



PLANNING PROPOSAL

20 Macquarie Street, Parramatta

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Urbis	October 2015

Council versions:

No.	Author	Version
1.	City of Parramatta Council	August 2017 version forwarded to the Department of Planning and Environment seeking Gateway Determination
2.	City of Parramatta Council	October 2018 – final administrative amendments in preparation for exhibition
3.	City of Parramatta	August 2019 – amendments post exhibition

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INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to the *Parramatta Local Environmental Plan 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (April 2013) and 'A Guide to Preparing Planning Proposals' (October 2012) and 'Guidance for merged councils on planning functions' (May 2016).

The Planning Proposal has been amended post-exhibition to amend the site-specific clause to permit development to override the FSR sliding scale within Clause 7.2 of the Parramatta LEP 2011 but only where the additional floor space area is for the purpose of hotel or motel accommodation. The changes and the additional clause are shown in red text.

Background and context

A Planning Proposal for land at 20 Macquarie Street, Parramatta was lodged by the applicant Praxis Capital Pty Ltd and Hilton Hotels of Australia Pty Ltd seeking an increase in the permissible density through amendments to the height and floor space ratio controls. The legal property description of the site is Lot 1 DP 503651 and Lot 1 DP 501663, and the site area is 1,230m². The site is shown in Figure 1, below.

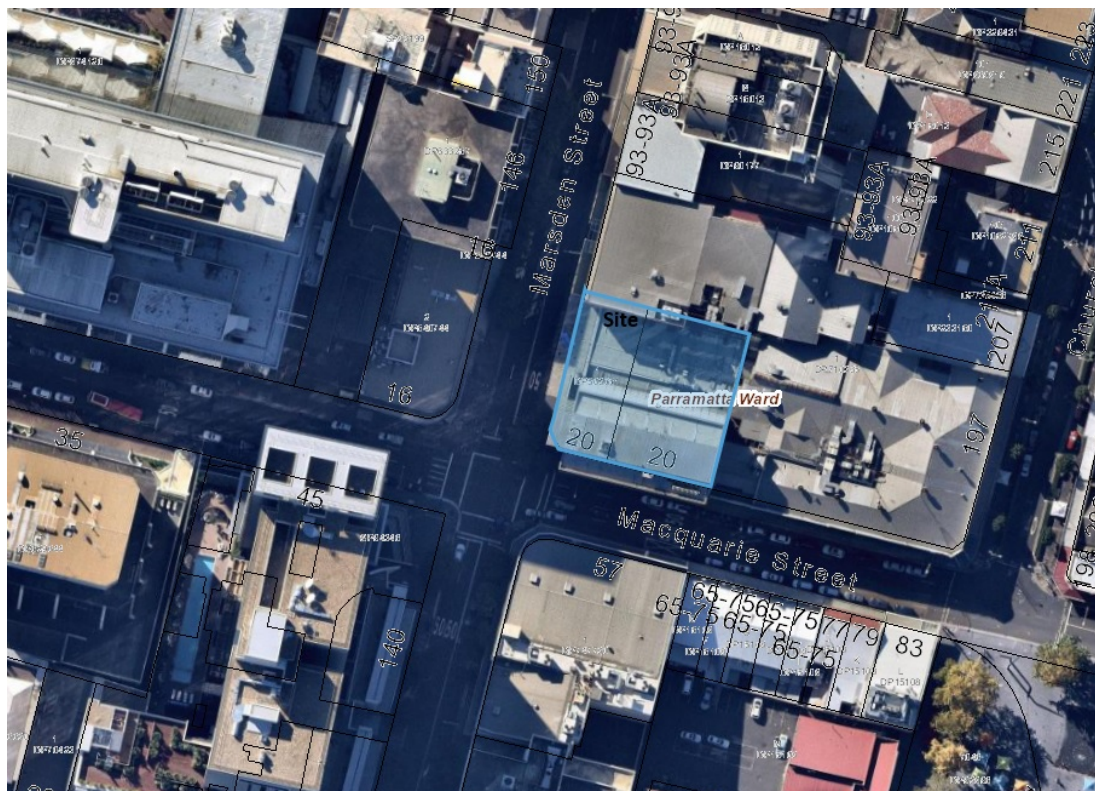


Figure 1 – Site at 20 Macquarie Street, Parramatta subject to the planning proposal

Under the *Parramatta Local Environmental Plan 2011* the site:

- is zoned B4 Mixed Use;
- has a maximum building height of 36 metres;
- has a floor space ratio of 4:1;
- does not contain any heritage listed items, however, is located adjoining an item listed as being of local significance being a shop at No.197 Church Street; and

Please refer to Part 4 (Mapping) of this Planning Proposal for illustrations of the current planning controls as described above.

