

PLANNING PROPOSAL - REZONING OF 2 MORTON ST, PARRAMATTA

Part 1 - Objectives or intended outcomes

The purpose of the Planning Proposal is to rezone land at 2 Morton Street, from its current *4 Employment* and *9A Open Space (Proposed)* zoning under Parramatta Local Environmental Plan (LEP) 2001, to a predominantly high density residential use, with a component of mixed use, foreshore open space and waterways. This Planning Proposal is in accordance with previous decisions of Council on 23 March 2009 and 19 October 2009.

A land application map is shown in the attachments.

Part 2 - Explanation

Amendments to Parramatta LEP 2001 are required as follows:

1. Land Zoning - to provide for high density residential, mixed use business, public open space and natural waterways zones on the site in accordance with the proposed zoning map (attached).
2. Height - to provide a maximum height of 40 metres within the proposed high density residential and mixed business zones in accordance with the proposed height map (attached).
3. Floor Space Ratio - to provide a maximum FSR of 1.2:1 within the proposed high-density residential and mixed business zones in accordance with the proposed FSR map (attached).
4. That riparian corridors and significant vegetation, as identified by attached map, is a consideration in the assessment of a development application/s for this site.

Part 3 - Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

A number of significant steps in the strategic planning and rezoning process have occurred, these include:

1. Adoption by Council of a *Residential Development Strategy* for the Parramatta Local Government Area (LGA) in 2005 which identifies the site as a 'special site' for higher density residential development;
2. Release of the *Metropolitan Strategy* by the Department of Planning (DoP) in December 2005, includes the site as part of the *Parramatta City Corridor* and identifies it for urban renewal;
3. Adoption by Council of the *Morton Street Structure Plan* in September 2006 which includes the site for redevelopment for predominantly high density residential redevelopment. This structure plan was also independently reviewed

4. The preparation and release for public information of a draft comprehensive LEP for the whole of the Parramatta LGA which proposes the rezoning of the site for predominantly high density residential development; and
5. The submission by Council of its draft comprehensive LEP to the DoP seeking approval to commence the formal public exhibition process.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is a better means of achieving the objectives and intended outcomes for the 2 Morton Street site than waiting for the Council's draft comprehensive LEP to be gazetted.

3. Will the net community benefit outweigh the cost of implementation and administering the planning proposal?

The Planning Proposal will result in improvements to the urban environment and public domain by facilitating development of a new residential development mixed with employment space and a significant foreshore park, that will:

- Improve the urban form and amenity of the locality with high quality well designed urban housing that will address the important river frontage and high quality architectural design at the gateway to the CBD and include local provisions within the LEP to require design excellence;
- Add to the diversity of new housing in the locality with new residents able to support local businesses, and new employment floor space generating employment and the provision of new goods and services for local residents; and
- Meet contemporary standards of environmental performance, particularly with regard to building materials, energy efficiency, water conservation, and waste management, thereby improving on the current inefficient building stock.

The Morton Street Structure Plan and the draft DCP are the result a series of studies and investigations undertaken to determine an appropriate built form for the site that will not have any unreasonable impact on adjacent properties, and which can provide an attractive urban form that is sensitive to its foreshore location. It is important to acknowledge that the maximum proposed FSR for the site does not allow for the maximum height limit of 40 metres to be 'built to' across the whole of the site.

There is a net community benefit because this rezoning will make an important contribution to Council's housing targets, as required by the Metropolitan Strategy. It will also provide greater housing choice on the edge of the Parramatta CBD and through the negotiation of a voluntary planning agreement, result in the embellishment of open space along part of the Parramatta foreshore.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is consistent with the strategic directions in the metropolitan strategy and draft subregional strategy in providing for:

- Development of homes and jobs along the Parramatta River and in close proximity to the Parramatta CBD in densities appropriate to their access to employment, services and public transport, thereby assisting in sub-regional housing and employment targets;
- Parkland areas that will cater for families and larger groups.

The Draft West Central Subregional Strategy identifies the site as within:

- the regional centre of Parramatta which is designated for a strengthened role through revitalising office, retail, public spaces and residential;
- in close proximity to the University of Western Sydney, Parramatta campus which is identified as a key asset and driver and where future strategic planning and improvements should be undertaken.

