

Parramatta City Centre LEP 2007 - 184 to 188 George Street, Parramatta

Proposal Title : **Parramatta City Centre LEP 2007 - 184 to 188 George Street, Parramatta**

Proposal Summary : **The planning proposal seeks to increase the maximum permissible height of buildings for the site from 36m (approximately 12 storeys) to 120m (approximately 38 stories) and increase the maximum floor space ratio from 4:1 to 10:1.**

PP Number : **PP_2015_PARRA_003_00** Dop File No : **15/04522**

Proposal Details

Date Planning Proposal Received : **27-Mar-2015** 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 : **184 - 188 George Street**

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

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Lillian Charlesworth**

Contact Number : **0298601101**

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RPA Contact Details

Contact Name : **Janelle Scully**

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Metro West Central subregion** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 180
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 43

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : The Lobbyist Contact Register was checked on 16 March, 2015 and indicated no contact with lobbyists regarding this planning proposal.

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The planning proposal was received on 5 March, 2015. The received date has been amended to reflect the receipt of additional information i.e. heritage studies, that was not lodged with the proposal and assessment.

External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The purpose of the proposal is to increase the development potential of the site by increasing the maximum height and floor space ratio. The current zone applying to the site will remain as B4 Mixed Use under Parramatta City Centre LEP 2007.

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

Is an explanation of provisions provided? Yes

Comment : The proposal will amend the Parramatta City Centre Local Environmental Plan 2007 as follows:

- . increase the maximum permissible building height for the site from 36m to 120m; and
- . increase the maximum permissible floor space ratio from 4:1 to 10:1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 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
- 4.3 Flood Prone Land
- 7.1 Implementation of A Plan for Growing Sydney

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 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 65—Design Quality of Residential Flat Development

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

SECTION 117 DIRECTION 1.1 - BUSINESS AND INDUSTRIAL ZONES

This Direction requires that a planning proposal must retain the areas, locations and total potential floor space area for employment uses.

The proposal does not seek to change the land zoning from B4 Mixed Use and given that it will increase the intensity of development on the site, it will enable the potential floor space for employment uses to be maintained or increased.

The proposal is therefore consistent with this Direction.

SECTION 117 DIRECTION 2.3 HERITAGE CONSERVATION

The site does not contain a heritage item, although it directly adjoins a State listed heritage item known as Harrisford (one of the oldest remaining former residences in Parramatta). The site also contains relics of european archeological significance and may contain items of aboriginal archeological significance (although any items are likely to have been previously disturbed by demolition and some excavation on the site, which is now vacant).

Comments have been sought by the Department from the Office of Environment and Heritage. In summary, the delegate of the Heritage Council has advised:

- the provided Statement of Heritage Impact was written for a development application in 2011 for a 12 storey building and the Heritage Council recommends a revised statement be prepared to address:
 - * the proposed increases in height and floor space;
 - * the proposed development controls outlined in the urban design report;
 - * the potential impacts of the proposal on the adjacent Parramatta River wetlands (listed as local heritage item); and
 - * the potential impacts of the proposal on the World and National Heritage values of Old Government House and Domain.

Note: Whilst the subject land lies immediately outside the identified area of sensitivity of the 'Riverside Edge Zone' (Tag A), regard should be given to the 2012 Planisphere Report titled Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values, particularly the future development guidelines for the 'Riverside Edge Zone'.

Further, the Archaeological Assessment (2011) does not reflect the current proposal. The Heritage Council issued approvals under section 140 of the Heritage Act 1977 for test excavations at the site. However, if the proposal results in additional impacts on potential archaeology, the Heritage Council advised that an amended report and additional approvals should be submitted.

Comment:

It is recommended that a revised Statement of Heritage Impact be prepared to address the above relevant issues raised by the delegate of the Heritage Council and clarify whether the site contains items of aboriginal archaeological significance.

Further, it is recommended that the planning proposal be amended to identify the location and State significance of the adjoining heritage item (Harrisford).

Consistency with this Direction at this time requires clarification, given that the supporting heritage studies are considered by the Heritage Council to be inadequate.

SECTION 117 DIRECTION 3.1 RESIDENTIAL ZONES

The proposal is consistent with this Direction as it will maximise housing opportunities in a location in close proximity to public transport, shops, employment and existing infrastructure and services.

SECTION 117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The site is in close proximity to the Parramatta ferry wharf (150m) and within walking distance to the Parramatta train station and bus interchange (845m).

The proposal is consistent with this Direction as future residents will be able to access nearby employment, education, shops and services via walking, cycling or public transport.

