

Parramatta City Centre LEP 2007 (Amt. 13) 12 -14 Phillip Street, 333 and 339 Church Street, Parramatta.

Proposal Title : Parramatta City Centre LEP 2007 (Amt. 13) 12 -14 Phillip Street, 333 and 339 Church Street, Parramatta.

Proposal Summary : The planning proposal seeks to amend the following controls for the subject site:

- increase the maximum permissible height from a range of 12m-80m to a range of 12m-150m;
- realign the 12m maximum building height boundary;
- increase the maximum permissible FSR to allow 12:1 on part of the site;
- realign the boundary of the RE1 Public Recreation and B4 Mixed Use zones; and
- remove a local heritage item at 333 Church Street, Parramatta.

PP Number : PP_2014_PARRA_002_00 **Dop File No :** 14/01189

Proposal Details

Date Planning Proposal Received :	07-Feb-2014	LGA covered :	Parramatta
Region :	Sydney Region West	RPA :	Parramatta City Council
State Electorate :	PARRAMATTA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	12-14 Phillip Street		
Suburb :	Parramatta	City :	Sydney
Land Parcel :		Postcode :	2150
Street :	333 and 339 Church Street		
Suburb :	Parramatta	City :	Sydney
Land Parcel :		Postcode :	2150

DoP Planning Officer Contact Details

Contact Name : Lillian Charlesworth
Contact Number : 0298601101
Contact Email : Lillian.Charlesworth@planning.nsw.gov.au

RPA Contact Details

Contact Name : Jennifer Concato
Contact Number : 0298065767
Contact Email : JConcato@parracity.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Terry Doran
Contact Number : 0298601149
Contact Email : Terry.Doran@planning.nsw.gov.au

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	400
Gross Floor Area :	0	No of Jobs Created :	60

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment : The Regional Team is not aware of any meetings or communication with registered
lobbyists concerning this planning proposal.

Supporting notes

Internal Supporting
Notes : Original date received 20 December, 2013. Additional information was requested and
received 23 January, 2014.

Additional information provided by Council on 23 January was insufficient and
necessitated a further request for information on 4 February, 2014. As the additional
information was received on 7 February, 2014, this had now become the lodgement date.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The planning proposal aims to facilitate a proposed mixed use development on the site by amending the Parramatta City Centre LEP 2007 to allow, on the subject land:

- realignment of the boundary between the RE1 Public Recreation zone and the B4 Mixed Use zone;
- a maximum building height of 150m (approx. 44 storeys), from 80m currently;
- realign the 12m maximum building height boundary;
- a maximum FSR of 12:1, from 6:1 currently; and
- remove a local heritage item at 333 Church Street, Parramatta.

Proposed adjustment of the zoning boundaries will enable a proposed extension of the basement, residential lobby, residential amenities level and residential tower onto the land to be included within the B4 zone.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal intends to amend the Parramatta City Centre LEP 2007 to enable:

- realignment of the boundary between the RE1 Public Recreation zone and the B4 Mixed Use zone;
- a maximum building height of 150m (approx. 44 storeys), from 80m currently;
- realign the 12m maximum building height boundary;
- a maximum FSR of 12:1, from 6:1 currently; and
- remove a local heritage item at 333 Church Street, Parramatta.

The zoning realignment will reallocate 428sq.m. of land in the north-west corner of the site between the RE1 and the B4 zone and will result in no net loss of RE1 zoned land.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

S117 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The proposal is inconsistent with this Direction as it will realign the boundary of the B4 Mixed Use zone. This inconsistency is considered to be of minor significance given that the affected land area is only 428sq.m. and there will be no net reduction in the amount of land zoned B4.

S117 DIRECTION 2.3 HERITAGE CONSERVATION

The proposal is inconsistent with this Direction as it will remove a local heritage item (shop) at 333 Church Street, Parramatta. A Statement of Heritage Impact has been prepared by GB&A which concludes that the building does not meet the entry threshold for LEP listing on the basis of the NSW Heritage Assessment Criteria. Investigations into potential archaeological and aboriginal heritage items have been undertaken and a strategy for conserving any potential items that may be found during excavation has been prepared.

It is considered that the inconsistency with this Direction is of minor significance and it is recommended that the Director General's delegate approves of the inconsistency on this basis.

S117 DIRECTION 3.1 RESIDENTIAL ZONES

The proposal is consistent with this Direction as it will increase residential density and housing choice in an area with existing infrastructure and services.

S117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The proposal is consistent with this Direction as it will improve access to housing, jobs, services and public transport by facilitating a mixed use development in a CBD location.

S117 DIRECTION 4.1 ACID SULFATE SOILS

The site contains class 1, 4 and 5 acid sulfate soils as per the mapping under Parramatta City Centre LEP 2007. A Phase 1 and 2 Contamination Assessment was undertaken by Douglas Partners which concluded that the presence of acid sulfate soils across the site is low and there are not likely to be any significant impacts to the development as a result of acid sulfate soils. The proposal is consistent with this Direction.

