

Parramatta City Centre LEP 2007 - 11 Hassall Street, Parramatta

Proposal Title : **Parramatta City Centre LEP 2007 - 11 Hassall Street, Parramatta**

Proposal Summary : **It is proposed to increase the maximum permissible height from 72m to 130m (approximately 41 storeys) and increase the maximum permissible floor space ratio from 8:1:1 to 10.2:1, for land at 11 Hassall Street, Parramatta.**

PP Number : **PP_2014_PARRA_009_00** Dop File No : **14/16789**

Proposal Details

Date Planning Proposal Received : **29-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 : **11 Hassall Street**

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

Land Parcel : **Lot 1 in DP 951181**

DoP Planning Officer Contact Details

Contact Name : **Lillian Charlesworth**

Contact Number : **0298601101**

Contact Email : **lillian.charlesworth@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Sonia Jacenko**

Contact Number : **0298065751**

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

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**

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 70
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 5

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 : The Lobbyist Contact Register was checked on 18 November, 2014 and indicated no contact with lobbyists regarding this planning proposal.

Supporting notes

Internal Supporting Notes : The site is zoned B4 Mixed Use and the planning proposal does not seek to amend the zone.

Although the Floor Space Ratio (FSR) Map currently shows a maximum permissible FSR of 8:1 for the site, clause 22(3)(b) reduces the maximum achievable FSR to 6.56:1 due to the site area of 1,782sq.m. A further 10% bonus FSR would apply if a design competition is undertaken, bringing the current potential maximum FSR to 7.2:1.

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 planning proposal aims to facilitate a single, taller tower that achieves high residential amenity and reinforces the built form of the Central Business District (CBD), without significant environmental impacts. The proposed tower, of approximately 41 storeys, will provide 215 dwellings (note: this is approximately 70 dwellings above the maximum

density achievable under the existing controls) and a 2 storey podium with sleeved retail and office floor space.

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

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

Comment : It is proposed to amend the Parramatta City Centre LEP 2007 by amending the Height of Buildings Map and the Floor Space Ratio map to show a maximum permissible height of 130m (i.e. approximately 41 stories) and maximum permissible floor space ratio of 10.2:1 for the subject site.

Part 2 - Explanation of Provisions should be amended prior to public exhibition to indicate that the planning proposal may amend either Parramatta City Centre LEP 2007 or the principal Plan, depending on the timing of the amalgamation of these two planning instruments.

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

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

State Environmental Planning Policy No.55 - Remediation of Land

This Policy does not apply to the planning proposal as it does not seek to amend the permissible land uses of the site.

Section 117 Direction 1.1 - Business and Industrial Zones

The proposal is consistent with this Direction as it will not amend the current zone or reduce the potential floor space for employment uses.

Section 117 Direction 2.3 - Heritage Conservation

The subject site does not contain a heritage item, nor are there heritage items immediately adjoining the site. Although, the planning proposal indicates that the site is currently occupied by a place of public worship (Saint Joannis Greek Orthodox Church), yet has not indicated whether there are any heritage values (as opposed to a heritage listing) associated with the current building/use. This matter should also be addressed under part 4.3.3. in terms of potential social impacts.

As such, there is insufficient information provided to determine whether or not the proposal is consistent with this Direction and it is recommended that the planning proposal be amended prior to public exhibition to further address this Direction. The planning proposal should also be referred to the Office of Environment and Heritage for comment during the community consultation period.

Section 117 Direction 3.1 - Residential Zones

The proposal is consistent with this Direction as will facilitate additional housing, efficient use of existing infrastructure and good design.

Section 117 Direction 3.4 - Integrating Land Use and Transport

The proposal is consistent with this Direction as facilitates additional housing in an area

well serviced by public transport and within a major employment centre.

Section 117 Direction 3.5 - Development near Licensed Aerodromes

The proposal is consistent with this Direction as the proposed maximum permissible building height is below the 156m Australian Height Datum (AHD) Obstacle Limitation Surface for Bankstown Airport.

