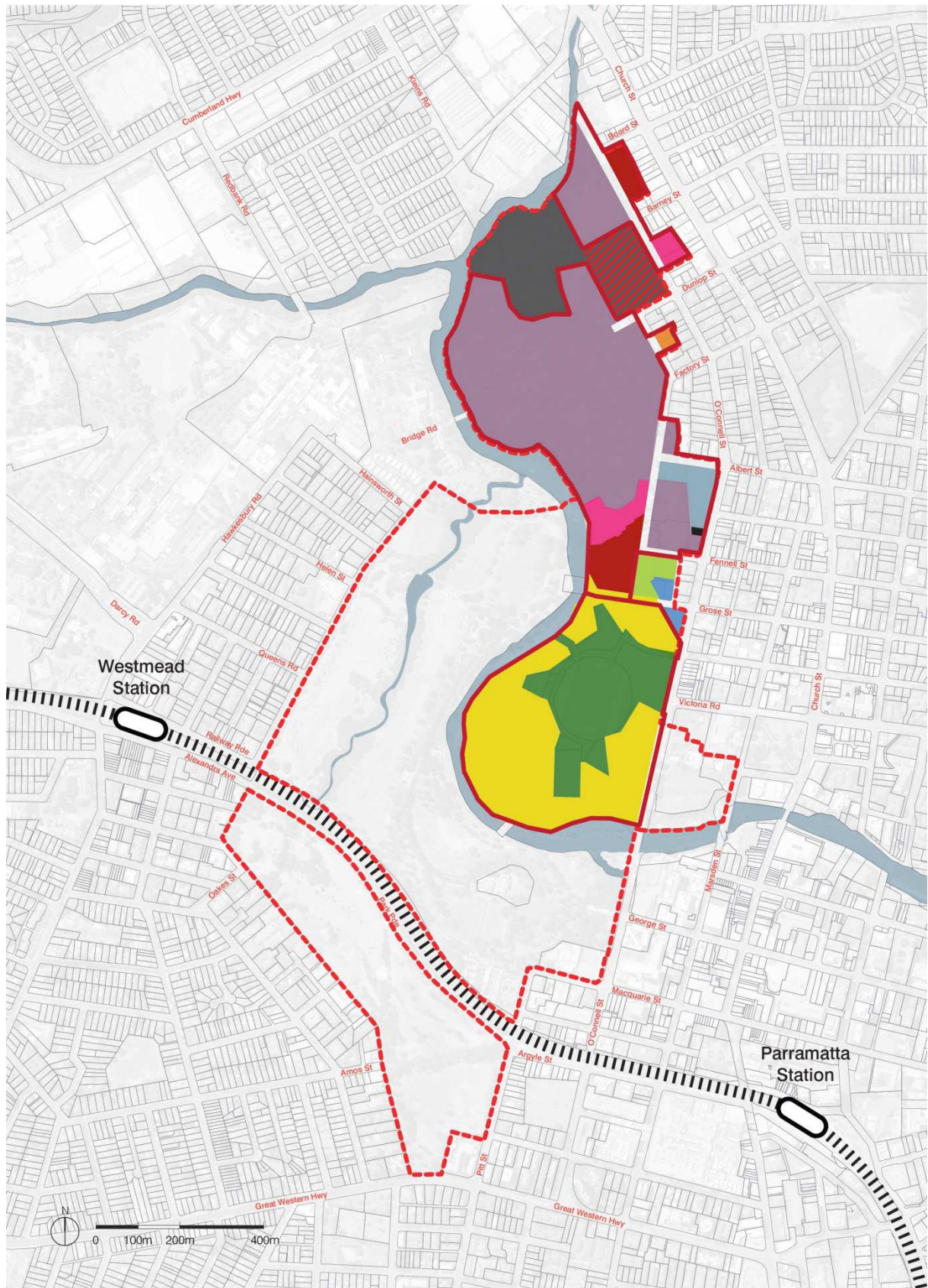


Figure 4 Land ownership

1.2 Existing land uses

Table 1 below describes the existing land uses and features of the Cumberland and Sport and Leisure sub precincts.

Table 1 Existing Land Uses and Features

Sub precinct	Area (ha)	Existing Land Uses	Features
Cumberland	40ha	Cumberland Hospital Health Uses Health related residential accommodation Former Parramatta Gaol used for TV/film set	Significant landmark heritage buildings and walls Parramatta River foreshore Potential aboriginal archaeological remains along the foreshore
Sport and Leisure	21ha	Parramatta Stadium and Leagues Club Parramatta Swimming Centre Sports fields Practice rugby field Cricket oval Parklands Surface car parking	Parramatta River foreshore 'Little Coogee' a popular early swimming spot Potential archaeological remains of the Government/Dodd Farm including a house, outbuildings and an early racecourse

1.3 Surrounding area

An established residential area adjoins the east of the site. It is comprised of predominantly residential flat buildings, generally 2-3 storeys along O'Connell Street and single dwellings in the surrounding streets.

A small light industrial area is located to the north of the site. It contains a mix of established light industrial uses including car yards, plumbing, painting and carpet supplies, as well as other similar uses.

Parramatta Park and the western rail line are located to the south of the site. Parramatta Park consists of 85ha of parklands and includes Old Government House and Domain which was listed in 2010 on the UNESCO World Heritage List as one of 11 sites that make up the Australian Convict Sites World Heritage Property.

The western side of the site adjoins the Parramatta River. The Westmead Medical Precinct adjoins the western side of the Parramatta River and includes Westmead Children's hospital and a wide variety of supporting medical services. It also contains the University of Western Sydney Westmead campus and Parramatta Marist High. Westmead train station is located approximately 1.2 kilometres south west of the Parramatta North Urban Renewal Area.

2 Planning context

This Section sets out the State and local planning context for the site. Commonwealth legislation also applies to the site and is discussed further in Section 6.1.5 World Heritage Values.

2.1 A Plan for Growing Sydney

'A Plan for Growing Sydney' was prepared by the Department of Planning and Environment to guide land use and planning decisions for the next 20 years. It sets out the Government's vision for Sydney, being a strong global city and a great place to live. To achieve this vision the Government has set goals that Sydney will be:

- A competitive economy with world-class services and transport
- A city of housing choice with homes that meet our needs and lifestyles
- A great place to live with communities that are strong, healthy and well connected
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Direction 1.2 of the Plan seeks to grow Parramatta as Sydney's second CBD and Direction 1.3 seeks to establish the Greater Parramatta to Olympic Peninsula Priority Growth Area. These directions are supported by the following actions that encourage growth and renewal of Parramatta North.

Table 2 A Plan for Growing Sydney - actions

Action 1.2.1	
Grow Parramatta as Sydney's second CBD by connecting and integrating Parramatta CBD, Westmead, Parramatta North, Rydalmere and Camellia	Greater Parramatta has the potential to reach 100,000 jobs over the next 20 years. The Government will work with Parramatta City Council to build and expanded Greater Parramatta by incorporating Westmead Parramatta North, Rydalmere and Camellia. The Government will work with Parramatta City Council to: grow Greater Parramatta by connecting and integrating the precincts which provide jobs, goods and services, including Parramatta CBD, Westmead, Rydalmere, Parramatta North and Camellia with the existing commercial core.
Action 1.2.3	
Renew Parramatta North to create a vibrant mixed use precinct	UrbanGrowth NSW has been directed by the Government to transform a precinct which is home to some of the State's and indeed Australia's most important heritage locations and assets, including Australia's first farm and water mill, Parramatta Female Factory and the Old King's School. The 146ha parcel of Government-owned land on the banks of the Parramatta River – the Parramatta North Heritage Precinct will be a focus for urban renewal.

2.2 State environmental planning policies

The following State Environmental Planning Policies (SEPPs) apply to the site:

- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Apartment Development

Consideration of the SEPPs is provided in Section 6 Issues raised in submissions.

2.3 Existing zoning and planning controls

The *Parramatta Local Environmental Plan 2011* and *Parramatta City Centre Local Environmental Plan 2007* apply to the site. The existing zones, floor space ratio (FSR) and building height controls that apply to the land are outlined in Table 3 below.

Table 3 Existing zoning and key planning controls

Sub precinct	LEP	Existing Zoning	Existing FSR	Existing Height
Cumberland	<i>Parramatta LEP 2011</i>	B4 Mixed Use	0.33:1	15m
		B6 Enterprise	1.5:1	12m
		R2 Low Density Residential	0.5:1	9m
		R4 High Density Residential	0.8:1	11m
Sport and Leisure	<i>Parramatta LEP 2011</i>	RE2 Private Recreation	N/A	N/A
	<i>Parramatta City Centre LEP 2007</i>	RE1 Public Recreation	N/A	N/A

Other planning controls that apply to parts of the land are outlined in Table 4 below.

Table 4 Other planning controls

Cumberland (<i>Parramatta LEP 2011</i>)	Sport and Leisure (<i>Parramatta City Centre LEP 2007</i>)
Acid Sulphate Soils – Class 5	Acid Sulphate Soils – Class 1, 3 & 5
Heritage – General Items	Flood Prone Land
Minimum Lot Size – 500 sqm	Heritage – General Items
Riparian Land and Waterways	

The *Parramatta Development Control Plan 2011* also applies to the land. The Development Control Plan sets out detailed controls relating to:

- built form
- landscaping
- public domain
- environmental management, including flooding, soil management, contamination, biodiversity, water sensitive urban design, and heritage.

It includes specific controls for the Parramatta City Centre, which apply to the areas of the site within the Sport and Leisure sub precinct.

3 Statutory process

3.1 State Significant Site process

On 2 July 2014, UrbanGrowth NSW requested that the Minister consider listing the Cumberland and Sport and Leisure sub precincts of the Parramatta North Urban Renewal Area as a potential State significant site.

On 21 July 2014 the Minister agreed to consider the Cumberland and Sport and Leisure sub precincts as a site of state significance for potential rezoning through a State Environmental Planning Policy. At this time the Minister agreed to initiate an investigation into the proposal by requesting that the Department make arrangements for a study to be undertaken to determine whether the land should be rezoned and appropriate planning controls for the land.

Detailed study requirements were drafted by the Department in consultation with other relevant State agencies and Parramatta Council and issued to UrbanGrowth NSW on 23 September 2014.

UrbanGrowth NSW submitted its study to the Department on 22 October 2015 proposing to rezone parts of the site for mixed use and recreation uses, and to amend the height and FSR controls applying to the site. Further details of the proposed zoning is provided in Section 4.

A draft State Environmental Planning Policy has been prepared to amend the planning framework for the site by way of an amendment of the *Parramatta Local Environmental Plan 2011*. This is consistent with the NSW Government's policy of handing planning powers back to local government, particularly given the Department is unlikely to have an ongoing role with future development of the site.

3.2 Statutory requirements for a SEPP

The Department of Planning and Environment has prepared a draft State Environmental Planning Policy (SEPP) to amend the planning framework which applies to the site. The statutory requirements for making a SEPP under the *Environmental Planning and Assessment Act 1979* include:

- **Section 33A(9)** – the Minister is to determine the form and subject matter of draft environmental planning instruments
- **Section 37(2)** – the Governor may make a SEPP in respect of any matter that in the opinion of the Minister is of State or regional environmental planning significance
- **Section 38** – before recommending the making of a planning instrument by the Governor, the Minister is to take appropriate or necessary steps to publicise an explanation of the intended effect of the planning instrument and seek and consider submissions
- **Section 34A** – consultation is required if critical habitat or threatened species, populations or ecological communities, or their habitats will or may be adversely affected.

3.2.1 Form of the Proposed State Environmental Planning Policy

Section 33A(9) of the *Environmental Planning and Assessment Act 1979* provides that in the absence of a standard instrument, the Minister is to determine the form and subject matter of the draft environmental planning instrument. There is no prescribed form or standard instrument for State Environmental Planning Policies.

The Parliamentary Counsel's Office has provided an opinion that the proposed State Environmental Planning Policy may be legally made.

3.2.2 State or Regional Environmental Planning Significance

Section 37(2) of the *Environmental Planning and Assessment Act 1979* provides that the Governor may make a State Environmental Planning Policy in respect of any matter which in the opinion of the Minister is of State or regional environmental planning significance.

The Department considers the site to be of State environmental planning significance on the basis that:

- the land has high State and local heritage significance and is one of the 11 sites that make up the Australian Convict Sites World Heritage listing in UNESCO's *Memory of the World Register*
- the proposed rezoning will allow the Urban Renewal Area's heritage values to be conserved whilst facilitating the adaptive reuse of the State significant heritage items
- its redevelopment would support the growth of Parramatta as Sydney's second CBD and the delivery of the Greater Parramatta to Olympic Peninsula Priority Growth area as envisaged by *A Plan for Growing Sydney*.

3.2.3 Section 38 – consultation requirements

Section 38 of the *Environmental Planning and Assessment Act 1979* requires the Minister to determine whether to publicise an explanation of the intended effect of the proposed instrument and seek and consider submissions from the public.

The proposal was exhibited for 31 days from 19 November 2014 to 19 December 2015. The Department received 166 public submissions in response to the exhibition. The issues raised in submissions have been considered in this report, and are summarised within Section 5 Consultation.

3.2.4 Section 34A consultation

Section 34A of the *Environmental Planning and Assessment Act 1979* sets out special consultation procedures for the Secretary if critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed SEPP.

The Department consulted with the Office of Environment and Heritage in accordance with Section 34A of the *Environmental Planning and Assessment Act 1979*. The response is provided at Appendix F and considered in Section 6.3.1 Grey-headed Flying Foxes. Issues raised include:

1. Grey-headed Flying Fox Colony

Concern was raised about the proximity of the proposal to the Grey-headed Flying Fox camp and conflicts with future residents as a result of noise and odour. The relocation of proposed buildings away from the camp is supported and it is strongly recommended that no pathways are constructed through the camp area.

2. River-flat Eucalypt Forest

Should an Asset Protection Zone be required in the future, an assessment will need to be undertaken on the impact of the creation and maintenance of the Asset Protection Zone on the River-flat Eucalypt Forest and potentially the Grey-headed Flying Fox camp. Future consideration of threatened species matters will be required as the proposal is developed and better understood.

4 The proposal

This Section describes the proposal for the site, to be implemented through a State Environmental Planning Policy and Development Control Plan. Combined, these documents would establish land uses, objectives and controls for future development of the site, and mitigate impacts in relation to that development.

4.1 Exhibited proposal

UrbanGrowth NSW developed a proposal to amend the planning controls which apply to parts of the Cumberland and Sport and Leisure sub precincts. The exhibited proposal sought to enable the following development yields:

Cumberland sub precinct:

- Approximately 4,100 dwellings
- Approximately 20,000 gross floor area of adaptive reuse of heritage buildings*
- Up to 4,000 sqm of retail floor space

Sports and Leisure sub precinct:

- Approximately 34,000 sqm gross floor area of mixed use (predominantly commercial)

*The exhibited proposal referred to 28,000 sqm of adaptive reuse of heritage items. UrbanGrowth NSW subsequently confirmed that the figure is actually 20,000 sqm.

The proposed building heights predominantly consisted of 4, 6 and 8 storeys, but buildings of 12, 14, 18, 20 and 30 storeys were also proposed particularly on the eastern edge of the site.

The proposal includes 5 open spaces of various sizes, including a sports oval size space, linear river foreshore and smaller pocket parks.

UrbanGrowth NSW has advised that the proposal will generate 1,000 permanent job and 3,000 jobs during the construction phase.

The expected timeframe for completion of all the development envisaged by the proposal is 15-20 years, with an expected delivery of 350-400 dwellings annually.

The exhibited Indicative Layout Plan (Figure 5) provided an indication of the buildings that could be built should the current zoning, FRS and building height controls be amended as proposed.

