



PLANNING PROPOSAL

**PARRAMATTA CITY CENTRE LEP 2007
2 MACQUARIE STREET, PARRAMATTA (RSL SITE)**

Prepared by Parramatta City Council – August 2013

Introduction

This planning proposal contains an explanation of the intended effect and justification for a proposed amendment to the *Parramatta City Centre Local Environmental Plan (LEP) 2007* to modify the Height of Buildings Map. The mapping amendment is to include a 10 metre height limit for 2 Macquarie Street, Parramatta (RSL site). This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning & Assessment Act 1979*.

Part 1. Objectives or Intended outcomes

The objective of this planning proposal is to amend the Parramatta City Centre LEP 2007 - Height of Buildings Map, by applying a 10 metre maximum building height to the land at 2 Macquarie Street, Parramatta (RSL site). This height limit is proposed because the RSL site is contained within the buffer area of the world and national heritage listed Old Government House and Domain (OGHD), Parramatta. Limiting the building height on the RSL site to 10 metres is proposed as a means of mitigating significant impacts of development on the world and national heritage values of OGHD.

Part 2. Explanation of provisions

This planning proposal seeks to amend the following map within the Parramatta City Centre LEP 2007:

Height of Buildings Map – apply a maximum building height of 10 metres to land at Lot 362 DP752058, No.2 Macquarie Street, Parramatta.

Currently the Parramatta City Centre LEP 2007 does not apply a maximum building height to this land.

Part 3. Justification

Section A – Need for the planning proposal

Q1 Is the planning proposal a result of any strategic study or report?

The planning proposal is informed by a study prepared by Planisphere, 2012 - *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values*.

This study evaluates the potential impacts of future development in Parramatta City on the world and national heritage values of OGHD. The study has guided the preparation of a Conservation Agreement (under the Australian Government's Environment Protection Biodiversity Conservation (EPBC) Act) that is proposed to be entered into by the Commonwealth and NSW State governments together with Parramatta City Council.

The study indicates that new development on the RSL site should create a positive interface between OGHD and the Parramatta CBD and respect the heritage values of its setting. Limiting the building height on the RSL site to 10 metres is one of the built form controls included in the Conservation Agreement as a means of mitigating significant impacts of development on the world and national heritage values of OGHD.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council considers that the best means of achieving the objectives or intended outcomes is through the submission of a planning proposal. The amendment of the LEP will provide more certainty about the appropriate scale of development acceptable on the RSL site, which currently does not have a maximum building height imposed under the LEP. The Conservation Agreement is another way of protecting the heritage values. However having the LEP include a maximum building height that reflects the Conservation Agreement will provide more transparency and greater protection of the heritage values.

Section B – Relationship to strategic planning framework

Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

This planning proposal seeks to protect world and national heritage values within the Parramatta City Centre and remains consistent with, and in support of the objectives and actions of applicable regional and sub-regional strategies as outlined below.

Draft Metropolitan Strategy for Sydney to 2031

Under the Draft Metropolitan Strategy for Sydney to 2031, the strategic direction used to create 'liveable cities' is partially defined by a city's local built and cultural heritage. Parramatta is a city with a rich history where its heritage values help to strengthen the city's liveability.

This planning proposal will help to enhance Parramatta's heritage by ensuring that a positive interface is maintained between OGHD and the RSL site.

The draft Metropolitan Strategy also promotes the growth of Parramatta as part of its Balanced Growth Strategy. The study of the world and national heritage values of OGHD outlined in response to Q1 was undertaken so as to increase certainty as to how development in the CBD should respond to this important listing, whilst also enabling the CBD to grow and develop.

West Central Subregion Draft Subregional Strategy

This planning proposal also supports the West Central Subregion Draft Subregional Strategy. Within this strategy, it is recommended that cultural heritage be recognised as a contributor to the unique character and quality of an area with a need to manage change. Adopting a maximum height on the subject site will help to manage development and protect the adjacent world and national heritage property.

