

Planning Services

Gateway Determination Report

LGA	City of Parramatta
RPA	City of Parramatta
NAME	20 Macquarie Street, Parramatta (110 dwellings)
NUMBER	PP_2017_COPAR_011_00
LEP TO BE AMENDED	Parramatta Local Environment Plan 2011
ADDRESS	20 Macquarie Street, Parramatta
DESCRIPTION	Lot 1 DP 503651 and Lot 1 DP 501663
RECEIVED	21 November 2017
FILE NO.	IRF17/399
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The proposal seeks to amend Parramatta Local Environment Plan 2011 (PLEP 2011) by altering the height and floor space ratio (FSR) maps and inserting an additional local provision clause that will specifically apply to the site.

Site description

The site is at the north-eastern corner of the intersection of Macquarie and Marsden Streets in the Parramatta CBD (Figure 1). The site area is 1,292m² and contains a seven-storey commercial building built in the 1960s.

The following development standards apply to the site under PLEP 2011:

- B4 Mixed Use zoning;
- maximum building height of 36m;
- maximum FSR of 4:1; and
- if a mixed-use building meets the requirements of Clause 7.10 Design Excellence, a 15% bonus on the FSR or height provisions, but not both, applies.

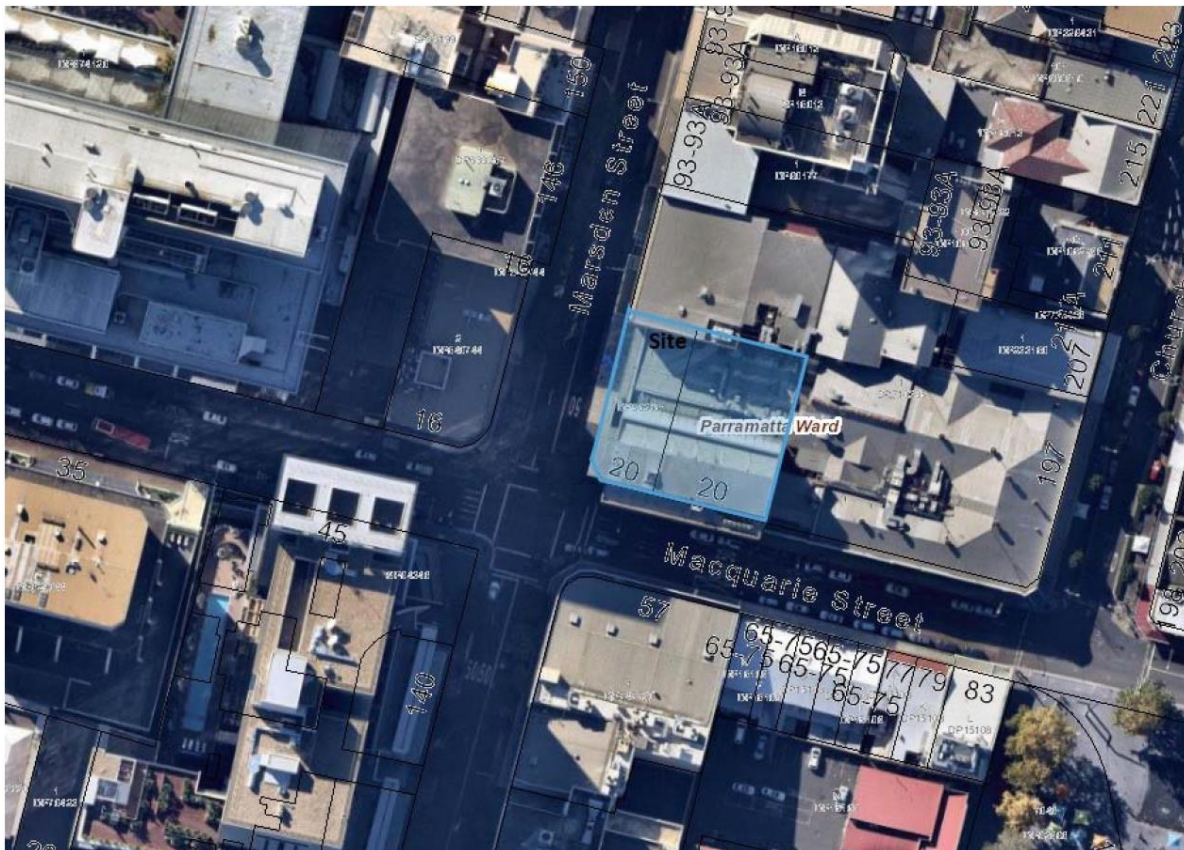


Figure 1: Aerial view of 20 Macquarie Street, Parramatta (outlined in blue) and immediate surrounds.