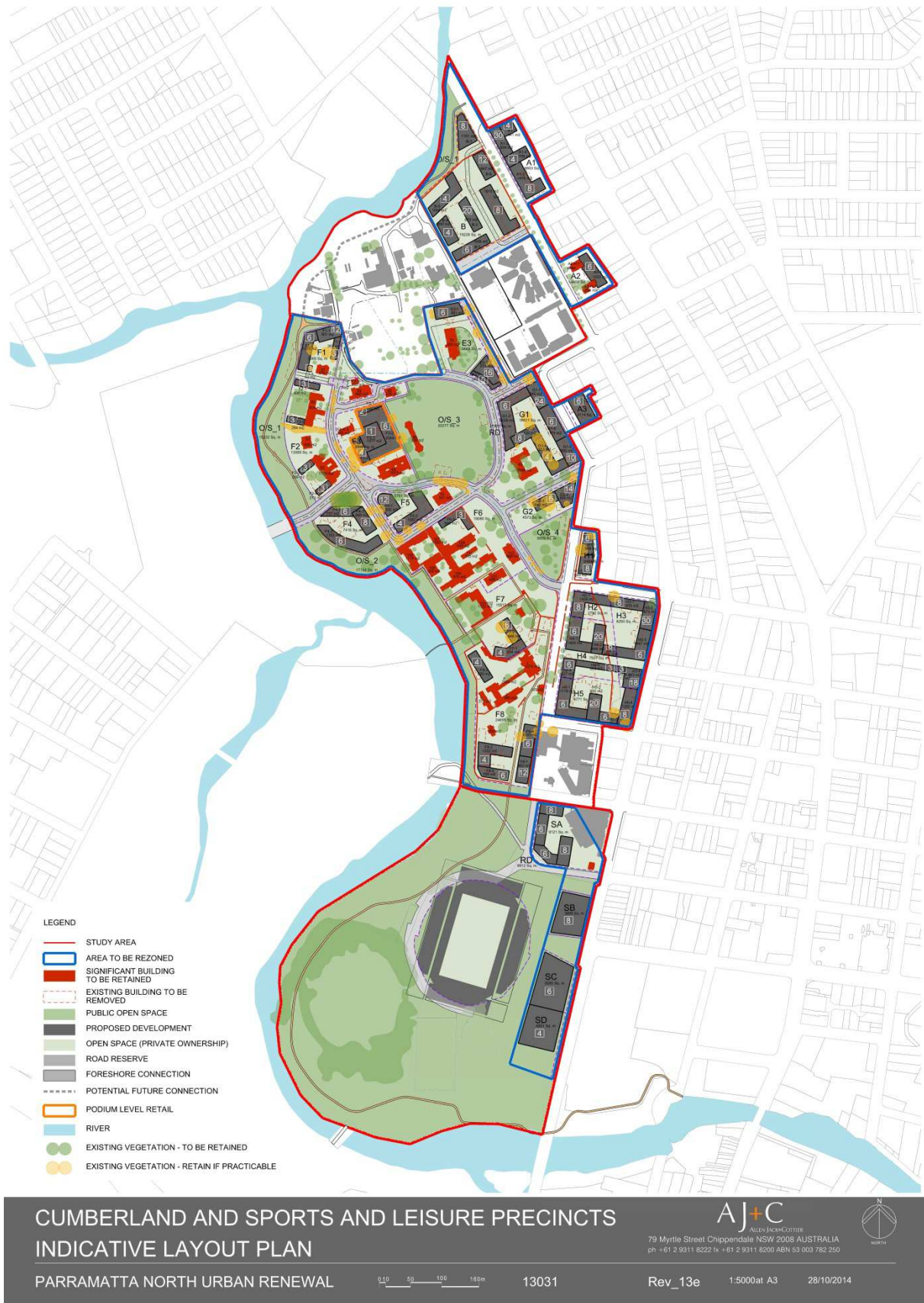


Figure 5 Exhibited Indicative Layout Plan

4.1.1 Proposed local environmental plan amendments

The exhibited proposal sought to make a number of changes to the zones, building heights, and FSR controls which apply under the *Parramatta Local Environmental Plan 2011* and *Parramatta City Centre Local Environmental Plan 2007* as discussed below.

4.1.1.1 Proposed zoning changes

The proposed zoning changes seek to rationalise the number of zones that apply to the land, from 7 different zones to 2 zones. The 2 proposed zones include B4 Mixed Use and RE2 Private Recreation, and approximately half of the land is already zoned B4 Mixed Use. The proposed zoning changes, as exhibited are set out in Table 5 below and illustrated at Figure 7.

Table 5 Proposed zoning changes

Cumberland sub precinct			
Locality	Applicable LEP	Current Zone/s	Proposed Zone
Land in north east of sub precinct on eastern side of O'Connell Street	<i>Parramatta LEP 2011</i>	SP2 Infrastructure B6 Enterprise Corridor	B4 Mixed Use
Land on eastern edge of sub precinct on eastern side of Fleet Street, generally between Albert and Fennell Streets		R2 Low Density Residential R4 High Density Residential	
Central open space fronting Eastern Circuit		B4 Mixed Use	RE2 Private Recreation
Sports and Leisure sub precinct			
Locality	Applicable LEP	Current Zone/s	Proposed Zone
Land on eastern edge of sub precinct next to Parramatta Stadium fronting O'Connell Street	<i>Parramatta City Centre LEP 2007</i>	RE1 Public Recreation RE2 Private Recreation	B4 Mixed Use

4.1.1.2 Proposed building height controls

The exhibited proposal sought to amend the relevant height of building maps and introduce a range of building heights reaching a maximum of 96m (30 storeys), as illustrated at Figure 10. The tallest buildings were located around the eastern peripheries of the site, with lower buildings focused around key areas of built heritage. A 6 metre height limit was proposed for open space areas.

4.1.1.3 Proposed FSR controls

The exhibited proposal sought to remove the existing FSR controls and replace with a maximum additional gross floor area map, shown at Figure 13. The map breaks the site into a series of development lots and identifies the maximum quantity of new GFA that can be developed on that development lot, exclusive of retained heritage buildings. This approach was favoured by UrbanGrowth NSW over an FSR control on the basis that it would establish an incentive to protect

and maintain heritage buildings given that additional new floor space would not be able to replace any floor space associated with demolished existing buildings.

4.1.2 Proposed development control plan amendments

The exhibited proposal included draft amendments to the *Parramatta Development Control Plan 2011* to include site specific controls for the Cumberland and Sport and Leisure sub precincts. Under the proposed amendments the existing controls under the *Parramatta Development Control Plan 2011* would continue to apply except where varied by the site specific controls. The proposed site specific controls include those relating to:

- Street access hierarchy and typical street design requirements
- Provision of open space
- Protection of Aboriginal archaeology and cultural heritage
- Protection of European built heritage, cultural landscapes and archaeology
- Detailed built form controls for each of the development lots identified in the Indicative Layout Plan (Figure 5) and additional GFA map (Figure 13) including setbacks, street wall heights, building footprints, preferred access, heritage protection, landscape provision, and active street frontages
- Other built form controls including requirements for building floor plates over 12 storeys not to exceed 850sqm, building length not to exceed 50 metres without articulation, and a minimum 20% requirement for deep soil landscaping within each development lot
- Design excellence provisions requiring that buildings of 10 or more storeys, or significant heritage buildings be considered by Parramatta Council’s Design Excellence Advisory Panel which reviews and provides design excellence advice for development within Parramatta local government area.

4.2 Response to submissions

On 10 June 2015, UrbanGrowth NSW submitted a response to submissions report, including a revised proposal responding to issues raised in submissions.

With reference to the precinct and building numbers on the amended Indicative Layout Plan shown at Figure 6, the key changes from the exhibited Indicative Layout Plan (Figure 5) were tabulated by UrbanGrowth NSW in the response to submissions report as:

A1	<ul style="list-style-type: none"> • Proposed 30 storey building footprint revised to be a part 30 and part 12 storey building • The proposed 4 storey wing (A1-1) has been removed • Former 4 storey building (A1-4) has been increased to 8 storeys centrally in the block
A2	<ul style="list-style-type: none"> • No changes
A3	<ul style="list-style-type: none"> • No changes
B	<ul style="list-style-type: none"> • The northern 12 storey building footprint (B-6) relocated to provide a minimum 6.0m setback to the existing sandstone wall • No changes to building envelope heights proposed
E3	<ul style="list-style-type: none"> • The part 6, part 16 storey building removed and the space converted to open space equating to 1,595m² of open space • 6 storey building increased to 8 storeys (building E3-1)

F1	<ul style="list-style-type: none"> No changes
F2	<ul style="list-style-type: none"> 4 x 3 storey building wings each reduced to 2 storeys
F3	<ul style="list-style-type: none"> The part 2 storey, part 4 storey and part 6 storey podium reduced to a part 1 storey and part 3 storey podium. Partial demolition of the extension to the heritage building (Building No.65 which is identified as having minor significance). The eastern extent of the podium has been reduced to facilitate the retention of existing trees within O/S 3 <p>DP&E NOTE: The building footprint has also been increased from that exhibited and partial demolition of a building identified as of moderate significance in the built heritage study undertaken by TDK Architects is proposed</p>
F4	<ul style="list-style-type: none"> No changes
F5	<ul style="list-style-type: none"> 12 storey building reduced to 6 storeys (F5-1) and the footprint amalgamated to create a 4 storey perimeter building form (F5-2)
F6	<ul style="list-style-type: none"> No changes
F7	<ul style="list-style-type: none"> Building footprint reduced by the deletion of proposed 4 storey wing (F7-1) Building F7-2 renamed to be F7-1 and reduced from 6 storeys to 4 storeys Potential future new building envelope to be infill development to support appropriate new uses within the significant buildings of the former Female Factory and Parramatta Lunatic Asylum complex
F8	<ul style="list-style-type: none"> Precinct divided into two precincts (F8 and F9) Building F8-3 removed, with no other built form changes proposed
F9 (new precinct)	<ul style="list-style-type: none"> Former buildings F8-2 and F8-5 removed Building F8-1 becomes F9-1 and building F8-4 becomes F9-2 with no building envelope or height changes
G1	<ul style="list-style-type: none"> 24 storey building height unchanged with the southerly extent slightly increased Building footprints reconfigured to create two courtyard configurations Proposed 6 storey building fronting O'Connell Street increased to 10 storeys 10 storey building increased to 14 storeys 6 storey building retained and unchanged 8 storey wing unchanged 4 storey building increased to 6 storeys and building form broken to provide U-shape building footprint The building form along New Street broken to provide a western view corridor to building No.83
G2	<ul style="list-style-type: none"> G2-1 height remains unchanged. Building footprint modified and slightly increased to create a courtyard configuration Building G2-2 increased from 14 to 16 storeys Amended building footprint results in no change to the open space area of O/S4.
H1	<ul style="list-style-type: none"> No changes
H2	<ul style="list-style-type: none"> The full perimeter building form for precincts H2-H5 has been replaced with building separation to the street network to mitigate the dominance of the built

form

- H2 now proposes an 8 storey building (H2-1) and a 6 storey building (H2-2), instead of the single 8 storey building

H3

- The proposed 8 storey H3-1 building split into two portions, H3-1 a 20 storey building and H3-2 fronting O'Connell Street, is a 6 storey portion
- Building H3-2 renamed as H3-3 and reduced in height from 30 storeys 6 storeys
- Proposed 6 storey building of H3-3 and the 18 storey building of H3-4 have been reconfigured and broken into 4 buildings (H3-4, H3-5, H3-6 and H3-7). Building H3-4 at 6 storeys, H3-5 reduced to a 4 storey building, H3-6 located within the site and increased to 30 storeys, H3-7 reduced from 8 storeys to 6 storeys

H4

- The 6 storey building H4-1 remains at 6 storeys
- The 20 storey H4-2 has been reduced to 18 storeys
- Building H4-3 was a 6 storey building and is now a part 4 and part 8 storey building with the taller element set into the site

H5

- Buildings H5-1 and H5-2 have had a redesigned footprint, however the proposed heights remain unchanged
- A new 24 storey building H5-3 has been provided centrally within the block bound by O'Connell, Albert, Fleet and Fennel Streets
- Proposed H5-4 has been reduced from 8 storeys to 4 fronting O'Connell Street
- Building H5-5 has been reduced from an 8 storey attached perimeter building to a standalone 6 storey building

SA

- No built form changes

SB

- Residential prohibited

SC

SD

- No built form changes
- Residential prohibited
- Southern projection of the rezoning boundary reduced

O/S1

- To be changed from the proposed B4 Mixed Use to RE1 Public Recreation and ultimately be dedicated to Parramatta City Council

O/S2

- To be changed from the proposed B4 Mixed Use to RE1 Public Recreation and ultimately be dedicated to Parramatta City Council

O/S3

- To be changed from the proposed B4 Mixed Use to RE1 Public Recreation and ultimately to be dedicated to Parramatta City Council

O/S4

- The area to be changed from the proposed B4 Mixed Use to RE1 Public Recreation and ultimately to be dedicated to Parramatta City Council.

O/S5

- New Open space area O/S5 provided of 1,595m² to compensate for the reduced area within O/S4 and dedicated to Parramatta City Council.
-

As part of its response to submissions UrbanGrowth also prepared a FSR map (Figure 14) to replace the maximum GFA map which formed part of the exhibited proposal.

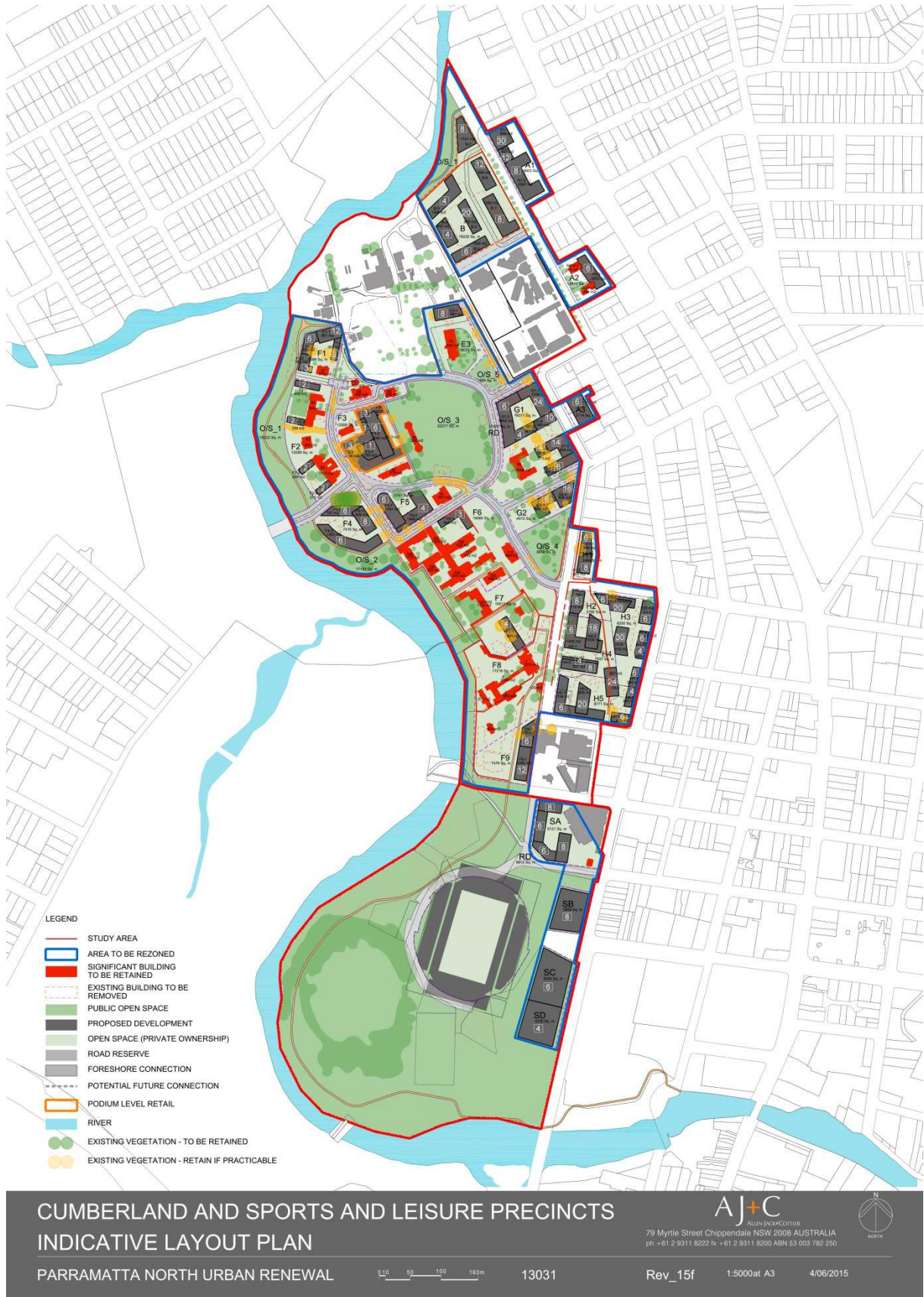


Figure 6 Amended Indicative Layout Plan – response to submissions

4.3 Department's recommended amendments

The Department has carried out an assessment of the revised proposal submitted by UrbanGrowth NSW. It is supportive of most of the changes proposed by UrbanGrowth NSW in response to the issues raised in submissions, but also consider that the following amendments are appropriate to mitigate potential impacts:

