



Briefing: Executive Director
FOR APPROVAL

City of Parramatta Gateway Determination: PP_2017_COPAR_011_00

Purpose: To recommend that the Acting Executive Director, Regions, as delegate of the Greater Sydney Commission, determine that planning proposal PP_2017_COPAR_011_00 should proceed.

Analysis: The planning proposal seeks to amend Parramatta Local Environmental Plan 2011 to alter the height of building and floor space ratio controls and insert an additional local provisions clause at 20 Macquarie Street, Parramatta. The planning proposal has strategic merit and should proceed subject to conditions.

Recommendation



That the Acting Executive Director, Regions, as delegate of the Secretary:

1. **agree** that any inconsistencies with section 117 Direction 3.5 Development Near Licensed Aerodromes and Direction 4.1 Acid Sulfate Soils are justified in accordance with the terms of these Directions; and
2. **note** that the inconsistency with section 117 Direction 4.3 Flood Prone land is unresolved and will require further consideration following consultation with the NSW State Emergency Service and Office of Environment and Heritage.

That the Acting Executive Director, Regions, as delegate of the Greater Sydney Commission:

1. **note** the planning proposal (**Attachment A**);
2. **note** the Gateway determination report (**Attachment B**); and
3. **sign** the Gateway determination (**Attachment C**) and the letter to Council (**Attachment D**).

Approval

<p>Craig Diss A/Director Regions, Sydney Region West</p>  <p>Date: 14/12/17</p>	<p>Oliver Holm A/Executive Director, Regions Planning Services</p>  <p>Approved</p> <p>Not Approved</p> <p>Date: 8/1/18</p>
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Key reasons

Planning proposal

The planning proposal seeks to amend the height and floor space ratio (FSR) provisions at 20 Macquarie Street, Parramatta (Lot 1 DP503651 and Lot 1 DP 501663), delivering approximately 110 dwellings and commercial floor space.

The planning proposal seeks to amend Parramatta Local Environmental Plan 2011 (PLEP 2011) by:

- inserting a new clause into PLEP 2011 and identifying the subject site on the special provisions area map;
- increasing the FSR from 4:1 to 10:1 and exempting the site from the FSR sliding scale provision (clause 7.2), which is designed to encourage the amalgamation of smaller-sized lots;
- increasing the height of building controls from 36m to 90.5m;
- applying a site-specific provision ensuring a minimum commercial FSR of 1:1 on the site; and
- including a car parking rate in line with City of Parramatta Council's resolution to apply a maximum car parking rate.

The planning proposal seeks to implement planning controls for the site that have greater consistency with the Parramatta CBD Planning Strategy and the overall vision for the Parramatta CBD.

Planning assessment

The Gateway determination report (**Attachment B**) concludes that the planning proposal has strategic merit and should proceed subject to conditions.

FSR

The planning proposal seeks a maximum mapped FSR of 10:1 for the site. This is consistent with the identified FSR under the draft Parramatta CBD Planning Proposal and adopted Council CBD Planning Strategy. The proposal also requires an exemption from the operation of clause 7.2 of PLEP 2011 due to the site being less than 1800m². Clause 7.2 applies a sliding scale to the mapped FSR of sites that are less than 1800m² to encourage site amalgamations.

The site is surrounded by land to the north and east that has an existing Gateway determination at 197 and 207 Church Street and 89 Marsden Street, Parramatta (PP_2016_PARRA_015_00) to enable increased height and density. A preliminary merit assessment of the subject site has determined that an exemption to the sliding scale provision warrants consideration when the limited site amalgamation opportunities are considered. The reference design submitted with the planning proposal (**Attachment E**) demonstrates that the site can accommodate this increased FSR while still demonstrating consistency with the principles of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, without the need for amalgamation with other land.

Height of building

The planning proposal seeks to amend the maximum height of building map to enable a maximum building height of 90.5m. The reference design demonstrates that this building height will not be out of character in the CBD context and it will not breach the obstacle limitation surface (OLS) of 156 AHD for Bankstown Airport; therefore, a referral to the Department of Infrastructure and Regional Development is not required.