The site is partially affected by the 20 and 100 year Average Recurrence Interval (ARI) flood events at the Macquarie Street and Marsden Street frontages. All of the property would be inundated in the Probable Maximum Flood (PMF) event.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to increase the permissible density for the land at 20 Macquarie Street, Parramatta so as to encourage the urban renewal of the site in accordance with the site's B4 Mixed Use zone.

PART 2 – EXPLANATION OF PROVISIONS

This Planning Proposal seeks to amend the *Parramatta Local Environmental Plan (LEP) 2011* via an increase in the Height of Buildings control and the Floor Space Ratio control.

In order to achieve the desired objectives, the following amendments to the *Parramatta LEP 2011* would need to be made:

1. An increase in the Height of Buildings control from 36m to 90m
2. An increase in the Floor Space Ratio control on the FSR map from 4:1 to 10:1.
3. Inclusion of a site-specific clause which permits development to override the FSR sliding scale within Clause 7.2 of the Parramatta LEP 2011 but only where the additional floor space area is for the purpose of hotel or motel accommodation. Additionally, this clause prohibits any additional floor area developed under the clause from being converted to residential uses once built.
4. Inclusion of maximum parking rates in line with the resolution of Council on 10 April 2017 with regards to parking rates in the CBD Planning Proposal.
5. Apply the recently amended wording of Clause 7.4 Sun Access to prohibit any overshadowing between 12pm – 2pm of the protected area of the public domain within Parramatta Square. Refer to Figure 2 below. Note: this provision will also apply to areas outside of the subject site. Clause 7.4 has already been amended to this effect through PLEP 2011 Amendment No. 29 which was gazetted on 7 November 2018. It is the intention of this Planning Proposal to include the new wording of Clause 7.4 which applies to all properties which have the potential to overshadow the protected area of Parramatta Square.

EXPLANATORY NOTE

To remain consistent with the Gateway determination issued by the NSW Department of Planning and Environment on 8 January 2018, this Planning Proposal includes an amendment to the wording of Clause 7.4 of the PLEP 2011 in relation to solar access to the protected area of Parramatta Square.

The proposed wording reflects the intent of that introduced by the recent PLEP 2011 (Amendment No. 29) which was notified on 7 November 2018. Even though the amended wording is now included within the PLEP 2011, the subject Planning Proposal replicates the same wording in order to strictly comply with the Gateway Determination.

The map in Figure 2 below indicates the extent of properties that may be affected by the application of Clause 7.4. The properties highlighted in Figure 2 are those identified by Council as having the potential to overshadow the protected area of Parramatta Square. Any development application relating to these sites will be assessed having regard to the new solar access provisions within Clause 7.4.