- Defer the Sport and Leisure Precinct (around 34,000 sqm of mixed use floor space) from the proposal to allow for a master plan to be prepared to determine the most appropriate future use for the land. This would need to have consideration a range of issues including potential land use conflicts with Parramatta Stadium, impacts on heritage view corridors from Old Government House and Domain, and the future of the Parramatta Swimming Pool.
- Defer the NSW Linen Service land from the proposal, including proposed 8 storey building to the north of the Linen Service wall, (development block B - approximately 550 dwellings) to enable further consideration of the suitability of this land for residential uses given the presence 6-8 metre heritage walls.
- Reduce building heights and floor space potential in the block bounded by Fleet, Albert, O'Connell and Fennell Streets (development block H2-H5) to ensure an appropriate transition to the North Parramatta Conservation Area. The maximum building height opposite the Conservation Area would be reduced to 6 storeys, with the maximum overall height in this location 20 storeys. The floor space potential under the recommended FSR map would limit development within this area to predominantly 6-8 storeys with two towers of up to 20 storeys. The recommended changes would reduce the dwelling yield in this area from 1,190 dwellings, as exhibited, to 900 dwellings.
- Reduce the height of the proposed 30 storey building at the northern most part of the site fronting O'Connell Street to a maximum height of 66m (20 storeys) to allow for a building which transitions appropriately from Councils height controls for the CBD north, while providing for a landmark feature building at the entry to the site. However, the exhibited floor space potential in this area of the site (development block A1) would be maintained allowing up to 345 dwellings.
- Amend the area proposed to be zoned RE1 Public Recreation at the south of the Cumberland sub precinct adjacent to the Parramatta River to include the extent of the Grey Headed Flying Fox colony where it is not impacted by existing buildings and increase the width of the RE1 zone to 30m.
- Include the Grey Headed Flying Fox colony on the existing Natural Resources – Biodiversity map under the *Parramatta Local Environmental Plan 2011* to apply clause 6.4 Biodiversity Protection to this area.
- Include a design excellence clause within the *Parramatta Local Environmental Plan 2011* which is generally consistent with the provisions which currently apply to the Parramatta City Centre.

4.3.1 Description of the Draft State Environmental Planning Policy

The Department has prepared an environmental planning instrument in the form of a Draft State Environmental Planning Policy, to introduce new planning controls for the parts of the site within the Cumberland sub precinct by amending the land zoning, height of buildings and floor space ratio maps in the *Parramatta Local Environmental Plan 2011*.

It is also proposed that existing clause 6.4 Biodiversity Protection apply to the Grey Headed Flying Fox colony within the Cumberland sub precinct, through the amendment of the Natural Resources – Biodiversity map. A new clause is also proposed to be inserted in the local environmental plan relating to design excellence.

The Draft State Environmental Planning Policy comprises both the written instrument and maps. The written instrument and maps are provided at Appendix A and Appendix B respectively.

The following pages include exhibited, response to submissions and draft State Environmental Planning Policy maps for land zoning, height of buildings and FSR (Figure 7 – 15) to demonstrate the comparison between the original and final proposal.

