

Justification

1. Is the planning proposal a result of any strategic study or report?

The planning proposal has been the result of investigations and the subject of a report to Council on 22 June 2009. Generally, the planning proposal covers minor problems evident after operation of the new City Centre LEP for 18 months. Investigations have included consideration as to whether proposals for local road widening shown on the Land reservation acquisition map are still required. The rationale of the eight individual matters is as follows:

1. Clause 22 A (3) minimum building street frontage -- The amendment is required to correct a typographical error to clarify that despite the requirement for at least one street frontage of 20m or more consent may be granted to the erection of a building with a lesser street frontage of 20 m due to the physical constraints of the site or an adjoining site. The reference in subclause (3) to subclause (1) should be amended to subclause (2). Subclause (1) only refers to clause objectives whereas subclause (2) includes the requirement that building development must have at least one street frontage of 20 m or more.

2. Clause 22 C Car parking -- A maximum number of car spaces for development in the City Centre is necessary in order to encourage greater use of public transport and to reduce car trips to the City Centre. A maximum parking rate applied under Sydney Regional Environmental Plan No 28 controls for the City Centre prior to the City Centre LEP coming into force. Council also has a policy to apply the rates under the City Centre LEP as maximums, given the ambiguity of the provisions. (They are neither expressed as a maximum nor minimum)

3. Clause 29 A (2) (c) Outdoor advertising and signage -- The prohibition of advertising in the B3 Commercial Core and B4 Mixed Use Zones is unnecessary and unreasonably restrictive for a major CBD location. Neither is the prohibition in line with the provisions of the standard template and of the former SREP No 28, which both permit advertising with consent and subject to detailed guidelines in the Parramatta City Centre DCP 2007.

4. Schedule 2 Exempt development: Building alterations (1) -- The amendment is necessary to give Council greater control over the installation of security shutters and roller doors by providing for their merit assessment and the circumstances in which they may be permitted. There is concern that without adequate control security devices could have a detrimental impact on the architectural features and appearance of a building or the character of the street with activation of street frontages.

5. Schedule 2 Exempt development: Markets -- It is not necessary for markets complying with Council's policy to be the subject of development consent. However, Markets not meeting the policy would be subject to a development application and merit assessment.

6. Floor space ratio and height, 36 Charles St -- The proposed amendment is necessary to correct map errors. The property is included in the B4 Mixed Use Zone. The Floor space ratio map shows a maximum floor space ratio of 0:1 for this property and there is no height limit shown on the height map.

As the property is included in the B4 Mixed Use Zone (this zoning was also shown on the plan as exhibited) it was clearly intended that the site could be developed for mixed use purposes. Without the requested amendment, the development potential of the land is frozen at a FSR of 0:1 and will cause the present owner, who has a DA pending, hardship.

In addition, there is no opportunity to vary the FSR development standard under Clause 22B, as whilst this clause would potentially allow up to 10% variation, any % variation of a 0:1 FSR is still 0:1. This further illustrates the unintended consequences of the error of the 0:1 FSR. Further, the proposed floor space ratio and height is consistent with that for adjacent land.

7. Floor space ratio, land fronting Parramatta River and at the corner of Smith and Phillip Streets -- The proposed amendment is necessary to correct map errors. The floor space ratio map shows a floor space ratio of 0:1 over land adjoining David Frater Reserve and the Parramatta River foreshore and also the corner site at Phillip and Smith Streets.

In the Land use zoning and Height of buildings maps the land is zoned B4 Mixed Use with a height limit of 80 m. Other land within this block with the same zoning and height limit has a FSR of 6:1 on the map

Adjoining lots in the B4 Mixed Use Zone have a height limit of 80 m and a floor space ratio of 6:1 which is demonstration of Council's implied expectation of standards which should apply to the subject land. In addition, in the Parramatta City Centre Development Control Plan 2007 land at the corner of Smith and Phillip streets is subject to Street Frontage Height Type D which envisages buildings being built at the street frontage to a height of between 26 to 30 m and then set back a minimum distance of 8 m. This control is a further implied expectation that the subject land would be developed for mixed use purposes.

Without the requested amendment the development potential of this land is frozen, and there is no opportunity to vary a 0:1 FSR.