Q4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The 2038 Parramatta Strategic Plan (Parramatta 2038) recognises Parramatta as a city that carries a rich history where heritage assets not only help to shape the city's culture, but its identity as well. By adopting a maximum building height of 10m on the subject site, in line with the terms of the Draft OGHD Conservation Agreement and the recommendations of the Planisphere Study (referred to in Q1 above), appropriate planning controls will be put in place which ensure the protection of the OGHD, its heritage values and the role it plays in contributing to Parramatta's cultural identity.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The table below contains an assessment of the planning proposal against relevant SEPPs and SREPs (deemed SEPPs).

Table 1 Consistency with relevant State Environmental Planning Policies

SEPP	Consistency	Explanation
State Environmental Planning Policy No 1 – Development Standards	N/A	This SEPP does not apply to the land to which Parramatta City Centre LEP 2007 applies.
State Environmental Planning Policy No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This SEPP does not apply to the land to which Parramatta City Centre LEP 2007 applies.
State Environmental Planning Policy No 55 – Remediation of Land	N/A	The planning proposal does not seek to rezone the land. SEPP 55 assessment, if relevant, would accompany DAs for the land.
State Environmental Planning Policy No 60 – Exempt and Complying Development	N/A	This SEPP does not apply to the land to which Parramatta City Centre LEP 2007 applies.
State Environmental Planning Policy No 64 – Advertising and Signage	N/A	Not relevant to the planning proposal. May be relevant to future DAs.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A	Not relevant to the planning proposal. May apply to future development of the land.
State Environmental Planning Policy (Infrastructure) 2007	N/A	Not relevant to the planning proposal. May apply to the future development of the land.
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	The planning proposal does not relate to land subject to the Western Sydney Parklands SEPP

Table 2 – Consistency with deemed State Environmental Planning Policies (SREPs)

Deemed SEPP title	Consistency	Explanation
Sydney Regional Environmental Plan No. 18 – Public Transport Corridors	N/A	The site is not affected by SREP No. 18
Sydney Regional Environmental Plan No. 28 – Parramatta	N/A	This SEPP does not apply to the Parramatta LGA.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	There are no provisions in SREP (Sydney Harbour Catchment) that apply to the subject land.

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

2. Environment and Heritage			
Section 117 Direction	Contents of Section 117 Direction	Planning Proposal	Complies
<u>2.3 Heritage Conservation</u>	To conserve items, areas, objects and places of heritage significance.	This planning proposal seeks to facilitate the conservation of items that are of heritage significance by minimising the impact of future development on the setting and domain of Old Government House and protecting views to and from OGH.	Yes

6. Local Plan Making			
Section 117 Direction	Contents of Section 117 Direction	Planning Proposal	Complies
<u>6.1 Approval and Referral Requirements</u>	Seeks to minimise the inclusion of provisions that require concurrence and the like with the Minister or a public authority	This planning proposal does not seek to introduce any new or additional levels of concurrence from external authorities in the assessment and determination	Yes

		of development. It is an outcome of the Draft OGHD Conservation Agreement which seeks to minimise the requirement for the Minister's concurrence where development is not likely to have a significant impact.	
<u>6.3 Site Specific Provisions</u>	Seeks to discourage unnecessary, restrictive site specific planning controls	While the planning proposal seeks to introduce a site specific planning control (maximum height), the proposed change is necessary and is not considered restrictive as it reflects the existing building height on the site.	Yes

7. Metropolitan Planning			
Section 117 Direction	Contents of Section 117 Direction	Planning Proposal	Complies
<u>7.1 Implementation of the 'Draft Metropolitan Plan for Sydney 2031'.</u>	Seeks to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the metropolitan land for Sydney 2031.	This planning proposal is consistent with the objectives and strategies of the Metropolitan Plan as set out above in Q3.	Yes

Section C – Environmental, social and economic impact

Q7 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?