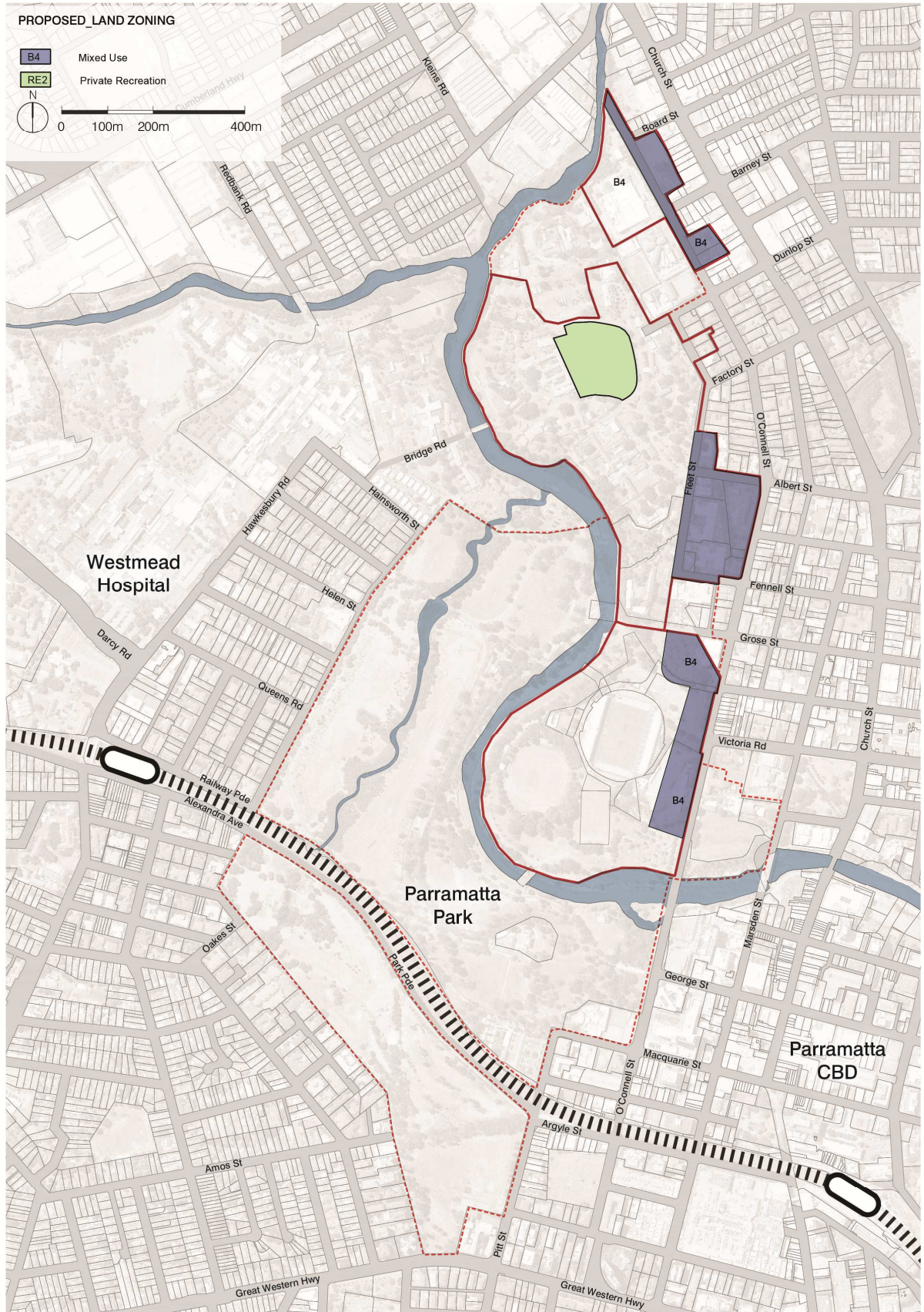


Figure 7 Exhibited Land Zoning map

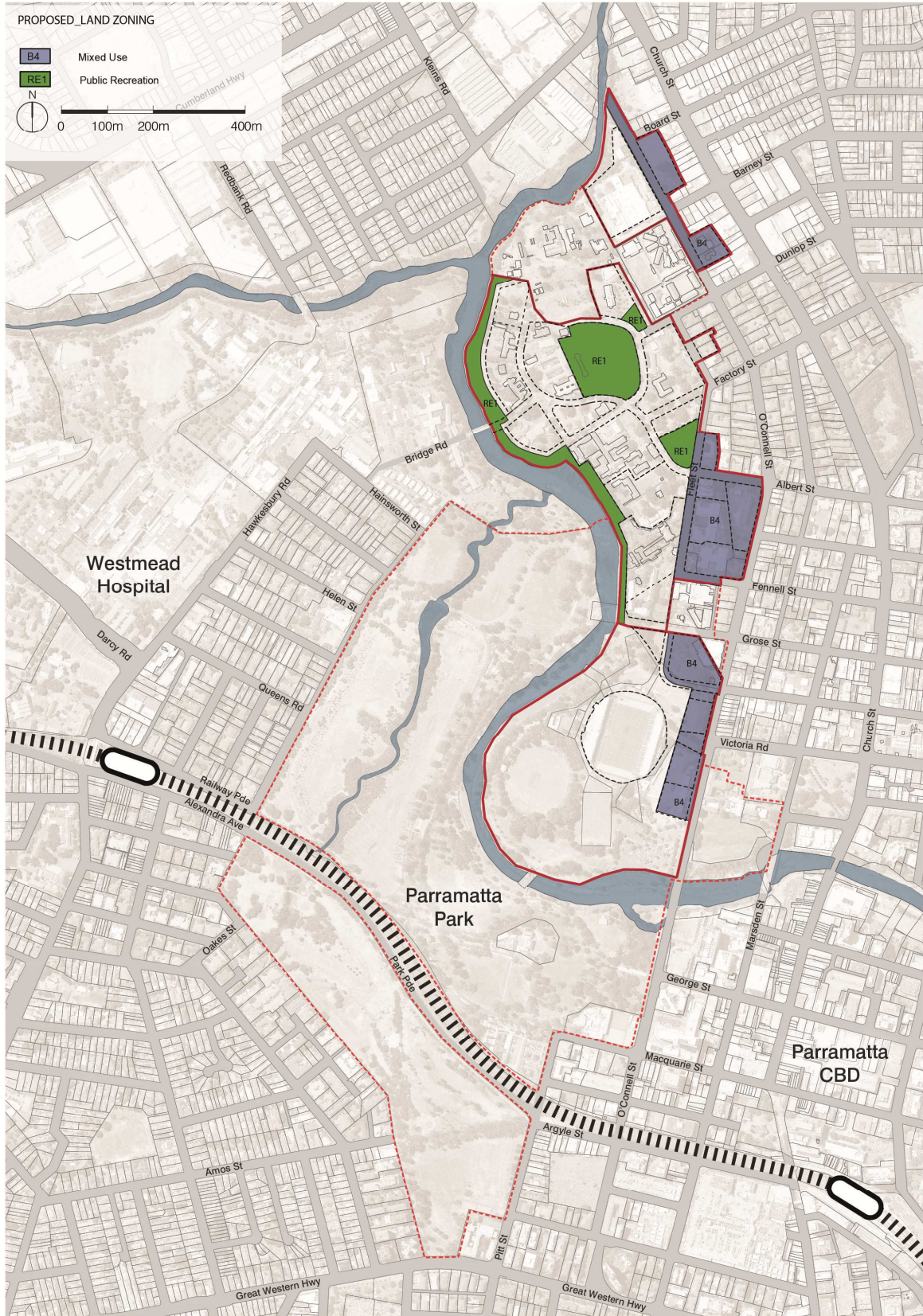


Figure 8 Response to Submissions Land Zoning map

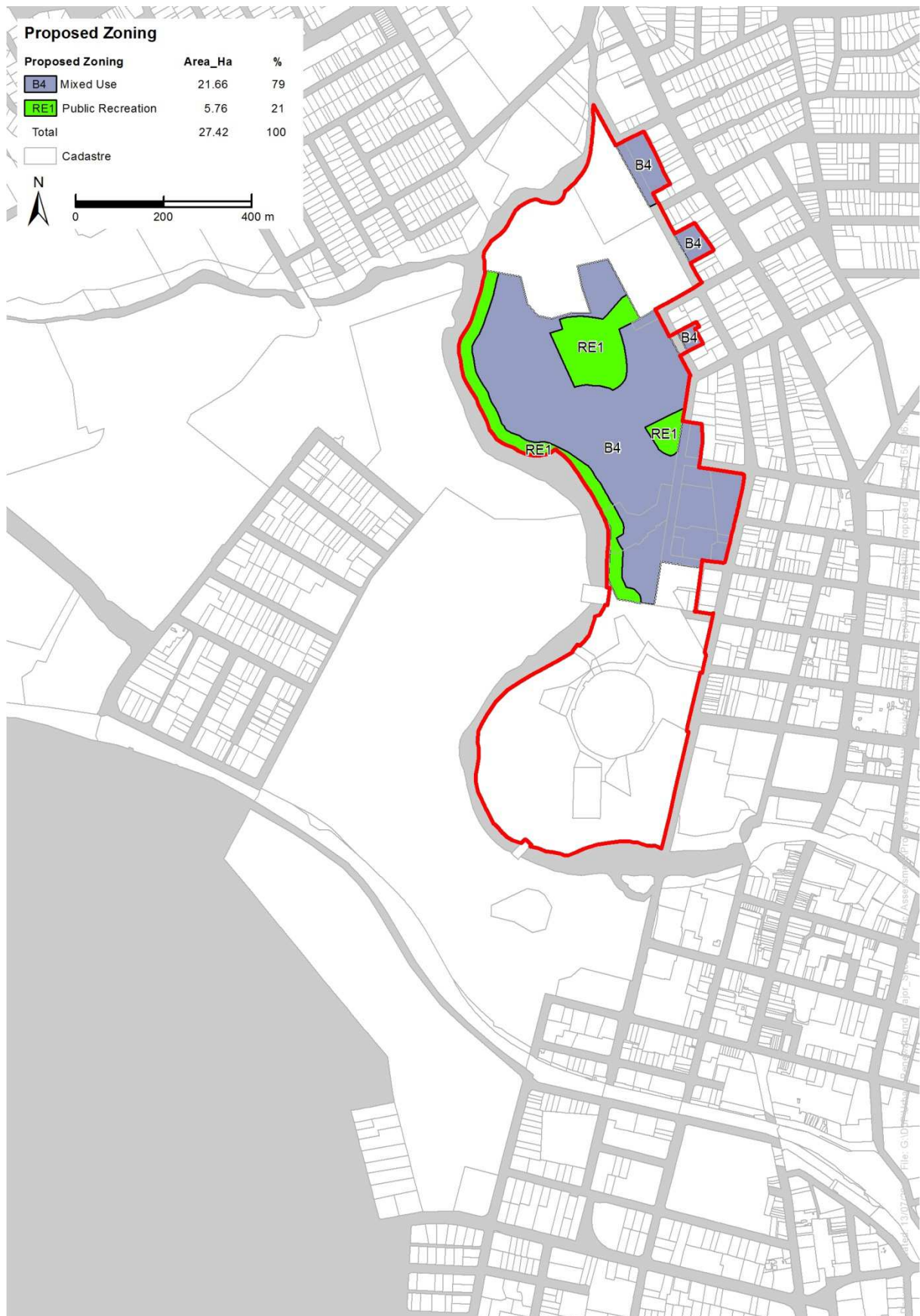


Figure 9 Draft SEPP Land Zoning map

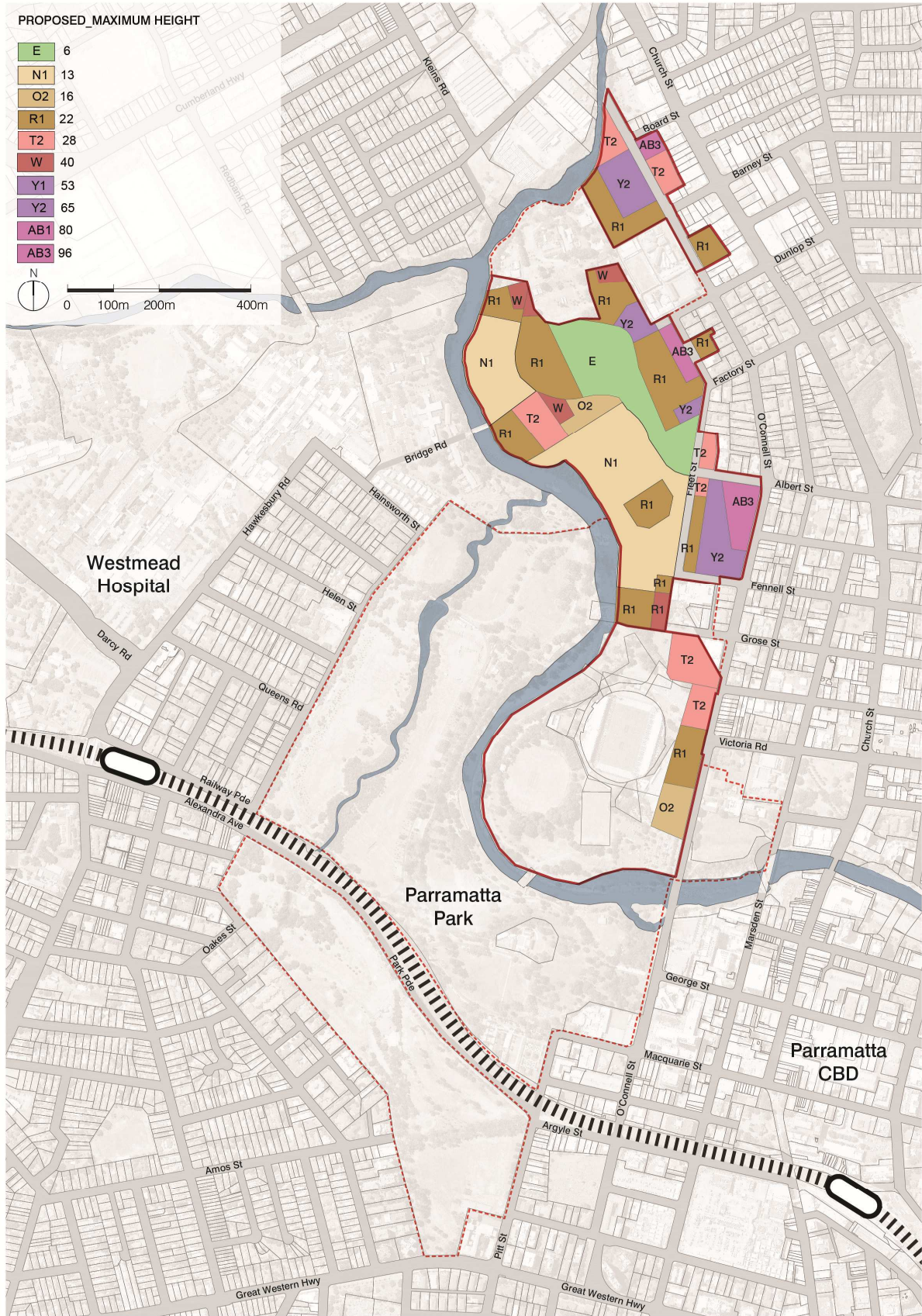


Figure 10 Exhibited Height of Buildings map

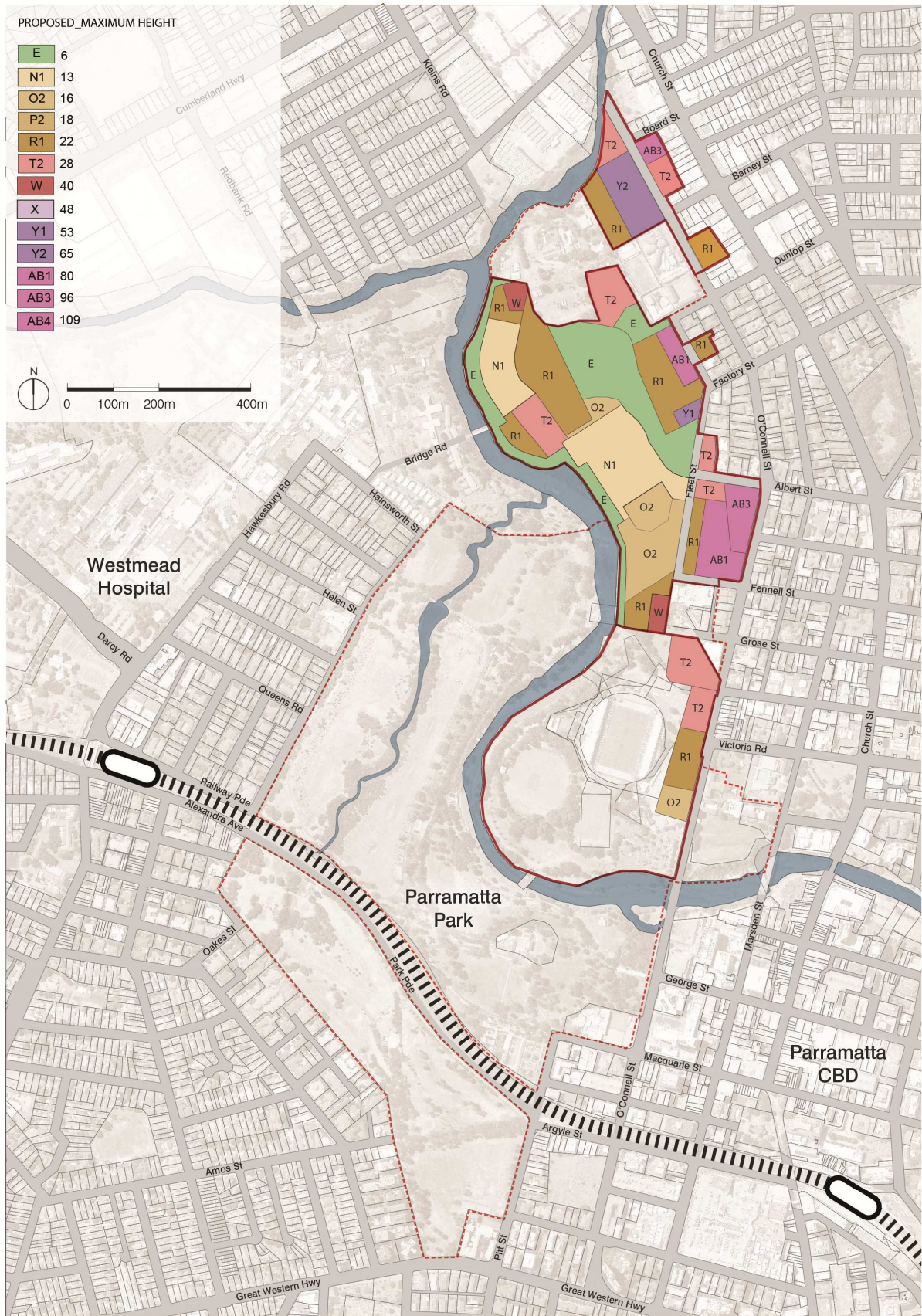


Figure 11 Response to Submissions Height of Buildings map

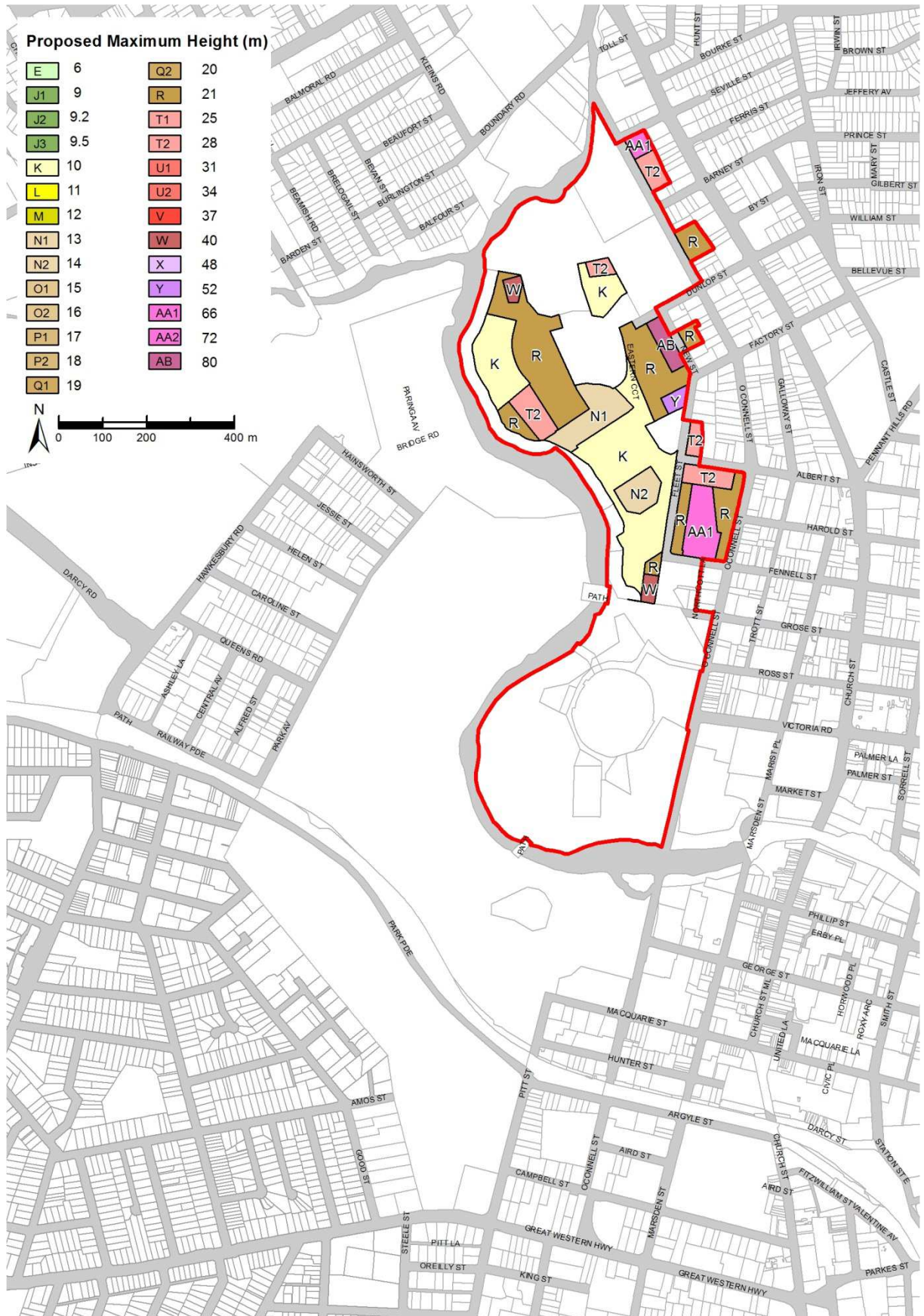


Figure 12 Draft SEPP Height of Buildings map

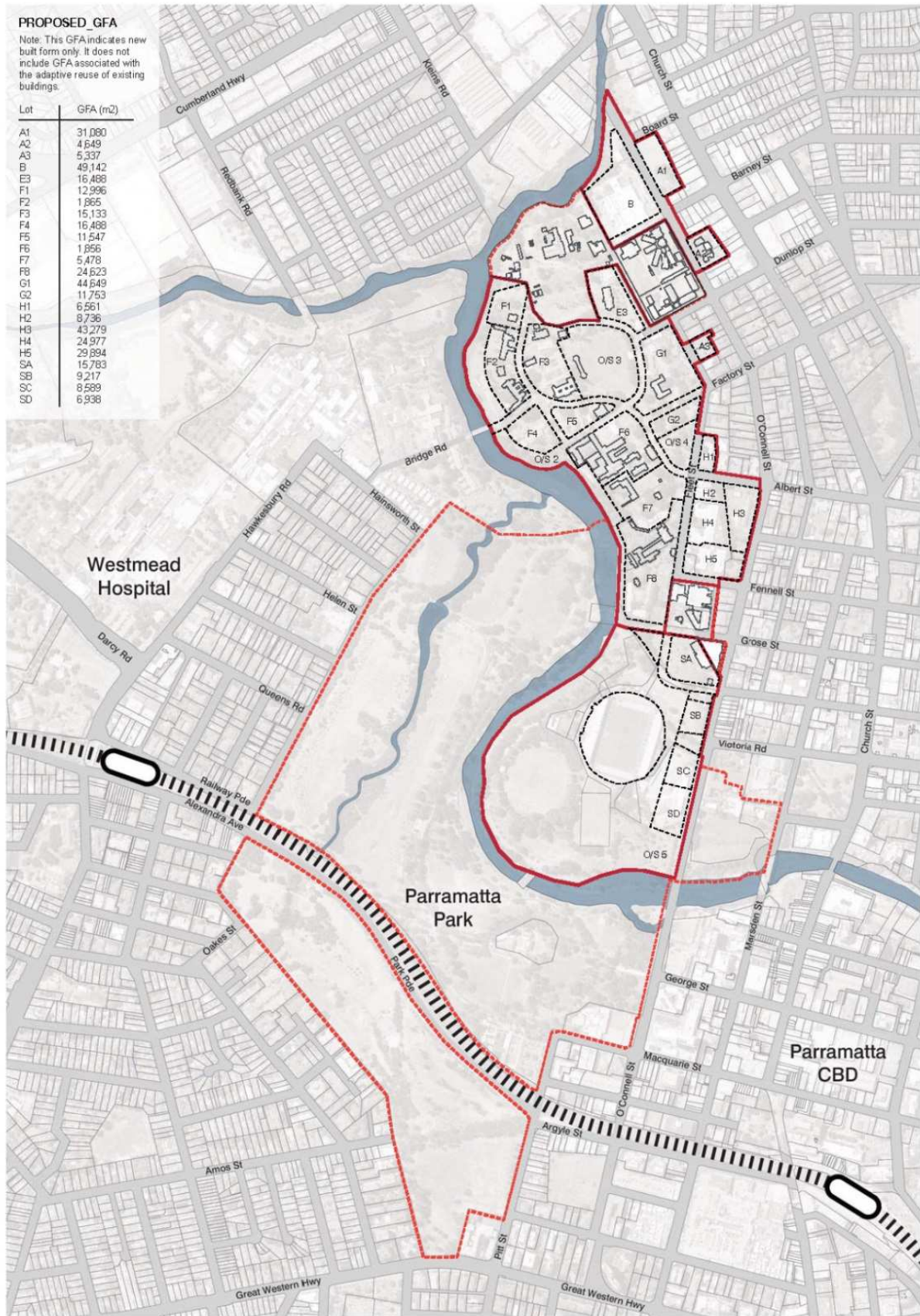


Figure 13 Exhibited additional GFA map

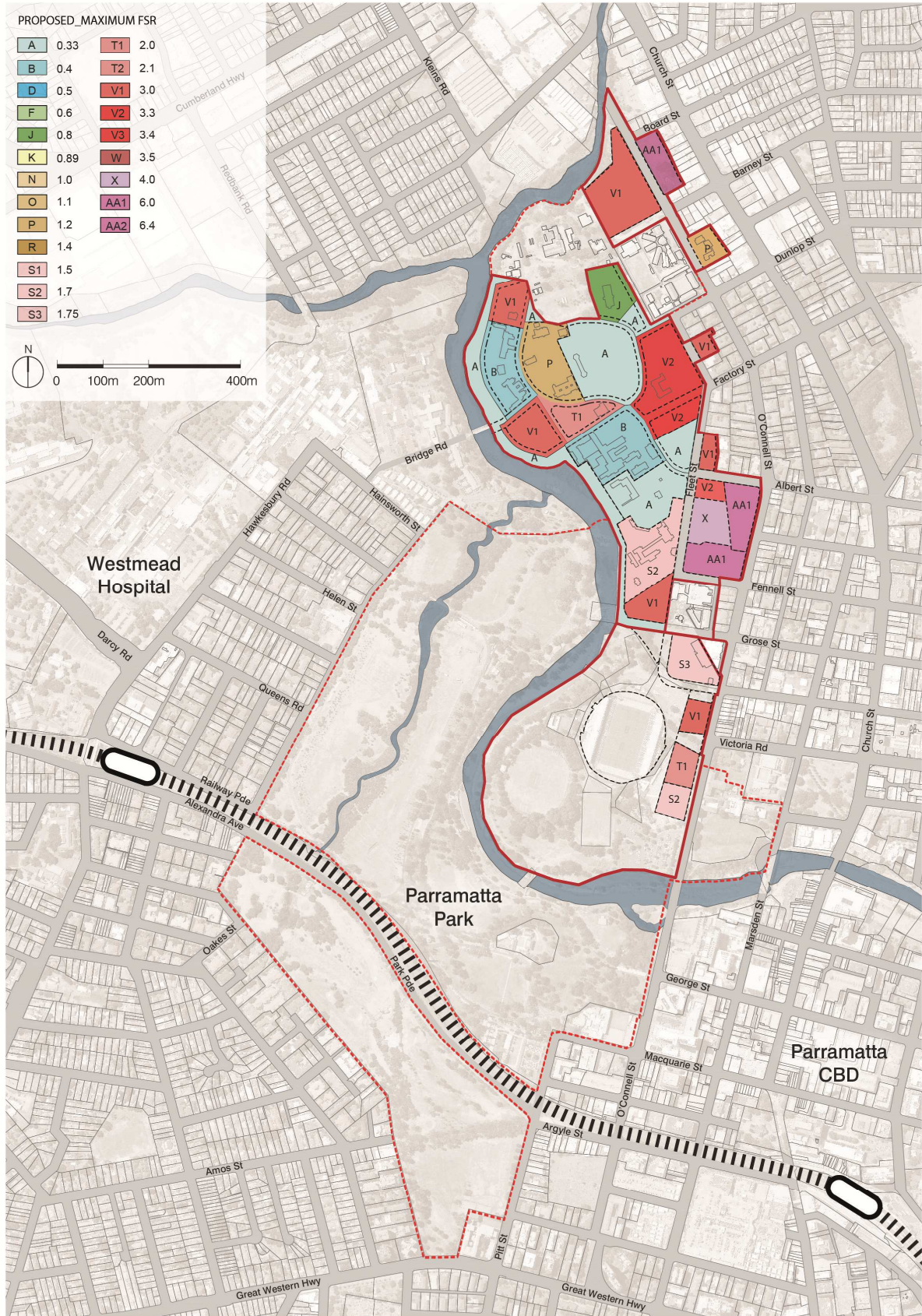


Figure 14 Response to Submissions Floor Space Ratio map

5 Consultation

The consultation process undertaken by the Department of Planning and Environment for the State significant site rezoning proposal is detailed below. UrbanGrowth NSW also carried out additional consultation including stakeholder design charrettes and forums, agency consultation and community drop in sessions.

5.1 Exhibition of study

UrbanGrowth NSW' study and supporting documentation were exhibited between 19 November 2014 and 19 December 2014. Noting however, that exhibition took place close to the end of year holidays and given the community interest in the proposal the Department agreed to accept submissions up until its assessment was finalised.

Advertisements for the public exhibition were placed in the Sydney Morning Herald, Daily Telegraph, Parramatta Advertiser and Parramatta Sun. The exhibition documents were made available at the Department's Information Centre, Parramatta City Council Information Centre, and Parramatta Library and at the UrbanGrowth NSW office in Parramatta.

The Department sent letters to public authorities and approximately 1725 land owners to inform them of the proposal and exhibition details. The extent of land owners to be notified was determined in consultation with Parramatta Council officers. UrbanGrowth NSW also arranged a letterbox drop to approximately 3,750 residences and businesses in the surrounding area.

In response to the public exhibition, submissions were received from 166 members of the public and non-government organisations, 6 State government agencies/advisory bodies, and Parramatta City Council. 45 of the public submissions were form letters.

The proponent prepared a response to submissions along with a number of modifications to the proposal. The proponent's response to submissions report was made publicly available on the Department's website on 17 June 2015.

5.2 Drop in sessions

UrbanGrowth NSW arranged two drop in sessions during the exhibition period on Saturday 29 November 2014 from 3-5pm and Wednesday 3 December 2014 from 5-7pm at Parramatta Town Hall.

The main issues and questions raised by attendees at the drop in sessions, as noted by UrbanGrowth NSW included:

- What is happening to existing facilities within site including health facilities, nursing homes and Parramatta Pool?
- There is an existing lack of parking and need for additional parking to support growth
- Traffic congestion will be exacerbated within the surrounding areas including on O'Connell and Church Streets, and when events/games are held at stadium
- There is a need for improved public transport including light rail and buses

- Concerns were raised about impacts on heritage buildings within the Cumberland sub precinct as well as on view lines from Old Government House and Domain
- Questions were raised about the future use, ownership and management of heritage buildings
- Concerns were raised about the documentation available including that the artist impressions show a limited range of perspective, the need for a 3D model, and lack of detail on the information boards available at the sessions
- Concern was raised about proposed building heights and impacts on surrounding residential areas
- There is a need for additional schools to support the planned growth.

5.3 Summary of public submissions

A wide range of issues were raised in the submissions, with the most frequently raised issues being:

1. Heritage
2. Building height and density
3. Parking
4. Consultation
5. Community facilities, services and amenities

A summary of the issues and concerns raised in public submissions is provided below:

- Concern about impacts on the heritage significance of the site, in particular opposition of the 16 storey building south of the existing recreation hall and development in close proximity to the female factory
- Potential impacts on view corridors from the world heritage listed Old Government House and Domain, particularly resulting from proposed buildings within the Sport and Leisure sub precinct
- The height and scale of the proposal is excessive and out of character with the surrounding area, particularly the adjacent North Parramatta Conservation Area
- Concern about urban design impacts associated with high rise buildings including overshadowing, visual impacts, privacy and loss of amenity
- Concern about impacts on the Grey Headed Flying Fox colony located on the land
- Concern about potential land use conflicts between the Parramatta Stadium and proposed residential uses adjoining the stadium within the Sport and Leisure sub precinct, particularly noise impacts
- Loss of public land and lack of information about the future use, ownership and management of heritage buildings
- Inadequacy of proposed car parking provision
- Inadequacy of consultation with local aboriginal groups
- Photomontages provided with the application are misleading
- State significant site process will result in removal of Heritage Act provisions
- Concern about loss of public open space for growing population
- Improved traffic flow and transport is required
- Concern that adequate supporting local infrastructure such as schools has not been proposed
- Concern that Affordable Housing has not been proposed
- Concern about the loss of Parramatta Public Pool as a result of buildings proposed within the Sport and Leisure sub precinct
- The public consultation period should have been longer.

5.4 Parramatta City Council's submission

Parramatta City Council provided a detailed submission to the proposal, Council's key comments and recommendations can be summarised as:

- Need for clarification of how heritage buildings will be retained, restored and managed including staging.
- Need for further information on the delivery and staging of proposed public domain upgrades, including foreshore access.
- A community needs and impact assessment is required including to identify recreation, education, cultural and social needs of the new community including public facilities.
- The proposal should make provision for affordable housing consistent with Action 2.3.3 of *A Plan for Growing Sydney*.
- Need for appropriate riparian buffers to the Parramatta River and Darling Mills Creek.
- Potential impacts on the Grey-headed Flying Fox camp, and the need to relocate buildings to avoid this area.
- Any relocation of the Parramatta Swimming Pool would require significant non-council funding to ensure provision of an alternative facility. No changes should be made to the existing swimming pool car park unless it is part of agreed changes to the swimming pool.
- The proposed open space should be zoned RE1 Public Recreation and be dedicated to council free of cost, including no reduction in section 94A contributions.
- The Urban Renewal Area needs to be supported by light rail.
- The types of complimentary development and activity, and the associated zoning and built form controls, applying to land adjacent to Parramatta Stadium and Parramatta Park should be developed through a master plan for the Sport and Leisure sub precinct. Council also has concerns that the proposed B4 Mixed Use zone would allow residential uses to be located adjacent to Parramatta Stadium.
- A number of concerns were raised about the adequacy of the traffic modelling and suitability of proposed road upgrades.
- Further analysis is required of the urban design impacts on the surrounding area.
- The Design Excellence provisions which currently apply to the Parramatta City Centre should apply to the entire area subject of the proposal.