Surrounding area

The site is in the Parramatta CBD, approximately 400m north-west of Parramatta train station. The adjoining building to the east on the corner of Church and Macquarie Streets is the two-storey, heritage-listed Murray Bros department store building. This site, and the adjoining site to the north on Marsden Street, has a Gateway determination (PP_2016_PARRA_015_00) issued on 13 July 2017 for an increase in height and FSR. The Gateway determination for that site included a condition to amend the reference design for the site to ensure solar access to the protected area of Parramatta Square is maintained between 12pm and 2pm. That determination impacts on the total overall height and FSR achievable on the adjoining site as a result of the requirement to maintain solar access to Parramatta Square and will require an amended planning proposal to be submitted to the Department of Planning and Environment for endorsement before community consultation.

The proponent for the adjoining site has requested a review of the Gateway determination, which had not been considered at the time of writing this report. In the context of the subject planning proposal, it is important to note that 20 Macquarie Street is surrounded by the proposed development of 197 and 207 Church Street and 89 Marsden Street, Parramatta (Figure 2).

It is also noted that 220–230 Church and 48 Macquarie Street (Greenway Plaza) is further to the east of the site and has received a Gateway determination (PP_2016_PARRA_004_00) for increased height and FSR, which imposes similar requirements regarding maintaining solar access to the protected area of Parramatta Square. A development application (DA828/2017) has also been lodged on this site for a 25-storey commercial building and is being assessed by City of Parramatta Council. The development application documentation states that the proposal is consistent with the existing height and FSR controls and the proposed building can comply with the requirement for no additional overshadowing of the protected area of Parramatta Square between 12pm and 2pm. A planning proposal is not required to enable this proposed development.

To the south-west of the subject site, at the intersection of Macquarie and Marsden Streets (not shown in Figure 2), is the V by Crown site, a recently constructed mixed-use development with 30 residential storeys and retail podium. The south-eastern corner of this intersection contains a post office, and the north-western corner a four-storey commercial building.

St John's Anglican Church and the future commercial precinct of Parramatta Square are located to the south-east of the subject site. The World Heritage listed Old Government House and Domain precinct are further to the west. The subject site is not within the Park Edge Highly Sensitive Area associated with this World Heritage listed precinct.