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 4 and 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 4.3 FLOOD PRONE LAND

Portions of the site are within the 1:100 year floodplain and the entire site would be inundated in the event of a probable maximum flood.

The planning proposal indicates that the proposal is consistent with this Direction, although a flood study has not been provided to verify this assertion and Council's report has not clearly indicated whether or not Council's Catchment Management Team considers the proposal to be consistent with the Direction.

It is recommended that the Gateway determination be conditioned to ensure that prior to exhibition, Council ensures consistency with this Direction or justifies any inconsistency.

Further, a legible diagram to indicate flood affectation is also recommended for inclusion in the planning proposal.

The proposal is also to be referred to NSW State Emergency Service for comment during the exhibition period.

SECTION 117 DIRECTION 7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

The proposal is consistent with this Direction as it is in keeping with developing Greater Parramatta as Sydney's second CBD.

The proposal will increase residential development and provide for employment generating uses in an area well serviced by public transport and with access to employment, services, shops and infrastructure.

It is, however, recommended that the planning proposal be amended, prior to public exhibition, to include reference to this Direction (and comments) within the section of the proposal addressing section 117 Directions.

DRAFT WEST CENTRAL SUBREGIONAL STRATEGY

This draft Strategy recognises the Parramatta River as a highly significant environmental asset and notes that future planning and development of this area will

need to ensure that these values are maintained (see following, under Sydney Regional Environmental Plan).

Comment:

It is considered that a proposal of this scale should be considered in terms of maintaining the scenic and amenity values of the Parramatta River. It is accordingly recommended that advice of this nature be included in the planning proposal.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

The planning proposal does not consider this Plan, although the site falls within the Foreshores and Waterways Area boundary (Tag B).

The following planning principles within the SREP are relevant (Tag C):

a. In relation to the Foreshores and Waterways Area:

- development should protect, maintain and enhance the natural assets and unique environmental qualities of the foreshores;
- development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of the foreshores.

b. In relation to Heritage Conservation:

- the natural, scenic, environmental and cultural qualities of the Foreshores and Waterways Area should be protected.

Comment:

The construction of multiple tower buildings of up to 38 - 43 stories (dependent on a design competition bonus) as permitted by the planning proposal will encroach within 40m of the waterway.

Accordingly, given the location of the site and the scale of proposed development, it is recommended that the planning proposal be amended to consider items (a) and (b) - above, and indicate how the proposal will satisfactorily address the above planning principles.

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

If No, explain :

The proposal is inconsistent with section 117 Direction 4.3 Flood Prone Land as it intends to increase residential density on land within a flood planning area without evidence that the proposal is clearly in accordance with a floodplain management risk plan or that any inconsistency is of minor significance.

Further advice is required to determine whether the proposal is consistent with Section 117 Direction 2.3 Heritage and Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

No mapping is provided to illustrate the existing or proposed controls.

This omission would need to be addressed by a Gateway condition requiring the planning proposal to be amended accordingly prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Community consultation is likely to include a newspaper advertisement, information 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 proposal is adequate provided that adequate diagrams and Section 117 Directions 2.3 Heritage Conservation and 4.3 Flood Prone Land are addressed, as well as Sydney Regional Environmental Plan (Sydney Harbour Catchment).**

Proposal Assessment

Principal LEP:

Due Date : **October 2011**

Comments in
relation to Principal
LEP :

This proposal seeks to amend Parramatta City Centre Local Environmental Plan 2007. However, it may amend either the Parramatta City Centre Local Environmental Plan 2007 or Parramatta Local Environmental Plan 2011, depending on the timing of the proposed consolidation of these two instruments.

Assessment Criteria

Need for planning
proposal :

The planning proposal is the only method available to enable a higher density of development to cater for the projected increase in the residential and working population.

Council's report puts forward the following matters in support of the proposal:

- assists in ensuring that the CBD remains vibrant and active during the day;**
- ensure a new public shared laneway and the river foreshore reserve have high levels of public surveillance;**
- the proposed height would complement other landmark sites in the CBD including: Aspire, the northern gateway (Meriton and LIDIS sites on the river at 150 - 177m) and, at the southern gateway the Heartland Holden site (at 118m).**
- is consistent with future redevelopment envisaged in the draft Parramatta City Centre Framework Study;**
- does not adversely overshadow surrounding sensitive land uses by encouraging a tall, slender building form instead of lower, bulkier buildings;**
- contributes to achieving dwelling and employment targets; and**
- non-residential uses would service nearby residents and workers.**

Consistency with strategic planning framework :

The proposal is consistent with regional, metropolitan and local strategies in that it will facilitate additional housing and employment in an area well served by public transport and infrastructure. This will assist to help strengthen Parramatta's role as Sydney's second CBD.

