



New South Wales

# **State Environmental Planning Policy Amendment (Parramatta CBD) (No 2) 2022**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP  
Minister for Planning

## **State Environmental Planning Policy Amendment (Parramatta CBD) (No 2) 2022**

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Parramatta CBD) (No 2) 2022*.

### **2 Commencement**

- (1) This Policy commences on the day on which it is published on the NSW legislation website, except as provided by subsection (2).
- (2) Schedule 1[7] commences on 30 June 2023.

### **3 Repeal of Policy**

This Policy is repealed at the beginning of the day after all the provisions of this Policy have commenced.

### **4 Maps**

The maps adopted by *Parramatta Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

## Schedule 1 Amendment of Parramatta Local Environmental Plan 2011

### [1] Clause 7.2 Definitions

Insert in alphabetical order in clause 7.2(1)—

*isolated site* means a site—

- (a) where amalgamation with adjoining sites is not—
  - (i) physically possible, or
  - (ii) reasonably feasible because of the nature of surrounding development, or
- (b) that has a reduced development potential because of its size, shape or location.

### [2] Clause 7.3 Floor space ratio

Omit clause 7.3(5).

### [3] Clauses 7.4A and 7.4B

Insert after clause 7.4—

#### 7.4A Additional floor space ratio—“Area 3” and “Area 5”

- (1) This clause applies to land in Parramatta City Centre identified as “Area 3” or “Area 5” on the Additional Local Provisions Map.
- (2) This clause applies to development involving the erection of a building on land to which this clause applies if the site area of the development is at least 1,800m<sup>2</sup>.
- (3) Development to which this clause applies may exceed the applicable FSR by up to—
  - (a) 2:1 for “Area 3”, and
  - (b) 4:1 for “Area 5”.
- (4) The additional GFA permitted in subclause (3) must be used for the purposes of commercial premises.
- (5) Development consent must not be granted for development to which this clause applies unless—
  - (a) the building uses the additional floor space ratio permitted under clause 7.13, and
  - (b) the site area has a footprint of at least—
    - (i) for a corner site with 2 street frontages—40m by 35m, or
    - (ii) otherwise—40m by 40m, and
  - (c) the footprint of each floor that is more than 105m above ground level (existing) is less than 40m by 40m, and
  - (d) the consent authority is satisfied of the following—
    - (i) the development will not adversely affect the historic streetscape of Church Street and George Street,
    - (ii) the development will transition in bulk and scale to neighbouring heritage items and heritage conservation areas,
    - (iii) the development will not result in a neighbouring site becoming an isolated site with an area of less than 1,000m<sup>2</sup>,

- (iv) if a heritage item is in the site area—the development involves the repair, restoration or reconstruction of the heritage item.
- (6) If development under this clause includes above ground car parking, the amount of gross floor area by which the development exceeds the applicable FSR must not be included when calculating the maximum number of car parking spaces under Division 4.

#### **7.4B Development control plan for “Area 3” and “Area 5”**

- (1) Development consent must not be granted for development to which clause 7.4A applies unless a development control plan has been prepared for the land.
- (2) The development control plan must provide for the following matters—
  - (a) the form and external appearance of the development with the aim of improving the quality and amenity of the public domain,
  - (b) minimising adverse impacts on view corridors,
  - (c) the suitability of the land for development,
  - (d) the existing and proposed uses of the land,
  - (e) heritage issues and streetscape constraints of the land, including scale, additional overshadowing, podium heights, tower setbacks and side setbacks between the development and adjacent heritage items,
  - (f) site amalgamation and avoiding the creation of isolated sites on adjoining sites,
  - (g) the bulk, massing and modulation of buildings,
  - (h) the location of the development, considering the need to achieve an acceptable relationship with other buildings on the same site or on neighbouring sites in terms of separation, setbacks, outlook, orientation, amenity and urban form,
    - (i) street frontage heights,
    - (j) maximising visibility of the sky from street level,
    - (k) environmental impacts, including sustainable design, overshadowing and solar access, visual and acoustic privacy, wind, noise and reflectivity,
    - (l) the principles of ecologically sustainable development,
  - (m) pedestrian, cycle, vehicular and service access and circulation, including the permeability of pedestrian networks,
  - (n) the impact on, and improvements to, the public domain,
  - (o) appropriate interfaces at ground level between the building and the public domain,
  - (p) excellence in and integration of landscape design,
  - (q) the incorporation of high quality public art into the fabric of buildings in public spaces,
  - (r) the impact on a heritage conservation area, including additional overshadowing,
  - (s) water sensitive urban design,
  - (t) the compatibility with the intended character of the area and the development’s contribution to the streetscape and sense of place within the area.