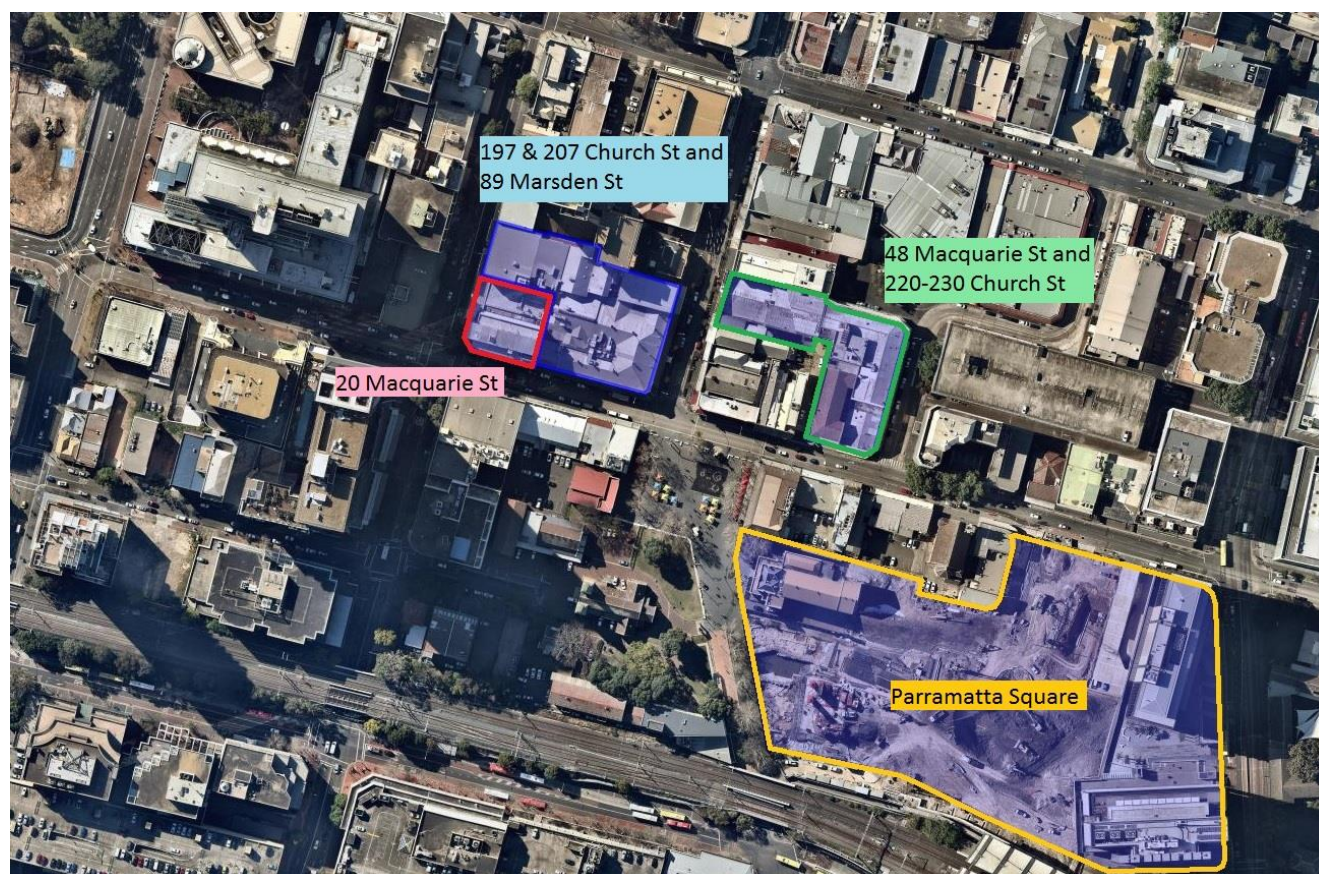


Figure 2: Aerial view of 20 Macquarie Street, Parramatta (shown edged red) and adjoining planning proposals, with Parramatta Square also shown (Source: Nearmap – photo dated 11 February 2017).

Summary of recommendation

The planning proposal should proceed subject to conditions as it reflects the broader strategic aims for the Parramatta CBD and has strategic merit. It will enable a high-density mixed-use development adjacent to the commercial core of Parramatta and includes economic benefit through the provision of commercial floor space and further housing.

PROPOSAL

Objectives or intended outcomes

The objective of the planning proposal is to increase the permissible density for the land at 20 Macquarie Street, Parramatta to encourage the urban renewal of the site consistent with its B4 Mixed Use Zone.

Explanation of provisions

Proposed amendments to the LEP include:

1. an increase in the height of buildings control from 36m to 90.5m;
2. an increase in the FSR control from 4:1 to 10:1; and
3. include a new site-specific clause, which identifies the site on the special provisions area map, excludes the site from the operation of the FSR sliding scale (clause 7.2 of PLEP 2011), which is designed to encourage the amalgamation of smaller-sized lots, and introduces maximum car parking rates for the site.

An additional clause relating to the preservation of solar access to the protected area of Parramatta Square is also recommended to be included in the planning proposal before community consultation.

Mapping

The proposal includes amendments to the height of buildings, FSR and special provisions area maps. The special provisions area map was not included in the planning proposal as it is referenced in the proposed site-specific clause proposed to be inserted. This map will be included at final drafting.

NEED FOR THE PLANNING PROPOSAL

This planning proposal (**Attachment A**) is not the result of any site-specific study or report and is in response to an owner-initiated request to increase the development potential of the site. The proposal is generally consistent with the proposed FSR and built form outcomes in the Council-adopted Parramatta CBD Planning Strategy and is considered to have strategic merit.

A planning proposal seeking to amend PLEP 2011 is the most effective way of providing certainty for Council, the local community and the landowner and allows for orderly and economic development of the land. The existing height and FSR standards would not permit the development as envisaged in the planning proposal or allow the site to capitalise on its central location in the Parramatta CBD.

STRATEGIC ASSESSMENT

Regional / district

A Plan for Growing Sydney

A Plan for Growing Sydney establishes four key goals, which are supported by directions and actions. A key goal relevant to the Parramatta CBD is the government's commitment to growing Greater Parramatta as Sydney's second CBD. In *Goal 1: A competitive economy with world-class services and transport*, the plan identifies that Western Sydney is key to Sydney's success, and developing the Parramatta CBD is integral to this goal.

Direction 1.2: Grow Greater Parramatta as Sydney's second CBD recognises the need to grow the commercial core of Parramatta as the central focus of business activity. The proposed development is adjacent to the commercial core and will further activate street frontages through ground floor commercial uses and drive commercial growth.

The planning proposal also addresses *Goal 2: A city of housing choice with homes that meet our needs and lifestyles* through the provision of new housing to the site, which is currently only used for commercial purposes.

Goals 1 and 2 must be balanced with key initiatives in *Goal 3: A great place to live with communities that are strong, healthy and well connected*, which aims to promote Sydney's heritage, arts and culture (Direction 3.4). *Goal 4: Sydney's sustainable and resilient*

environment must also be considered, particularly at the local level regarding building Sydney's resilience to natural hazards (Direction 4.2), which primarily relates to flood impacts. The planning proposal is accompanied by appropriate reporting to enable a Gateway determination, and further consultation with the NSW State Emergency Service (NSW SES) is required.

It is considered that the planning proposal appropriately addresses A Plan for Growing Sydney through the provision of new commercial and residential floor space in a central and prominent location in Parramatta's CBD.

Draft Greater Sydney Region Plan

The plan has been prepared by the Greater Sydney Commission and provides a vision and plan for the delivery of 725,000 dwellings and an extra 817,000 jobs in the Greater Sydney region. While the plan is not government policy, it provides a vision for the future growth and development of Sydney. It identifies Greater Sydney as a metropolis of three cities and recognises the Parramatta CBD as the core of the Central River City.

The plan provides 10 key directions supported by 40 objectives and metrics to deliver a vision for Sydney to 2056. The directions are grouped under four key concepts of infrastructure and collaboration, liveability, productivity, and sustainability. The subject planning proposal will deliver jobs and housing in close proximity to existing infrastructure and services, and further supports the concepts surrounding the 30-minute city. It is therefore considered that the planning proposal is generally consistent with the plan.

