

Parramatta LEP 2011 - 180 George Street, Parramatta

Proposal Title : **Parramatta LEP 2011 - 180 George Street, Parramatta**

Proposal Summary : **The proposal seeks to remove the maximum height of building control, increase the maximum permissible FSR to 10:1 (excluding 15% design excellence bonus), ensure a minimum 1:1 FSR is utilised for employment generating (commercial) floor space and apply clause 7.6 Airspace Operations to the site.**

PP Number : **PP_2016_PARRA_016_00**

Dop File No : **16/06886**

Proposal Details

Date Planning : **10-May-2016**

LGA covered : **Parramatta**

Proposal Received :

Region : **Metro(Parra)**

RPA : **Parramatta City Council**

State Electorate : **PARRAMATTA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **180**

Suburb : **George Street**

City : **Parramatta**

Postcode : **2125**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Lillian Charlesworth**

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RPA Contact Details

Contact Name : **Kimberley Beencke**

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601579**

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub : **Metro West Central**

Consistent with Strategy : **Yes**

Regional Strategy : **subregion**

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 753
(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 :

The site area is approximately 8,000 square metres and is currently occupied by mixed use development comprising five buildings (including a 13 storey serviced apartment building). The site is zoned B4 Mixed Use.

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 increase the site density to enable a mixed use redevelopment.

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:

- remove numerical standards for the site from the height of buildings map and apply clause 7.6 Airspace Operations (this would enable the maximum height of buildings to be determined at development application stage in accordance with aviation safety requirements). The existing maximum permissible height of buildings is 36m (11 storeys);

- increase the maximum FSR from 4:1 to 10:1 (i.e. 11.5:1 including 15% design excellence bonus); and

- insert a site specific provision that requires a minimum of 1:1 FSR be provided as employment generating (commercial) floorspace.

Note: commercial floorspace, rather than non-residential floorspace is specified, as the definition of "commercial" excludes serviced apartments. This is of importance given that the existing serviced apartment building on the site may be retained.

DEPARTMENT COMMENTS

The removal of a numerical maximum building height control is not supported. The proponent sought a maximum building height of 180m (excluding 15% design excellence

bonus), although Council staff recommended that the proposal be amended to remove the numerical height controls, consistent with Council's adopted Parramatta CBD Strategy. This is further discussed below under the heading "Environmental, Social, Economic Impacts".

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.3 Site Specific Provisions

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 :

Based on the information provided in the Planning Proposal, the proposal is consistent with all relevant SEPPs and Section 117 Directions, except as follows:

SECTION 117 DIRECTION 2.3 HERITAGE CONSERVATION

The site is categorised as of State archaeological significance and exceptional archaeological research potential. The site also has high Aboriginal sensitivity due to a recorded Aboriginal open campsite. Furthermore, the site adjoins a State listed heritage cottage known as "Harrisford" at 182 George Street, Parramatta. Therefore the planning proposal should be amended prior to exhibition to address consistency with this Direction.

It is recommended that consultation occur with the Office of Environmental Heritage - Heritage Division and the NSW Aboriginal Land Council.

SECTION 117 DIRECTION 3.5 DEVELOPMENT NEAR LICENSED AERODROMES

As the proposal seeks to remove numerical maximum building height controls, 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. Bankstown Council consulted with the Commonwealth Department of Infrastructure and Transport and Bankstown Airport Limited prior to requesting a Gateway determination for its CBD planning proposal (PP_2012_BANKS_002_00) and was not able to obtain a response that satisfies this direction.

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

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 affection is by class 4 or 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 the inconsistency is of minor significance. A Gateway condition should be applied to ensure that prior to exhibition, the planning proposal correctly identifies whether the site is affected by class 4 or class 5 acid sulfate soils.

SECTION 117 DIRECTION 6.3 SITE SPECIFIC PROVISIONS

The proposal seeks to include a site specific provision to ensure a minimum 1:1 FSR of employment generating (commercial) floor space is provided.