The issues raised by Council are considered in detail in Section 6 Issues raised in submissions. The Department also met with Council officers following receipt of the submission to discuss Council's concerns.

5.5 State government & agency submissions

Submissions were received from the following State government agencies/advisory bodies:

- Department of Education and Communities
- Office of Environment and Heritage
- Environment Protection Authority
- Heritage Council of NSW
- Transport for NSW
- Venues NSW

A submission was also received from the Commonwealth Department of Environment. Section 6 provides an assessment of the proposal's impacts, and refers to specific agency comments or concerns where relevant.

6 Issues raised in submissions

The issues raised most frequently in the submissions were:

- Heritage
- Urban design, building height and density
- Biodiversity (Grey Headed Flying Foxes)
- Land use conflicts in Sports & Leisure sub precinct / Parramatta Pool
- Deerubbin Local Aboriginal Land Council land
- Loss of public land
- Transport, traffic and car parking
- Consultation / adequacy of information
- Open Space
- Local infrastructure
- Affordable housing
- Flooding and land contamination

The Department's consideration of these issues is provided below.

6.1 Heritage

6.1.1 Archaeology

Issues raised

The NSW Office of Environment and Heritage has advised that in broad terms, the archaeological assessment prepared by UrbanGrowth NSW provides adequate consideration of the pre-contact archaeological potential likely to exist within the Parramatta North Urban Renewal Area. They advise that the assessment provides a detailed discussion of early occupation and interactions of Aboriginal and non-aboriginal people within the Parramatta area.

However, the Office of Environment and Heritage considers that relevant discussion of post-contact land use and disturbance outlined in the Baseline Archaeological Assessment report (Casey and Lowe) should be incorporated into the Aboriginal Archaeological & Cultural Heritage Assessment report (Comber Consultants). This should assist interpreting the survival of Aboriginal archaeological evidence across the development precincts and guide any test excavation program. The Office also advises that an Aboriginal Heritage Impact Permit is required prior to any test excavation.

Department's response

UrbanGrowth's Schedule of Actions commits to prepare an Aboriginal Archaeological and Cultural Heritage Management Plan that includes:

- Further research

- An updated history
- Targeted geotechnical testing
- Further consultation with the Aboriginal community in accordance with Office of Environment and Heritage's Aboriginal Cultural Heritage Consultation Requirements and Proponents 2010.

The Department agrees that the discussion of post-contact land use and disturbance outlined in the Baseline Archaeological Assessment report (Casey and Lowe) should be incorporated into the Aboriginal Archaeological & Cultural Heritage Assessment report (Comber Consultants) and recommends that UrbanGrowth NSW make these changes.

The requirement for an Aboriginal Heritage Impact Permit prior to any test excavation is noted and it is understood that UrbanGrowth NSW are currently in the process of applying for a permit.

6.1.2 Aboriginal Cultural Heritage Consultation

Issues raised

A large number of community submissions raised concern that consultation with the Aboriginal community was inadequate. The NSW Office of Environment and Heritage also raised concern regarding the level of Aboriginal community consultation undertaken and the need for a clear understanding of the heritage values of the site to guide planning of the proposal.

The Office of Environment and Heritage noted that four Aboriginal groups were targeted for consultation but that 36 local groups have registered to be consulted with during the Aboriginal Heritage Impact Permit process, where harm will occur to an Aboriginal object or place, they raise concern that comments and views may not be captured by the limited group.

Department's response

The majority of the land in the Cumberland sub precinct is currently zoned B4 Mixed Use, with smaller sections being zoned B6 Enterprise Corridor, R4 High Density Residential and R2 Low Density Residential. Therefore, subject to development application approval the land could be developed without amending the planning controls. The proposed rezoning seeks to rationalise the zones to the B4 Mixed Use zone and the RE1 Public Recreation zone and increase heights and floor space controls to allow for increased densities.

The Department agrees with the Office of Environment and Heritage that there is real value in appropriately understanding the significance of places to Aboriginal people. It is noted that a level of targeted consultation has already been undertaken and that UrbanGrowth NSW have committed to further consultation with the Aboriginal community in its Schedule of Actions. In addition, a formal public exhibition process was also undertaken that is outlined in Section 5 Consultation. It is also noted that development of the land could occur without the proposed rezoning with an approved development application. On this basis it considered that additional consultation is warranted but that it be undertaken prior to the approval of any development application under the new planning controls.

6.1.3 European Heritage

Issues raised

A built heritage study (TDK Architects) was prepared to support the proposal which identified built heritage items across the site (Figure 16). It is proposed to retain all 47 heritage buildings listed as having exceptional or high heritage significance, however demolition of 15 building of moderate significance and 32 buildings of little significance is proposed.



Figure 16 Built heritage items

The impact on the heritage significance of the site was a key concern raised in public submissions. Of particular concern was the lack of information provided about the adaptive re-use, future management and ownership of the heritage buildings to be retained.

The concerns raised in public submissions regarding the potential heritage impacts of the proposal include:

- The location of a proposed 16 storey building (within development block E3) adjacent to the Recreation Hall, Chapel and Parramatta Gaol would be highly damaging to the setting of the surrounding heritage buildings and the Gardener's Cottage in this location should be retained due to its heritage significance.
- The proposed six storey building between the Parramatta River and Jacaranda House (development block F1) should be removed as it would impact on the heritage item's foreshore setting.
- The Central Male Block building (development block F3) should be retained and adaptively re-used and the moderate heritage significant rating of this item was questioned.
- The proposed six and eight storey buildings to the north west of the Female Factory (development block F4) would adversely impact on heritage buildings within the Female Factory and views along the Parramatta River. Development in this location should be low scale.
- The proposed 12 storey building to the north of the Female Factory (development block F5) should be reconsidered with regard to adjacent heritage buildings.
- Development within the Female Factory precinct is inappropriate and should be limited to adaptive re-use of existing buildings (development block F6).
- New buildings should not be located between the Female Factory and the Norma Parker Centre / Kamballa (development block F7) due to impacts on the heritage significance of the existing buildings and the relationship between these buildings.
- The proposed buildings to the south of Norma Parker Centre / Kamballa (development block F8) could adversely impact on the heritage characteristics of Bethel House and impede connectivity along the Parramatta River.
- The residence of the Chief Attendant should be retained (development block G2) as a previous conservation management plan identified it as having high heritage significance.

