

Parramatta City Centre LEP 2007 - 8 to 12 Victoria Road and 2A Villiers Street, Parramatta

Proposal Title : **Parramatta City Centre LEP 2007 - 8 to 12 Victoria Road and 2A Villiers Street, Parramatta**

Proposal Summary : **It is proposed to increase the maximum permissible building height from 24m to part 24m and part 49m, as well as increase the maximum permissible floor space ratio from 2:1 to 4.8:1.**

PP Number : **PP_2014_PARRA_006_00**

Dop File No : **14/0111**

Proposal Details

Date Planning Proposal Received : **15-Sep-2014**

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 : **8 Victoria Road**

Suburb : **Parramatta**

City : **Sydney**

Postcode : **2150**

Land Parcel : **Lot 1 in DP 84255**

Street : **10-12 Victoria Road**

Suburb : **Parramatta**

City : **Sydney**

Postcode : **2150**

Land Parcel : **Lot 101 in DP 702584**

Street : **2A Villiers Street**

Suburb : **Parramatta**

City : **Sydney**

Postcode : **2150**

Land Parcel : **Lot A in DP 346603**

DoP Planning Officer Contact Details

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RPA Contact Details

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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) :	180
Gross Floor Area :	0	No of Jobs Created :	0

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 : **The Lobbyist Contact Register was checked on 7 November, 2011 and indicated no contact with lobbyists regarding this planning proposal.**

Supporting notes

Internal Supporting
 Notes : **The proposal was originally received on 15 September, 2014, although background studies were not provided until 30 September, 2014.**

The site is zoned B4 Mixed Use and has an area of 3,648sq.m. The site comprises three allotments of land and existing development comprises three office buildings of 5, 3 and 2 storeys in height.

External Supporting
 Notes : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to

the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

Adequacy Assessment

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

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

Comment : The purpose of the planning proposal is to "achieve a mixed use development reflecting the site's central location and which gives due consideration to items of heritage significance in the vicinity of the site."

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

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

Comment : The proposal seeks to amend either the Parramatta City Centre LEP 2007 or Parramatta Local Environmental Plan 2011 (should these two plans be amalgamated by the time this amendment is made) by:

1. amending the height of buildings map to increase the maximum building height from 24m to part 24m and part 49m; and
2. amending the FSR map to increase the maximum FSR from 2:1 to 4.8:1.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

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?

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

SECTION 117 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES - the proposal is consistent with this Direction as it does not propose to alter the existing zoning or reduce the potential floor space for employment generating uses.

SECTION 117 DIRECTION 2.3 HERITAGE SIGNIFICANCE

This Direction requires that a planning proposal must contain provisions that facilitate the conservation of heritage items. This Direction applies as the site is in proximity to 3 State significant heritage items, a number of locally significant items and is situated within a zone that is sensitive to views from the world heritage listed Old Government House and Domain.

To satisfy this Direction, any impact on the heritage values of potentially affected heritage items must be either of minor significance, or, such values will be protected by existing or proposed planning controls. In this instance the predominant heritage issues relate to overshadowing of Prince Alfred Park and St Patricks Cathedral (both State heritage listed), and protection of significant views from Old Government House and the Domain, as well as views of State heritage items and views from one State heritage item to another.

The Heritage Report prepared in October 2013 by NBRS+Partners concludes that a maximum height of 49m and FSR of 4.8:1 is capable of having acceptable heritage impact if carried out in accordance with various heritage principles including:

- retain and reinforce 'short' views to the Cathedral spire from the south, north and west; and
- retain and reinforce long 'gateway' view from the east.

Comment: The design principles utilised in the Urban Design Study do not incorporate the above heritage recommendations.

- assessment of heritage impacts in detail in a Statement of Heritage Impact prepared in tandem with any development proposal.

Comment: This requirement suggests that the Heritage Report does not conclude that the planning proposal will have an acceptable heritage impact.

The Heritage Report Supplementary View Analysis, revised September 2014 by NBRS+Partners addresses view impacts related to Old Government House and the Domain. The Analysis concluded that the heritage impact on these views would be minor and acceptable as:

- the St Patrick's Cathedral is a peripheral background element within the view; or
- the Cathedral has marginal visibility and no dominance in the view; or
- the spire is hardly discernible as it is backgrounded by a vegetated ridge; and
- the significance of the relevant views is associated with a view of the city, the hills or the King's School and Government Farm, not of the Cathedral.

