

Greater Sydney, Place and Infrastructure Plan Finalisation Report

Local Government Area: City of Parramatta

File Number: IRF20/935

1. NAME OF DRAFT LEP

Parramatta Local Environmental Plan 2011 Amendment No.30 (draft LEP).

2. SITE DESCRIPTION

The planning proposal (**Attachment A**) applies to land at 87 Church Street and 6 Great Western Highway, Parramatta. The site is legally known as Lot 1 DP 1009227 and Lot 100 DP 632636 and has a total area of 3,306m².

The site is located on the north-west corner of the Church Street and Great Western Highway intersection (Figure 1). The site is currently occupied by a motor vehicle showroom and servicing facility.

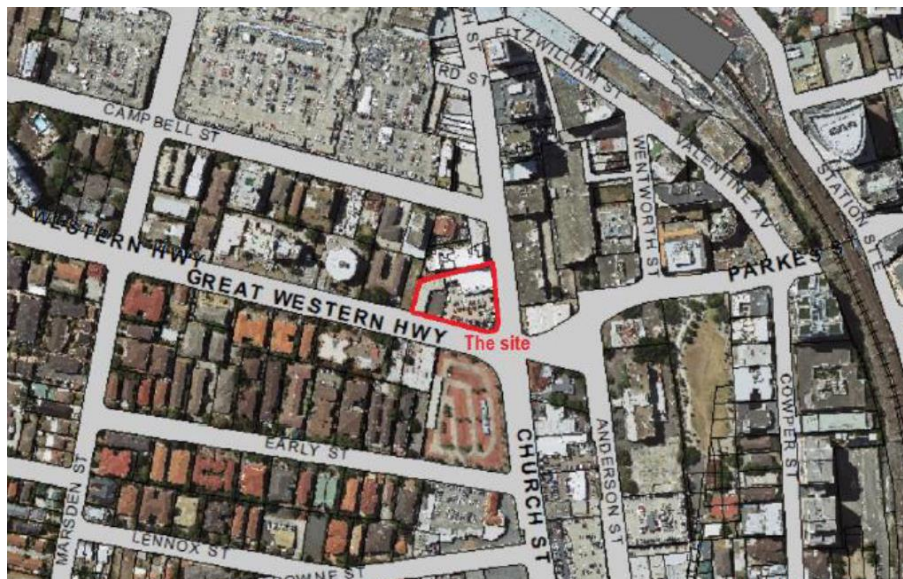


Figure 1 – Location of Site (Source: Planning Proposal)

The site is zoned B4 Mixed Use under the provisions of Parramatta LEP 2011, with a maximum floor space ratio (FSR) of 3.5:1 and a maximum building height of 28m.

The site is within the Parramatta CBD and is located south west of Parramatta Station within 300m walking distance. The CBD is going through a transition phase with uplift and development occurring through a combination of traditional development applications and site-specific planning proposals (and subsequent development applications). Several planning proposals and development applications have been approved nearby and are at varying stages of completion.

A Gateway determination has been issued for the Parramatta CBD planning proposal which seeks to deliver the vision of the Central River City through a revision of development controls. The CBD planning proposal was endorsed for exhibition on 27 June 2020.

3. PURPOSE OF PLAN

The draft LEP seeks to amend the Parramatta Local Environmental Plan (LEP) 2011 as follows:

- amend the maximum height in the Height of Buildings Map (Sheet HOB_010) from 28m to 180m;
- amend the maximum FSR in the Floor Space Ratio Map (Sheet FSR_010) from 3.5:1 to 10:1;
- amend the Key Sites Map Special Provisions Map Sun Access Protection Map (Sheet CL1_010) and Clause 7.6 Airspace Operations to identify the site as “Area 10”;
- apply a site-specific provision that requires a minimum FSR of 1:1 be provided as non-residential floorspace, with additional non-residential floor space not counted as FSR; and
- include a maximum car parking rate in accordance with the CBD Strategic Transport Study as per the amended Gateway Determination dated 4 August 2017 as follows:

- a) Residential parking rates

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	.7 spaces/unit
1-bedroom	.3 spaces/unit
Studio	.1 spaces/unit

- b) Commercial parking rates

If the FSR > 3.5:1

$M = (G * A) / (50 * T)$ where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (m²);

A = Site Area (m²);

T = Total GFA of all buildings on the site (m²)

The proposed LEP maps are provided as **Attachment Maps**.

