

Planning Services

Plan Finalisation Report

Local Government Area: City of Parramatta

File Number: IRF18/27

1. NAME OF DRAFT LEP

Parramatta Local Environmental Plan 2011 Amendment No 27.

2. SITE DESCRIPTION

The planning proposal applies to land at Parramatta Road, Good Street and Cowper Street, Granville comprising the following 15 lots:

- Lot 1 DP783581 (61 Cowper Street, Granville);
- Lot 12 DP575064 (142 Parramatta Road, Granville);
- Lots 1-6 DP1075357 (138 Parramatta Road, Granville);
- Lot 1 DP604204 (26 Good Street, Granville);
- Lot 7 Sec A DP979437 (38 Good Street, Granville);
- Lot 1 DP721626 (134 Parramatta Road, Granville);
- Lot 1 DP76041 (32 Good Street, Granville);
- Lot 1 DP998948 (59 Cowper Street, Granville); and
- Lots 1 and 2 Sec A DP979437 (38 Good Street, Granville).

The site has a total area of 5150m² (Figure 1).



Figure 1: The site.

The site fronts Parramatta Road and is approximately 140m to Granville railway station and transport interchange (Figure 2, next page). The site comprises a mixture of one-storey and two-storey buildings for bulky goods retailing, car sales, shops and a single dwelling. The

land in the vicinity of the site consists of mixed uses with residential flat buildings of varying heights to the west and south, commercial and industrial buildings to the north and east and a petrol station directly to the west of the site.



Figure 2: Site context.

3. PURPOSE OF PLAN

The draft LEP seeks to amend the Parramatta Local Environmental Plan 2011 to:

- rezone the site from part B6 Enterprise Corridor, part B4 Mixed Use and part B2 Local Centre to B4 Mixed Use;
- increase the maximum floor space ratio (FSR) from 2:1, 3:1 and 3.5:1 to 6:1;
- increase the maximum building height within the site from 15m and 21m as follows:
 - 82m (25 storeys) for most of the site extending from Cowper Street to Parramatta Road; and
 - 17m height (four storeys) for the land fronting Good Street.
- introduce a design excellence clause to require a design excellence competition with no additional height and FSR bonus to be awarded, and introduce the design excellence map series, DEX, to identify the application of the clause; and
- introduce a site-specific clause prescribing a maximum of 4000m² of non-residential floor space.

The planning proposal is supported by a draft development control plan (DCP) and draft voluntary planning agreement (VPA). The draft DCP outlines the desired future character for the site and the finer design guidelines required to achieve this outcome. It also includes street setbacks for the site including active frontage requirements, setbacks from Parramatta Road and Good Street, through-site links and controls regarding the relocation and retention of The Barn heritage façade.

The VPA supporting the planning proposal provides for the dedication of land fronting Good Street and Parramatta Road as part of the future-proofing solution outlined in section 7 of this report. The VPA also includes the dedication of three apartments to City of Parramatta Council for affordable housing, monetary contributions and works for public domain embellishment, heritage item relocation and pedestrian accessibility.

The draft LEP has the potential to deliver:

- approximately 320 dwellings;
- 4000m² of commercial floor space to support up to 160 jobs;
- dedication of land for new building setbacks from Parramatta Road (6m) and Good Street (2.8m) for public domain and transport management improvements;
- a service vehicle lane linking Bold and Cowper Streets;
- relocation and retention of the façade of heritage-listed The Barn; and
- pedestrian access between Parramatta Road and Cowper Street through the site.

A development concept plan is provided at Figure 3.

