

189 Macquarie Street, Parramatta

Proposal Title : **189 Macquarie Street, Parramatta**

Proposal Summary : **The proposal seeks to increase the maximum height of buildings to 167m and increase the maximum gross floor area (excluding private balconies and communal open space) to 60,000 square metres for land at 189 Macquarie Street, Parramatta.**

PP Number : **PP_2016_COPAR_003_00**

Dop File No : **16/12966**

Proposal Details

Date Planning : **02-Nov-2016**

Proposal Received :

LGA covered :

City of Parramatta

Region : **Metro(Parra)**

RPA :

City of Parramatta Council

State Electorate : **PARRAMATTA**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **189 Macquarie Street**

Suburb : **Parramatta**

City : **Sydney**

Postcode : **2150**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Daniel Gorgioski**

Contact Number : **9860153800**

Contact Email : **daniel.gorgioski@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Diana Khoury**

Contact Number : **0298065730**

Contact Email : **DKhoury@parracity.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Adrian Hohenzollern**

Contact Number : **0298601505**

Contact Email : **Adrian.Hohenzollern@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

189 Macquarie Street, Parramatta

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to increase the permissible density of development for land at 189 Macquarie Street, Parramatta to allow for redevelopment opportunities of the land generally consistent with the outcomes of Council's adopted planning strategy for the Parramatta CBD.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal seeks to amend Parramatta Local Environmental Plan 2011 (Parramatta LEP 2011) in relation to site specific clause 7.9 Development on land at 189 Macquarie Street, Parramatta. This clause prescribes the height and gross floor area of the subject site.

The planning proposal intends to amend the Parramatta LEP 2011 to:

- increase the maximum permissible height from 91.3m to 167m; and
- increase the maximum permissible gross floor area (GFA) from 36,000sqm to 60,000sqm.

No change to the existing B4 Mixed Use zone is proposed. No map amendments are proposed.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

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 Directions

2.3 Heritage Conservation

The subject site contains no heritage listed items, however is located within the vicinity of local and state heritage items including Experiment Farm Cottage, Hambledon House, Robin Thomas Archaeological site, Elizabeth Farm, the Gasworks Bridge and Tara (also known as Ellengowan).

It is considered that the additional height and floor space on the site will have minor additional impact on the values of local and state heritage items in vicinity on the site, due to overshadowing caused by the additional height.

The submitted heritage and urban design report indicate that part overshadowing of the Experiment Farm Cottage will occur.

Further refinement and detail will need to be provided during the design excellence process and later at the development application stage to ensure this is managed appropriately.

Consultation with the Office and Environment and Heritage is recommended.

3.5 Development Near Licensed Aerodromes

As the proposal seeks to increase the building height controls for the site to 167m, the development may enter the prescribed airspace for both Sydney and Bankstown Airport, that starts at 156m, and therefore this Direction applies.

This Direction requires a proposal for development that would intrude into prescribed airspace to obtain Federal government permission prior to community consultation stage. Although, previous experience has shown that the Commonwealth has the view that it will not issue permission to encroach into protected airspace at planning proposal stage, but rather at development application stage.

As such it is considered that inconsistency with this aspect of the Direction is justified as of minor significance. Consultation with aviation authorities, however, is recommended to occur during the community consultation period.

Direction 4.3 – Flood Prone Land

This site is identified as flood prone land under the Lower Parramatta River Flood Management Study.

A flood study was not specifically prepared for this planning proposal. The applicant indicated that flood modelling informing the original planning proposal and approved DA for the site remains relevant for the increased density being sought. An addendum letter was provided by the applicant to indicate this position, indicating that all habitable levels will remain above the Probable Maximum Flood (PMF) level. However,

this letter wasn't provided as part of the current proposal and it is recommended that Council provide this addendum letter as part of the exhibition material.

Council's assessment indicates that the proposal complies with this Direction.

6.3 Site Specific Provisions

While the planning proposal does include site specific prescriptive controls for maximum height and floor area, the controls are an amendment to an existing clause and the planning proposal will not introduce any new provisions. The proposal is therefore consistent with this Direction.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **no mapping is required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is recommended that the proposal should be exhibited for a period of 28 days.**

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

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 proposal seeks to amend the maximum gross floor area and height of buildings under clause 7.9 of the LEP which apply to the subject site.

Assessment Criteria

Need for planning
proposal :

Given the site is subject to a site specific clause, a planning proposal which seeks to amend the development standards is considered the best way to achieve the intended outcomes. The specifics of clause 7.9 of Parramatta LEP 2011 are such that an increase in height and GFA on the site can only be achieved by amending the provisions of this clause. The planning proposal will effectively deliver the intended outcomes of the Parramatta CBD Planning Proposal on a site specific basis.

Consistency with strategic planning framework :

A Plan for Growing Sydney

The planning proposal is considered to be consistent with the Plan. This planning proposal will allow for the provision of housing in proximity to train services and potential future public transport options, thus providing convenient housing opportunities.

