

Parramatta LEP 2011 - 87 Church Street and 6 Great Western Highway, Parramatta

Proposal Title : **Parramatta LEP 2011 - 87 Church Street and 6 Great Western Highway, Parramatta**

Proposal Summary : **The proposal seeks to increase the maximum height of buildings to 180m, increase the maximum FSR to 10:1 and require a minimum gross floor area for non-residential uses, for land at 87 Church Street and 6 Great Western Highway, Parramatta.**

PP Number : **PP_2016_PARRA_017_00** Dop File No : **16/09528**

Proposal Details

Date Planning Proposal Received : **14-Jul-2016** LGA covered : **Parramatta**

Region : **Metro(Parra)** RPA : **Parramatta City Council**

State Electorate : **PARRAMATTA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **87 Church Street**

Suburb : **Parramatta** City : **Sydney** Postcode : **2150**

Land Parcel :

Street : **6**

Suburb : **Great Western Highway** City : **Sydney** Postcode : **2150**

Land Parcel :

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

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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) :	430
Gross Floor Area :	0	No of Jobs Created :	138

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **The site area is 3,306sq.m. and is currently occupied by a motor vehicle showroom and servicing facility.**

It is recommended that the plan proceed subject to conditions.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to amend the planning controls that apply to the site to enable a mixed use tower to be known as Macarthur Square.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to amend Parramatta Local Environmental Plan 2011 as follows:**
- increase the maximum permissible height of buildings from 28m to 180m (i.e. 55 storeys);
- increase the maximum permissible floor space ratio from 3.5:1 to 10:1 (i.e. 11.5:1 with design excellence)
- insert a site specific clause requiring a minimum of 7,603sq.m. non-residential land use, of which 3,306sq.m. (representing an FSR of 1:1) is to be included in the calculation of floor space ratio.

Note: The site is zoned B4 Mixed Use and no change is proposed to the zoning.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)

* May need the Director General's agreement

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 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

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

2.3 HERITAGE CONSERVATION

The site is identified as Parramatta Archaeological Management Unit 3060 on the State Heritage Inventory, although this is not mentioned in the planning proposal. A Gateway condition is recommended to amend the planning proposal prior to exhibition to add consideration of this Direction within Table 2.

3.5 DEVELOPMENT NEAR LICENSED AERODROMES

The proposal is for a maximum height of 180m and it would benefit from a 15% design excellence bonus. With a 15% design excellence bonus the maximum potential height would be 207m.

This Direction requires a proposal for development that would intrude into prescribed airspace, in this instance 156m, to obtain Federal government permission prior to community consultation stage.

This Direction is relevant. It is recommended that the Gateway determination be conditioned to ensure that, prior to exhibition, consultation is undertaken with the Department of Infrastructure and Regional Development.

4.1 ACID SULFATE SOILS

The proposal is inconsistent with this Direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared.

This inconsistency is considered to be justified on the basis of minor significance, given that:

(a) the affection is by class 5 acid sulfate soils; and

(b) the matter will be further considered at development application stage under clause 6.1 of Parramatta Local Environmental Plan 2011.

It is recommended the delegate agree to any inconsistency being of a minor significance.

6.3 SITE SPECIFIC PROVISIONS

This Direction seeks to prevent specific development details and controls being included on a site by site basis in a local environmental plan. This Direction applies as it proposes a site specific clause requiring a minimum of 7,603sq.m. non-residential floor space, of which 3,306sq.m. is to be included in the calculation of floor space ratio. This proposal is inconsistent with this Direction.

The Parramatta CBD planning proposal will seek to ensure that certain land zoned B4 Mixed Use that is in proximity to land zoned B3 Commercial Core is to include a minimum 1:1 FSR for commercial floor space. For sites with a minimum area of 1,800sq.m., any additional commercial floor space in excess of 1:1 is to be excluded from the overall maximum FSR (where community infrastructure is included with the development). Under this approach there is potentially no overall FSR limit, although this does not raise concerns given there is not a strong demand for commercial floor space, particularly outside of the commercial core.

It is considered that a requirement to ensure a minimum of non-residential floor space is justified on the basis of minor significance given that it will ensure an increase in employment generating floorspace within the Parramatta CBD.