In response to the exhibition of the proposal, the Heritage Council of NSW raised a number of concerns (see Appendix F for a copy of submission) and subsequently requested that a 3D model of the proposal be prepared and submitted for further consideration. The Heritage Council of NSW subsequently considered a 3D model prepared by UrbanGrowth NSW and a number of iterations of the proposal. On 1 April 2015 the Heritage Council advised that that the revised proposal prepared by UrbanGrowth NSW addresses its concerns through the:

- removal of the 16 storey building within development block E3 to provide views toward the Parramatta Gaol
- reduction in height of building envelopes in development block F2 (adjacent to the Parramatta River) from 3 storeys to 2 storeys
- reduction in height of the 12 storey building in development block F5 to 6 storeys.
- revision of the building envelope in development block F3.

A copy of the Heritage Council letter dated 1 April 2015 is also provided at Appendix F. These changes can be seen in the amended Indicative Layout Plan at Figure 6. The revised proposal prepared by UrbanGrowth NSW also made changes to proposed buildings adjacent to the Norma Parker Centre / Kamballa including:

- removal of a 4 storey building and reduction of a 6 storey building to 4 storeys located between Norma Parker Centre / Kamballa and the Female Factory (development block F7)
- changes to the footprint of proposed buildings to the south of Norma Parker Centre / Kamballa within development block F9 (exhibited as development block F8) to increase the heritage curtilage to Bethel House.

The revised proposal also noted that buildings within the Female Factory and Norma Parker Centre / Kamballa (development blocks F7 and F8 respectively) would be non-residential uses to support the adaptive re-use of the heritage buildings in these areas. However, UrbanGrowth NSW did not seek to apply any restriction on the future use through the proposed zones or controls.

The Heritage Council of NSW noted that UrbanGrowth NSW had advised that the Sport and Leisure sub precinct would be deferred from the proposal, and recommended that any future proposal for this area should include a detailed heritage led master plan which takes into consideration significant views to and from Old Government House and Domain. Deferral of the Sport and Leisure sub precinct is discussed in more detail in Section 6.4 Sport and Leisure sub precinct.

The Heritage Council of NSW also considered a revised Schedule of Actions and recommended support subject to Action 2 being amended to the following:

- prepare a conservation management plan for the site and a specific precinct conservation plan for each allotment.

Department's response

The heritage impacts of the proposal have been adequately mitigated through the amendments made by UrbanGrowth NSW that address all of the concerns raised by the Heritage Council of NSW. All future development and demolition of buildings within the Cumberland precinct will require approval under the NSW *Heritage Act 1977* and therefore the Heritage Council will have continued involvement in the mitigation of heritage impacts.

The Department also notes that UrbanGrowth NSW has committed to preparation of a conservation management plan for Parramatta North and a specific conservation management plan for each of the development precincts to establish how significant buildings and structures will be managed and how appropriate adaptive re-use will be accommodated.

6.1.4 Linen Service Land

Issues raised

While not currently listed on the State Heritage Register, the Department has identified concerns regarding the proposed development on land adjoining the north wall of the Parramatta Gaol, which houses a linen service facility for NSW Health (referred to as the Linen Service land).

The Linen Service land was previously used as a high security prison farm for the adjacent Parramatta Gaol until the 1970s. It is surrounded by 6-8 metre predominantly sandstone walls. The 1995 Parramatta Correctional Centre Conservation Plan establishes the significance of the walls as follows:

- All sandstone perimeter walls – Exceptional Significance
- All brick perimeter walls and precinct walling – Considerable (High) Significance

The Department's concerns relate to:

- the relationship of the proposed residential buildings to the heritage walls
- impacts associated with removal of sections of the wall which would be required to provide access into the area as well as connections to the adjoining land which is subject of a successful Aboriginal land claim (see Section 6.5 Land subject of Aboriginal Land Claim for additional discussion on this land)

- the insufficient level of detail which has been provided to demonstrate how an appropriate level of residential amenity can be achieved for the proposed buildings, including addressing limited solar access, cross ventilation and poor visual outlook for apartments on the lower levels.

Department's response

It is considered that the land may be suitable for some form of development. It is noted that the Pentridge Prison site in Melbourne is an example of a residential redevelopment of a former gaol site with significant perimeter walls. However at this time the significance and combination of issues that remain outstanding for the Linen Service land warrant that additional investigations be undertaken to assess the suitability of the land for the proposed residential development.

The Linen Service land including the proposed 8 storey building to the north of the Linen Service wall, (development block B - approximately 550 dwellings) has therefore been removed from the rezoning proposal, and accordingly the land has not been considered further in this assessment.

6.1.5 World Heritage Values

Issues raised

The Federal Department of Environment, the National Trust of Australia and a number of public submissions raised concern about potential impacts on the view lines and values of the World Heritage Listed Old Government House and Domain.

In particular, the Department of Environment raised concern that the proposal would allow for buildings of 4, 6 and 8 storeys in the Sport and Leisure sub precinct and it was unclear how this relates to the current Development Control Plan / draft Conservation Agreement controls which require 80% of the building height to be below the established tree canopy height of Parramatta Park when viewed from six specific locations.

The Heritage Council of NSW recommended that any proposal for the Sport and Leisure sub precinct should include a detailed heritage led master plan which takes into consideration the significant views from Old Government House and Domain.

In response, UrbanGrowth NSW advised that the height of the proposed building envelopes is commensurate with Parramatta Stadium and will comply with the current Development Control Plan controls prepared in response to the World Heritage listing of Old Government House and Domain.

Department's response

A number of areas of concern were raised in submissions about the Sport and Leisure sub precinct. These include impacts on World Heritage values, as well as potential noise conflicts between Parramatta Stadium and future residential development, loss of the Parramatta swimming pool, circulation and car parking.

It has been agreed with UrbanGrowth NSW that the number, importance and combination of issues raised about the Sport and Leisure sub precinct warrant that a separate master plan be prepared to explore these issues and determine appropriate future land uses. The Sport and Leisure sub precinct has therefore been removed from the rezoning proposal, and accordingly the impacts of development within the Sport and Leisure sub precinct has not been considered further in this assessment. The deferral of the Sport and Leisure sub precinct is discussed in more detail in Section 6.4 Sport and Leisure sub precinct.

The Cumberland sub precinct is within view corridors of moderate significance, however neither the NSW Heritage Council nor the Federal Department of Environment have raised concerns about the impacts of development within the Cumberland sub precinct on these view corridors. Any development which does have a significant impact on the Old Government House and Domain may

require a separate approval under Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

6.1.6 Status of Heritage Act 1977 provisions

Issues raised

A number of submissions, mainly form submissions, raised concern that the State significant site declaration would 'turn off' the provisions of the *Heritage Act 1977* for the site, which in turn would result in poor heritage outcomes for the site.

Department's response

There is currently no legislation in force that 'turns off' the provisions of the *Heritage Act 1977* for the site. Any future development applications for the land will be subject to the provisions of the *Heritage Act 1977*, as applicable.

6.2 Urban Design, Building Height and Density

6.2.1 Building Height and Density

Issues raised

Concern was raised in a number of submissions about the density and height of the proposed high-rise residential flat buildings particularly along O'Connell Street to the east and north of the site. The main issues identified included visual impacts, loss of sight lines and views, overshadowing, a lack of integration with the existing surrounding areas and a lack of privacy for residents living in the existing dwellings adjacent to the site.

These concerns were concentrated around the existing residential areas along Albert Street and to the west of O'Connell Street, and in particular the North Parramatta Conservation Area. The North Parramatta Conservation Area is identified under the *Parramatta Local Environmental Plan 2011*, and comprises a mix of single dwellings and three storey apartments, and adjoins proposed development blocks H2 – H5.

Parramatta Council suggested the need to illustrate an appropriate transition of scale between the proposed towers and the existing/future built form outside the site. In this regard, council noted that there are significant strata holdings in the immediate context which are unlikely to change in the long term.

Council noted that the proposed separation of tall towers was unclear, both within the site and for future towers in the surrounding areas, and that appropriate levels of sky needs to be ensured when viewed from the public domain. In order to obtain appropriate sight lines and a sense of space, Council recommends a predominant street wall of 3-4 storeys (14m) with an upper level setback of 4m for areas on the periphery of the site, as currently required under the *Parramatta Development Control Plan 2011* for the City Centre (North).

Council recommended:

- a maximum floor plate/ gross building area for residential towers of 800sqm for buildings up to 75m in height and 950sqm for buildings which are 75-105m in height
- a maximum building length of 65m for the 3-4 storey podium/street wall and 45m for residential towers.

Parramatta Council highlighted the importance of natural light to maintain people’s health and wellbeing and requested adequate modelling on shadow effects be conducted in order to gain a full understanding of shadowing impacts from the building heights for all times of the day.

Concern was also raised in verbal consultations with Parramatta Council that the proposed 30 storey building at the northern most part of the site fronting O’Connell Street was out of character with the surrounding area and that the proposed height is inconsistent with Council’s planning for the CBD north which seeks appropriate height transitions.

In response to the concerns raised, UrbanGrowth NSW made amendments to its exhibited Indicative Layout Plan for development blocks H2 – H5 where it adjoins the North Parramatta Conservation Area. The changes include reducing the height of buildings fronting O’Connell Street to 4 to 6 storeys and setting taller towers back from O’Connell Street. The exhibited and revised Indicative Layout Plans are shown at Figure 17 and Figure 18 respectively. It is noted that the revised Indicative Layout Plan actually increases the dwelling yield for this area from around 1,190 to 1,240 dwellings and includes five towers ranging from 18 to 30 storeys, where four were shown on the exhibited proposal.

UrbanGrowth NSW submits that the proposed densities in this location can be supported given that that recently prepared Parramatta CBD Planning Strategy, which seeks to expand the Parramatta CBD northward, will result in significant increases in floor space and a change in overall character of the surrounding areas.



Figure 17 Exhibited development block H2-H5



Figure 18 Revised development block H2-H5

UrbanGrowth NSW also provided updated shadow diagrams and a statement that the proposal has been prepared in accordance with the principles of the Residential Flat Design Code. The statement notes that this will maximise the ability of future detailed design to achieve the relevant requirements of *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* (SEPP 65), including requirements for solar access.

Department’s response

The Department concurs with Council that the exhibited proposal does not provide an appropriate transition between the proposed development and existing low density residential development within the surrounding area, in particular the North Parramatta Conservation Area. Whilst the revised proposal goes some way to addressing this by reducing the street wall to 4-6 storeys, five towers of 18 to 30 storeys would be located within development blocks H2-H5, resulting in a very dense urban form in this location which is considered to be out of character with the adjacent residential area.

In relation to the Parramatta CBD Planning Strategy it is noted that Parramatta Council has resolved to progress a planning proposal to implement this strategy and has put forward potential density increases for areas to the north of the existing CBD. However, this planning proposal would not apply to areas adjacent to the Cumberland sub precinct which have been identified as Planning Investigation Areas (as shown at Figure 19) and would be subject of a future investigations and a separate planning process. Accordingly, there is no certainty that the character of these areas, including the Parramatta North Conservation Area, will change in the short to medium term.

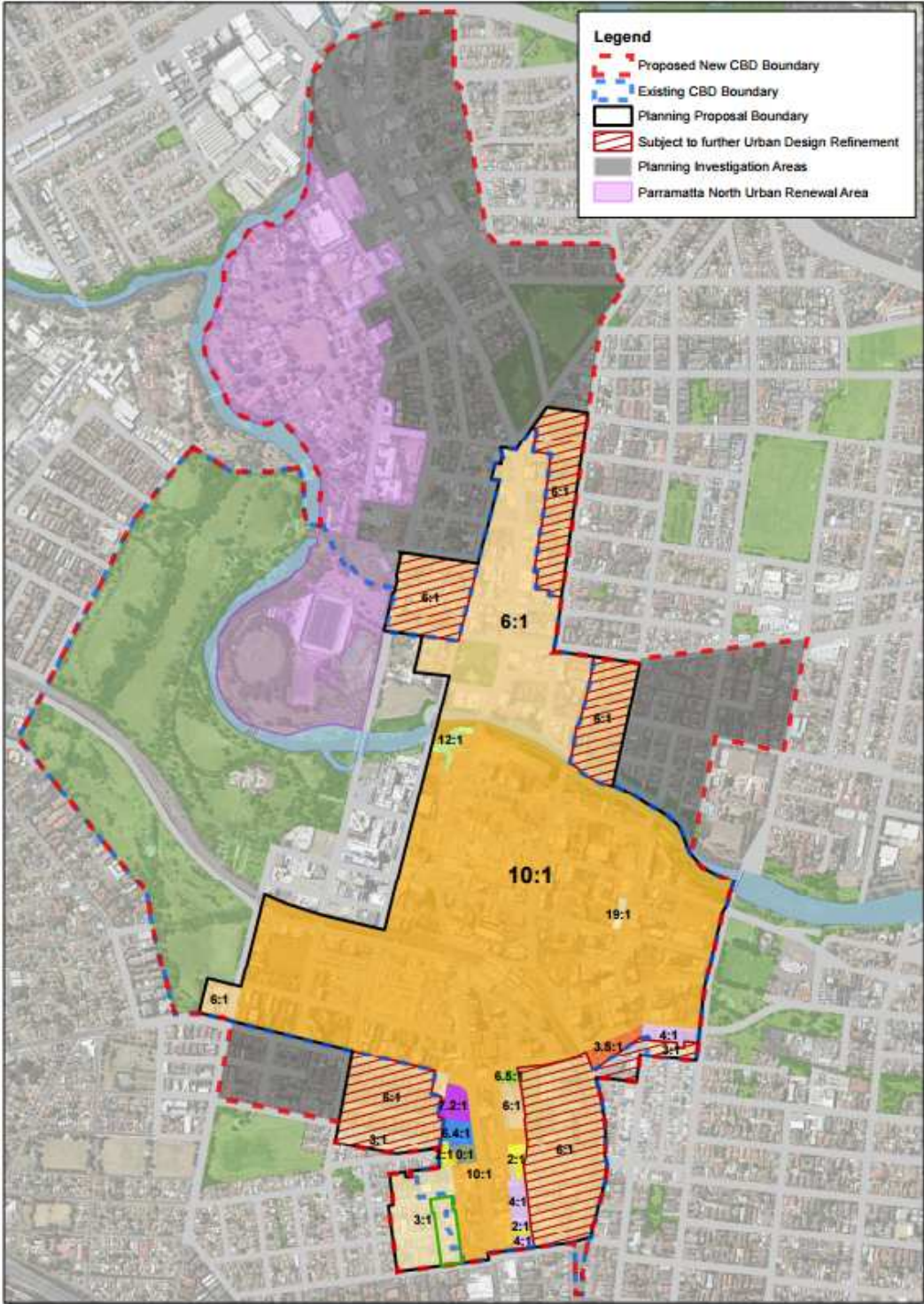


Figure 19 Parramatta CBD Planning Strategy Implementation Plan

The Department considers that the eastern side of development block H2-H5 fronting O’Connell Street should be restricted to 6 storeys, and that the residential towers should be limited to the two 20 storeys buildings toward on the western side of this development block which formed part of the exhibited proposal. A revised Indicative Layout Plan which would achieve these recommended changes is shown at Figure 20 below. These changes would result in the dwelling yield being reduced to approximately 900 dwellings, being around 290 less than the exhibited proposal.



Figure 20 Recommended changes to the Indicative Layout Plan

The draft height and FSR maps have been prepared to reflect this recommendation see Figure 12 and Figure 15 respectively.

The Department notes Council’s concerns regarding the proposed 30 storey building at the northern most part of the site fronting O’Connell Street and agrees that a maximum height of 66m (20 storeys) is appropriate for this location. This will allow for a building consistent with Council’s desired approach to height transition, while providing for a landmark feature building at the entry to the site. However, it is recommended that the exhibited floor space potential in this area of the site (development block A1) be maintained allowing up to 345 dwellings.

The draft height and FSR maps reflect this recommendation.