As the planning proposal was initially submitted to the Department before the plan was released, it is recommended the planning proposal be updated before community consultation to address this plan.

Revised Draft Central City District Plan

The plan commits to providing additional housing with access to jobs and services (Planning Priority C5) by way of a five-year housing supply target of 21,650 for the Parramatta LGA. The plan also identifies the importance of providing capacity for jobs growth and growing Parramatta as a metropolitan centre to create a stronger and more competitive Greater Parramatta (Planning Priority C7).

Action 24 includes a commitment to expand the Parramatta office market and to balance residential development with the needs of commercial development.

The proposal is consistent with the priorities and actions set by the plan. The planning proposal provides an opportunity to deliver additional housing and jobs for a growing office market by permitting a future mixed residential and commercial development in a highly accessible location in the Parramatta CBD.

As the planning proposal was initially submitted to the Department before the plan was released, it is recommended the planning proposal be updated before community consultation to address this plan.

Greater Parramatta and the Olympic Peninsula

The planning proposal is consistent with the Greater Parramatta and Olympic Peninsula vision to design Parramatta as a 30-minute city by enabling a mixed-use tower to be developed in a central location with excellent proximity to jobs, shops and community facilities.

Local

Parramatta 2038 Community Strategic Plan

The planning proposal is considered to meet the strategies and key objectives identified in Council's strategic plan by allowing for an appropriate mix of residential and non-residential

uses in a centre with public transport, shops and community facilities nearby. The proposal will help to activate the street frontages and improve the walkability of the city centre with commercial uses on the ground floor of the site and at podium level. The proposal will also allow for additional housing around existing and future transport nodes and contribute towards dwelling targets for Parramatta.

Parramatta CBD Planning Strategy and CBD Planning Proposal

The planning proposal is considered to be generally consistent with the following objectives of the Council-endorsed CBD Planning Strategy:

1. to set the vision for the growth of the Parramatta CBD as Australia's next great city;
2. to establish principles and actions to guide a new planning framework for the Parramatta CBD; and
3. to provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.

The Parramatta CBD Planning Strategy incorporates a series of preliminary built form controls that, subject to further testing, were intended to inform a planning proposal to review the planning controls for the entire Parramatta CBD. A key principle of the strategy is to 'create an attractive and distinctive city skyline, defined by tall, slender towers'.

The planning strategy adopted a 10:1 FSR for the subject site. The strategy also identified key areas of public open space in the CBD and proposed sun access controls to ensure retention of solar access to these public spaces between 12pm and 2pm. The proposed FSR of 10:1 on the subject site complies with the preliminary urban design outcomes in the strategy, and has adequately demonstrated in the reference design (**Attachment E**) that solar access to the protected area of Parramatta Square will not be affected between 12pm and 2pm.

The planning proposal also proposes the provision of a minimum non-residential floor space of 1:1, which is consistent with the strategy. The maximum residential floor plate in the design reference is 429m², which is well within the recommendations in the strategy to create tall, slender towers in the CBD. Therefore, it is considered that the planning proposal has demonstrated consistency with Council's adopted vision for the Parramatta CBD in the strategy through the proposed creation of a tall, slender, mixed-use tower that does not overshadow key areas of open space within the CBD context.

The Parramatta CBD Planning Proposal (CBD PP) was submitted to the Department for a Gateway determination on 24 April 2017 and is currently being assessed. It was informed by the CBD Planning Strategy. The current planning proposal is consistent with the proposed 'incentive' FSR map in the CBD PP of 10:1.

The planning proposal is inconsistent with the CBD PP in relation to the proposed FSR sliding scale, which applies to sites that have a mapped FSR greater than 6:1. Under the CBD PP, the intended mapping of the site at 10:1 would be reduced to 8.75:1 under the proposed sliding scale. As this issue also applies to the existing PLEP 2011 sliding scale provisions, this is considered in greater detail as part of the merit assessment of the proposal later in this report. Given the CBD PP is still being assessed, it is considered appropriate to provide a mapped FSR of 10:1, which complies with the overall vision for the CBD under the CBD Planning Strategy and responds to a site-specific design resolution that demonstrates compliance with the intent to create tall, slender residential towers in the CBD with activated street frontages and retail and commercial land uses located with the podium.

This site is not subject to the proposed 'value capture' mechanism that has impacted on the issue of Gateway determinations for other site-specific planning proposals in the Parramatta

CBD. The site is not considered to be an 'opportunity site' by Council that requires value capture and Council has resolved to negotiate a planning agreement for the site.

The proponent has provided sufficient documentation to demonstrate suitable consistency with the CBD Planning Strategy and the overall adopted vision for the Parramatta CBD to enable the subject planning proposal to proceed to community consultation.