Solar access and design excellence

The reference design submitted with the planning proposal has appropriately demonstrated that an FSR of 10:1 and a height of 90.5m will not impact on the protected area of Parramatta Square between the hours of 12pm and 2pm. This is consistent with previous Gateway determinations on adjoining sites and Council's resolution at **Attachment F**, which requires the reference design to demonstrate that the proposed height and FSR will not cause any additional overshadowing to the protected area of Parramatta Square.

The proponent can increase the maximum FSR or maximum height through clause 7.10 of PLEP 2011 (which enables a bonus of 15% on the mapped FSR or height, but not both, should design excellence, including a competitive design process, be undertaken). The reference design submitted with the planning proposal has not demonstrated the impact of additional height on solar access to Parramatta Square.

Given the ability to increase the height of the building by up to 15%, it is considered that a suitable mechanism needs to be put in place to ensure appropriate solar access to the protected area of Parramatta Square is retained. As such, if the proposal proceeds, it is recommended that an amendment to Clause 7.4 Sun Access be incorporated into the planning proposal. This would be consistent with the approach taken with adjoining planning proposals, including the site at 197 and 207 Church Street and 89 Marsden Road, Parramatta. While the proposed amendment to clause 7.4 in previous Gateway determinations was not intended as a site-specific control (as it will apply to all affected land), it is considered necessary to include this requirement as the current proposal may proceed ahead of the adjoining proposals.

Car parking

The planning proposal uses the car parking rates adopted by Council on 10 April 2017 (**Appendix G**) following consideration of the Parramatta CBD Strategic Transport Study. To ensure consistency with this recommendation, the planning proposal incorporates a site-specific clause in relation to maximum car parking rates for this site consistent with Council's adopted position. A Gateway condition is also recommended that requires consultation with Transport for NSW and Roads and Maritime Services.

The reference design indicates a basement car park is to be provided. A flood study has been prepared as the site is on flood-prone land (**Appendix H**). The planning proposal states that Council's engineers have indicated that design outcomes can be utilised to address flood mitigation concerns at the development application stage. A Gateway condition is recommended to require consultation with the NSW State Emergency Service (SES) and the Office of Environment and Heritage (OEH) to ensure this matter is properly considered and addressed.

Heritage

A heritage report has been prepared and submitted with the planning proposal (**Appendix I**). As the site is adjacent to a local heritage item and relatively near several other state and nationally listed heritage items, it is recommended that consultation with OEHL's heritage division be undertaken.

Section 117 Directions

The proposal is consistent with all section 117 Directions except Direction 3.5 Development Near Licensed Aerodromes, Direction 4.1 Acid Sulfate Soils and Direction 4.3 Flood Prone Land.

Direction 3.5 Development Near Licensed Aerodromes

As the proposal is near a licensed aerodrome, this Direction applies. As it is proposed to provide a maximum height of building of 90.5m, which does not exceed or impact on the OLS of 156 AHD for this site, it is recommended that the Secretary's delegate agree that this inconsistency is of minor significance.

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 justified on the basis of minor significance given that the affectation is mapped as Class 4 acid sulfate soil, which can be appropriately addressed and considered at the development application stage under clause 6.1 of PLEP 2011 (which requires an acid sulfate soils management plan to be submitted at the development application stage if certain development thresholds are met).

Direction 4.3 Flood Prone Land

The site is partially affected by the 1 in 100-year and 1 in 20-year flood events, and the entire site is affected by the probable maximum flood event. Council has advised that flood impacts can be appropriately mitigated at the development application stage and a flood study has been provided to demonstrate consistency with this Direction (**Appendix H**).

While it is considered that sufficient preliminary documentation has been submitted with the planning proposal in relation to flooding impacts to allow the proposal to proceed to Gateway, given the site is subject to the 1:100 year and 1:20 year flood events and basement car parking is proposed, along with an intensification of land uses, it is considered that consistency with this Direction should be considered after consultation with relevant agencies.

Discussions between the Department and the SES in consideration of the finalisation of the planning proposal for 180 George Street (PP_2016_PARRA_016_00) have also identified a need to consult with the SES early in the plan-making process until such time that the broader issues associated with flood management in the Parramatta CBD can be addressed as part of the draft Parramatta CBD Planning Proposal. It is recommended that Council consult with the SES before the formal community consultation process to ensure appropriate consideration of this issue. It is also recommended that the proposal be referred to OEHL for comment during the exhibition period.