The Department considers that Council’s concerns about the proposed detailed built form controls, including street wall heights, building length, and floor plate size can be resolved through the Council’s finalisation of the Development Control Plan amendments.

The Department notes that UrbanGrowth NSW has provided a statement regarding SEPP 65, and that compliance with SEPP 65 will be required to be demonstrated through detailed design and during the development application process.

6.2.2 Design Excellence

Issues raised

Parramatta Council raised concern about the proposed design excellence provisions, particularly that the proposal documentation seemed confused about the difference between Council's 'Design Excellence process and the 'Design Excellence Advisory Panel' review process. Council recommended that the Design Excellence Provisions which apply under the *Parramatta City Centre Local Environment Plan 2007* should apply to the entire site, including:

- All buildings must demonstrate design excellence to the satisfaction of the consent authority
- Buildings over 55m (13 storeys) are required to go through an architectural design competition
- A height and floor space bonus applies of 15% for residential or mixed use buildings, and 25% for a building which are entirely non-residential.

In addition, Council stated that it does not support the proposal that only residential flat buildings 10 storeys and above be reviewed by the Design Excellence Advisory Panel. It recommends that all residential flat buildings and adaptive heritage development must have Panel review unless they go through an architectural design competition, consistent with Council's current controls and practices for the CBD.

In response, UrbanGrowth NSW has amended the draft Development Control Plan amendment to require that development applications for buildings of 5 or more storeys be considered by Parramatta Council's Design Excellence Advisory Panel. The amended Development Control Plan however, does not propose to have design competition provisions and hence possible height and FSR bonuses would not apply the land.

In the Response to Submissions report UrbanGrowth NSW states that the proposed height and FSR controls have been carefully developed in regards to complex heritage considerations and that the potential for 15% variations to the height and FSR controls would undermine design analysis undertaken for the proposal. Further UrbanGrowth NSW recommends that the proposed SEPP amendment for the land should expressly exclude the application of Design Competition and height and FSR bonuses from applying to the land.

Department's response

The Department agrees with Parramatta Council that the design excellence provisions in the *Parramatta City Centre Local Environment Plan 2007* should be applied to the site, with the exception of the height and floor space bonuses given the potential for increased impacts on surrounding residential areas and heritage items. Given the extent of development which will be permitted under the new planning controls and the proximity of the land to the Parramatta CBD it is considered reasonable that design excellence provisions apply to the land. A clause to this effect has been included in the draft SEPP.

The recommendation from Council that all residential flat buildings and adaptive heritage development must have Panel review unless they go through an architectural design competition as is currently the case for any development of this kind in the CBD is noted. As the consent authority for future development applications Council will be responsible for assessment processes undertaken.

6.3 Biodiversity

6.3.1 Grey-headed Flying Fox camp

Issues raised

A Grey-headed Flying Fox camp is located along the Parramatta River at the south west of the Cumberland sub precinct as shown at Figure 21. The Grey-headed Flying Fox is listed as vulnerable under State and Federal legislation.

The NSW Office of Environment and Heritage raised significant concern that the proposal's proximity to the Grey-headed Flying Fox camp will create future conflict with residents. It advised that it does not consider that any development in close proximity to the camp is appropriate and recommended that the following buffer areas be established around the camp to minimise impacts on the species, as well as minimise noise and public health impacts for residents and users:

- a 20m buffer to commercial development
- a 50m buffer to residential development

Parramatta Council has also raised concern about the proximity of 3 proposed buildings to the Grey-headed Flying Fox camp and potential environmental health conflicts. It recommended that the proposed buildings be relocated away from the open space interface. In addition, Council requested that the Grey-headed Flying Fox colony be shown in the Natural Resources – Biodiversity map in the Local Environmental Plan, to ensure that future development is designed to avoid, mitigate and manage future impacts.

The Office of Environment and Heritage also noted that that exhibited documentation contained contradictory information about a shared pathway. Section 4.1 of the Ecological Management Plan states that the shared pathway will be constructed outside the Grey-headed Flying Fox camp boundary, however Figure 16 of the Planning Report shows a proposed shared way through the Grey-headed Flying Fox camp. The Office of Environment and Heritage has recommended that no pathways are constructed in this area.

In response and following discussions with the Department, UrbanGrowth NSW deleted 3 buildings proposed to be located within the Grey-headed Flying Fox camp or within the 20m and 50m buffers of the camp.

Department's response

The Department carried out a site inspection which confirmed that the location of the Grey-headed Flying Fox camp may pose noise and public health impacts for future residents and users. The Department also prepared an analysis of the impacts of the buffer areas recommended by Office of Environment and Heritage (Figure 21). It subsequently met with UrbanGrowth NSW to reiterate the concerns raised by the Office of Environment and Heritage and recommended that 3 buildings proposed to be located within the Grey-headed Flying Fox camp or within the 20m and 50m buffers of the camp should be deleted. The Department therefore supports the response to submissions by UrbanGrowth NSW to delete 3 buildings proposed to be located within the camp or buffers.

It is noted that very minor elements of 2 proposed buildings will remain within the 50m buffer recommended by the Office of Environment and Heritage for residential development. The Department considers that buildings within the 20 - 50 metre buffer could create conflicts with the Grey-headed Flying Fox camp, but that these matters can be addressed at the detailed design stage. Further, in finalising the Development Control Plan amendment for the site Council could include provisions relating to the siting of residential development, including the need for a 50 metre buffer or for appropriate design responses for residential development within 20 – 50 metres of the camp.



Figure 21 Grey-headed Flying Fox colony and buffer areas

The Indicative Layout Plan does not show pedestrian and cycle paths through the Grey-headed Flying Fox camp. The proposed foreshore pathway deviates away from the foreshore and through the residential area before reconnecting to the foreshore within Parramatta Park. Details of the locations of pathways can be resolved through the finalisation of the amendments to Council’s Development Control Plan.

It is recommended that the camp be zoned RE1 Public Recreation where it is not impacted by existing buildings. In some areas the width of the RE1 Public Recreation zone proposed by UrbanGrowth NSW for the foreshore would increase. It is also recommended that that extent of the camp within the Cumberland sub-precinct be shown on the Natural Resources – Biodiversity map in Council’s Local Environmental Plan so that the existing clause 6.4 Biodiversity Protection applies to the area. This will ensure that impacts on the camp are considered prior to any development approval within the area. An amended Natural Resources – Biodiversity map has been prepared as part of the State Environmental Planning Policy amendment.

6.3.2 Micro-bats

Issues raised

The NSW Office of Environment and Heritage noted that surveys undertaken for threatened microbats did not include surveys of buildings which can occasionally be used by microbats as roosts. The Office of Environment and Heritage advises it will be important that thorough surveys are undertaken by a suitably qualified ecologist prior to destruction of any buildings that contain roosts.

Department's response

The Response to Submissions report prepared by UrbanGrowth NSW did not address the Office of Environment and Heritage comments regarding surveys for threatened microbats.

However, the Department considers that in finalising the Development Control Plan amendment Council could include requirements for identification and survey of roosts and associated management arrangements during demolition.

6.3.3 Asset Protection Zones

Issues raised

The Office of Environment and Heritage noted UrbanGrowth NSW' Planning Report suggests that Asset Protection Zones will not be required between areas of existing and regenerated River-flat Eucalypt Forest and development areas. It recommends that if an Asset Protection Zone is required in the future an assessment will need to be undertaken of the impact of the creation and maintenance of the Zone, on the regenerated River-flat Eucalypt Forest and potentially the Grey-headed Flying Fox camp.

Department's response

The advice of the Office of Environment and Heritage is noted. The Rural Fire Service was consulted in relation to the proposal, but did not provide any comments. *Planning for Bushfire Protection 2006* outlines the bushfire protection measures required for development of land designated as a Bushfire Prone Area, including requirements for Asset Protection Zones. No Bushfire Prone Areas have been identified within the Parramatta LGA, accordingly it is considered that an Asset Protection Zone would not be required. However, should the need arise for an Asset Protection Zone, impacts on threatened species would be required to be considered as part of the associated subdivision or development application.

6.4 Sport and Leisure Sub Precinct

6.4.1 Land use conflicts

Issues raised

Concerns were raised by Parramatta Council and the EPA that the proposed B4 Mixed Use zone along O'Connell Street adjacent to Parramatta Stadium would allow for residential uses, which could result in land use conflicts with the adjoining Parramatta Stadium. In particular, the EPA recommended that noise testing be undertaken to understand the potential for land use conflicts.

In response UrbanGrowth NSW proposed prohibiting residential uses in the Sport and Leisure sub precinct.

Department's response

See 6.4.3 Parramatta Pool and Stadium below.

6.4.2 Heritage

Issues raised

The Heritage Council of NSW recommended that any proposal for the Sport and Leisure sub precinct should include a detailed heritage led master plan which takes into consideration the significant views from Old Government House and Domain.

In addition, as discussed previously in Section 6.1.5 World Heritage Values, the Federal Department of Environment, National Trust of Australia and a number of public submissions raised concern about impacts on the view lines and values of the World Heritage Listed Old Government House and Domain.

In response UrbanGrowth NSW advised that the height of the proposed building envelopes is commensurate with Parramatta Stadium and will comply with the existing draft Development Control Plan controls prepared in response to the World Heritage listing of Old Government House and Domain.

Department's response

See 6.4.3 Parramatta Pool and Stadium below.

6.4.3 Parramatta Pool and Stadium

Issues raised

Public submissions raised concern that the proposal seeks to locate new buildings in the existing location of the Parramatta Pool, and would result in the loss of this facility. Parramatta Council noted that any relocation of the swimming pool would require significant public consultation and substantial non-council funding by the NSW Government or developers. Council noted that the proposal does not put forward any such funding arrangement.

Parramatta Council acknowledge that commercial uses to compliment the Parramatta Stadium may be appropriate, but that further consideration is required to identify the appropriate types of development and activity in this area, and the zoning and built form controls that would be required. Council considers that this should be undertaken through a master plan for the Sport and Leisure sub precinct.

Department's response

As discussed in Section 6.1.5 World Heritage Values, it was agreed with UrbanGrowth NSW that the number and combination of issues raised about the Sport and Leisure sub precinct warrant a separate master plan to explore these issues and determine appropriate future land uses. The Sport and Leisure sub precinct has therefore been removed from the rezoning proposal, and accordingly the impacts of development within this sub precinct have not been considered further in this assessment.

6.5 Land subject of Aboriginal land claim

Issues raised

On 13 March 2015 the Deerubbin Local Aboriginal Land Council wrote to the Premier advising that the Land and Environment Court made orders on 23 December 2014 for the transfer of the

Parramatta Gaol site and surrounding land to the Deerubbin Local Aboriginal Land Council by 23 December 2016.

The Land Council noted that the Parramatta Gaol site and surrounding land to be transferred to the Land Council was removed from the exhibited plan, despite the Land Council's request that it be included.

The Land Council advised that it is not in a position to progress development of the Parramatta Gaol site and surrounding land without support and would like to work with the NSW Government to explore options for development of its land.

Department's response

As discussed in Section 6.1.4 Linen Service Land it is recommended that this land be removed from the rezoning proposal to allow additional investigations to be undertaken to determine the most appropriate future use of the land.

The Linen Service land is adjacent the Parramatta Gaol site and surrounding land to be transferred to the Deerubbin Local Aboriginal Land Council. It is recommended that any future rezoning proposal for the Linen Service land should be undertaken by UrbanGrowth NSW in partnership with the Deerubbin Local Aboriginal Land Council as a second stage to this initial rezoning proposal to ensure a co-ordinated approach for the Deerubin land.

6.6 Loss of Public Land

Issues raised

A number of submissions, mainly form submissions, raised concern that the land has predominantly been public land since early European settlement and its continued management and control should remain as an integrated precinct managed by a single government agency. Other submissions simply stated that the site should not be sold for profit.

In response, UrbanGrowth NSW advises that a policy decision of the NSW Government has been made to pursue the renewal of the area to provide for the protection and re-use of the significant buildings as the means to ensure their long term survival and appreciation.

Department's response

The subject of this assessment is the proposed rezoning of the land. The considerations and decisions of land owners regarding the ownership of their land are not legal considerations of rezoning proposals.

6.7 Transport, Traffic and Car parking

6.7.1 Transport and Traffic

Issues raised

A number of public submissions raised concern about potential transport and traffic impacts. Areas of concern include the proposed light rail connection and how it will service the area, construction traffic, pedestrian and bicycle connectivity, and access and safety.

One of the main concerns related to the disruption of traffic flow due to the projected increase in residents and visitors to the area. Accessibility was seen as a major element to assist in controlling traffic flow and it was suggested that pedestrian and cyclist accessibility should be prioritised. Submitters suggested that pedestrian and cyclist links should be provided along the Parramatta River

foreshore and from Parramatta train station in order to promote connectivity and enable its users to easily access destinations such as the Parramatta Wharf near Phillip Street and the local train station.

Parramatta Council suggested that vehicle access should be constrained, whereby vehicular exits from the site are limited to ensure that excess vehicles leaving the site are stored within the site rather than queuing on main roads. Council noted that this strategy needs to be supported by public transport improvements.

Council also raised a number of concerns about the local road upgrades identified to support the proposal and regarding the adequacy of traffic modelling carried out by UrbanGrowth NSW.

Transport for NSW advised that it is supportive of the proposal which links and enhances the urban connection from the Parramatta CBD to Westmead consistent with the policy direction of *A Plan for Growing Sydney*. Transport for NSW noted that the traffic assessment recognises that an impact will occur on the transport network from the proposal and identifies a range of possible mitigation measures.

Transport for NSW proposes to continue to work with UrbanGrowth NSW and Parramatta Council to refine the proposed mitigation measures to ensure they are consistent with the outcomes of studies being undertaken for the locality. Transport for NSW therefore recommends that prior to the lodgement of any development application for the project:

- UrbanGrowth NSW prepare a Transport Management and Accessibility Plan (TMAP) that identifies the scale, feasibility and timing of the mitigation measures proposed
- UrbanGrowth NSW, Parramatta Council and Transport for NSW agree on the full extent of works to mitigate the development impact on the local and regional transport network
- UrbanGrowth NSW develops a funding strategy as part of a planning agreement lodged with Department of Planning and Environment, agreed to by Transport for NSW that outlines the cost and responsibility for delivery of all transport and infrastructure works related to the proposal
- UrbanGrowth NSW develop a funding strategy that is endorsed by Cabinet outlining the cost and responsibility for delivery of all transport and infrastructure works related to the proposal.

UrbanGrowth NSW has responded by amending the Schedule of Actions to include the following undertaking:

- Following publication of the Parramatta North Urban Transformation SEPP UrbanGrowth NSW undertakes to commence a TMAP process in partnership with Transport for NSW.

With regards to the requirement to prepare a funding strategy, UrbanGrowth NSW has responded that Transport for NSW manages the identified arterial roads and accordingly management of budget responsibilities should rest with Transport for NSW.

Department's response

The Department supports preparation of a TMAP prior to the lodgement of development applications to resolve traffic mitigation measures, and notes that UrbanGrowth NSW has committed to undertake this work.

The Department has also prepared an Infrastructure Schedule outlining infrastructure works required to be carried out to support the proposal (Appendix C). For transport this includes a requirement that prior to any development approval, UrbanGrowth NSW formalise agreements with Transport for NSW and Parramatta Council for contributions towards transport infrastructure to mitigate impacts on the local and regional transport network. Further, the Infrastructure Schedule requires UrbanGrowth NSW to coordinate approvals and construction of new streets and pedestrian/cycleways to facilitate development.

The Department considers that Parramatta Council's concerns about the local traffic upgrades and traffic modelling would be addressed through the preparation of the TMAP, and the requirements outlined in the Infrastructure Schedule.

It is also noted that the Government has committed to building a new light rail line for Parramatta and Western Sydney. To date 4 proposed routes have been shortlisted and are being investigated by Transport for NSW. If the final route passes the North Parramatta Urban Renewal Area it will offer significant transport benefits for the proposal. Implications of a confirmed route can be considered during the TMAP process.