This requirement is considered to be justified on the basis of minor significance, given that it will ensure minimum levels of employment generating floorspace for a site zoned Mixed Use within the Parramatta CBD.

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

Furthermore, the 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? **No**

If No, explain :

The planning proposal has justified inconsistency with s117 Direction 3.5 Development Near Licensed Aerodromes on the basis that Federal approval can be obtained at design competition stage.

This is not considered adequate. A Gateway condition is recommended to ensure consultation with aviation authorities occurs during the exhibition period.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The submitted maps are suitable for public exhibition purposes, although the proposed Height of Buildings map will need to be amended to align with the recommended Gateway conditions.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council propose that during the community consultation period that a newspaper advertisement, display on Council's website and written notification to adjoining owners occur.

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 principal LEP was made in October 2011.

Assessment Criteria

Need for planning proposal : The planning proposal seeks the early introduction of increased height and FSR controls proposed within the Council's CBD planning proposal that was recently endorsed by Council for submission to the Department for Gateway determination.

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 subject to further urban design testing. The strategy does not indicate proposed maximum building heights but rather seeks to remove maximum building height controls for the CBD.

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 : **MAXIMUM HEIGHT**
The planning proposal as lodged by the proponent sought a maximum height of buildings of 180m (57 storeys) excluding a 15% design excellence bonus, although Council staff recommended that no height limit apply to the subject site to achieve consistency with the CBD Planning Strategy.

Given that the Parramatta CBD planning proposal has not been officially submitted to the Department for Gateway determination purposes or endorsed by the Department, the site specific removal of a maximum height of building control is considered premature at this time. Although removal of the maximum height of building control was permitted in the case of the Aspire Tower at 160-182 Church Street, Parramatta, this was considered to be an exception, in order to create a landmark tower of iconic status within the heart of the Parramatta CBD. Removal of the maximum height of building control for this proposal would create an undesirable precedent ahead of a decision on this matter in the broader context of the CBD planning proposal.

In setting an appropriate maximum height of buildings for the site, it should be noted that Council's assessment indicated that the dual towers proposed for the site should have a minimum height variation of 10 storeys to create visual interest, diversity and deliver a positive contribution and articulation to the city skyline. This will be achieved via a height variation requirement within a site specific development control plan.

In order to ensure that the proponent is able to achieve the maximum FSR of 10:1 whilst also achieving the intended urban design outcomes, it is recommended that a suitable Gateway condition be applied that requires Council to consider and set an appropriate maximum height of buildings prior to exhibition, rather than removal of the maximum height of buildings control.

The site of the proposed Aspire Tower is the only land within the Parramatta CBD which currently has no numerical height of building control, although the final building height is likely to be approximately 243m, consistent with aviation restrictions. The Aspire Tower is

intended to be an iconic building of international status and predominant within the Parramatta skyline. Therefore, when determining a suitable height control for 180 George Street, Parramatta, Council should give consideration to an overall maximum height of buildings for the Parramatta CBD that enables the future Aspire Tower to achieve its desired status.

TRANSPORT AND TRAFFIC

Council's traffic and transport section has reviewed the proposal and indicated that parking and traffic impacts are within acceptable limits. The existing site incorporates 248 serviced apartments, 250 car parking spaces and 2,500 square metres of retail use. This compares with provision of 753 dwellings and 8,000 square metres of employment generating floor space that would be enabled by the planning proposal. Given the scale of the proposed development, the proposal should be considered in terms of the cumulative impacts of additional traffic generation from increased development potential in the broader CBD.

Council has advised that broader traffic modelling is currently being undertaken 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 pending Parramatta CBD Gateway determinations (i.e. eight other planning proposals).