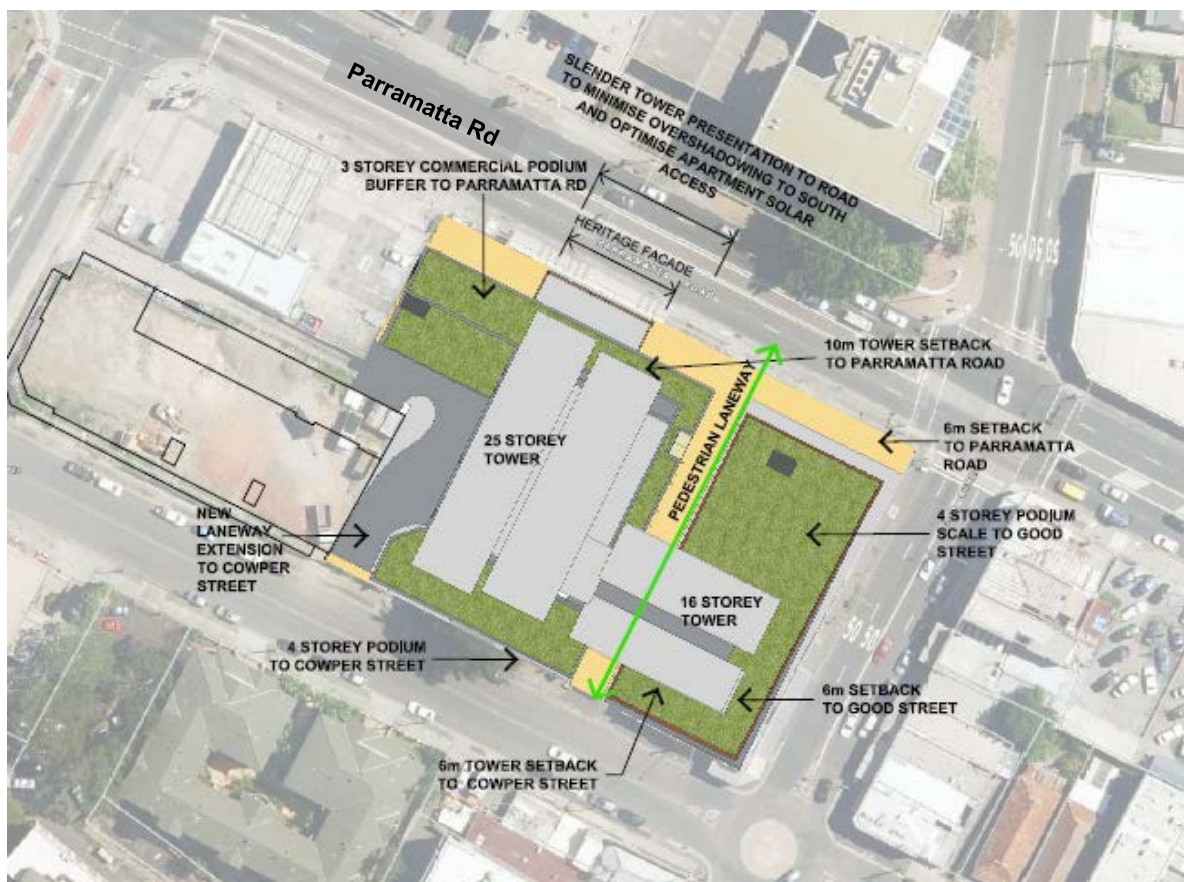


Figure 3: Development concept plan for the site.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Granville State Electorate. Ms Julia Finn MP is the State Member for Granville.

On 29 September 2015, the State Member made written representations on behalf of the proponent commenting that lowering the maximum permissible height from the originally proposed 96.6m to be consistent with the then draft Parramatta Road Strategy may not result in desirable design outcomes.

The site falls within the Parramatta Federal Electorate. Ms Julie Owens MP is the Federal Member for Parramatta. To the regional planning team's knowledge, the Federal Member has not made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 9 November 2015 (**Attachment C**) determined that the proposal should proceed subject to conditions, which required:

- consistency with the then Draft Parramatta Road Urban Transformation Strategy by:
 - amending the design excellence provision to not award bonus height or floor space as a result of the design competition;
 - capping the maximum building height to 82m (25 storeys) for most of the site and 17m (four storeys) fronting Good Street; and
 - maximum FSRs to be consistent with outcomes sought by the draft Parramatta Road Urban Design Guidelines;
- pre-exhibition consultation with UrbanGrowth NSW;
- confirmation that the site is suitable for residential use in accordance with State Environmental Planning Policy 55 – Remediation of Land;
- mapping and documentation corrections; and
- amend requirements for non-residential floor space provision to require a maximum of 4000m², rather than a minimum.