S117 DIRECTION 4.3 FLOOD PRONE LAND

The proposal is inconsistent with the following aspects of the plan:

1. It will rezone land within the flood planning area from recreation to business use.

Comment: Although the proposal intends to rezone 428sqm of land from RE1 Public Recreation to B4 Mixed Use, the proposed B4 area will no longer be identified as a flood planning area once recontouring and redevelopment of the site takes place.

It is therefore considered that the inconsistency with this Direction regarding the area to be rezoned B4 is of minor significance.

2. It will contain provisions that apply to the flood planning areas which permit a significant increase in the development of the land.

Comment: The proposal has not clearly addressed this inconsistency and a Gateway condition is proposed to clarify this situation within Table 4 of the planning proposal.

SECTION 117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

This Direction requires the approval of the relevant public authority and the Director General to create, alter or reduce existing zonings for public purposes. The proposal intends to alter the boundary of the RE1 Public Recreation Zone without causing any reduction in the amount of public open space.

As the land is owned by Council, it is recommended that the Director General's delegate approve of the proposed boundary change as a matter of minor significance to ensure consistency with this Direction.

SECTION 117 DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The proposal is consistent with this Direction as it will facilitate additional tourism, retail and residential floorspace which supports and strengthens Parramatta's role as Sydney's second CBD.

SEPP 55 - REMEDIATION OF LAND

Douglas Partners in November 2011, prepared a Phase 1 and 2 Contamination Investigation for the site. The report concluded that the site is considered, from a contamination perspective, to be generally suitable for the proposed development. The proposal is therefore consistent with this SEPP.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **A Gateway condition is recommended to address the consistency of the proposal with s117 Direction 4.3 Flood Prone Land.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps provided are suitable for the purpose of community consultation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal recommends that community consultation be undertaken for a minimum of 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Parramatta Principal LEP came into effect on 7 October, 2011. The Planning Proposal seeks to amend Parramatta LEP 2007 which is not part of the principal. There is currently a planning proposal to amalgamate both LEPs.**

Assessment Criteria

Need for planning proposal : **In November 2011, Parramatta Council issued a request for proposals for development on the site which would deliver the following:**
- premium residential development with at least 24,000sq.m. of GFA with an emphasis on activation of Parramatta River's edge; and
- public infrastructure including a Discovery Centre, multi-function space, associated retail and public domain improvements.

This planning proposal will facilitate the successful master plan design for the site prepared by JPW on behalf of PCC DevCo1 Pty Ltd.

Consistency with strategic planning framework :

SYDNEY METROPOLITAN STRATEGY 2036 AND DRAFT METROPOLITAN STRATEGY 2031

The proposal is consistent with these strategies as it will:

- strengthen Parramatta's role as Sydney's second CBD by creating a premier mixed use development in close proximity to public transport;
- introduce a mix of services, facilities and uses on site including the Council Discovery Centre, Conference Centre, retail premises, cafes and high density residential development;
- assist in delivering subregional housing targets by providing for the redevelopment of a currently underutilised site; and
- encourage increased diversity and cultural activities within this part of the Parramatta CBD in close proximity to the existing Riverside Theatre.

PARRAMATTA TWENTY38

The proposal is consistent with Council's strategic plan known as Parramatta Twenty38 as it will provide for the concentrated growth of housing around public transport and activity nodes, rather than dispersed growth throughout the LGA. The proposal contributes to addressing a number of key challenges outlined in the Parramatta Twenty38 including:

- provision of residential dwellings;
- access to the Parramatta River foreshore; and
- development that encourages social inclusion and community interaction.

Environmental social economic impacts :

SYDNEY METROPOLITAN STRATEGY 2036 AND DRAFT METROPOLITAN STRATEGY 2031

The proposal is consistent with these strategies as it will:

- strengthen Parramatta's role as Sydney's second CBD by creating a premier mixed use development in close proximity to public transport;
- introduce a mix of services, facilities and uses on site including the Council Discovery Centre, Conference Centre, retail premises, cafes and high density residential development;
- assist in delivering subregional housing targets by providing for the redevelopment of a currently underutilised site; and
- encourage increased diversity and cultural activities within this part of the Parramatta CBD in close proximity to the existing Riverside Theatre.

RE1 PUBLIC RECREATION ZONE

The proposal will realign the boundaries of the RE1 and B4 Mixed Use zone, although this realignment will not result in any net loss of public open space but rather will provide a wider and more consistent band of RE1 zoned land.

Redevelopment of the site will include foreshore works to reclaim a part of the foreshore land using flood resistant structures and result in increased usable public open space. Proposed landscaping works will also enhance the quality of public open space.

The proposal will therefore generate a positive community benefit in terms of increased provision of high quality public open space with improved foreshore accessibility.

OVERSHADOWING

The proposal intends to increase the maximum permissible height from 80m to 150m. An overshadowing analysis has been undertaken which considers potential overshadowing impacts in terms of key sensitive locations, including Church Street and foreshore public recreation facilities to the west of the site.