Delegation of plan-making functions

Council has requested delegation of the plan-making functions in relation to this planning proposal. It is recommended that delegation not be issued given: the site is in the Parramatta CBD; the number of individual proposals that are underway in this area; and the need to ensure that all the planning proposals align with the overall vision for the CBD and deliver a coordinated outcome.

Conclusion

It is recommended that the planning proposal be supported to proceed to Gateway determination with conditions.

Attachments

Attachment	Title
A	Planning proposal
B	Gateway determination report
C	Gateway determination
D	Letter to Council
E	Reference design
F	Council resolution to prepare 19 December 2016
G	Council resolution re car parking 10 April 2017
H	Flood study
I	Heritage impact statement

Gateway Determination

Planning Proposal (Department Ref: PP_2017_COPAR_011_00): to alter the height of building and floor space ratio controls and introduce site-specific provisions at 20 Macquarie Street, Parramatta

I, the Acting Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (PLEP) 2011 to alter the height of building and floor space ratio controls and introduce site-specific provisions should proceed subject to the following conditions:

1. Prior to community consultation Council is to:
 - a. undertake consultation with the NSW State Emergency Service;
 - b. amend the proposal to:
 - i. include the proposed alteration to Clause 7.4 Sun Access specified under the Gateway determination for PP_2016_PARRA_015_00 to ensure no overshadowing occurs between 12pm and 2pm of the protected area of public domain within Parramatta Square (this is not intended as a site-specific control but will apply to all land affected by clause 7.4);
 - ii. address the Draft Greater Sydney Region Plan and the Revised Draft Central City District Plan;
 - iii. include a special provisions area map for the land; and
 - iv. update the project timeline consistent with Condition 5 below.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a. the planning proposal must be made publicly available for a minimum of 28 days; and
 - b. 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 2016).
3. Consultation is required with the following public authorities and agencies under section 56(2)(d) of the Act to comply with the requirements of relevant section 117 Directions:
 - Transport for NSW;
 - Roads and Maritime Services;
 - Office of Environment and Heritage – Heritage Division;
 - Office of Environment and Heritage; and
 - NSW State Emergency Service.



Planning & Environment

Each public authority/organisation 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 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 time frame for completing the LEP is to be **nine months** following the date of the Gateway determination.

Dated

8th

day of

January

2018.



Oliver Holm

Acting Executive Director, Regions
Planning Services

Department of Planning and Environment

Delegate of the Greater Sydney Commission

Mr Greg Dyer
Interim General Manager
City of Parramatta Council
PO Box 32
PARRAMATTA NSW 2124

Dear Mr Dyer

Planning proposal PP_2017_COPAR_011_00 to amend Parramatta Local Environmental Plan (PLEP) 2011

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to alter the maximum height of building and floor space ratio controls and introduce site-specific provisions at 20 Macquarie Street, Parramatta.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have conditioned the Gateway determination to require that the planning proposal be updated to include an amendment to Clause 7.4 Sun Access. This is consistent with previous Gateway determinations for the adjoining land to ensure a standardised approach to the protection of solar access to the protected area of Parramatta Square between 12pm and 2pm. While it is recognised that the proposed building height of 90.5m can comply with this requirement, it is considered that the inclusion of this control is required as the height of the building could be varied, either through the design excellence process or a variation under clause 4.6 of PLEP 2011.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with section 117 Directions 3.5 Development Near Licensed Aerodromes and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council will need to obtain the agreement of the Secretary in relation to section 117 Direction 4.3 Flood Prone Land prior to the plan being made.

I have considered Council's request for delegation and determined not to issue an authorisation as the site is located within land subject to the Parramatta CBD Planning Proposal, which is currently being assessed by the Department of Planning and Environment for a Gateway determination.

The amending local environmental plan (LEP) is to be finalised within nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks before the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Christine Gough at the Department to assist you. Ms Gough can be contacted on 9860 1531.

Yours sincerely

Handwritten signature of Oliver Holm in blue ink, followed by the date 8/1/18.

Oliver Holm
Acting Executive Director, Regions
Planning Services

Encl: Gateway determination