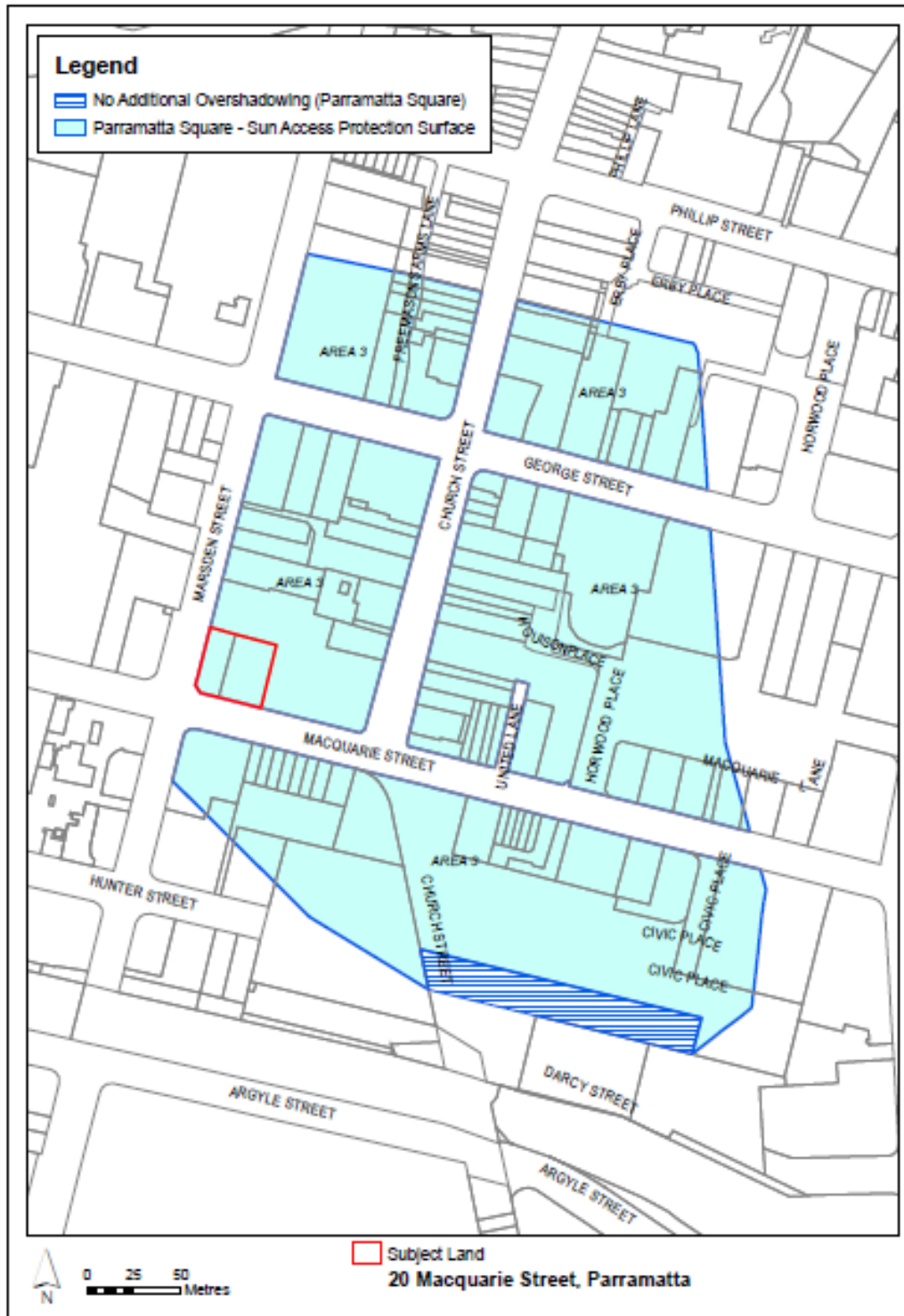


Figure 2: Area affected by the provisions of Clause 7.4 of PLEP 2011 regarding sun access to the protected area of Parramatta Square

It is noted that the recent amendment No. 29 to the PLEP 2011 in relation to the site at 220-230 Church Street and 48 Macquarie Street (known as the Greenway Plaza site) included an amendment to the Height of Buildings map that identified an “Area 3”. The purpose of this was to identify the solar access plane in the absence of numerical height controls. However, in the case of the subject Planning Proposal, it was not considered necessary to further amend the “Area 3” on the map as the site at 20 Macquarie Street will be subject to a numerical height

control of 90 metres and will also be subject to the existing solar access provisions of Clause 7.4.

2.1 Other relevant matters

2.1.1 Voluntary Planning Agreement

A Voluntary Planning Agreement has been prepared which will provide a monetary contribution to go towards public domain improvements, affordable housing and items within Council's Cultural Plan. The monetary contribution will be delivered only in the case that the site is developed for the purpose of residential development. The Voluntary Planning Agreement is being exhibited alongside this Planning Proposal.