**[4] Clause 7.24 Commercial premises in Zone B4 Mixed Use**

Omit “land in Zone B4 Mixed Use identified on the Additional Local Provisions Area Map” from clause 7.24(2).

Insert instead “land identified as “Clause 7.24” on the Additional Local Provisions Map”.

**[5] Clause 7.24(4)**

Insert after clause 7.24(3)—

- (4) A building on land identified as “Area 1”, “Area 2”, “Area 3”, “Area 4” or “Area 5” on the Additional Local Provisions Map may exceed the maximum permissible FSR by up to 5% if the consent authority is satisfied of the following—
  - (a) the building will be used only for the purposes of commercial premises,
  - (b) the building will not use the additional floor space ratio permitted under clause 7.23,
  - (c) the development will incorporate water sensitive urban design.

**[6] Clause 7.25 Concurrence of Planning Secretary**

Omit “in Zone B3 Commercial Core” from clause 7.25(1).

Insert instead “on land identified as “Clause 7.25” on the Intensive Urban Development Area Map”.

**[7] Clause 7.25B**

Insert after clause 7.25A—

**7.25B Additional floor space ratio for “Area 2” and “Area 4”**

- (1) This clause applies to land identified as “Area 2” or “Area 4” on the Additional Local Provisions Map.
- (2) This clause applies to development involving the erection of a building on land to which this clause applies if the site area of the development is at least 1,300m<sup>2</sup>.
- (3) A building on land in “Area 2” may exceed the applicable FSR permitted for the land by 3.5:1 if the building is not more than 25m wide when viewed from Parramatta River.
- (4) A building on land in “Area 4” may exceed the applicable FSR permitted for the land by 2.5:1 if the building, when viewed from Parramatta River, is not more than—
  - (a) 25m wide, or
  - (b) if the development site includes land at 78–82 Phillip Street—30m wide, or
  - (c) if the development site includes land at 90–94 Phillip Street—35m wide.
- (5) If a building resulting from development to which this clause applies uses the additional floor space ratio permitted under subclause (3) or (4), the maximum height for the building may exceed the maximum permissible HOB by 13m, in addition to the additional height permitted under clause 7.13.
- (6) Development consent must not be granted for development to which this clause applies unless—

- (a) the building uses the additional floor space ratio and height permitted under clause 7.13, and
- (b) the building uses the additional floor space ratio permitted under clause 7.23, and
- (c) a development control plan has been prepared for the land to which this clause applies that provides for the following—
  - (i) pedestrian and through site links,
  - (ii) setbacks from Parramatta River and adjoining sites,
  - (iii) building pedestal controls,
  - (iv) car parking design requirements,
  - (v) building envelope and built form controls,
  - (vi) servicing arrangements, and
- (d) the consent authority is satisfied the building will transition in bulk and scale to neighbouring heritage items and heritage conservation areas.

**[8] Clause 8.1 Arrangements for designated State public infrastructure**

Omit the definition of *Intensive Urban Development Area Map* from clause 8.1(4).

**[9] Dictionary**

Insert in alphabetical order—

*Intensive Urban Development Area Map* means the Parramatta Local Environmental Plan 2011 Intensive Urban Development Area Map.