The planning proposal concludes that no unacceptable overshadowing impacts on the public domain will arise as a result of development enabled by the planning proposal.

LOCAL HERITAGE ITEM

339 Church Street, Parramatta is affected by heritage item no.90, a shop, although this listing is in error as no.339 is a vacant site. This error will be rectified as part of a separate planning proposal (Amendment No.9).

OLD GOVERNMENT HOUSE

The site is located within Precinct 3 - Riverside Edge of the "Technical Report
-Development in Parramatta City and the Impact on Old Government House and Domain's

World and National Heritage Listed Values." The report provides Desirable Development Character Guidelines for development within this Precinct. According to the Heritage Impact Statement prepared by Graham Brooks and Associates, the proposed development envelopes and heights respond to the Character Guidelines.

FLOODING

The majority of the site is identified as flood prone land under the City Centre LEP, although 333 Church Street and the southern portion of the Lennox Street Car Park is not flood affected. A development application has been approved to construct flood portals in the existing Lennox Bridge abutments that will reduce upstream flood levels by 0.5m, with works to commence in the near future.

EMPLOYMENT

The development facilitated by the planning proposal will create approximately 720 construction jobs, 60 direct jobs from ongoing operation of the development (including the Discovery Centre, Conference Centre and retail space) and up to approximately 1,410 indirect jobs in the broader area.

TRAFFIC AND PARKING

A traffic study has been undertaken that concluded that all intersections surrounding the site will retain a good level of service when the additional traffic from the proposed development is taken into account.

Implementation of the proposal will result in the loss of 72 on-grade public car parking spaces although this is not expected to result in an unacceptable social or economic impact as its forecast closure has been addressed in the Parramatta City Centre Car Parking Strategy 2011.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	9 months	Delegation :	DDG
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Public Authority Consultation - 56(2) (d) :	NSW Aboriginal Land Council Sydney Metropolitan Catchment Management Authority Department of Education and Communities Office of Environment and Heritage Energy Australia Transport for NSW Fire and Rescue NSW Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services Sydney Water Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Parramatta City Centre LEP 2007 (Amt. 13) 12 -14 Phillip Street, 333 and 339 Church Street, Parramatta.

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - 7 February 2014 version.docx	Proposal	Yes
cover letter.pdf	Proposal Covering Letter	Yes
FLOOD IMPACT ASSESSMENT.pdf	Study	Yes
ARCHAEOLOGICAL (ABORIGINAL) ASSESSMENT.pdf	Study	Yes
ARCHAEOLOGICAL (NON ABORIGINAL) ASSESSMENT.pdf	Study	Yes
Heritage Investigations and Advice.pdf	Study	Yes
PHASE 1 2 CONTAMINATION INVESTIGATION.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **DELEGATION OF PLAN-MAKING FUNCTION**

Council has advised that it will not exercise the plan making delegations in this instance as the subject land is owned by Council.

Note: the Director, Metropolitan Delivery (Parramatta) is of the view that the proposal is outside her Gateway delegation and it is appropriate that the planning proposal be submitted to the LEP Panel for attention.

RECOMMENDATION

It is recommended that the Director General's delegate approves the inconsistency with the following section 117 Directions, on the basis of minor significance:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 6.2 Reserving Land for Public Purposes

Further, it is recommended that the Planning Proposal proceeds subject to the following conditions:

1. prior to community consultation, the Planning Proposal is to be amended, as follows:

(a) the Explanation of Provisions section of the proposal be amended to

- clarify that should LEP 2007 be repealed by the making of the amalgamated plan, the amendment will be made to the amalgamated plan;
- (b) amend Table 4 against s. 117 Direction 4.3 (6)(c) to clarify whether the plan is consistent with the direction;
 - (c) remove all tracking changes eg. on the contents page;
 - (d) amend Table 1 to ensure complete sentences e.g. Items 19, 20 and 55, location and description columns;
 - (e) ensure correct referencing of all tables and figures eg. page 44 refers to Figure 28 instead of Figure 27;
 - (f) amend the heritage discussion under Section 2.4 to indicate that the site is affected by controls relating to Old Government House.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act (EP&A Act) 1979 as follows:

- (a) the planning proposal must be publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals identified in section 5.5.2 of 'A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Education and Communities
- Office of Environment and Heritage
- Energy Australia
- Transport for NSW
- Railcorp
- Roads and Maritime Services
- Sydney Water
- Fire and Rescue NSW
- NSW Aboriginal Land Council
- Sydney Metropolitan Catchment Management Authority
- Sydney Metropolitan Airports
- Department of Infrastructure and Regional Development

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

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

Supporting Reasons :

The proposal is supported as it will achieve increased residential densities and employment in an highly suitable location close to transport, employment and services, whilst also facilitating the provision of a tourist facility and improvements to the public domain.

Signature:



Printed Name:

T DORAN

Date:

14/2/14