Section 117(2) Ministerial Directions

The proposal is considered to be consistent with relevant section 117 Directions, with the exception of the following:

Direction 3.5 Development Near Licensed Aerodromes

As the proposal is in the vicinity of a licensed aerodrome, this Direction applies. The proposal is inconsistent with this Direction as consultation with the relevant Commonwealth agency and the airport lessee has not been undertaken. As the proposal has a maximum height of building of 90.5m, which does not exceed or impact on the obstacle limitation surface of 156 AHD for this site, it is considered that this inconsistency is of minor significance.

Direction 4.1 Acid Sulfate Soils

The site is mapped as having Class 4 acid sulfate soils under PLEP 2011. The proposal is inconsistent with this Direction as an acid sulfate soils study has not been submitted with the planning proposal to support the intensification of development. This inconsistency is considered to be of minor significance as this matter can be appropriately considered and addressed at the development application stage in accordance with 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

This Direction is relevant as the proposal will alter a provision that affects flood-prone land. The planning proposal indicates that the site is partially affected on the periphery of the site by the 20-year and 100-year average recurrence interval events (Figure 3). The entire site is also affected by the probable maximum flood event. A flood study has been prepared and submitted with the planning proposal (**Attachment H**). It assesses the impact of flooding on the site and suggests mitigation measures that should be incorporated into the design of any future building.

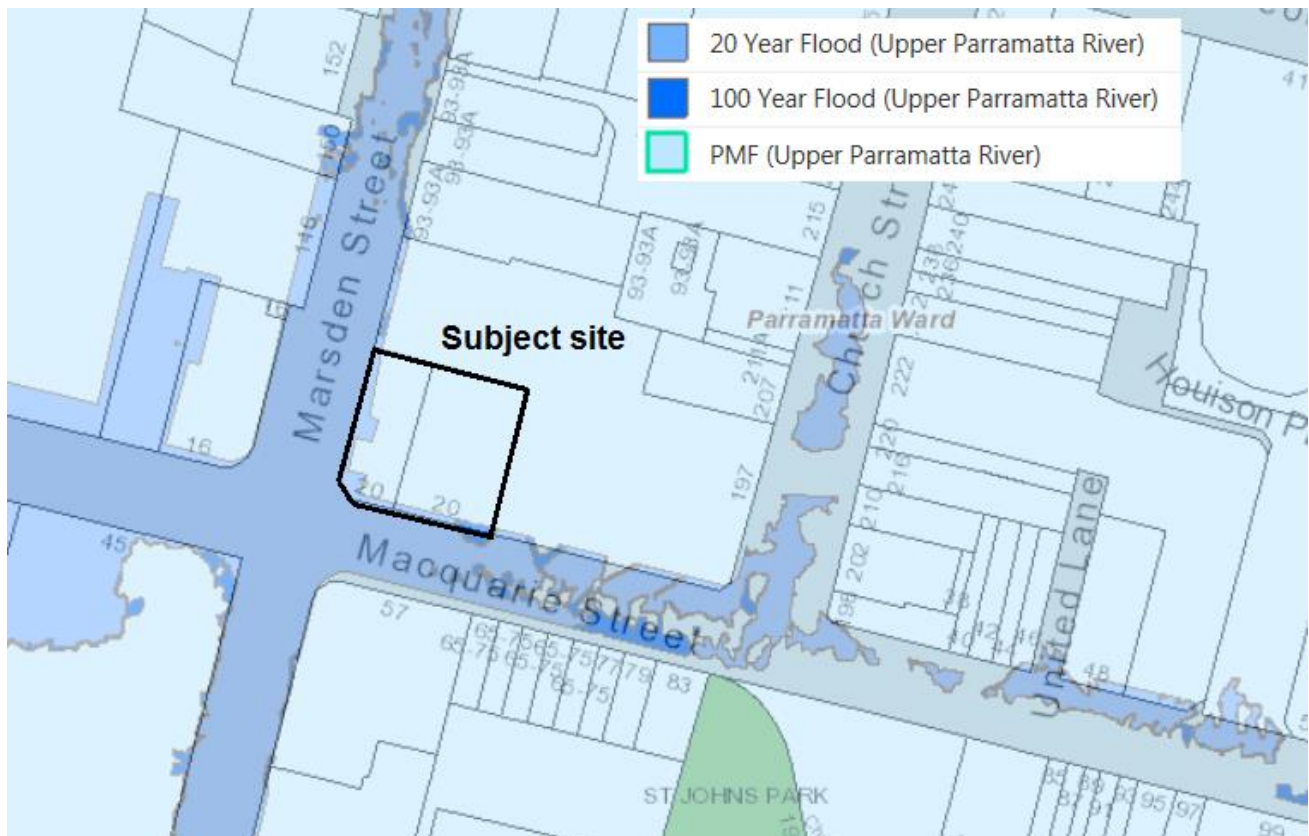


Figure 3: Flooding map (Source: City of Parramatta Council's GIS).

It is recognised that there is an evolving policy position regarding flooding in the Parramatta CBD, with Council proposing a shelter-in-place policy coupled with building design resolution to address and mitigate flooding impacts. The NSW SES has previously raised objections regarding similarly flood-affected planning proposals within the Parramatta CBD. There are examples of recently approved buildings in the Parramatta CBD that have similar flood affectation that have been able to appropriately use design resolution to address flooding concerns at the development application stage. Council and the Department are working with the NSW SES to address their concerns and these issues.