6.7.2 Car parking

Issues raised

A number of submissions raised concern regarding the lack of parking provisions made for the site as a whole. Given the expected influx of residents and visitors to the area, many stated that there were unrealistic suggestions that private car usage will decrease due to the improvements of public transport outcomes.

Concern was also raised that basement parking would not be suitable because of flooding, water table and archaeological constraints, resulting in pressure for building heights to be increased further to accommodate above ground car parking.

Department's response

Car parking rates are established under the *Parramatta Development Control Plan 2011*. Appropriate car parking rates for the site would need to be determined through the finalisation of the Development Control Plan amendments, however it is noted that UrbanGrowth NSW has not sought to vary the rates which currently apply under *Parramatta Development Control Plan 2011*.

The draft State Environmental Planning Policy establishes maximum height and floor space ratio controls, which if approved would become statutory requirements under the *Parramatta Local Environmental Plan 2011*. Any variation to these controls would be subject to the provisions of the LEP. Alternatively an additional amendment to the LEP would be required with associated consultation and assessment processes.

6.8 Consultation

6.8.1 Public exhibition period

Issues raised

A number of submissions, including form submissions, raised concern that the length of the public exhibition was inadequate, particularly considering the complexity of the information being exhibited. Submissions also raised concern that public exhibition occurred too close to the Christmas holiday period.

Department's response

The Department's standard exhibition period for State significant site rezoning proposals is 4 weeks, which is considered sufficient to allow review of the proposal and preparation of a submission. The rezoning proposal was publicly exhibited from 19 November to 19 December 2014.

The Department recognises there are issues regarding publicly exhibiting proposals over the Christmas holiday period and so implements a policy each year that ceases or extends public

exhibitions to account for the holiday period. Noting that exhibition ended on 19 December, State agencies, Council and any concerned members of the public were advised that submissions could be made in early January to ensure detailed consideration during the assessment process, and given the public interest that submissions could also be made up until a recommendation was made by the Department to the Minister.

Standard departmental policy was followed and given that stakeholders were able to make submissions following closing of the formal public exhibition period it is considered that the length of the exhibition period was satisfactory.

6.9 Open space

Issues raised

A number of public submissions raised concern that the proposal would reduce the amount of public open space, while increasing the number of residents in the locality. Parramatta Council also felt that the proposed retention of the B4 Mixed Use zone along the Parramatta River foreshore and for proposed open spaces was inappropriate, and that these areas should be reserved for a public purpose through appropriate zones. Council recommended that these areas be zoned RE1 Public Recreation and that the riparian corridor zone width be between 30-40m.

In response UrbanGrowth NSW noted that the land is currently in public ownership via numerous State government agencies, however public access to the majority of the area is restricted. Further, it noted that, the proposal seeks to open the site to the public through the provision of a new road and open space network.

In response to Council's concerns about the appropriate zoning of proposed open spaces UrbanGrowth NSW revised that land zoning map so that the five nominated open space areas are proposed to be zoned RE1 Public Recreation. UrbanGrowth NSW also confirmed in writing to the Department that open spaces would be dedicated at nil cost to Parramatta Council.

Department's response

The Department considers that the proposed rezoning would not result in loss of open space, as the majority of the Cumberland sub precinct does not currently function as open space.

The proposed rezoning would result in 5.7 hectares of land being identified for future open space, being approximately 21% of the land recommended to be rezoned. This is considered to be an appropriate level of provision and is higher than the following comparable urban renewal areas around Sydney:

- Wentworth Point – 14%
- Rhodes – 18%
- Victoria Park, Zetland – 10%
- Former ACI site, South Dowling Street – 13%

It is also noted that the site has access to extensive open space within the nearby Parramatta Park.

The open space adjacent to the Parramatta River provides a foreshore buffer which is predominantly 30 metres in width, only reducing in width around an existing building.

It is also noted the zoning proposed by UrbanGrowth NSW has been amended to include the Grey-headed Flying Fox Colony within the RE1 zone where it is not impacted by existing buildings. This is discussed further in Section 6.3.1.

6.10 Local and regional infrastructure

Issues raised

Public submissions raised concern that existing local facilities and services within the area would be inadequate to support the increased population, and that additional facilities would be required, including community facilities and schools.

Parramatta Council also noted that a Community Needs and Impact Assessment is required in accordance with Council's Social Impact Assessment Guidelines to identify impacts on community infrastructure and need for additional facilities.

The Department of Education and Communities advised that the development may require provision of a new primary school within or adjacent to the Parramatta North Urban Renewal Area, and that it will continue to work UrbanGrowth NSW in this regard.

Department's response

Local infrastructure includes open space, community facilities, roads and drainage. The provision of open space is discussed in Section 6.9 Open Space where it is noted that UrbanGrowth NSW have committed to transferring all open spaces to Parramatta Council at nil cost.

The need for community facilities, local roads and drainage is acknowledged. Council's section 94A plan will apply and guide future needs for local infrastructure to be provided for through development contributions.

The Department acknowledges the likely need for a Government primary and secondary school to support the future population of the Parramatta North Urban Renewal Area. It is noted that on 16 June 2015 NSW Education Minister Adrian Piccoli announced that 3 new schools will be built in Parramatta catering for up to 4,000 students. The Department supports the continued liaison between Department of Education and Communities and UrbanGrowth NSW regarding the provision of education facilities to meet the needs of the future population. This ongoing work is acknowledged in the Infrastructure Schedule provided at Appendix C.

6.11 Affordable Housing

Issues raised

A number of submissions, including from Parramatta Council, Department of Family and Community Services, affordable housing service providers including St George Community Housing and Shelter NSW as well as public submissions raised concern that the proposal did not make provision for affordable housing. A number of the submitters requested that a target be set and that a clause setting the target be inserted into the *Parramatta Local Environmental Plan 2011*.

In response, UrbanGrowth NSW has proposed an affordable housing target of 3% of the total development yield and has included this in its revised Schedule of Actions.

Department's response

Action 2.3.3 of 'A Plan for Growing Sydney' seeks to deliver more opportunities for affordable housing. It states that the government will provide affordable housing in Government-led urban renewal projects and on Government – owned sites to meet the shortfall in affordable housing.

UrbanGrowth NSW responded to concerns raised in submissions proposing a rate of 3% affordable housing across the Parramatta North Urban Renewal area. In the absence of a formal State policy on affordable housing, the provision of 3% of dwellings across the Parramatta North site is noted to be equivalent to that presently prevailing across metropolitan Sydney.

The Infrastructure Schedule at Appendix C also includes a requirement that UrbanGrowth NSW develop a strategy to deliver affordable housing within the site, including appropriate timing and mechanisms. As a minimum the strategy is to require 3% of the total residential development yield to be provided as affordable housing.

6.12 Flooding and land contamination

6.12.1 Flooding

Issues raised

In its submission the NSW Office of Environment and Heritage recommended that a flood assessment should be undertaken in consultation with Parramatta Council. It recommended that the assessment should include:

- The impact of flooding on the proposed development and any flood risk to people and property for the full range of floods up to the probable maximum flood, including cumulative impacts
- Details of the drainage associated with the proposal
- An assessment of any impact of the proposed development on flood behaviour and the impact of the proposed development on adjacent, downstream and upstream areas
- An assessment of the impacts of earthworks and filling of land within the proposed development
- A detailed emergency response plan for floods up to the probable maximum flood level.

Parramatta Council's submission also raised the need to undertake flood modelling and ensure the design of future buildings provides for flood resilient properties.

In response, UrbanGrowth NSW advised that future development applications will address Parramatta City Council's flood risk management requirements. Further it advised that the original assessment by Hyder Consulting identified that the contemplated future development of the site is capable of complying with the relevant assessment requirements.

Department's response

Investigations have been carried out on behalf of the UrbanGrowth NSW by Hyder Consulting to identify flooding constraints at Parramatta North. These investigations note that the *Upper Parramatta River Catchment Floodplain Risk Management Plan* shows that the 1% Annual Exceedance Probability Event (100 year flood level) is largely contained within the banks of the Parramatta River in this location, however the probable maximum flood level extent encompasses most of the site.

The Department considers that, given the site is largely above the 100 year flood level that it is appropriate that more detailed flood assessment be carried out following rezoning to support future development applications. Further consideration of flood hazards is required under the *Parramatta Local Environmental Plan 2011* for land below the flood planning level being the 100 year flood level plus 0.5 metre freeboard. It is recommended that Council in finalising its Development Control Plan require UrbanGrowth NSW to provide mapping of the 100 year flood level plus 0.5 metre freeboard as it relates to the Parramatta North Urban Renewal Area to ensure the appropriate continued consideration of flood hazard for the land.

6.12.2 Land contamination

Issues raised

Parramatta Council advised that a Stage 2 Detailed Investigation must be undertaken prior to any redevelopment of the site to characterise and quantify the extent of contamination. Further Council requested that mechanisms be included in the LEP and/or DCP to ensure these investigations and any necessary remediation occurs.

The EPA recommended that a Contamination Land Assessment be carried out as part of any land use change process to inform future land use.

Department's response

SEPP 55 – Remediation of Land requires consideration of contamination issues when rezoning land. If a rezoning allows a change of use that may increase the risk to health or the environment from contamination, then the planning authority must be satisfied that the land is suitable for the proposed use or can be remediated to make it suitable. If remediation is necessary, the planning authority must be satisfied that suitable planning controls are in place to ensure that this occurs.

The vast majority of the land is already zoned for mixed use or residential purposes, hence a change of use for sensitive activities such as residential uses is not proposed in these areas. The exception is two areas of land at the north of the site which are currently zoned B6 Enterprise Corridor and are proposed to be rezoned B4 Mixed Use. The B4 Mixed Use zone permits a range of sensitive uses not permitted under the B6 Enterprise Corridor such as boarding houses, child care centres, educational establishments and residential accommodation.

As required under SEPP 55, a Stage 1 Preliminary Investigation was undertaken by JBS&G on behalf of UrbanGrowth NSW as part of the State significant site study to determine if there is any contamination on the site.

With regards to the land proposed to be rezoned from B6 Enterprise Corridor to B4 Mixed Use the following potential areas of environmental concern were found from history review and field observations:

Table 6 Potential Areas of Environmental Concern

Area of Environmental Concern
130 O'Connell Street
Historical filling of various site sections to create existing levels, possibly including backfilling of former surface water drainage channel with fill material of unknown origin
Impacts associated with hazardous building materials from former site buildings including the tennis shed and existing building materials
Impacts associated with material stockpiles of unknown origin and dumped rubbish in the east and south-east of the site
Potential mitigation of contamination onto the site from adjoining commercial/industrial properties including those with USTs and current vehicle maintenance operations

The preliminary assessment identified that potential contamination is unlikely to be of a scale or occurrence that common remediation and/or management techniques could not render the site suitable for the proposed uses. As such, the report concluded the potential for contamination to occur at the site is considered not to represent a significant barrier to the future development. The

preliminary assessment recommended that intrusive sampling to target areas of concern be completed in a staged manner as part of future development.

The Department and EPA's joint 'Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land' identifies that a Stage 2 Detailed Investigation is only necessary when a preliminary investigation indicates that the land is contaminated or that it is, or was formally used for an activity listed in Table 1 of the guideline and a change of use is proposed that has the potential to increase the risk of exposure to contamination.

Given that the preliminary assessment identified that potential contamination is unlikely to be of a scale or occurrence that common remediation and/or management techniques could not render the site suitable for the proposed uses a Stage 2 Detailed Investigation is not warranted at this time.

In considering future development applications for subdivision and other development, Council will be required to consider whether the land is contaminated, and if so, must ensure that it is appropriately remediated prior to development. This would mean that further investigations regarding potential contamination and appropriate remediation would be undertaken at the development application stage, consistent with the requirements of clause 7 of SEPP 55. Council can also include mechanisms for further investigation and necessary remediation in its Development Control Plan.

7 Conclusion

The Department has carefully considered the study, draft development control plan amendments issues raised in submissions and UrbanGrowth NSW's response to submissions. The Department supports most of the amendments proposed by UrbanGrowth NSW, but also consider that the following amendments are appropriate to mitigate potential impacts:

- Defer the Sport and Leisure sub precinct (around 34,000 sqm of mixed use floor space) from the proposal to allow for a master plan to be prepared to determine the most appropriate future use for the land. This would need to have consideration a range of issues including potential land use conflicts with Parramatta Stadium, impacts on heritage view corridors from Old Government House and Domain, and the future of the Parramatta Swimming Pool.
- Defer the NSW Linen Service land from the proposal, including proposed 8 storey building to the north of the Linen Service wall, (development block B - approximately 550 dwellings) to enable further consideration of the suitability of this land for residential uses given the presence 6-8 metre heritage walls.
- Reduce building heights and floor space potential in the block bounded by Fleet, Albert, O'Connell and Fennell Streets (development block H2-H5) to ensure an appropriate transition to the North Parramatta Conservation Area. The maximum building height opposite the Conservation Area would be reduced to 6 storeys, with the maximum overall height in this location 20 storeys. The floor space potential under the recommended FSR map would limit development within this area to predominantly 6-8 storeys with two towers of up to 20 storeys. The recommended changes would reduce the dwelling yield in this area from 1,190 dwellings, as exhibited, to 900 dwellings.
- Reduce the height of the proposed 30 storey building at the northern most part of the site fronting O'Connell Street to a maximum height of 66m (20 storeys) to allow for a building which transitions appropriately from Council's height controls for the CBD north, while providing for a landmark feature building at the entry to the site. However, the exhibited floor space potential in this area of the site (development block A1) would be maintained allowing up to 345 dwellings.
- Amend the area proposed to be zoned RE1 Public Recreation at the south of the Cumberland sub precinct adjacent to the Parramatta River to include the extent of the Grey Headed Flying Fox colony where it is not impacted by existing buildings and increase the width of the RE1 zone to 30m.
- Include the Grey Headed Flying Fox colony on the existing Natural Resources – Biodiversity map under the *Parramatta Local Environmental Plan 2011* to apply clause 6.4 Biodiversity Protection to this area.
- Include a design excellence clause within the *Parramatta Local Environmental Plan 2011* which is generally consistent with the provisions which currently apply to the Parramatta City Centre.

A table summarising the changes is provided at Appendix G and a community newsletter outlining the changes provided at Appendix H.

Draft documents have been prepared to amend the zones and controls which apply to the land by way of a draft State Environmental Planning Policy to amend the *Parramatta Local Environmental Plan 2011* that applies to the land.

The amended rezoning proposal has a number of benefits, including that it would:

- Support Parramatta CBD's development as Sydney's second CBD as envisaged by 'A Plan for Growing Sydney'.
- Support the preservation and adaptive re-use of heritage buildings that are of local, State and National significance.
- Facilitate the delivery of:
 - approximately to 3,000 new dwellings, including affordable housing at a minimum of 3% of the overall development yield
 - a village centre with 4,000 sqm of retail floor space
 - 5.7 hectares of open space including foreshore open space along the Parramatta River, a central open space in the location of the existing oval, and two smaller parks
 - improved connectivity and accessibility to destinations surrounding the site, including Parramatta Park, the Parramatta CBD and Westmead Health Precinct.

An Infrastructure Schedule has also been prepared to outline the infrastructure requirements to support the proposed development of the site, including local and regional road upgrades, affordable housing and open space (Appendix C).

Following detailed assessment and on balance, the Department supports the proposal, subject to imposition of appropriate controls on future development to be secured under the draft State Environmental Planning Policy and Infrastructure Schedule. A draft Development Control Plan amendment will be prepared, exhibited and adopted by Council to support the State Environmental Planning Policy.

The Department recommends that the Minister for Planning refers the draft State Environmental Planning Policy instrument to the Governor to be made.