The Planning Proposal is consistent with these components of the subregional strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with Council's strategic plan known as Parramatta 2025. Parramatta 2025 plans for the concentrated growth of housing around public transport and activity nodes rather than dispersed growth throughout the LGA. This philosophy has been implemented through Council's Residential Development Strategy, which identified 2 Morton Street has an area suitable for increased density given its proximity to the Parramatta CBD, University of Western Sydney, and transport nodes.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The following State Environmental Planning Policies are relevant to the planning proposal (Table 4):

Table 4 – Compliance with relevant SEPPs

SEPP	Requirement	Planning Proposal	Comply
SEPP 32 – Urban Consolidation	The Minister must, when considering the making of environmental	The planning proposal is consistent with SEPP 32 in providing the opportunity for the	Yes

SEPP	Requirement	Planning Proposal	Comply
	planning instruments relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.	development of additional multi-unit housing in an area where there is existing public infrastructure, transport and community facilities, close to employment, leisure and other opportunities.	
SEPP 55 – Remediation of Land	When carrying out planning functions under the Act (including undertaking LEP amendments), SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.	Council has considered the potential for contamination of the site as part of its preparation of the draft comprehensive LEP.	Yes
SEPP (Infrastructure) 2007	The relevant matters for consideration include the requirement to refer a Development Application to the RTA on the basis that the proposal will contain more than 300 dwellings (Schedule 3).	It is proposed that further traffic assessment be undertaken following LEP Gateway determination.	Yes
SEPP 65 – Design Quality of Residential Flat Development	This Policy aims to improve the design quality of residential flat development in New South Wales.	Detailed compliance with SEPP 65 will be demonstrated at the time of making an application for development.	Yes
SEPP (BASIX) 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme	Detailed compliance with BASIX will be demonstrated at the time of making an application for development.	Yes

SEPP	Requirement	Planning Proposal	Comply
	throughout the State.		
SEPP (Major Development) 2005	Specifies that residential, commercial or retail projects with a capital investment of more than \$100 million are Part 3A projects.	The future development of the site will be subject to Part 3A due to the capital investment value of the project.	Yes
SREP (Sydney Harbour Catchment)	The SREP now has the status of a deemed SEPP. The SREP aims to: protect the health of the catchment; protect the operation of any natural drainage systems; protect and enhance the visual quality of the river; protect foreshore access to the waterways; provide suitable management of water quality and management of urban run-off.	The Planning Proposal is consistent with this policy in that: Environmental impacts of the development will be suitable managed in the future application; The Structure Plan and draft DCP controls seek to encourage superior urban design that is compatible with the river location. Public access to the foreshore is enhanced and encouraged via the creation of a new foreshore park including pedestrian and cycle links.	Yes

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The S.117 Directions issued by the Minister for Planning on the preparation of Local Environmental Plans that are relevant to new Planning Proposal lodged under the LEP Gateway are addressed in the Table 5 below.

Table 5 – Compliance with relevant Section 117 Directions

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
1.1 Business and Industrial Zones	A draft LEP shall retain the areas and locations of existing business and industrial zones. A draft LEP may be	In this instance, the reduction of industrial lands was justified by way of the Residential Development Strategy	Yes (Justified)

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
	inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning based on one or more grounds contained within the Circular.	which considered the reduction of industrial lands in the LGA and which fed into the draft comprehensive LEP which seeks to rezone the site.	
2.3 Heritage Conservation	Planning proposal must facilitate conservation of places of heritage significance	Site has a heritage listed item being foreshore wetlands. These will be conserved in redevelopment.	Yes
3.1 Residential Zones	Planning proposal must broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, reduce consumption of land on the fringe, and be of good design.	Planning proposal gives new opportunity for development to provide more housing choices, efficient use of infrastructure and services, direct some demand for housing away from the fringe, and provide good urban design to improve the locality.	Yes
3.4 Integrating land use and transport	Planning proposal must be consistent with DUAP publications "Improving Transport Choice" and "The Right Place for Business and Services".	Planning proposal is consistent with these documents in providing opportunity for development of new residential units and employment space on the edge of Parramatta CBD in an area well served by existing infrastructure, transport and services.	Yes
4.1 Acid Sulfate Soils	The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the	Acid sulphate soils analysis has conclude a low probability of acid sulphate soils occurring within the developable portion of	Yes

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
	Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.	the site. Planning proposal has incorporated Acid Sulfate Soils Map and model provision.	
4.3 Flood Prone Land	Planning proposal must be consistent with the NSW Government's Flood Prone Policy and the principles of the Floodplain Development Manual 2005, and the provisions of an LEP on flood land is to be commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	Previous flood studies / investigations have concluded that high-density development of No 2 Moreton Street is sustainable and appropriate.	Yes
6.2 Reserving Land for Public Purposes	Planning proposal (where relevant) is to facilitate the provision of public services and facilities by reserving land for public purposes.	Proposal does not reduce area of land reserved for public purposes and indeed improves the utilisation of this land adjoining the foreshore.	Yes
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The provision of LEP zoning, height and FSR standards accompanied by draft DCP controls (not referenced to a particular scheme) is not considered to be particularly restrictive and therefore consistent with this Direction.	Yes

Section C – Environmental, social and economic impact

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

Given the investigations to date it is considered that there is no critical habitat, and no threatened species, populations or ecological communities or their habitats on the site, and none that are likely to be significantly impacted by the redevelopment of the site.