2.1.2 Draft DCP

A draft DCP will be required to deliver the finer details of the proposed building form. This will be assessed separately and ideally exhibited in conjunction with the planning proposal and draft VPA.

2.1.3 Planning Proposal on adjoining site

The adjoining site immediately to the east at 197 Church Street, Parramatta, is subject to a Planning Proposal which seeks to increase the height and floor space ratio controls. The Planning Proposal has received a Gateway determination which contains several conditions, one of which requires a site-specific clause to be included within the Parramatta LEP 2011 which prohibits overshadowing of the protected area within Parramatta Square between 12pm and 2pm. This clause has recently been introduced into the PLEP 2011 through PLEP 2011 Amendment No. 29 which sets an upper height limit for any new building on the site.

This adjoining Planning Proposal was the subject of a post-Gateway review submitted by the applicant, however, the Gateway conditions were confirmed as determined by the Independent Planning Commission. The confirmation of the solar access provision will necessitate the submission of a revised reference design for No. 197 Church Street. It is anticipated that this Planning Proposal will be exhibited in the future.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

3.1 Section A - Need for the planning proposal

3.1.1 Is the Planning Proposal a result of any study or report?

This Planning Proposal is not the result of any site specific study or report and is in response to an owner-initiated Planning Proposal. However, the Planning Proposal is consistent with the proposed floor space ratio adopted by Council for the site as part of the CBD Planning Proposal.

The CBD Planning Proposal stems from local and State government strategic plans including the NSW Government's *A Plan for Growing Sydney*, Parramatta City Centre Vision 2007 and Parramatta CBD Planning Strategy. Notably, *A Plan for Growing Sydney* states the Government will work with Parramatta Council to review expansion

opportunities in the Parramatta CBD including updated building height controls and removal of barriers to growth to promote more efficient land use outcomes.

Consistently, these plans highlight Parramatta's role as Sydney's second CBD and as a key area for future development to cater for projected increases in the residential and working population of the region.

3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal seeking to amend the *Parramatta LEP 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 part of the form of development envisaged in the planning proposal and would not allow the site to capitalise on its location within the Parramatta CBD.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Greater Sydney Region Plan - A Metropolis of Three Cities and the Central City District Plan, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Greater Sydney Region Plan

On March 2018, the Greater Sydney Region Plan (the 'Plan') was finalised by the Greater Sydney Commission. The adoption of the Greater Sydney Region Plan will supersede A Plan for Growing Sydney as Sydney's overarching metropolitan strategy.

The vision of this Plan is built on the three cities concept where residents live within 30 minute access to jobs, education and health facilities, services and places. This is consistent with the 10 Directions as set in Directions for a Greater Sydney, which is the core component of the vision and measure of the Plan's performance.

The Plan identifies that a target of an additional 725,000 dwellings would be needed within the Greater Sydney Region by 2036 to meet housing demands based on current population growth.

The Greater Sydney Region Plan is structured around four key themes—infrastructure and collaboration, liveability, productivity and sustainability—and sets out a number of directions, objectives and actions to guide delivery of these themes.

The table below provides a summary of the consistency of the proposal with the relevant directions and objectives.

Consistency with the Greater Sydney Region Plan	
Direction/Objectives	Consistency
Infrastructure and collaboration	

Consistency with the Greater Sydney Region Plan	
Direction/Objectives	Consistency
Direction: A city supported by infrastructure Objective 4: Infrastructure is optimised	In accordance with the Objective 4, the planning proposal will allow for efficient land use by locating new housing and/or office and commercial spaces in the vicinity of Parramatta railway station and future Parramatta Light Rail network. Future occupants and users of the site will have access to the existing and proposed transport infrastructure and will benefit from the commuting advantages.
Liveability	
Direction: Housing the City Objective 10: Greater housing supply	While the applicant has indicated a preference to develop a fully commercial building, nothing in the Planning Proposal affects the permissibility of residential development. The outcome of this planning proposal would theoretically be able to facilitate additional residential floor space to the site which will contribute to housing supply and a range of housing types in Sydney. It is identified in the Plan that the Central City District has a 5 year housing target of 53,500 by 2021 and a 20 year housing target of 207,500 by 2036.
Direction: A city of great places Objective 12: Great places that bring people together	The development concept includes a hotel with a ground floor lobby and retail shops which supports further activation of Macquarie and Marsden Streets.
Objective 13: Environmental heritage is conserved and enhanced	The site does not contain a heritage item or fall within a heritage conservation area. However, the site is adjacent an item of local heritage significance. A heritage impact statement is included with the planning Proposal (see Appendix 5) Heritage-related issues will require consideration in future development applications.
Productivity	
Direction: A well connected city Objective 14: A metropolis of three cities—integrated land use and transport creates walkable and 30-minute cities	The planning proposal satisfies this direction by co-locating housing and commercial spaces on a site that is within walking distance to Parramatta Railway Station and the proposed Parramatta Light Rail Station; and will uphold the concept of a 30-minute city.