The Gateway determination identified a time frame of 12 months for finalisation. It was altered to extend the time for completion three times:

- 22 November 2016 (three-month extension – due 16 February 2017);
- 20 March 2017 (six-month extension – due 16 August 2017); and
- 4 August 2017 (six-month extension – due 16 February 2018).

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited from 5 October to 4 November 2016 and re-exhibited from 20 September to 20 October 2017. A draft DCP and draft VPA were exhibited concurrently with the planning proposal.

Three public submissions were received as part of the initial community consultation. The submissions raised concerns relating to:

- increased overshadowing and reduced solar access;
- loss of privacy and views;
- unsuitability of the height and building massing within the local context;
- future development will create additional wind shear;
- loss of property value due to development;
- additional noise from construction in the short-term and vehicles in the long-term; and
- increased traffic generation and on-street parking impacts.

The post-exhibition report was considered by the City of Parramatta independent hearing and assessment panel (IHAP) on 20 June 2017. The IHAP noted the community submissions and responded to the above concerns as follows:

- the proposal is consistent with the vision for Granville under the PRCUTS, which addressed shadow and solar access requirements via taller, slenderer urban design forms;
- the provision of controls for podium levels and setback controls will mitigate wind shear effects;
- the land in the broader area is expected to increase in value following urban renewal;
- any future development approval will have requirements relating to noise mitigation;
- inconsistency of height and building massing with the local context will continue in the short-term as land is redeveloped on a site-by-site basis;
- land dedicated as part of the VPA may contribute to future traffic mitigation projects; and
- parking is to be provided on-site, and on-street car parking will not be significantly impacted.

Following revisions to the planning proposal, a second exhibition was held from 20 September to 20 October 2017. No public submissions were received.

It is considered that Council has adequately addressed the issues raised by the community.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required by the Gateway determination to consult with:

- UrbanGrowth NSW;
- Office of Environment and Heritage – Heritage Division (OEH);
- Department of Education;
- NSW Health;
- Sydney Trains; and
- Roads and Maritime Services (RMS).

Council has consulted these authorities.

A pre-exhibition submission was received from UrbanGrowth NSW, which supported the revised planning proposal to reduce the height to conform to the then draft Parramatta Road Corridor Urban Transformation Strategy. No further comments on the merits of the proposal were provided given the draft nature of the strategy.

First exhibition period

During the initial consultation period, submissions were received from Sydney Trains, OEH and RMS.

Sydney Trains noted the need to consider the Department's Development Near Rail Corridors and Busy Roads – Interim Guideline and the visual impact of development on the State Rail heritage-listed Granville railway station. Council highlights that the interim guidelines were considered through the drafting of the PRCUTS. Council further notes that the property is not in the immediate vicinity of the heritage item and the proposal is in line with the intended vision for Granville.

OEH noted that the scale of development is out of character with the area and the heritage-listed The Barn site. To prevent the item from being dominated by new development, several amendments to the draft DCP were recommended. Council acknowledges that the character of the area will change through the redevelopment of the area and has adopted the recommended DCP amendments.

In its submission, RMS noted the need for a precinct-wide traffic study to be undertaken as outlined in the PRCUTS and requested the proponent be required to prepare a traffic report to address this. Council acknowledges these concerns but notes the proposal is an anomaly as it was given a Gateway determination prior to the release of the draft PRCUTS.

To progress the planning proposal, Council officers sought alternative solutions to resolve RMS's objection. A future-proofing solution was proposed to require setbacks along Parramatta Road and Good Street to allow future road widening. Additional traffic modelling was also proposed to be completed on key intersections near the site.

RMS indicated on 26 May 2017 its support for re-exhibition of the proposal subject to inclusion of the following:

- SIDRA Network modelling update;
- the draft DCP being amended to include 6m setback from Parramatta Road and 2.8m setback from Good Street; and
- a VPA be prepared to address proposed mitigation measures.