8. Land Reservations, removal of a number of reservations for road widening and open space --

Investigations have been undertaken into whether proposals for local road widening shown on the Land Reservation acquisition map are still required. Council is the responsible authority for the acquisition of the reserved land for local road widening. Most of the local road widening reservations are still required, but a small number, as indicated by reasons below, should be removed or altered.

- Road widening for 15 and 17 Macquarie Street has already taken place and the land is owned by Council.
- The necessary road widening for 1 Macquarie Street, at the corner with Pitt Street, has taken place – and a horizontal stratum at street level has been dedicated in Council. The road widening reservation can now be removed and the land zoned B4 Mixed Use.
- Road widening has taken place on the front portion of 60 Campbell Street and this land is in Council ownership. This widening can be removed.
- The Regional Open Space Reservation is no longer required for 182B, 184B, 186B & 188B George Street Parramatta. These allotments, fronting the Parramatta River have been acquired and the Land Reservation Acquisition Map should delete reference to the reservation over these properties. They are already zoned RE1 Public Recreation on the Land Zoning map, so no change is required to this map

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal, involving statutory amendments to Parramatta City Centre LEP 2007, is considered the only means of achieving the objectives and intended outcomes. Other possible options such as community education, economic instruments or Council works and initiatives would not result in the outcomes sought.

3. Is there a net community benefit?

Items 1 and 3 to 8 of the planning proposal are inconsequential and will have no community impact. Item 2 which entails placing a limit on the maximum number of parking spaces to be provided in the city centre will have a positive community impact in reducing the use of private transport in promoting the use of public transport. Consequently, it is considered that this element of the proposal has a net community benefit.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the West Central Subregional Strategy or the Metropolitan strategy. In particular, the proposal to limit car parking is consistent with:

- Action D3.2.1 of the Metropolitan Strategy to 'Develop and implement a metropolitan-wide parking policy to encourage use of public transport to centres and ensure a consistent approach across centres'. The strategy indicates that this policy will build on existing policy on parking provision. The Improving Transport Choice Guidelines in the Integrating Land Use and Transport package released in 2001 advocates reducing parking requirements for development in areas with good public transport and providing well designed and located parking to ensure it does not detrimentally affect access by other modes.
- Action D3.2 of the West Central Subregional Strategy, focusing on developing a parking policy to support the use of sustainable transport to Strategic Centres, including Parramatta.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Council's strategic plan, Parramatta Twenty25 in that:

- it enables land at 36 Charles Street, adjoining the Parramatta River foreshore and also at the corner of Phillip and Smith Streets to be developed for mixed use purposes helping to promote employment growth and ensure the city's prosperity.
- by placing a limit on the amount of car parking to be provided will encourage the development of sustainable forms of transport in the city centre.

In addition, the limitation on car parking and is consistent with Future Action 5 of the City Centre Vision which is to *'Create a pedestrian friendly city by improving the public transport*

mode share'. The City Centre plan aims to reduce commuter car traffic and unnecessary through traffic and encourage public transport use.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with state environmental planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable ministerial directions. In particular:

- allowing land at 36 Charles Street, adjoining the Parramatta River foreshore and also at the corner of Phillip and Smith Streets to be developed for mixed use purposes is consistent with direction 1.1 which has the aim to encourage employment growth in suitable locations.
- placing a limit on the maximum number of parking spaces is consistent with direction 3.4 which has an aim to reduce travel demand including the number of trips generated by development and the distance travelled, especially by car and supporting the efficient and viable operation of public transport services.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal will have no effect on ecological communities and their habitats.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposal being of minor significance should not have any environmental effects. Where future development applications are lodged for land to respect in matters 2, 3, 4, 6 and 7 a full merit assessment of environmental effects will be made at that time.

10. How has the planning proposal adequately addressed any social and economic effects?

As already indicated the planning proposal will have a number of positive social and economic effects. By allowing a number of properties to be developed for mixed use purposes employment growth will be promoted. In addition, placing a maximum limit on the provision of parking in the city centre will help encourage sustainable modes of public transport. It is not envisaged that the planning proposal will cause any negative social and economic effects that need to be addressed.

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal will not place additional demands on public infrastructure. Existing public transport in the City Centre can support reduced parking rates.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation is proposed.

Community Consultation

1. As the proposal is of a minor nature, consultation with State or Commonwealth Public Authorities is not considered necessary.
2. It is proposed that the planning proposal, being of a 'low impact', should be placed on exhibition for a period of 14 days.