Consistency with the Greater Sydney Region Plan	
Direction/Objectives	Consistency
Objective 15 - The Eastern, GOP and Western Economic Corridors are better connected and more competitive	<p>The planning proposal will facilitate new residential and commercial floor space within Parramatta CBD that will generate housing and jobs.</p> <p>These uses provided on the site will assist in strengthening the Parramatta CBD and Westmead health and education precinct, thus contributing to making the GOP corridor more connected and competitive.</p>
<p>Direction: Jobs and skills for the city</p> <p>Objective 19: Greater Parramatta is stronger and better connected</p>	<p>The outcome of the planning proposal will contribute to the economic growth of Parramatta CBD and enables a mixture of uses directly next to a key public transport infrastructure.</p> <p>This proposal will provide improvements to the site that will enhance the vibrancy, competitiveness and walkability within Parramatta CBD.</p>

Central City District Plan

The Central City District Plan was released by the Greater Sydney Commission in March 2018. The Plan considers that the Parramatta CBD will be the driver of the Central River City and will be one of the top five CBDs in Australia.

An assessment of the Planning Proposal against key relevant Priorities and Directions outlined in the draft District Plan is addressed in **Table 2** below.

Planning Priority C7 Actions	Planning Proposal
24. Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy by: c. balancing residential development with the needs of commercial development.	This proposal creates opportunities for additional residential and/or commercial GFA within the Parramatta CBD. The Planning Proposal does not alter the zoning of the land which remains as Mixed Use B4. However, it does increase the permissible density of development for the site. This improves the viability of commercial development and the proponent has indicated an intention to develop a hotel on the site. It is considered that the presence of the hotel
d. providing for a wide range of cultural, entertainment, arts and leisure activities.	The proponent has indicated an intention to develop a 5 star hotel on the site which will support the promotion of the Parramatta CBD as a tourist destination and support other attractions such as the Riverside Theatres, the Parramatta Stadium and the proposed Museum of Applied Arts and Sciences.
28. Manage car parking and identify smart traffic management strategies.	The site is located within close proximity of the proposed Parramatta Light Rail and the Parramatta interchange. The proposed development also complies with the car parking rates endorsed by Council as part of the CBD Planning Proposal.

3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

The following strategic planning documents are relevant to the planning proposal.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region.

The Planning Proposal is considered to meet the strategies and key objectives identified in the plan by allowing for the concentration of housing around transport nodes and contribute towards dwelling targets for NSW.

3.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 1 below).

Table 1 – Comparison of planning proposals with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent: Yes - ✓ No - ✗ or N/A	Comment
SEPP No 1 Development Standards	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 6 – Number of Storeys in a Building	N/A	Standard instrument definitions apply.
SEPP No 55 Remediation of Land	✓	The subject site has existing Class 4 Acid Sulfate Soils constraints. Council is satisfied the site is suitable for mixed use purposes. The matter can be further resolved through the development application which considers finer details such as building materials and construction methods. No further contamination issues have been identified.
SEPP 60 – Exempt and Complying Development	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	✓	Detailed compliance with SEPP 65 will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal. During the design development phase, detailed testing of SEPP 65 and the Apartment Design Guidelines was carried out and the indicative scheme is capable of demonstrating compliance with the SEPP.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendment.

SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed amendment.
SEPP (BASIX) 2004	N/A	Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓	May apply to future development of the site.
SEPP (Infrastructure) 2007	✓	May apply to future development of the site.
Sydney Regional Environmental Plan No 18–Public Transport Corridors	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.
SEPP (Urban Renewal) 2010	✓	The Parramatta CBD is not identified as an Urban Renewal Precinct under the SEPP.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

In accordance with **Section 9.1** of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making

The following directions are considered relevant to the subject Planning Proposal.

Table 2 – Comparison of planning proposal with relevant **Section 9.1** Directions

Section	Comment	Compliance
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	This Planning Proposal seeks to retain the B4 Mixed Use zoning, and will contribute approximately 3,390m ² of employment generating land uses.	Yes
2. Environment and Heritage		

Direction 2.3 - Heritage Conservation	The subject site does not contain a heritage item listed under Schedule 5 of PLEP2011. However, the site is located adjoining an item of local heritage significance. The proposed height and bulk sought as part of this planning proposal would inevitably impact on views of nearby heritage items, providing a tower backdrop to the heritage item when viewed from Church Street. However, these impacts are considered acceptable given the location of the subject site and heritage items in a densely-built CBD context. The density proposed is consistent with the CBD PP, and is therefore consistent with the desired future context of the site.	Yes
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> • facilitates additional housing in the Parramatta City Centre that is currently not provided on the site • provides residential development in an existing urban area that is well serviced by existing infrastructure 	Yes
Direction 3.4 - Integrating Land Use and Transport	<p>The Planning Proposal is consistent with this direction, in that it:</p> <ul style="list-style-type: none"> • will provide the potential for new dwellings in close proximity to existing public transport links • will enable residents to walk or cycle to work if employed in the Parramatta City Centre or utilise the heavy rail service. • will maintain and provide additional commercial premises in proximity to existing transport links • makes more efficient use of space and infrastructure by increasing densities on an underutilised site. • applies car parking rates to the site which are endorsed by Council through the Parramatta CBD Strategic Transport Study . 	Yes
Direction 3.5 – Development near Licensed Aerodromes	The site is located within prescribed airspace surfaces. A proposed height of 90m is less than the Bankstown Airport Obstacle Limitation Surface (156AHD). Therefore, referral to the Commonwealth Department of Infrastructure and Regional Development will not be required.	Capable of complying
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	The site is identified as Class 4 on the Acid Sulfate Soils Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 4 areas however this will be addressed further at the development application stage.	Yes
Direction 4.3 - Flood Prone Land	<p>The site is partially affected by the 20 year and 100 year Average Recurrence Interval (ARI) events at the Macquarie Street and Marsden Street frontages. All of the property would be inundated in the Probably Maximum Flood (PMF) event.</p> <p>A Flood Impact Statement was prepared by Wood and Grieve Engineers dated 25 July 2016. Council's Catchment Management Unit has also reviewed the Planning Proposal and advised that any development application will need to adequately address flood planning levels and corresponding freeboard, design measures such as driveway crests and stair access levels and suitable shelter/refuge in place. Further investigations are being carried out by Council and Government agencies in regard to the broader CBD Planning Proposal with relation to flooding. This may also result in additional design requirements which may be required at the development application stage.</p>	Yes

6. Local Plan Making		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require additional concurrence, consultation or referral.	Capable of complying
Direction 6.3 - Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal does include site-specific provisions in relation to minimum commercial floor space area and maximum car parking rates. These provisions are included to ensure consistency with Council's endorsed Parramatta CBD Planning Proposal.	Yes
7. Metropolitan Planning		
Direction 7.1 Implementation of a Plan for growing Sydney	As detailed in this report, the Planning proposal is consistent with the relevant metropolitan plan (Greater Sydney Region Plan, March 2018).	Yes
Direction 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Implementation Plan	<p>The proposal is consistent with the actions in the interim Land Use and Infrastructure Plan in that the proposal:</p> <ul style="list-style-type: none"> • Is in line with the Parramatta CBD Planning Proposal • Will contribute towards employment targets within the Parramatta City Centre • May assist in the funding of infrastructure should the site be developed for part residential purposes. 	Yes

3.3 Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

1.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is located within a highly modified urban environment and it is very unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

1.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Land use planning
- Urban design and built form
- Solar access to Parramatta Square

- Heritage
- Flooding
- Traffic and Transport

Land Use Planning

The site's prime location in the centre of the Parramatta CBD and its proximity to Parramatta Transport Interchange makes it a strategically desirable location to increase density. This aligns with the NSW Government's policy position in the Metropolitan Plan for Sydney, *A Plan for Growing Sydney* (2014) and the recently released *Draft Central West District Plan* (2016), for higher density development to be located close to public transport and provide for a mix of land uses within the Parramatta CBD.