In contrast to the findings of the View Analysis, preliminary comments received from the Office of Environment and Heritage indicate that although the proposed development would not obscure views of the Cathedral, it would negatively impact on the heritage values of the Cathedral, the Old Government House and Domain and the Old King's School (also State heritage listed). This potential impact arises as the building bulk would result in the Cathedral spire no longer being silhouetted against the sky when viewed from the Old Government House and Domain as well as from the Old King's School.

It therefore appears that the proposal is inconsistent with this Direction. It is recommended that the Urban Design Study be amended to demonstrate consideration of the findings of the heritage report, and then the planning proposal be amended accordingly, if required.

SECTION 117 DIRECTION 3.1 RESIDENTIAL ZONES - the proposal is consistent with this Direction as it will encourage the provision of additional housing in a suitable location.

SECTION 117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT - the proposal is consistent with this Direction as it will encourage the provision of additional housing in an accessible location.

SECTION 117 DIRECTION 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 affectation is by class 5 acid sulfate soils; and
- (b) the matter will be further considered at development application stage under clause 33B Acid Sulfate Soils of Parramatta City Centre Local Environmental Plan 2007 or clause 6.1 of Parramatta Local Environmental Plan 2011.

SECTION 117 DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036 - the proposal is consistent with this Direction as it will revitalise a well positioned CBD site. The draft Development Control Plan for the site incorporates a setback from Villiers Street for road widening and a pedestrian link along the eastern boundary. These public benefits will assist in the cities growth and livability.

PROPOSED HEIGHT AND FSR CONTROLS

The proposal may generate an adverse social impact associated with the potential to adversely affect the heritage value of nearby State heritage listed items including Prince Alfred Square and St Patrick's Cathedral.

Council sought the opinion of its Design Excellence Advisory Panel in relation to the planning proposal. The Panel commented that any development on the site should achieve design excellence through the design excellence competition process to ensure minimal impacts on the adjacent Prince Alfred Square.

Clause 22B of the Parramatta City Centre LEP 2007, requires that an architectural design competition be held for development over 55m or 13 storeys and allows for an increase of up to 10% in the maximum height or FSR as a result. Although the proposal seeks a maximum height of 49m, clause 22B currently applies as a maximum of 16 storeys is intended. However, clause 22B is being amended as part of the consolidation of the Parramatta City Centre LEP with the principal LEP. Under the new clause 22B, a design competition would not be required as the number of stories criteria will be removed.

It is recommended that a Gateway condition should be applied that amends the planning proposal to allow a maximum FSR of 3.5:1 as:

1. The Office of Environment and Heritage has raised concerns regarding the potential impact on adjoining heritage items;
2. The proposal and supporting studies have not adequately addressed the potential impact on items of State heritage significance;
3. There is no feasibility analysis provided to demonstrate that the proposed FSR is required for economically feasible redevelopment;
4. The proposed FSR of 4.8:1 reflects the proponent's intent to provide 180 units on the site to cover the costs of redeveloping both the subject site and the costs associated with redevelopment of the Catholic Diocese's new site at Old Kings School;
5. Council's Design Advisory Panel recommend that a design excellence competition should be held, although this will not be a requirement once the Parramatta consolidating LEP is made;
6. Following extensive studies, discussions with the applicant, and assessment, Council staff recommended a maximum FSR of 3.65:1 that would allow a maximum FSR of 4:1 given the 10% bonus provision under the exiting clause 22B. With regards to height, a maximum 16m height for part of the site was considered reasonable to allow additional site density whilst minimising potential overshadowing impacts on Prince Alfred Square.
7. The recommendation of Council staff translates to an FSR of 3.5:1 under amendments proposed to clause 22B i.e. the recommended FSR of 3.5:1 could result in a maximum FSR of 4:1 should the site owner volunteer to undergo an architectural design competition and obtain a 15% FSR bonus.