The existing seven-storey building occupies the entire site and Council's flooding team has provided advice that 'access to and egress from the site to higher "dry ground" in 1 per cent AEP (100 year) river flood events should be relatively straightforward and would not prejudice development'. Should an extreme flood event occur, the site will be inundated and emergency measures for future residents will need to be in place, particularly emergency access for people in the basement.

The planning proposal notes that any development application will need to adequately demonstrate to Council's satisfaction 'rainwater flooding modelling, flood planning levels and corresponding freeboard design measures such as driveway crests and stair access levels and a suitable shelter/refuge in place'.

Given the submitted flood study suggests the impacts of flooding can be mitigated primarily through building design, which may influence the height and FSR outcomes, it is considered that preliminary consultation with the NSW SES should occur before community consultation. It is also recommended that the proposal be referred to the NSW SES for further comment and the Office of Environment and Heritage for comment during the formal community consultation period. It is recommended that the inconsistency with this Direction be noted and remain unjustified until consultation with these agencies has been undertaken to confirm the suitability of the proposal in terms of flood planning.

State environmental planning policies

The planning proposal is consistent with all relevant state environmental planning policies.

SITE-SPECIFIC ASSESSMENT

Social and economic

The planning proposal will facilitate the redevelopment of an ageing commercial building on a central and highly visible location in the Parramatta CBD. It is expected that the rezoning will facilitate and attract high-quality retail and residential floor space and further contribute to the revitalisation and growth of Parramatta. The planning proposal will require a minimum commercial FSR of 1:1, noting that the design reference proposes a minimum commercial FSR of 3:1, which is considered appropriate in the context of the site's setting in the Parramatta CBD adjacent to the B3 Commercial Core.

The development will also require the payment of section 94A contributions, which will contribute towards infrastructure to support the growth of the Parramatta CBD. Council has also resolved to invite the proponent to enter into a voluntary planning agreement to fund additional facilities and infrastructure to support the influx of new residents and workers to the locality.

Environmental

The site is in a highly modified urban environment and it is unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats. The potential environmental impacts are addressed below.

Land-use planning

The site's prime location in the centre of the Parramatta CBD, immediately adjacent to the B3 Commercial Core, and its proximity to the Parramatta transport interchange make it a strategically desirable location to increase density. This aligns with the NSW Government's policy for higher-density development to be close to public transport and provide for a mix of land uses in the Parramatta CBD.

As discussed previously, it is considered that the planning proposal is generally consistent with the desired future character of the Parramatta CBD.

Built form – FSR and height

The submitted reference design is considered an acceptable response to the site and the surrounding development, both proposed and existing. The proposed height does not exceed the obstacle limitation surface for Bankstown Airport; therefore, no referrals are required in relation to the potential impact on airport operations. The height of the proposed building is considered appropriate in the CBD context and the proposed mapping of the maximum building height is supported.

The site is not subject to the FSR sliding scale under clause 7.2 of PLEP 2011 as it has a mapped FSR of 4:1. In proposing a mapped FSR of 10:1, the proposal would trigger this provision. As the site is less than 1800m², the FSR sliding scale in the CBD PP would reduce the mapped maximum FSR available on the site from 10:1 to 8.12:1. The sliding scale aims to incentivise amalgamation of small sites, reduce the potential for overdevelopment, encourage the provision of premium office space and encourage the creation of tall, slender towers in the Parramatta CBD with appropriate separation between towers to enable articulation and the avoidance of blank walls.

Two recent Gateway determinations have considered this issue. The planning proposals for 55 Aird Street (PP_2017_COPAR_012_00) and 107 George Street (PP_2017_COPAR_003_00) both related to a proposed increase in height and FSR (up to 15:1) on sites less than 800m², which places these sites in the lowest band of the sliding

scale under the existing and proposed CBD PP. The subject site at 20 Macquarie Street sits within the second band of the sliding scale that ranges from 800m² to 1600m² under the CBD PP, and 1000m² to 1800m² under PLEP 2011. The subject planning proposal requests an exemption to the sliding scale provisions in PLEP 2011 to facilitate a FSR of 10:1.

At 55 Aird Street, an FSR of 15:1 was originally sought. The site-specific assessment of the site determined that it was not suitable for this density. Further, it was considered to be an opportunity for site amalgamation with adjoining properties and, as such, the Gateway determination recommended a mapped FSR of 10:1 (increased from an existing FSR of 4.2:1), with the sliding scale provisions in the existing PLEP 2011 reducing the development outcome to 6:1. This outcome retained consistency with the CBD PP proposed mapping, provided a built form outcome that was more in keeping with the existing site constraints and opportunities, and also realised the potential for site amalgamations to improve development outcomes, which is part of the intent of the sliding scale.