The Planning Proposal also accords with the CBD Planning Proposal which proposes a base FSR of 4:1 for the subject site with an incentive FSR of 10:1. The FSR of 10:1 is exclusive of design excellence and comprises a minimum of 1:1 commercial floorspace which also accords with the provisions of the CBD Planning Proposal for the site. Importantly as detailed in Council's resolution and the Gateway determination, the proposal must demonstrate compliance with the solar access provisions for Parramatta Square.

Urban Design and Built Form

The final amended reference design is deemed an acceptable response to the site conditions and to the stipulations in Council's resolution made on 19 December 2016. It has been demonstrated that the proposed FSR and HOB can be accommodated on the site, and the reference design indicates that a resulting development would be capable of complying with the solar access requirements relating to Parramatta Square within the Parramatta Development Control Plan 2011. To ensure the final concept also responds to the context of the site, a site-specific Development Control Plan (DCP) has been prepared to address building setbacks, built form, design, massing and vehicular access. The DCP will inform any future design competition brief for the site based on this planning proposal.

Solar access to Parramatta Square

Clause 7.4 within the Parramatta LEP 2011 provides that Council must not grant consent to development that will result in additional overshadowing of the protected area of Parramatta Square between 12pm and 2pm. The revised reference design submitted with the Planning Proposal indicates that the proposed FSR can be accommodated while complying with the sun access plane controls for Parramatta Square. (See Figure 3 below).



Figure 3 – Shadow cast by the proposed reference design at 2pm on 21 June (source: Applicant's revised reference design)

The reference design (included as Appendix 4) establishes the maximum height (**90m**) that a building on the site that could achieve whilst still complying with the sun access plane controls. It is noted that since the applicant submitted the above shadow diagrams, the Gateway determination has been issued which refers to overshadowing in general terms, rather than at the Winter solstice (ie. 21 June). As such, a development application for 20 Macquarie Street would be assessed having regard to the potential for overshadowing year round. As the shadows cast at the Spring and Autumn equinox are shorter but at a different angle, this could have implications for the height that the building could ultimately achieve.

Heritage

The site adjoins Heritage Item listed under the PLEP 2011 at 197 Church Street, a two storey former department store of local heritage significance erected in 1925 representing the Inter-War period. Refer **Figure 4** below.

The building at 197 Church Street is of local significance for the Parramatta area for historical and aesthetic reasons. Today, it is an important element of the streetscape in Church Street, contributing strongly to the townscape.



Figure 4: View west along Macquarie Street towards subject site, with immediate view heritage listed shop at 197 Church Street (Source: Urbis Heritage Impact Statement July 2015)

The planning proposal was accompanied by a Heritage Impact Statement prepared by Urbis and dated July 2015. The statement has made the following conclusions:

It is considered that the present site building does not contribute to the setting of the adjoining item or proximate heritage items and the proposal will form part of a backdrop of development in views to the nominate heritage items. Impacts of scale to the adjoining interwar shop building are mitigated by the envelope of the tower which is modulated to reduce the massing of the tower form in view west behind the heritage item.

The site falls within an area of important view corridors of World and National Heritage listed Old Government House and Domain and therefore possible impacts on these views need to be considered. It is concluded that the proposed tower will form part of a backdrop of the growing CBD it is part of an area which is considered 'sensitive' "which appear in the middle ground of a view or which do not feature within an important view cone". Therefore "there is no risk of resulting in a significant impact upon the World and National Heritage values".

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. However, it is considered that the likely significance of the archaeological resource would be contributory only and would not preclude development in these identified areas of archaeological potential.