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

If No, explain :

The proposal is inconsistent with Section 117 Direction 2.3 Heritage Significance as there is no indication that the proposed built form controls for the site have taken into consideration the recommendations of the heritage report and that any redevelopment will result in minimal impact on the conservation of adjoining heritage items.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps provided are suitable for community consultation purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is proposed that the planning proposal be placed on public exhibition 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 was made in October 2011. This planning proposal may amend either the Parramatta City Centre LEP 2007 or the principle LEP, depending on the timing of the proposed consolidation of these two instruments.**

Assessment Criteria

Need for planning proposal : **The Catholic Diocese of Parramatta owns and occupies the site although it has purchased the Old Kings School site next to St Patrick's Cathedral where it will be relocating and consolidating its functions. It intends to redevelop the subject site to fund construction of it's new precinct at the Old Kings School.**

Consistency with strategic planning framework : **SYDNEY METROPOLITAN STRATEGY 2036**
The proposal is consistent with the Strategy as it will encourage redevelopment that will revitalise this part of the Parramatta CBD, provide additional housing, employment, allow for future road widening and improved pedestrian linkages.

DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031 and DRAFT WEST CENTRAL SUBREGIONAL STRATEGY

The proposal is consistent with these draft Strategies as it will encourage growth within the Global Economic Corridor through to Parramatta as well as assist in meeting housing and employment targets.

Environmental social economic impacts : **There are no likely environmental effects other than potential impacts regarding acid sulfate soils that can be addressed at development application stage.**

The proposal will provide positive economic and social benefits associated with the provision of additional housing and jobs in an accessible location as well as providing setbacks to allow for future road widening and a pedestrian linkage.

The proposal may create social impacts associated with an erosion of the heritage values

of adjoining State and local heritage items.

Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
Sydney Water**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

A number of supporting studies have been prepared although they contain conclusions and recommendations that are inconsistent across the reports and none of them are attached as Appendices to the planning proposal. The Heritage Report, Supplementary Views Analysis and any other relevant background study should be updated to reflect the Gateway determination and included as an Appendix to the planning proposal.

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
covering letter.pdf	Proposal Covering Letter	Yes
planning proposal.pdf	Proposal	Yes
Council report.pdf	Proposal Covering Letter	Yes
Building Envelope Urban Design and Place Impacts Analysis.pdf	Study	Yes
Heritage Report - Supplementary View Analysis.pdf	Study	Yes
Heritage Report.pdf	Study	Yes
Urban Design Study.pdf	Study	Yes
Council resolution.pdf	Proposal Covering Letter	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

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

DELEGATION OF PLAN MAKING FUNCTIONS

Council has requested that it exercise plan making delegations for this proposal. This request is supported.

RECOMMENDATION

It is recommended that the Minister's delegate agree that any inconsistency with s.117 Direction 4.1 Acid Sulfate Soils is of minor significance.

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

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) include the following studies as Appendices:
 - (i) Heritage Report;
 - (ii) Heritage Report - Supplementary View Analysis; and
 - (iii) Building Envelope, Urban Design and Place Impacts Analysis Addendum (Revised)
 - (b) indicate at section 3.4 that the site falls within a sensitive area with regard to views from Old Government House and Domain; and
 - (c) amend Section 5 Explanation of Provisions and Figure 7 to indicate a proposed maximum FSR of 3.5:1.
 2. Prior to public exhibition, Council is to:
 - (a) update the supporting Urban Design Study to demonstrate that the recommendations of the heritage report have been incorporated;
 - (b) further consider the consistency of the planning proposal with Section 117 Direction 2.3 – Heritage Conservation.
 - (c) upon updating the Urban Design Study and making any subsequent amendments to the planning proposal to the satisfaction of Council, Council is to consult with the Office of Environment and Heritage; and
 - (d) the planning proposal is to be updated with the outcome of agency consultation and include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with Section 117 Direction 2.3 – Heritage Conservation.
 3. 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).
 4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Transport for NSW - Road and Maritime Services
 - Transport for NSW - Sydney Trains
 - Sydney Water
 - Endeavour Energy
- 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.
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 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).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal should proceed in accordance with Gateway conditions as:

1. The proposal will encourage revitalisation within the Parramatta City Centre, enable additional housing and employment as well as provide public benefits via allowing for road widening and provision of a pedestrian linkage.
2. A maximum FSR of 3.5:1 is consistent with site sensitivity whilst allowing for a 15% bonus FSR (under draft changes to clause 22B of Parramatta City Centre Local Environmental Plan 2007) should a design excellence competition be undertaken.

Note: As the proposal is for a prominent site adjoining Prince Alfred Park and other items of State heritage significance, a design excellence competition would ensure an optimal development outcome consistent with enhancement of the public domain and heritage values.

Signature:



Printed Name:

T DORAN

Date:

21/11/14