Parramatta CBD Planning Strategy and Parramatta CBD Planning Proposal

The Strategy and subsequent adoption of the Parramatta CBD Planning Proposal were used to inform the overall assessment of this proposal to maintain consistency with Council's vision for Parramatta CBD.

Under the Parramatta CBD Planning Proposal, the site is identified as B4 Mixed Use with no height limits and an FSR of 10.1 (plus design excellence). The proposed GFA of 60,000m² equates to an FSR of 11.5:1 being 10:1 plus 15% design excellence bonus.

The FSR control proposed for the site specific proposal is considered to be in accordance with the incentive maximum FSR control recommended in the Parramatta CBD Planning Proposal, being 10:1 plus design excellence.

Environmental social economic impacts :

Overshadowing

Concern has been raised regarding the proposed height of the development in regards to overshadowing from and to the subject site (resulting from adjacent properties) and subsequent impacts on solar access. Overshadowing of nearby state heritage items and the Rowland Hassall School site is also of concern.

The applicant suggests that these impacts can be mitigated and the overshadowing of Experiment Farm Cottage avoided, through the appropriate distribution of heights across the site and some modifications to roof features. The proposed building heights would however result in some overshadowing of the curtilage to Experiment Farm. Further detail/analysis during the design competition process would be required to address this issue.

Council has provided cumulative overshadowing mapping that includes four other CBD sites currently subject to planning proposals. The mapping indicates that while this proposal may have a minor impact in relation to overshadowing, the cumulative impact on overshadowing of heritage items and open space in the vicinity is significant. It is recommended that the cumulative overshadowing diagrams be included within the planning proposal prior to exhibition.

Flooding

Additional flooding advice provided indicates that development of the site is able to be designed consistently with the Floodplain Development Manual 2005 and relevant Council flood planning controls. The planning proposal is also considered to be consistent with the Section 117 Direction 4.3 – Flood Prone Land. Detailed design features and evacuation measures to respond to the flood affectation can be implemented at the development application stage.

Traffic

The Department understands that Council is currently undertaking a broader traffic modelling to support the Parramatta CBD planning proposal, that has recently been endorsed by Council for submission for Gateway determination. 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 recommendation is consistent with the approach taken for all recently issued Gateway determinations within the Parramatta CBD.

Assessment Process

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

Timeframe to make LEP : **18 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) : **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**

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 :

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 - 189 Macquarie Street Parramatta.pdf	Proposal	Yes
covering letter - 189 Macquarie Street.pdf	Proposal Covering Letter	Yes
Council Minutes 8 August 2016 Item 9.4.pdf	Proposal	Yes
Council Report - Planning Proposal for land at 189 Macquarie Street, Parramatta.pdf	Proposal	Yes
Attachment 1 of Council Report - Final Assessment report.pdf	Proposal	Yes
Attachment A (of attachment 1) Urban Design Assessment Report_Antoniades Architects.pdf	Proposal	Yes
Attachment B (of attachment 1) Heritage Assessment Report _Perumal Murphy Alessi (4).pdf	Proposal	Yes
Attachment 3 of Council Report 189_Macquarie_Street_GAO Advice.pdf.pdf	Proposal	Yes
Planning Proposal Appendix 1 - UD REPORT ATTACHMENT.pdf	Proposal	Yes
Planning Proposal Appendix 2 - Heritage report.pdf	Proposal	Yes

Planning Proposal Appendix 3 - Flooding report request
for PP.pdf

Proposal

Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 3.5 Development Near Licensed Aerodromes
 4.3 Flood Prone Land
 6.3 Site Specific Provisions

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 predominantly owned by Council.

RECOMMENDATION

It is recommended that the Secretary's delegate approves the inconsistency with section 117 Direction 3.5 Development Near Licensed Aerodromes, on the basis of minor significance.

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

1. Prior to community consultation Council is to amend the planning proposal to include the supplementary information that was provided to the Department on 2 November 2016.

2. Community consultation is required under sections 56(2) 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 the Department's 'A Guide to Preparing Local Environmental Plans'.

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of Section 117 Directions:

- Office of Environment and Heritage - Heritage Division
- Department of Education and Communities
- Transport for NSW - Ferries
- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- Department of Infrastructure and Regional Development
- Civil Aviation Safety Authority
- Telstra
- 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.

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 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).

5. 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. The review should include confirmation of the appropriate site specific gross floor area in the context of the cumulative traffic impacts of increased density controls across the CBD.

6. 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 holds merit as it is consistent with regional, metropolitan and local strategies in terms of facilitating additional housing and employment in an area well served by public transport and infrastructure. This will assist in strengthening Parramatta's role as Sydney's second CBD.

Signature:


Lillian Charlesworth
Acting Team Leader

Printed Name:

Date:

4/11/16