The Grey-headed flying fox is a colony of threatened species within Parramatta Park (as designated under the Threatened Species Conservation Act 1995 NSW/ The Environmental Protection and Biodiversity Conservation Act 1999 Commonwealth). The colony is located at the northern end of Parramatta Park. The RSL site located to the south, outside the boundaries of the Park. The proposed maximum building height on the RSL site will not result in buildings any taller than those already existing here. The subject site does not contain any vegetation that would potentially be used as habitat or for feeding nor does it impact on the existing habitat of the colony.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal does not pose any other likely environmental effects.

Q9 Has the planning proposal adequately addressed any social and economic effects?

This planning proposal does not seek to unnecessarily limit development potential on the RSL site. The maximum building height proposed is in keeping with the maximum height of the existing RSL club building and the likely scale of development associated with the range of uses permissible in the Private Recreation Zone (RE2) zone. The height limit is proposed as a means of mitigating significant impacts of development on the world and national heritage values of OGHD, and to provide more certainty for the future development of the RSL club site.

Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

Parramatta City Centre is identified under the Sydney Metropolitan Plan as the premier regional centre for Sydney. Accordingly it contains a high level of civil and utility infrastructure to service the existing and proposed uses and growth of the city. As the existing building height in the site is 10m, the planning proposal will not facilitate an intensification of development on the site which would place unreasonable demands on the public infrastructure.

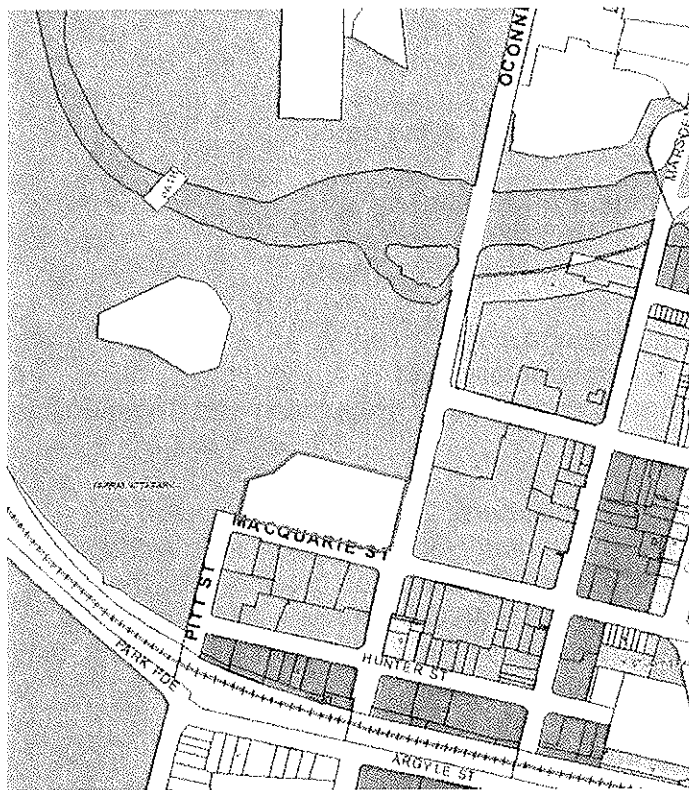
Q11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of the relevant State and Commonwealth authorities will be sought during the public exhibition of this planning proposal and in accordance with the Gateway determination. The following authorities are proposed to be consulted:-

- Australian Government Department of Sustainability, Environment, Water Population and Communities;
- NSW Department of Planning and Infrastructure; and
- NSW Office of Environment and Heritage.

Part 4. Mapping

The maps over illustrate the subject site as per the current City Centre LEP Maximum Building Height Map followed by how the proposed amendment would appear.