Second exhibition period

Following amendments to address RMS's concerns, the revised DCP was exhibited alongside the planning proposal from 20 September to 20 October 2017. Submissions were received from Transport for NSW (TfNSW) and RMS.

TfNSW requested that additional consideration be given to improving pedestrian access to Granville railway station, particularly at the intersection of Good and Cowper Streets, given the reliance on public transport espoused by the proposal. The submission also suggests that impacts on bus stops, footpaths and cycleways should be considered and a construction management plan be submitted prior to construction works. TfNSW notes that the proposal was prepared in the absence of the precinct-wide transport study required by the PRCUTS and that a future-proofing solution has been prepared, which should be subject to consultation with RMS.

In its response, Council notes that some pedestrian improvement works and cycle facilities are proposed through the VPA, while others will be completed over time as the area redevelops and precinct-wide infrastructure needs are identified.

To address impacts on active transport links, an amendment to the DCP has been proposed to require an active transport management plan as part of any future development application for the site.

On 26 October 2017, RMS confirmed that it had reviewed the updated DCP and raised no objection to the planning proposal. The submission sought an amendment to the proposed parking rates within the draft DCP to be consistent with parking rates in the planning guidelines for the PRCUTS. Council has addressed this issue by amending the draft DCP parking controls.

Department comment

During the two exhibition periods, issues relating to traffic, heritage, pedestrian and cycle infrastructure and design consideration were raised through agency submissions. Many of the issues raised in the submissions, such as heritage and development near a rail corridor, can be further addressed at the development application stage. Many of the improvements and considerations sought have been included in the accompanying DCP and VPA.

Due to the timing of the proposal in relation to the release of the PRCUTS, a precinct-wide traffic study has not yet been completed. A precinct-wide transport study has commenced to develop an integrated approach that considers the cumulative impacts of modal improvements across the transport network. The study is proposed to identify transport shortfalls and nominate remedial measures for future developments in the area, and is intended to be completed in 2018.

To mitigate future traffic impacts and prevent a loss of opportunity, a solution has been incorporated into this proposal that would allow for road widening or public domain improvements to be completed. This solution includes setbacks identified through the DCP and the dedication of land to Council through the VPA, developed in consultation with RMS.

As outlined above, Council has responded to several issues raised through amendments to the VPA, DCP and proposal as appropriate. It is considered that the matters raised by these agencies have been appropriately addressed and should not preclude the finalisation of the draft plan.

8. POST-EXHIBITION CHANGES

At its meeting of 20 June 2017, the City of Parramatta IHAP considered the report in response to the first exhibition of the proposal and recommended the following changes:

- correction of mapping error for the proposed maximum height of building map, which incorrectly distributed the proposed 82m height for the entire site;
- RMS requirements to future proof the site for road widening;
- updated SIDRA traffic modelling;
- updated site-specific DCP that makes provision for:
 - road-widening measures for Good Street and Parramatta Road;
 - relocation of The Barn heritage item facade in line with the 6m setback to Parramatta Road to prevent its demolition should the land be used for road widening; and
 - landscaping for The Barn heritage item.

These amendments resulted in the re-exhibition of the planning proposal and its supporting documents as outlined earlier in this report.

Following the re-exhibition of the proposal, Council resolved to submit the planning proposal to the Department for finalisation as exhibited. In response to submissions, Council adopted minor changes to the accompanying DCP, but no changes were made to the planning proposal and its intent.

9. ASSESSMENT

The draft LEP has merit and is supported to proceed as it enables:

- implementation of the PRCUTS to consolidate 15 lots into a single development site greater than 5000m²;
- redevelopment for high-density housing near the Granville town centre, railway station and Parramatta CBD;
- urban renewal of a former industrial site with clearly identified community benefits, including heritage conservation, improved pedestrian access, active public domain for future residents of the site and surrounding precinct;
- introduction of design excellence provisions to ensure new development is of exceptional quality;
- improved pedestrian connectivity between Cowper Street and Parramatta Road; and
- delivery of a range of housing types at the site.