The draft plan will facilitate the development of approximately 432 residential apartments on the site as identified by the Urban Design Report (**Attachment B**). An area of at least 3,306m² of commercial floor space contained in the four-storey podium contributes to the activation of street frontages and creates opportunities for employment generation of up to 380 jobs.

A Voluntary Planning Agreement (VPA) (**Attachment C**) has been executed for the delivery of infrastructure in the locality to support the development. The VPA seeks to provide a cash contribution of \$3,223,350 and grant an easement for the purpose of allowing a pedestrian bridge landing within the site. The pedestrian bridge will connect the northern and southern sides of Great Western Highway.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Parramatta State Electorate. Dr Geoff Lee MP is the State Member for Parramatta.

The site falls within the Parramatta Federal Electorate. Julie Owens MP is the Federal Member for Parramatta.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.
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NSW Government reportable political donation: There are no donations or gifts.

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 12 June 2015 (**Attachment D1**) determined that the proposal should proceed subject to conditions.

The Gateway determination was altered on 4 August 2017 to amend condition 5 which related to the need for the planning proposal to be amended (if required) to incorporate the results of the mesoscopic modelling that is being prepared for the entire Parramatta CBD (**Attachment D2**). This requirement has been replaced with a requirement to impose maximum parking rates, which enables the planning proposal to proceed ahead of the mesoscopic modelling.

On 8 September 2017 the Gateway determination was altered to correct an error in the alteration issued 4 August 2017 (**Attachment D3**). The previously issued alteration referred to the wrong condition number.

On 21 March 2018 the Gateway determination was amended to grant additional time to complete the LEP amendment (**Attachment D4**).

The proposal was due for finalisation by 12 September 2018.

The planning proposal was first submitted to the Department of Planning, Industry and Environment for finalisation on 22 May 2018. A VPA could not be executed, and the Department subsequently returned the proposal to Council on 2 October 2019 requesting that it be resubmitted when the VPA is executed.

The VPA has now been executed and the planning proposal was submitted for finalisation on 27 November 2019. The planning proposal was submitted for finalisation after the date outlined by the Gateway determination requires finalisation to occur. Inconsistency with this aspect of the Gateway determination does not prevent the draft LEP being made.

When the request for finalisation was made there was an outstanding objection from the Roads and Maritime Services (RMS) that delayed the finalisation process. The objection has been addressed as discussed within this report.

The Department is satisfied that Council has met the conditions of the Gateway determination and the planning proposal is suitable for finalisation.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 13 September 2017 to 13 October 2017.

No submissions were made by members of the community.

7. ADVICE FROM PUBLIC AUTHORITIES

The Gateway determination required Council to refer the planning proposal to Civil Aviation Safety Authority, Office of Environment and Heritage – Heritage Division, Department of Education and Communities, Transport for NSW – Sydney Trains, Transport for NSW – Roads and Maritime Services, Telstra; Sydney Water; and Endeavour Energy.

Submissions were received from four of these public authorities (**Attachments E1-E4**). There was an outstanding objection from the Roads and Maritime Services which is discussed below. Transport for NSW provided further comment on the issues raised by the Roads and Maritime Services (**Attachment E5**).

Council's report (**Attachment F**) provides commentary addressing each public agency submission. A summary of the submissions is provided below.

Former Roads and Maritime Services (RMS) and Transport for NSW (TfNSW)

TfNSW initially raised no objection to the proposal on the basis that maximum parking rates are adopted for the site (**Attachment E3**). The comments noted that the site is 300m from the Parramatta Interchange and around 400m from the proposed Parramatta Light Rail (PLR) route. It also suggested further consultation in the preparation of a development application and construction phase of any future development.

RMS (now known as TfNSW) raised two issues (acoustic privacy and access) which will need further consideration with the lodgement of any future development application over the site (**Attachment E1**).