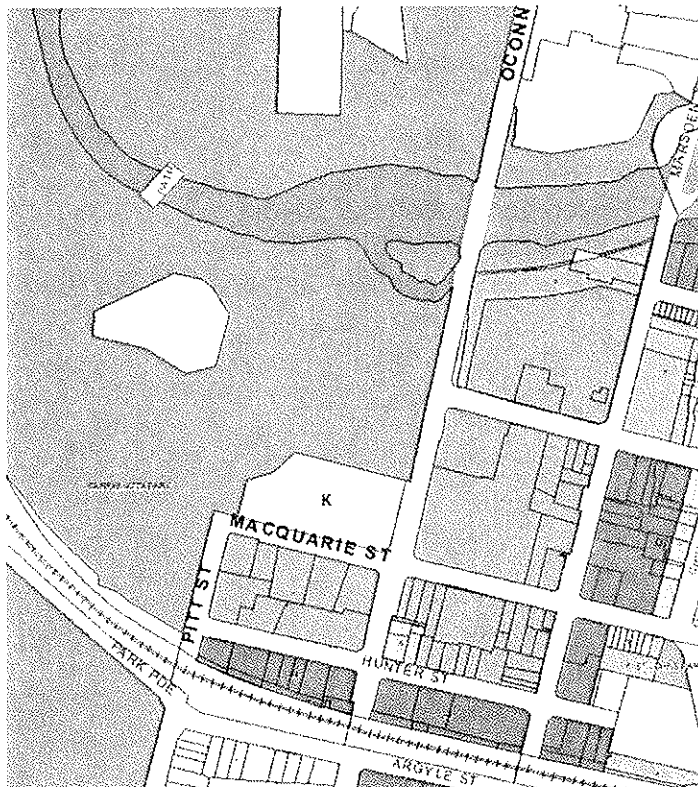
Legend

Refer to table in Clause 29F

Height of Building

A	0
G	7
K	10
M	12
O	15
P	18
R	21
S	24
T	27
U	34
V	36
W	40
Y	54
AA1	60
AA2	72
AB	80
AG	120
AG	200

Figure 1: Extract from EXISTING Height of Buildings Map Parramatta City Centre LEP 2007, showing subject site (outline in red) with no maximum building height.



Legend

Refer to table in Clause 29E

Height of Building

A	0
G	7
K	10
M	12
O	15
P	18
R	21
S	24
T	27
U	34
V	36
W	40
Y	54
AA1	60
AA2	72
AB	80
AC	120
AG	200

Figure 2: PROPOSED AMENDMENT to Height of Buildings Map Parramatta City Centre LEP 2007 for the subject site.

Part 5 Community Consultation

It is proposed that the Planning Proposal be placed on public exhibition for a minimum of 28 days, with the following groups notified as part of the process:-

- Property owner, 2 Macquarie Street, Parramatta;
- Surrounding land owners;
- Parramatta Park Trust (Western Sydney Parklands Trust);
- National Trust;
- NSW Office of Environment and Heritage;
- NSW Department of Planning & Infrastructure; and
- Department of Sustainability, Environment, Water, Population and Communities (SEWPaC).

It is proposed that the study prepared by Planisphere, 2012 - *Development in Parramatta City and the impact on Old Government House and Domain's World and National Heritage Listed Values* be placed on public exhibition together with the planning proposal. These would accompany the draft Conservation Agreement and draft DCP controls proposed for the Highly Sensitive Area (identified in the study), that have also been endorsed by Council for public exhibition.

A public hearing is not required for this planning proposal.

Part 6 Project Timeline

Below is an indicative timeline for the planning proposal:-

- Referral to DP&I for Gateway determination: August 2013;
- Gateway determination: September 2013;
- Public exhibition: September / October 2013;
- Consider submissions: October/November 2013;
- Post exhibition report to Council: November /December 2013;
- Submit to DP&I to finalise LEP amendment: December 2013; and
- Anticipated date for notification of LEP amendment: late January/early February 2014.

Attachment 1

EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: PARRAMATTA CITY COUNCIL

Name of draft LEP: PARRAMATTA CITY CENTRE LEP 2007 (RSL CLUB SITE)

Address of Land (if applicable): 2 MACQUARIE STREET, PARRAMATTA

Intent of draft LEP: To amend the Parramatta City Centre LEP 2007 - Height of Buildings Map

Additional Supporting Points/Information: None

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		N/A		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	Y HO to be consulted post Gateway			

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				

Does the proposed instrument				
a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;		N/A		
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or		N/A		
c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?		N/A		
(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).				

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.