The planning proposal should be amended prior to exhibition to remove all references to section 117 Direction 7.1 Implementation of a Plan for Growing Sydney.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided are suitable for public exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The community will be consulted via a newspaper advertisement, display of the planning proposal on Council's website and letters to adjoining land owners.

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 : The planning proposal should be amended prior to exhibition to remove the comment "the CBD PP has been submitted to the Department of Planning and Environment seeking a gateway determination" from section 3.1.1, as the proposal is not formally with the Department for Gateway determination.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The principal LEP was made in October 2011.

Assessment Criteria

Need for planning proposal : The planning proposal seeks to increase the maximum site density prior to proposed changes under the Parramatta CBD planning proposal.

Consistency with strategic planning framework :

PARRAMATTA CBD PLANNING STRATEGY

The proposal is consistent with this strategy adopted by Council on 27 April 2015, that intends to increase the maximum FSR to 10:1 (plus a 15% design excellence bonus) for the majority of the city centre area and require a minimum non-residential FSR of 1:1 for certain land zoned B4 Mixed Use.

This strategy has not been endorsed by the Department of Planning and Environment.

PARRAMATTA CBD PLANNING PROPOSAL

The Parramatta CBD Planning Strategy has been refined and translated into the CBD planning proposal for implementation. This planning proposal has recently been endorsed by Council for submission to the Department for Gateway determination, although the supporting traffic study has yet to be finalised.

Environmental social economic impacts :

HEIGHT OF BUILDINGS

The planning proposal as considered by Council sought a maximum height of buildings of 180m. Council's assessment of the proposal and the resulting Council resolution indicated that the maximum building height should be determined through provision of an amended reference design indicating compliance with the Apartment Design Guidelines. Following an amended reference design, the proposal as submitted for Gateway determination retains a proposed maximum height of buildings of 180m on the basis that this height will:

- enable achievement of ventilation requirements within the Apartment Design Guidelines;
- facilitate additional non-residential floor space to encourage employment generating uses; and
- is consistent with the CBD planning proposal that does not seek to restrict the maximum height of buildings, provided solar access, aviation safety and other relevant considerations are satisfied.

TRAFFIC

Council has advised that broader traffic modelling is currently being undertaken to support the Parramatta CBD planning proposal. It is recommended that this site specific planning proposal should progress to exhibition, however, the proposal should be reviewed prior to finalisation, having regard to the results of the broader traffic modelling when it is completed. This review should include confirmation of an appropriate site specific FSR considering the cumulative traffic impacts of proposed FSR increases across the CBD. This is consistent with the approach taken for recent Gateway determinations for sites within the Parramatta CBD.

SITE ISOLATION

The site adjoins 8 Great Western Highway which is a 570sq.m. vacant site. The Council assessment indicates that opportunities for 8 Great Western Highway to amalgamate are limited, as all other adjoining properties currently contain residential flat buildings or mixed use buildings that have been strata titled.

Given that the owners of the subject site and 8 Great Western Highway have not been able to reach a commercially satisfactory arrangement, the Council assessment recommended that the proposal proceed on the basis that the Land and Environment Court has established principles that need to be satisfied in consideration of development applications that may limit the future optimal development of neighbouring sites and these would need to be satisfied in any future development application.

It is considered that 8 Great Western Highway should not be incorporated into the planning proposal without any formal agreement between the landowners regarding site amalgamation, to avoid enabling 8 Great Western Highway to redevelop as a standalone 570sq.m. small site.

Under clause 7.2 of the existing sliding scale FSR controls, a 570sq.m. site with an FSR of 10:1 may achieve a maximum FSR of 6:1. Under the upcoming CBD planning proposal, a site of this size could achieve the maximum FSR of 10:1 if it is either included in the base FSR map or shown on the incentive FSR map and undergoes a design competition and meets other criteria.

Given the urban design issues surrounding the development of small sites and that a policy position has not yet been reached by the Department with regard to the FSR sliding scale, it is considered that it an increase in FSR for 8 Great Western Highway from 3.5:1 to either 6:1 or 10:1 to prevent site isolation is not appropriate.

HERITAGE

Given that the site is of State archaeological significance, it is recommended that consultation occurs with the Office of Environment and Heritage.