RMS also supports the use of a site-specific clause that imposes maximum car parking rates. This approach has been consistently used in other planning proposals in the Parramatta CBD.

RMS requested the dedication of land to provide for a pedestrian bridge landing within the subject site. The need for the pedestrian bridge originally arose from a development application on a site which is unrelated to this planning proposal. It will allow pedestrians to move from the southern side of the Great Western Highway to the northern side to provide access to the Parramatta CBD and rail interchange area without having to cross the Great Western Highway at street level.

The proponent and Council do not support the need for the dedication of land to accommodate the landing. In order to address this matter, the draft LEP was submitted for finalisation with this issue unresolved but addressed through a Voluntary Planning Agreement (VPA) that delivers an easement for the landing and pedestrian access. The VPA requires consultation with RMS to determine the suitable location for the easement and pedestrian bridge.

RMS raised concern with the planning proposal on the basis that the VPA did not seek to dedicate land but rather provide an easement for the landing. TfNSW provided further comment noting that the land should be dedicated to allow for the pedestrian bridge to land at street level for asset maintenance and structural requirements (**Attachment E5**).

The need to dedicate land is unreasonable as the bridge is being built by a third party in connection to a development application (DA) that has not yet been designed. The VPA allows for the pedestrian bridge landing to occur, but also enables the planning proposal to proceed with a mechanism in place that enables TfNSW to further negotiate the bridge design and construction through the DA process.

It should be noted that the application of Clause 8.1 (satisfactory arrangements clause) of the PLEP 2011 was explored by the Department to protect the landing of the pedestrian bridge and allow discussion to occur as part of any future development lodged over the subject land. However, after consideration of the matter it was apparent that the landing

cannot be included in Clause 8.1 as the infrastructure being provided was not State or regional infrastructure.

The concerns of RMS and TfNSW are noted. However, the intent of the request for a pedestrian bridge is satisfied by the VPA and easement. It is recommended on this basis that the planning proposal be made.

Civil Aviation Safety Authority (CASA)

The Civil Aviation Safety Authority (CASA) considered the planning proposal and raised no specific objection noting that the proposed building height would penetrate the planned outer horizontal surface of AHD 156m of the obstacle limitation surface of Bankstown Airport. As such, CASA identified that the proposed building would require a controlled activity approval from the federal Department of Infrastructure, Regional Development and Cities.

The planning proposal includes an amendment to Clause 7.6 Airspace Operations of the Parramatta LEP 2011, which will require further approvals to be obtained as part of any future development application process.

Office of Environment and Heritage (Heritage Division)

The former Office of Environment and Heritage (Heritage Division) considered the draft LEP and noted the site does not contain any heritage items listed on the state heritage register or within the Parramatta Local Environmental Plan 2011. The site is not within or in the vicinity of a heritage conservation area. Two items of local significance are within Campbell Street.

The site is identified within Archaeological Management Unit 3060 on the State Heritage Inventory. The unit is identified as locally significant with moderate research potential.

As part of any development application consideration of the relevant legislation and planning policies will be required to ensure that the likely impact upon the Archaeological Management Unit and the two items of local significance are considered.

Office of Environment and Heritage (Heritage Division) raised no objections to the planning proposal.

Utility Service Providers

Telecommunication, water and energy utility service providers were invited to comment. Comments were provided by Endeavour Energy who raised no objections and addressed matters which will need further consideration at the future development application phase.

8. POST-EXHIBITION CHANGES

The following post exhibition change was made:

Airspace Operations

The proposed building height would penetrate the planned outer horizontal surface of AHD 156m of the obstacle limitation surface of Bankstown Airport. In response to consultation with the Civil Aviation Safety Authority the planning proposal has been amended post-exhibition to identify the site on the special provisions area map and as a result apply Clause 7.6 "Airspace operations". The inclusion of the site on the special provisions area map will enable the site to be more readily identified as requiring approval for a controlled Activity under the Airports Act 1996 of the Commonwealth.

9. ASSESSMENT

9.1 Premier's Priorities

The Premier has announced a number of government priorities, two of which are relevant and include priorities to increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10 per cent by 2023 and improving the urban tree canopy by planting one million trees by 2022.