At 107 George Street, an FSR of 20.1:1 was originally sought, which was reduced to 6:1 following a site-specific assessment of built form outcomes. It was considered that there was limited opportunity for site amalgamation in this location due to the nature of the surrounding development. The most streamlined mechanism to achieve this was to retain the existing PLEP 2011 mapping (which is currently 6:1) and provide an exemption to the sliding scale provisions under the PLEP.

A key difference between these two sites in the consideration of the Gateway determination was the ability to incentivise site amalgamation and potentially improve development outcomes. Importantly, each Gateway determination reflected the most efficient and streamlined mechanism under PLEP 2011 to achieve the urban design outcome following a site-specific urban design assessment of each site and the ability to comply with State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65). This is represented in Table 1, with 20 Macquarie Street also included.

Control	55 Aird Street PP_2017_COPAR_012_00	107 George Street PP_2017_COPAR_03_00	20 Macquarie Street PP_2017_COPAR_011_00
Site area	658m ²	630m ²	1293m ²
PLEP 2011 existing mapped FSR	4.2:1	6:1	4:1
PLEP 2011 existing sliding scale effect	Sliding scale does not apply	4:1	Sliding scale does not apply
Proposed mapped FSR	10:1	6:1	10:1
Exemption proposed to sliding scale in PLEP 2011 (clause 7.2)	No	Yes	Yes
Amalgamation opportunity	Yes	No	No. See further discussion.
Proposed FSR outcome planning proposal	6:1	6:1	10:1

Table 1: Proposed application of the PLEP 2011 sliding scale to Gateway determinations.

The merit-based assessment of the planning proposal has considered the potential for site amalgamation at 20 Macquarie Street as this is a factor in determining the planning merit in granting an exemption to the FSR sliding scale under PLEP 2011, along with the ability for the site to demonstrate capacity for an appropriate building footprint and setback distances.

As discussed previously, the subject site is surrounded by the proposed development of 197 and 207 Church Street and 89 Marsden Street (PP_2016_PARRA_015_00) and needs to be considered on its merits as a site with limited amalgamation opportunities and the ability to provide a site-specific design resolution.

The reference design submitted with the planning proposal has adequately demonstrated that the site can comply with the principles of SEPP 65 at an FSR of 10:1 and will not overshadow the protected area of Parramatta Square between 12pm and 2pm. This will be subject to detailed assessment at the development application stage, particularly if additional height is proposed under the design excellence provisions, as discussed below. Therefore, it is considered that an appropriate site-specific design resolution has been provided and an exemption to the sliding scale provisions for this site has merit and can proceed to community consultation.

Design excellence

As the proposed height of building is more than 55m, a competitive design process would be required as part of the development application process (clause 7.10(5)(a) of PLEP 2011). Demonstrating design excellence enables a 15% bonus on the mapped FSR or height provisions, but not both, bringing the total maximum FSR on the site to 11.5:1 or increasing the height of the building to 103.5m. This FSR is not out of keeping with the planning controls adopted by Council in both the CBD Planning Strategy and CBD PP; however, any height increase above 90.5m may have an overshadowing impact on the protected area of Parramatta Square. Therefore, the planning proposal is to be amended to include a provision, as per similar adjoining Gateway determinations, that ensures appropriate solar access protection is in place.

Solar access to Parramatta Square

Previous Gateway determinations on adjoining sites have required an amendment to clause 7.4 of PLEP 2011 to require no further overshadowing of the protected area of Parramatta Square between 12pm and 2pm. The protected area makes up only 31% of the entire public open space within the Square. The Gateway determinations for the adjoining sites require that these planning proposals are to 'amend clause 7.4 Sun Access to ensure no overshadowing occurs between 12pm-2pm of the protected area of public domain within Parramatta Square (Note: this is not intended as a site-specific control but will apply to all land affected by clause 7.4)'.

This condition on the Gateway determinations for the adjacent sites was required as it was considered that the existing development control plan (DCP) controls were not sufficient in ensuring solar access to this part of Parramatta Square was protected, particularly as the DCP allows individual buildings to overshadow the Square for no more than 45 minutes between 12pm and 2pm. The proposed amendment to clause 7.4 means that potential cumulative impacts from multiple buildings overshadowing the Square between 12pm and 2pm are mitigated and controlled.

On 16 December 2015, Council resolved to prepare the planning proposal for the subject site. Council's resolution (**Attachment F**) did not support the reference design that had been prepared for the site, which proposed a 65-storey mixed-use building with a building cut-out between the 23rd and 27th floors to provide solar access to the protected area of Parramatta Square between 12pm and 2pm in midwinter. While this satisfied the requirements in midwinter, the nature of the design meant that at other times of the year, Parramatta Square was partly overshadowed as the cut-out was specifically designed to accommodate the angle of the sun in midwinter. Therefore, Council resolved that the planning proposal 'provide an increase in FSR from 4:1 to 10:1 and an increase in height from 36 metres so not to result in any additional overshadowing of the public domain within Parramatta Square as defined in Figure 4.3.3.7.3 of Parramatta Development Control Plan

2011 between 12pm and 2pm throughout the year and enable compliance with State Environmental Planning Policy 65 Apartment Design Guide’.