The planning proposal is reflective of State and local government strategic plans including A Plan for Growing Sydney, Parramatta City Centre Vision 2007 and Council's Parramatta CBD Planning Strategy.

The proposal is consistent with Council's Parramatta CBD Planning Strategy that intends a maximum FSR of 10:1 with no specific building height control other than as determined by solar access controls and airspace restrictions. The 10:1 FSR would also apply to the whole of the surrounding area for sites greater than 1,000sqm or that demonstrate design excellence and meet all design requirements for that form of development (Tag D - extract from the Strategy).

Should the proposal proceed, it is recommended that a suitable diagram(s) be included in the planning proposal to illustrate the relationship between potential built form on the site and proposed buildings in the vicinity.

Environmental social economic impacts :

The proposal is expected to generate positive social and economic impacts by providing additional housing and employment opportunities in an area well served by public transport and infrastructure.

TRAFFIC

Although a traffic study was not provided, the Council report indicates that Council's Traffic Management Team have reviewed the proposal and raised no specific concerns.

Despite this, Council's team raised concern about the lack of a study into the cumulative impacts of the additional traffic generation from the increased development potential in the CBD. The planning proposal indicates this is an issue that will be addressed as part of implementing Council's Parramatta CBD Planning Strategy.

It is considered some traffic assessment and advice should be provided to support the proposal. It is therefore recommend that appropriate advice be prepared by Council to address traffic implications resulting from the proposal and this be exhibited with the proposal and made available to the Road and Maritime Services and Transport for NSW for comment.

OVERSHADOWING

Proposed development will have some overshadowing impacts on the Robin Thomas Reserve (located to the south-east of the site). Council's report notes that a 120m/38 storey building on the subject site will overshadow a small section of the reserve from 2pm along the western boundary.

It is noted, however, that the overshadowing impact may be more significant than indicated given that the overshadowing diagrams do not take into account the additional stories that would be permitted with a 15% design competition bonus and do not fully take into consideration cumulative impacts.

Council considers that impacts can potentially be offset by Voluntary Planning Agreement contributions towards maintenance and upgrade of the reserve.

Comment:

It is considered that the reserve is a significant open space resource, particularly given:

- the robin thomas reserve provides playing fields within an area immediately adjacent to the CBD;
- the substantial increase in resident, student and working population in Parramatta are expected to utilise the Robin Thomas Reserve and the immediately adjoining James Ruse Reserve;
- the cumulative impact on the adjoining reserves if the proposed 'upzoning' of several surrounding sites (eg. 142 to 154 Macquarie Street and 189

Macquarie Street) is taken into account - by 3pm in mid winter, when any after school activities are likely to commence, the playing field will be virtually in 100% shadow

Consequently, it is considered warranted that overshadowing diagrams that clearly illustrate the location of the reserves are included in the planning proposal and address overshadowing of the reserves:

- . that would currently apply from relevant potential development in accordance with the existing maximum height of buildings controls for sites located near the reserves.
- and
- . the extent of cumulative overshadowing that would arise from this proposal together with overshadowing impacts arising from the planning proposal for 142 to 154 Macquarie Street, Parramatta (PP 2015 PARRA 002 00), assuming that both proposals achieve a 15% height and FSR bonus.

HERITAGE

The proposed development adjoins a State listed heritage item (i.e. Harrisford) that is one of the oldest remaining former residences in Parramatta.

A Statement of Heritage Impact prepared for an earlier proposal on the site indicates that development of the site will have no impact on the fundamental historical significance of the heritage building given that the building and its curtilage will be retained and remain as part of the evolving Parramatta townscape.

In view of the more intensive form of development permitted by the proposal, it is recommended that the planning proposal be amended to address any potential impacts of the proposal on the building, and its curtilage, and proposed actions to mitigate any identified impacts.

If considered to be appropriate by Council, the previously prepared heritage impact statement may be amended accordingly and form an appendix to the planning proposal.

Assessment Process

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

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

Public Authority Consultation - s56(2)(d) : **NSW Aboriginal Land Council
Department of Education and Communities
Office of Environment and Heritage
NSW Department of Primary Industries - Fishing and Aquaculture
Transport for NSW
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
State Emergency Service
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. :

Heritage

Flooding

Other - provide details below

If Other, provide reasons :

A flood study has not been provided and the Council report does not clearly indicate whether the proposal is consistent with Section 117 Direction 4.3 - Flood Prone Land.