The draft LEP site is within the Parramatta CBD and as a result opportunity for providing green spaces are limited. Notwithstanding, the reference design does identify green areas on the podium including smaller trees which can contribute to the achieving the Premier's Priorities.

The proposal is supported by a VPA which includes a monetary contribution of \$3,223,350 for upgrading and delivery of public domain and open spaces in the Parramatta CBD. This contribution will enable Council to deliver assets to meet the aims of the Premier. The draft LEP is consistent with the Premier's Priorities.

9.2 Section 9.1 Directions

The Gateway determination found the proposal to be largely consistent with Section 9.1 directions.

The Gateway determination identified that any inconsistency with Directions 4.1 Acid Sulphate Soils and 6.3 Site Specific Provisions was of minor significance and no further consideration is required.

Direction 2.3 Heritage Conservation

The Gateway determination identified that the planning proposal did not address this direction and required its consideration prior to community consultation. The direction was unresolved at Gateway.

This direction requires a draft LEP to contain provisions to facilitate the conservation of items, places, works, relics moveable objects of heritage significance.

The site does not contain any heritage items listed on the state heritage register or within the Parramatta Local Environmental Plan 2011. The site is not within, or in the vicinity of, a heritage conservation area. Two items of local significance are within Campbell Street.

The site is identified within Archaeological Management Unit 3060 on the State Heritage Inventory. The unit is identified as locally significant with moderate research potential.

The draft LEP does not seek to add any additional controls relating to the protection of heritage. However, the existing LEP contains clause 5.10 which requires consideration of heritage values prior to any consent being granted. The existence of clause 5.10 is appropriate for the protection of heritage values and as such draft LEP is considered to be consistent with this direction.

Direction 3.5 Development Near Regulated Airports and Defence Airfields

This direction requires a draft LEP to consider the impact the proposal may have upon the operation of aerodromes in the locality. The direction requires consultation with the Commonwealth department responsible for aerodromes.

This reference design contained in the Urban Design Report identifies a maximum building height of 180m (203.22AHD).

The Civil Aviation Safety Authority (CASA) considered the planning proposal and advised that the proposal will, with a maximum height of 180m (203.22AHD) impact upon the prescribed airspace for Bankstown Airport. CASA recommended consultation with

Bankstown Airport and the helicopter operators that use the discuss possible impacts. CASA have also recommended consultation with Airservices Australia as the organisation responsible for the design and maintenance of instrument flight procedures at Bankstown Airport and the Helicopter Landing Site at Westmead Hospital. CASA raised no specific objection.

In additional advice provided by CASA, they concluded that consultation with helicopter operators would be better consulted as part of any development application process.

Bankstown Airport considered the planning proposal and raised no specific objection. Bankstown Airport noted that CASA, Airservices and Federal Department of Infrastructure and Regional Development should be given an opportunity to comment.

Airservices Australia have advised the Department that they only provide comment on development applications as a “Controlled Activity” under the Airports Act 1996.

The Federal Department of Infrastructure and Regional Development have considered the planning proposal and raised no objections. They recommended contact be made with Bankstown Airport to determine the relevant local requirements.

No specific objection has been raised to the impact that the planning proposal may have upon the operation of aerodromes in the locality. Neither CASA, or the other agencies it recommended consultation with, raised any objections to the proposal. Should the draft LEP be made, further consultation will be required as part of any development application process.

The draft LEP is consistent with this direction.

Direction 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

The planning proposal was issued a Gateway determination prior to the introduction of this Direction and as such it has not previously been considered.

The interim LUIIP seeks to expand on the vision of delivering Greater Parramatta as Sydney’s Central City. The planning proposal is within an area identified as currently under review, it is generally consistent with the broad objectives of the LUIIP and contributes to the vision of Parramatta as Sydney’s central city and will contribute to job and housing targets being met. The proposal is consistent with the Direction.