Section 9.1 Directions

The Gateway determination found that the inconsistencies with Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions were of minor significance and the Secretary's delegate agreed.

Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy

The PRCUTS seeks to deliver 27,000 new homes and 50,000 new jobs within eight key precincts of the Parramatta Road Corridor, accompanied by improvements for transport, open space and amenity needs. The recommendations of the PRCUTS are to be delivered via the planning proposal process. The draft LEP is within the Granville precinct of the strategy and is within the initial area intended for release.

The draft LEP seeks to zone the entire site to B4 Mixed Use, which is a departure from the zoning pattern envisaged for the site. The PRCUTS proposes retaining the B2 Local Centre zone for lots along Good Street to allow the area to function as a place for people. Lower development standards in line with this vision, including a 15m height and FSR of 2:1, are also nominated.

The planning proposal reflects the concept zoning and heights that were included in the then draft PRCUTS. The draft LEP applies an FSR of 6:1 uniformly across the site and includes a stepped height from 82m to 17m applied to the Good Street frontage to facilitate a human scale envisaged by the PRCUTS. Consolidated development of this site can facilitate the intended outcome to create a place for people along Good Street.

To inform and support the development of the Parramatta Corridor strategy, a Transport Report (November 2016) was prepared which provided an assessment of existing traffic and transport conditions at the corridor level. The report also details the future strategic transport network and identifies a need for further local and network-wide traffic modelling of preferred options for each precinct to determine appropriate mitigation and improvement measures for local and state roads.

It follows that the need for a precinct-wide traffic study was then identified in the final PRCUTS Implementation Plan 2016-2023. The plan also specifies that this was to be prepared prior to any site specific or precinct wide rezoning commencing. Each study and supporting modelling is to identify the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the precinct.

The subject planning proposal had commenced before the release of the PRCUTS and it was considered appropriate that the proposal be progressed prior to the completion of the

traffic study for the full precinct. This approach for existing proposals has been endorsed by UrbanGrowth NSW in a letter to all councils within the corridor (**Attachment G**). The Department and the Roads and Maritime Service agreed that only those planning proposals lodged with the Department prior to the finalisation of the PRCUTS would proceed on a site-specific basis.

The Department, in collaboration with Cumberland and City of Parramatta Councils, RMS and TfNSW, is currently progressing the precinct-wide traffic study covering the Granville and Auburn precincts. This study will identify the local level detail required to inform future upgrades to the traffic and transport network to support the future population and enable consideration of the rezoning of the broader precinct. These upgrades may then be included in a future 7.11 contribution plan and delivered through the precinct's renewal.

As the precinct wide study is currently being prepared, additional traffic modelling and localised mitigation measures have been recommended for the site which results in a future-proofing solution that has been determined in collaboration with RMS. This includes the dedication of land fronting Parramatta Road and Good Street to allow for future road-widening or alternative traffic mitigation measures to be implemented.

The proposed future-proofing solution also provides flexibility to deliver the final works identified and required through the precinct-wide study. Should further upgrades or mitigation measures be identified beyond the scope of the future proofing solution, these could be delivered through the collection of 7.11 contributions and conditions at the development assessment stage.

It is noted that the draft LEP does not propose satisfactory arrangements provisions as outlined in the infrastructure schedule, nor does it meet affordable housing requirements of 5% of new dwellings as affordable housing. This is considered appropriate as the planning proposal predates these requirements under the PRCUTS and these public benefits are to be provided through the VPA, including land for traffic management and three apartments dedicated to Council to be used for affordable housing. Section 7.11 development contributions may also be sought through any future development consent to assist in the delivery of local open space and community infrastructure as the Granville precinct develops.

The draft LEP facilitates development with improved urban design outcomes by permitting increased building height and FSR on a significant amalgamated development site greater than 5000m² near Granville railway station. The draft LEP contributes to the vision of a mixed-use precinct of design excellence for Granville envisaged through the PRCUTS. The inconsistencies with this Direction are considered to be of minor significance for the subject site.