The Parramatta River wetlands are to be conserved and protected using appropriate zones. A portion of this land will be dedicated to Council and held in public ownership as a community asset. The details of the land to be dedicated is subject of a voluntary planning agreement.

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

Detailed technical investigations undertaken to date support development of the site in the manner proposed in terms of its urban capability. Further resolution of flooding and traffic issues is required. These environmental constraints are not of a nature so as to preclude the proposed change of land use.

However, a watercourse does exist for a portion of land fronting the river. This is identified in attached map. Council has resolved to protect and enhance the ecological and scenic values of this riparian corridor from future development. Under draft Parramatta Principal LEP, a zone has been applied to waterways located on public owned land (W1 waterways zone) to achieve this outcome. This zone has been tailored to protect and enhance the ecological and scenic values of this important riparian corridors. It is also reinforced by a local provision clause. This clause ensures that the protection of riparian corridors and significant vegetation is a consideration in the assessment of a development application. The intent and purpose of these provisions, in the draft Principal LEP, also need to be reflected in this spot rezoning.

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

The planning proposal will deliver:

- Consistency with urban renewal and urban consolidation objectives, as well as the provision of increased housing supply and housing choice.
- Monetary contributions, works in kind, dedication of land and material benefits through a VPA.

In accordance with sound planning goals and aspirations, the proposal will provide access to convenient public transport, encourage walking and cycling thereby reducing dependence on private vehicles, maintain the natural environment of the

foreshore and the heritage listing of its vegetation and enhance and provide improved access by the community to public open space.

The planning proposal to rezone this land, along with other planning controls (i.e – FSR, height and DCP controls) can generate a significant increase in residential development on the fringe of the Parramatta City CBD (in excess of 500 new dwellings). This increase will contribute to a broader strategic vision for the CBD to strengthen Parramatta as a Regional City and second CBD by providing more residential development in an areas where there is a concerted effort to expand its employment capacity and commercial space to accommodate 69,000 employees by 2031, an increase of 43%.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The existing infrastructure in the Parramatta CBD has the capacity to accommodate development on the site, subject to extension and augmentation at the detailed application stage.

The development is in close proximity to the Parramatta CBD, Rydalmere Station and access the bus routes along Victoria Road. It is in proximity of the proposed Sydney West Metro Station in proximity to Camellia/James Rude Drive. It is in the interest of the State Government to intensify residential development in close proximity to these stations and thereby increase viable patronage of this significant infrastructure project.

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

As part of the rezoning planning process for the Principal LEP, Parramatta Council has consulted with a range of government agencies that are relevant to the draft comprehensive LEP through the Section 62 Consultation.

No consultation with Commonwealth authorities has been carried to date on the Planning Proposal.

Part 4 – Community Consultation

The proposed rezoning of the site to part R4 High Density Residential, part B4 Mixed Uses, part RE1 Public Recreation and part W1 Natural Waterway has been the subject of informal community consultation by Council, and is currently available for review on Council's website.

The rezoning of the site has also been the subject of reporting to Council and endorsement by Council in a publicly open way on multiple occasions including via its adoption of the Residential Development Strategy for Parramatta and the Morton Street Precinct Structure Plan and as reflected in the most recent resolution of 19 October 2009.

At each of these steps in the process, Council has conducted significant community consultation as well as consultation internally with Council staff, Councillors and with state government bodies.

Formal public exhibition of Council's draft comprehensive LEP is expected to commence in February/March 2010.

The Council resolution of 19 October 2009 requires that the Planning Proposal be exhibited as follows:

- (f) That, the planning proposal is to be amended to propose a public exhibition period of a minimum of 28 days, including advertisements in the local newspapers, letters to all property owners in the area bounded by Macarthur Street, James Ruse Drive and Thomas Street (north and south sides), and display of the proposal at the Council offices, Parramatta library and on Council's web site.*

Further it is envisaged that the Planning Proposal will be formally publicly exhibited in accordance with a Community Consultation Plan endorsed by Council at its meeting of 23 November 2009, and that formal direction as to the nature and extent of the public exhibition will be given by the Minister as part of the LEP Gateway determination.

This proposal has also been considered, until recently, as part of Draft Parramatta LEP. That process has involved substantial consultation with State Government agencies affording them the chance to comment on all aspects of the plan. For that reason, Council are not proposing to consult with any agencies for this Planning Proposal.