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

The planning proposal is supported by a Flood Impact Report by Mott MacDonald, included at Appendix B. The Report indicates that redevelopment of the site will be consistent with the Floodplain Development Manual 2005. Council staff in the report to Council dated 8 September, 2014 have concluded that the planning proposal is consistent with this Direction.

Section 117 Direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal is consistent with this Direction as it will facilitate additional housing and employment growth within the Parramatta CBD.

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

If No, explain :

The planning proposal indicates that it is consistent with Section 117 Direction 2.3 - Heritage Conservation although insufficient information is provided to determine whether or not this is the case. As such, the additional information indicated above is to be included in the planning proposal prior to public exhibition.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

All four maps included at part 4 of the planning proposal are to be amended prior to public exhibition to clearly show the boundary of the subject site.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal recommends a public exhibition period 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 principal LEP, depending on the timing of the proposed consolidation of these two instruments.

Assessment Criteria

Need for planning
proposal :

The planning proposal seeks to amend the planning controls to achieve a single tower on the site rather than two tower forms. Site testing provided at Appendix A demonstrates that the proposed controls reflect an optimal redevelopment outcome that takes into consideration the minimal setbacks and building separation distances provided by the neighbouring developments, that provide constraints with regard to potential direct overlooking of adjoining primary living areas, as well as solar access, natural ventilation and overshadowing of Jubilee Park.

Consistency with
strategic planning
framework :

The plan is consistent with regional and local strategies in that it will facilitate additional housing and employment within the Parramatta CBD and in close proximity to public transport.

Environmental social
economic impacts :

The proposal is expected to generate positive benefits in terms of providing additional housing close to public transport, employment and existing infrastructure. It is based on enabling a redevelopment of the site that will minimise social impacts in terms of overlooking of adjoining residential development and overshadowing of Jubilee Park.

Assessment Process

Proposal type : **Routine** 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
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 ;

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
cover letter.pdf	Proposal Covering Letter	Yes
planning proposal.pdf	Proposal	Yes
Appendix A - Architectural Plans.pdf	Proposal	Yes
Appendix B - Flood Impact Report (part 1).pdf	Proposal	Yes
Appendix B - Flood Impact Report (part 2).pdf	Proposal	Yes
Council Report 8 Sep 2014.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
 3.5 Development Near Licensed Aerodromes
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **SECTION 117 DIRECTIONS**

It is recommended the delegate agree that the inconsistency with Section 117 Direction 4.1 - Acid Sulfate Soils is justified on the basis of minor significance.

The consistency of the proposal with Section 117 Direction 2.2 Heritage Conservation is unknown and it is recommended that the delegate agree that additional information be provided prior to public exhibition.

DELEGATION OF PLAN MAKING FUNCTIONS

Council has requested that it exercise the Minister's plan making functions for this planning proposal. Given the relatively minor nature of this proposal, this request is supported.

Accordingly, it is recommended that the delegate agree to delegation to Council.

RECOMMENDATION

The planning proposal should proceed subject to the following conditions:

- 1. Prior to public exhibition, the proposal is to be amended to:**
 - (a) clearly show the boundary of the subject site within all four maps at Part 4;**
 - (b) provide further information at Table 3 under 2.3 Heritage Conservation to indicate whether the existing St Joannis Greek Orthodox Church building has any heritage value;**
 - (c) indicate at section 4.3.3. whether any potential social impacts may arise with the removal of the existing St Joannis Greek Orthodox Church; and**
 - (d) indicate at Part 2 Explanation of Provisions that the planning proposal may amend either Parramatta City Centre Local Environmental Plan 2007 or Parramatta Local Environmental Plan 2011.**

2. 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).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Roads and Maritime Services
- Transport for NSW
- Transport for NSW - Sydney Trains
- Office of Environment and Heritage
- Sydney Water
- Telstra
- 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.

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 instance 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 planning proposal will enable a mixed use tower on the site that responds to site constraints and will reduce potential impacts compared to redevelopment under the existing planning controls.

Signature:



Printed Name:

STEPHEN GARDINER

Date:

27/11/14