The revised reference design submitted with the planning proposal for Gateway determination indicates that the proposed FSR and height of 90.5m can be accommodated while complying with the intended sun access controls for Parramatta Square (Figure 4).

Given the ability to amend the maximum building height through a design excellence process, it is considered that the planning proposal should be amended to include reference to the proposed amendment to clause 7.4 of PLEP 2011, which correlates with the Gateway determinations already granted for adjoining sites to ensure that appropriate planning controls are in place if the development of this site proceeds ahead of adjoining sites, and to ensure a consistent policy approach that aims to protect solar access throughout the year to the protected portion of Parramatta Square.



Figure 4: Shadow cast by the proposed reference design at 2pm on 21 June (Source: applicant’s revised reference design).

Heritage

The former Murray Bros department store adjoins the site, which is a two-storey building of local heritage significance. It was erected in 1925 and represents buildings of the inter-war period. It is also an important element of the streetscape in Church Street, contributing to the key intersection of Church and Macquarie Streets, which sits opposite Centennial Plaza and St John’s Church.

The site has the potential to be visible from the World and National Heritage listed Old Government House and Domain, therefore possible impacts on these views need to be considered. The site is adjacent to, but not within, the Park Edge Special Area of the CBD; therefore, the site is sensitive in that it forms part of the CBD backdrop and panorama of Old Government House and the Domain.

The site has been identified as having moderate to high historical archaeological potential.

Surviving evidence of convict occupation at the site would be of state heritage significance. Given the extent of development that has already occurred on the site, this is a matter that can be addressed at the development application stage.

The planning proposal was accompanied by a heritage impact statement prepared by Urbis, dated July 2015 (**Attachment I**). The report provides sufficient justification for the planning proposal to proceed to community consultation. Consultation with the heritage division of the Office of Environment and Heritage (OEH) is recommended as part of the consultation process given the number of heritage-listed buildings and precincts in close proximity to the subject site.

Flooding

The site is partially affected by the 20-year and 100-year average recurrence interval events at the Macquarie Street and Marsden Street frontages. This matter has been addressed in previous sections of this report. A referral to the NSW SES and OEH is recommended as part of the Gateway determination.

Traffic and transport

On 10 April 2017, Council resolved to endorse the Parramatta CBD Strategic Transport Study to reduce maximum car parking rates to levels currently used in the City of Sydney CBD (**Attachment G**). In accordance with this resolution, it is proposed to include maximum car parking rates, which is also consistent with other recent Gateway determinations issued within the Parramatta CBD. This would reduce the proposed car parking on site to approximately 80–84 spaces. The current reference design proposes 192 spaces.

Given the site is strategically located in the Parramatta CBD, in close proximity to public transport, services and infrastructure, it is considered that the reduced car parking is an appropriate outcome for the site, and the proposed site-specific clause to introduce defined maximum car parking rates is supported. Consultation with Transport for NSW and Roads and Maritime Services is also recommended as part of the exhibition process given the site's close proximity to the proposed light rail and significant infrastructure projects.

CONSULTATION

Community

A community consultation period of 28 days is considered an appropriate amount of time to gauge the community's response. Public exhibition is likely to include a newspaper advertisement, display on Council's website and written notification to adjoining landowners.

Agencies

Council proposed that consultation with relevant authorities will form part of the consultation requirements. It is recommended that the following agencies are contacted:

- Transport for NSW;
- Roads and Maritime Services;
- Office of Environment and Heritage – Heritage Division;
- Office of Environment and Heritage; and
- NSW State Emergency Service.

TIME FRAME

The proposed time frame to finalise this planning proposal is nine months, which is considered appropriate given the scale and complexity of the project. This is consistent with the time frame identified in the planning proposal; however, the proposal is required to be updated before community consultation.

DELEGATION

Council has requested delegation of the plan-making function in relation to this planning proposal. However, it is recommended that delegation of the Greater Sydney Commission is not issued in this instance due to the site's location in the Parramatta CBD, the strategic importance of the Parramatta CBD and the need to coordinate several site-specific planning proposals and the CBD PP to ensure consistent application of policy outcomes.

CONCLUSION

The planning proposal should proceed subject to conditions as it reflects the strategic aims of the Parramatta CBD. It will enable a high-density mixed-use development, including economic benefit through commercial floor space and further housing provision. The proposed provisions are generally consistent with the intent of the Parramatta CBD Planning Strategy and subsequent CBD PP currently being assessed for a Gateway determination.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 117 Direction 3.5 Development Near Licenced Aerodromes and Direction 4.1 Acid Sulfate Soils are of minor significance; and
2. note the inconsistency with section 117 Direction 4.3 Flood Prone Land remains unresolved and will require further consideration following consultation with relevant public authorities.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation Council is to:
 - (a) undertake consultation with the NSW SES;
 - (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 *Environmental Planning and Assessment Act 1979* (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.

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.
6. Given the nature of the planning proposal, Council should not be authorised to exercise delegation to make this plan.

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14/12/17

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