The site adjoins a State listed heritage item and contemporary heritage advice has not been prepared in relation this proposal.

A traffic study has not been provided although the proposal will result in significant increase in site density. A traffic assessment should be undertaken to demonstrate the potential for impacts on the local road network.

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
184-188 George Street, Parramatta - planning proposal.pdf	Proposal	Yes
Historical and Archaeological Assessment Report.pdf	Study	Yes
Urban Design Report.pdf	Study	Yes
Council Report.pdf	Proposal Covering Letter	Yes
Tag A - Riverside Edge Zone .pdf	Map	Yes
Tag C - SREP (Sydney Harbour Catchment).pdf	Determination Document	Yes
Tag D - Extract from Parramatta CBD Planning Strategy.pdf	Determination Document	Yes
Tag B - Foreshores and Waterways Area Boundary.pdf	Map	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**
- 4.3 Flood Prone Land**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **DELEGATION OF PLAN MAKING FUNCTIONS**
Council has requested that it exercise the Minister's plan making function for this planning proposal. Given the nature of the proposal, this request is supported.

Accordingly, it is recommended that the delegate agree to issue authorisation to Council to exercise the plan making function in this instance.

SECTION 117 DIRECTIONS

It is considered that the inconsistency with Section 117 Directions 4.1 - Acid Sulfate Soils is justified as minor significance.

It is recommended the delegate agree that this inconsistency is of minor significance.

It is further recommended the planning proposal proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:

- (a) identify the lot and DP numbers for the site;
- (b) include clear maps/diagrams:
 - . illustrating the site and existing and proposed planning controls,
 - . a flood map of the site with corresponding legend,
 - . a locality map - particularly showing the relationship between the site and the Robyn Thomas and James Ruse Reserves;
 - . an appropriate diagram(s) illustrating potential built form on the site and the relationship to the wider area, to demonstrate the strategic building form context of this proposal; and
 - . overshadowing diagrams that address the Robyn Thomas and James Ruse Reserves that indicate:
 - i. the extent of overshadowing that would currently apply resulting from development of relevant sites in accordance with the existing maximum height provisions; and
 - ii. the extent of cumulative overshadowing that would arise from both this proposal and the planning proposal for 142 to 154 Macquarie Street, Parramatta(PP_2015_PARRA_002_00), assuming that both proposals achieve a 15% height and FSR bonus.
- (c) include the location and clarify the State significance of the adjoining heritage item known as 'Harrisford';
- (d) include comments on the consistency (or otherwise) of the planning proposal with:
 - Section 117 Direction 7.1 Implementation of a Plan for Growing Sydney within the appropriate section of the planning proposal, that deals with section 117 directions;
 - State Environmental Planning Policy No. 55 - Remediation of Land; and
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, particularly clause 14 (a) and (d) and clause 15 (d) and (f).
- (e) include advice on flooding impacts of the planning proposal and adequately demonstrate consistency, or justify any inconsistency with Section 117 Direction 4.3 Flood Prone Land.
- (f) attach flooding, heritage and traffic advice as appendices to the proposal (refer to the following).
- (g) revise the Statement of Heritage Impact to address:
 - . the proposed increases in height and floor space;
 - . the proposed development controls outlined in the urban design report;
 - . the impacts of the proposal on the adjacent Parramatta River wetlands (listed as item number 134 with local significance under schedule 5 of Parramatta City Centre Local Environmental Plan 2007); and
 - . the appropriateness/adequacy of the proposed site specific draft development control plan.
- (h) clarify in the planning proposal any potential impacts of the proposal on the adjoining State significant item (i.e. 'Harrisford') and any proposed actions to mitigate identified impacts;
- (i) ensure that the planning proposal is amended, if necessary, in response to Council's review of the revised impact statement, and that the Section 117 Direction - 2.3 Heritage, is amended accordingly; and
- (j) prepare traffic advice and assessment on the potential impact of the proposal on the local traffic network.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made 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 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 EP&A Act, as follows:

- Office of Environment and Heritage
- NSW Aboriginal Land Council
- Department of Education and Communities
- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- NSW Office of Sport
- State Emergency Service
- Department of Primary Industries - Office of Water and NSW Fisheries
- Sydney Catchment Authority
- Sydney Water
- Endeavour Energy
- Telstra

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.

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

Supporting Reasons :

The proposal is generally consistent with State, regional and local plans.

The proposal is supported, in-principle, as it will assist in the provision of additional housing and employment in proximity to public transport, infrastructure and services.

Signature:



Printed Name:

T DORAN

Date:

4/6/15