CONTAMINATION

The site may be contaminated given its current use as a motor show room and auto repairs centre.

Given that residential uses are already permissible within the zone, no contamination advice is required at this time and the matter can be considered further at development application stage.

CUMULATIVE IMPACTS

As there are numerous proposals for CBD sites that will preceed Council's CBD planning proposal, these are likely to collectively generate a significant cumulative impact in terms of infrastructure requirements (including transport, health, social services, education and recreation) and aviation safety. It is therefore recommended that agencies are made aware of the need to consider cumulative impacts by Council submitting to agencies a summary sheet outlining each of the planning proposals for the CBD that are to proceed and have been issued with a Gateway determination in 2016.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	18 months	Delegation :	DDG
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Public Authority Consultation - s56(2)(d) :	Office of Communities - Aboriginal Affairs Department of Education and Communities Office of Environment and Heritage Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services Sydney Water Telstra 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. :

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 - 87 Church Street and 6 Great Western Highway Parramatta.pdf	Proposal	Yes
Council's covering letter - 87 Church Street and 6 Great Western Highway, Parramatta.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)**

Additional Information : **SECTION 117 DIRECTIONS**

It is considered that any inconsistency with s.117 Directions: 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions, are of minor significance.

Should the planning proposal proceed, it is recommended the delegate agrees that these inconsistencies are of minor significance.

DELEGATION OF PLAN MAKING FUNCTIONS

Council has not indicated whether it intends to exercise the Greater Sydney Commission's plan making function for this planning proposal.

Given the large number of planning proposals recently submitted for Gateway determination within the Parramatta CBD ahead of Council's CBD planning proposal, which has not as yet been officially lodged with the Department, it is considered that plan making delegation should not be issued in this instance.

Accordingly, it is recommended that the delegate not agree to authorisation being issued for Council to exercise the delegation.

RECOMMENDATION

The planning proposal should proceed subject to the following conditions:

1. Prior to exhibition, Council is to:

(a) remove the comment that "the CBD PP has been submitted to the Department of Planning and Environment seeking a gateway determination" from section 3.1.1;

(b) include consideration of Section 117 Direction 2.3 Heritage Conservation;

(c) remove all references to section 117 Direction 7.1 Implementation of a Plan for Growing Sydney; and

(d) consult with the Department of Infrastructure and Regional Development, as required by Section 117 Direction 3.5 Development Near Licensed Aerodromes. The proposal is to be amended, if required, prior to exhibition, in accordance with the outcome of that consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) Council 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 as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act, as follows:

- 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
- Endeavour Energy

4. The planning proposal, with any supporting material, is to be forwarded to public authorities for consultation and given at least 28 days to comment on the proposal. Agencies are to be made aware of the need to consider the proposal with regard to the cumulative impacts of all planning proposals within the Parramatta CBD which have been issued with a Gateway determination in 2016, despite each of the proposals being forwarded to agencies for comment individually.

Each public authority is to be provided with a summary sheet of each of the CBD planning proposals that are to proceed and have been issued with a Gateway determination in 2016, a copy of (or a website link to) the Parramatta CBD Planning Strategy and any relevant supporting material prepared for the Strategy.

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

6. Prior to submitting the proposal to the Department for finalisation the proposal should be reviewed, and amended where necessary, having regard to the mesoscopic modelling (and consultation with Transport for NSW and Roads and Maritime Services) undertaken for the Parramatta CBD planning proposal. This review is to include confirmation of the appropriate site specific FSR (in terms of both the maximum FSR of 10:1 and additional FSR for non-residential purposes) in the context of the cumulative traffic impacts of increased FSR controls across the CBD.

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is consistent with A Plan for Growing Sydney and Parramatta Council's CBD Planning Strategy in terms of encouraging the growth of Greater Parramatta as Sydney's dual CBD.

As the proposal has not been assessed in terms of cumulative impact on the traffic and transport network, this proposal should be reviewed prior to finalisation having regard to the mesoscopic modelling (and consultation with Transport for NSW and Roads and Maritime Services) undertaken for the Parramatta CBD planning proposal

Signature:


Lillian Charlesworth

Printed Name:

Acting Team Leader

Date:

9/8/16