State environmental planning policies (SEPPs)

The planning proposal has addressed and is consistent with all relevant SEPPs.

SEPP No 55 – Remediation of Land

The Gateway determination requested additional advice be provided to demonstrate that the land is suitable for the intended residential use as required by SEPP 55. A phase 1 preliminary contamination investigation report was prepared to support the planning proposal noting likely historic contaminating uses on the site and potential contaminants. The report notes that low to moderate contamination potential exists and the land is likely suitable for the proposed mixed use.

Council has provided additional justification on the matter, noting that the land can be made suitable through remediation works following the completion of a phase 2 detailed contamination investigation. A phase 2 report would be required to support any future development application where the extent and degree of contamination can be defined. A

methodology for further investigation is outlined in the phase 1 report, which Council notes will be required to be complied with through the development application process.

SEPP No 65 – Design Quality of Residential Apartment Development

The proposal notes that the urban design concept provided includes non-compliances with the Apartment Design Guide that supports SEPP 65. Council has noted that the privacy, daylight access and amenity issues can be further addressed at the development application stage. Further, the design excellence clause included in the draft LEP will provide additional heads of consideration relevant to these matters.

Regional and district plans

Greater Sydney Region Plan

The Greater Sydney Region Plan provides a 40-year vision and a 20-year plan for the delivery of 725,000 dwellings and 817,000 jobs in the Greater Sydney region. The plan recognises the City of Parramatta local government area as being within the Central River City.

With its emphasis on planning for housing in the Granville town centre, the planning proposal is consistent with the focus of the draft plan to increase housing capacity (Objective 10) and to deliver places that bring people together (Objective 12).

Central City District Plan

The site is within the Central City District and therefore the Central City District Plan applies to the site. The plan identifies Granville as an urban renewal precinct as part of the Parramatta Road Urban Transformation Corridor.

The planning proposal is consistent with the plan by:

- providing additional housing supply with access to jobs and services via a 21,650 five-year housing supply target for Parramatta (Planning Priority C5);
- creating and renewing places and local centres, and respecting the district's heritage (Planning Priority C6); and
- providing capacity for jobs growth and growing Parramatta as a metropolitan centre to create a stronger and more competitive Greater Parramatta (Planning Priority C7).

Heritage

A heritage-listed building, The Barn (Figure 4), forms part of the land to which the planning proposal applies. The proposal does not propose to remove the item from the heritage list, but facilitates the redevelopment of the site, which would require significant works to the heritage item.

Given the location of The Barn fronting Parramatta Road, the future-proofing solution of land dedication for the potential widening of Parramatta Road would impact on the item. The VPA supporting the proposal includes provisions to allow for the relocation of the façade of the item beyond the road-widening setback. Council has also updated its DCP to address setback and landscaping requirements for the heritage retention, following advice from OEH. Given the above, it is considered that this approach is appropriate.



Figure 4: The Barn heritage item at 138 Parramatta Road, Granville (Source: Google Maps)

10. MAPPING

There are four maps (**Attachment Maps**) and an accompanying map cover sheet (**Attachment MCS**) associated with this amendment:

- land zoning map: LZN_008A;
- FSR map: FSR_008A;
- height of building map: HOB_008A; and
- design excellence: DEX_008A

The maps and map cover sheet have been approved by the Department's e-Planning team and provided to Parliamentary Counsel.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment E**). Council confirmed on 28 June 2018 that the plan should be made (**Attachment F**).

12. PARLIAMENTARY COUNSEL OPINION

On 10 July 2018, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the plan assists with the implementation of the PRCUTS through the consolidation of 15 lots into a single development site greater than 5000m²;
- redevelopment for high-density housing near the Granville town centre, railway station and Parramatta CBD;

- urban renewal of a former industrial site with clearly identified community benefits including heritage conservation, improved pedestrian access, active public domain for future residents of the site and surrounding precinct;
- introduction of design excellence provisions to ensure new development is of exceptional quality;
- improved pedestrian connectivity between Cowper Street and Parramatta Road; and
- delivery of a range of housing types at the site.



3/07/2018

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