While a special infrastructure contributions (SIC) levy has not been formally announced for Greater Parramatta, it has been identified as part of the Greater Parramatta Interim Land Use and Infrastructure Implementation Plan as a potential funding mechanism. However, the planning proposal predates the Greater Parramatta Interim Land Use and Infrastructure Implementation Plan. At this stage there is no funding mechanism that would capture a contribution and not contribution is warranted.

9.3 State environmental planning policies

The draft LEP has addressed and is consistent with all relevant SEPP’s.

9.4 Central City District Plan

The site is located within the Central City District, therefore the Central City District Plan (March 2018) applies to the site. The draft LEP is consistent with the Planning Priorities C1 ‘Planning for a City supported by Infrastructure’ and C5 ‘Providing housing supply, choice and affordability with access to jobs, services and public transport’. The proximity of the site to Parramatta rail station and a range of bus services ensures the draft LEP will deliver a mix of housing supply in an accessible location to a variety of services and employment opportunities within Greater Parramatta and Sydney CBD.

The draft LEP will also give effect to the priority C7 'Growing a stronger and more competitive Greater Parramatta' as by providing more housing choice within the CBD which will support commercial operations and jobs within the CBD.

The priority C9 'Delivering integrated land use and transport planning and a 30-minute city' will also be satisfied as the proposal will facilitate the delivery of new dwellings in proximity to existing public transport.

Therefore, the Department is satisfied that the proposal gives effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

9.5 Parramatta Local Strategic Planning Statement

Council's Local Strategic Planning Statement: City Plan 2036 (LSPS) outlines Parramatta's 20-year vision for land use planning, population, housing, economic growth and environmental management. It is noted that the Gateway determination was issued prior to the endorsement of Council's LSPS.

The proposal is consistent with the priorities and actions of the LSPS which seek to build the economic focus and liveability of Sydney's second CBD. Specifically, the proposal will facilitate the growth of housing in the GPOP area (Priority 4) and deliver a mix of housing to support the diverse needs of the community (Priority 7) ultimately supporting the Parramatta CBD in becoming increasingly competitive and productive (Priority 11).

Therefore, the Department is satisfied that the proposal is consistent with the local strategic planning statement.

9.6 Parramatta CBD Planning Proposal

On 13 December 2018, Gateway determination was given for the Parramatta CBD planning proposal which seeks to provide for an expanded and more intense commercial core supported by high-density mixed use and residential development.

The CBD planning proposal proposes a base height of 28m for the site, and an incentive height of RL211m. The CBD planning proposal allows for a base FSR of 3.5:1 and an incentive FSR of 10:1.

The site-specific proposal allows a maximum height of 180m (207m with design excellence) and maximum FSR of 10:1 (11.5:1 with design excellence). The urban design report identifies a building with a height of 189m and FSR of 11.5:1. However, this is subject to a future development application.

The draft LEP requires a minimum of 1:1 FSR of commercial premises, tourist and visitor accommodation, centre-based childcare facilities or serviced apartments floorspace be provided (i.e. non-residential floorspace) which is consistent with the CBD planning proposal.

The proposed changes with the site-specific planning proposal align with the CBD planning proposal, delivering the broader policy objectives for the Parramatta CBD.

10. MAPPING

The following maps associated with the draft LEP (**Attachment Maps**):

- Height of Buildings Map (Sheet HOB_010);
- Floor Space Ratio Map (Sheet FSR_010);
- Key Sites Map Special Provisions Map Sun Access Protection Map (Sheet CL1_010); and

The maps (**Attachment Maps**) and supporting map cover sheet (**Attachment MCS**) have been approved by the Department's ePlanning Team and provided to Parliamentary Counsel.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment G**). Council confirmed on 11 June 2020 that it was happy with the draft and that the plan should be made (**Attachment H**).

12. PARLIAMENTARY COUNSEL OPINION

On 30 July 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- it will provide additional dwellings and employment (commercial/retail uses) in a location near public transport, employment and services;
- it will support the growth of the Parramatta CBD in accordance with the objectives and priorities of the Central City District Plan and Council LSPS; and
- it includes appropriate mechanisms to enable a better planning outcome on the site through the delivery of an area for a landing for pedestrian movement within the locality.



25/08/2020

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27/08/2020

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