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The proposal relates to a developed site in a highly urbanised area and therefore is unlikely to generate environmental impacts. Positive economic benefits will arise as a result of employment generated by the construction phase and from the proposed minimum 1:1 non-residential FSR requirement. Social impacts include potential effects on the State heritage listed item that adjoins the site and the positive benefits of additional housing provision on a site with good access to public transport, employment and potential for high residential amenity adjoining the riverfront.

CUMULATIVE IMPACTS

There are seven (7) other planning proposals for CBD sites currently awaiting Gateway determination that will precede Council's CBD planning proposal, which has yet to be officially lodged with the Department for Gateway determination.

As these numerous proposals 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 recommended that these be simultaneously exhibited and forwarded to public agencies for comment.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	18 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d)	NSW Aboriginal Land Council Department of Education and Communities Office of Environment and Heritage Transport for NSW 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.pdf	Proposal	Yes
covering letter.pdf	Proposal Covering Letter	Yes
Appendix 1 - Urban Design Study.pdf	Proposal	Yes
Appendix 2 - Archaeological Report.pdf	Proposal	Yes
Appendix 3 - Traffic Impact Assessment.pdf	Proposal	Yes
Appendix 4 - Heritage Impact Statement.pdf	Proposal	Yes
Appendix 5 - Flood Study.pdf	Proposal	Yes
Appendix 6 - Height Assessment.pdf	Proposal	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**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 3.5 Development Near Licensed Aerodromes
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 6.3 Site Specific Provisions
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **SECTION 117 DIRECTIONS**

It is considered that any inconsistency with s.117 Directions: 4.1 Acid Sulfate Soils, 3.5 Development Near Licensed Aerodromes and 6.3 Site Specific Provisions, are of minor significance.

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

DELEGATION OF PLAN MAKING FUNCTIONS

Council indicates that it intends to exercise the Greater Sydney Commission's plan making function for this planning proposal (as per the Council report dated 11 April 2016).

This request is not supported 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, or endorsed by, the Department.

Accordingly, it is recommended that the delegate NOT agree to delegation to Council.

RECOMMENDATION

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

1. Prior to exhibition, Council is to:

- 1.1** amend the planning proposal so that an appropriate maximum height of buildings control is specified to enable an FSR of 10:1 to be achieved and to allow for a minimum of 10 storeys height difference between any new towers built within the site;
- 1.2** amend the Explanation of Provisions and proposed Height of Buildings Map prior to public exhibition in accordance with the outcome of condition 1.1 above.
- 1.3** include an assessment of Section 117 Direction 2.3 Heritage Conservation within the planning proposal;
- 1.4** clarify within the planning proposal the exact class of acid sulfate soils that applies to the site (i.e. whether class 4 or class 5); and
- 1.5** remove references to Section 117 Direction 7.1 Implementation of a Plan for Growing Sydney.

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

- 2.1** the planning proposal must be made publicly available for a minimum of 28 days; and
- 2.2** 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:

- Office of Environment and Heritage - Heritage Division
- NSW Aboriginal Land Council
- 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

4. The planning proposal is to be concurrently exhibited and forwarded to public authorities for consultation under a single covering letter, together with the following six planning proposals that were issued with a Gateway determination on the same day:

- 295 Church Street, Parramatta (PP_2016 PARRA 002 00)

- 48 Macquarie Street and 220-230 Church Street, Parramatta (PP_2016 PARRA 004 00)
- 122 Wigram Street, Harris Park (PP_2016 PARRA 006 00)
- 14-20 Parkes Street, Harris Park (PP_2016 PARRA 007 00)
- 2-10 Phillip Street, Parramatta (PP_2016 PARRA 010 00)
- 66 Phillip Street, Parramatta (PP_2016 PARRA 012 00)

Each public authority is to be provided with a copy of each of the planning proposals, a copy of the Parramatta CBD Planning Strategy and any relevant supporting material prepared for each proposal and the Strategy, and given at least 28 days to comment on the proposals.

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 should include confirmation of the appropriate site specific FSR 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 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:



Printed Name:

T DORAN

Date:

25/5/16