Council Officers conclude that any future development will be allowed to harmonise with surrounding area, including the adjacent heritage item. This could be achieved through controls through a site specific DCP for the site to ensure that the street wall height and tower setback respond to the adjacent heritage item.

The Heritage Impact Statement recommends that *"a Historical Archaeological Impact Assessment and Research Design specific to the proposed works, be prepared in conjunction with the development application process. These documents would provide recommendations to investigate and manage the potential archaeological resource."* Council Officers consider that the site has no known archaeological potential and considerations at the development application stage for the potential archaeology resources is acceptable.

In relation to views, Council Officers consider that the site is in the area of sensitive views, but not in one of main identified view corridors. The site is adjacent to, but located outside, the designated highly sensitive Park Edge Special Area which any buildings in this area form a backdrop to Old Government House and Domain's National and World Heritage Listed area. If the proposal, as recommended in this report, be aligned with the controls for Parramatta CBD and the surrounding area, then any future development will be should not stand out in the panorama of the city, be allowed to harmonise with surrounding area and not impact adversely on view lines.

Flooding

The site is partially affected by the 20 and 100 year Average Recurrence Interval (ARI) events at the Macquarie Street and Marsden Street frontages. All of the property would be inundated in the Probable Maximum Flood (PMF) event. Refer **Figure 5**.

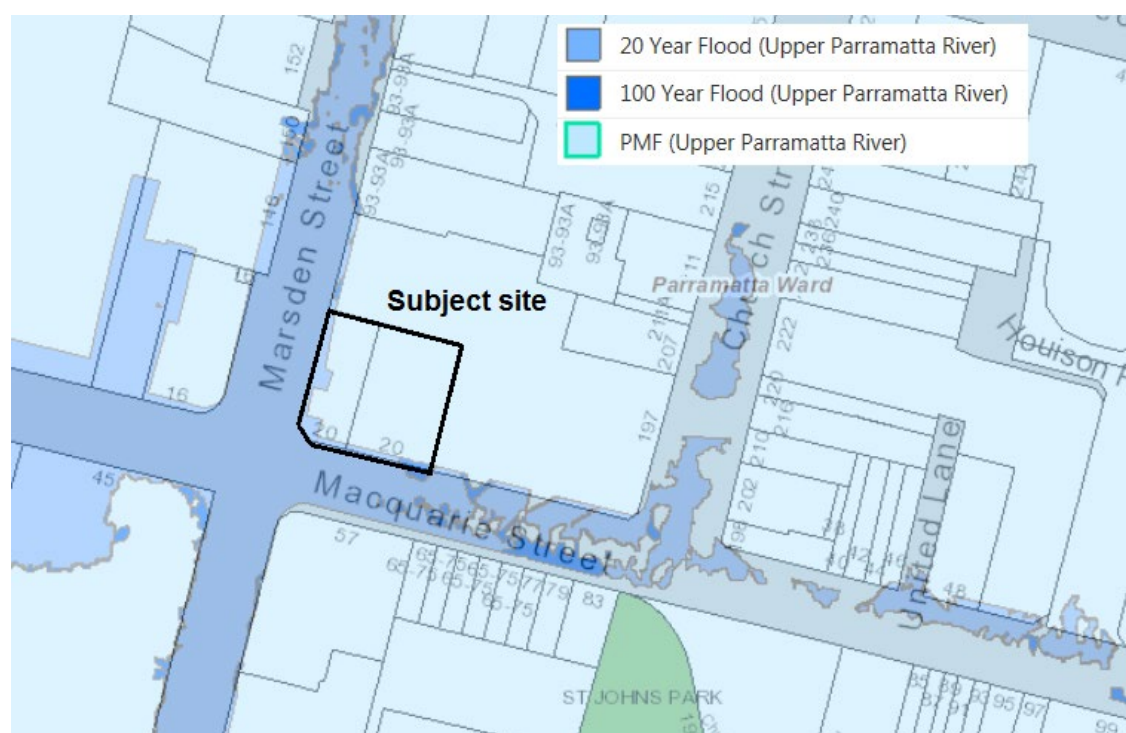


Figure 5: Flooding map (Source: City of Parramatta Council's GIS)

A Flood Impact Statement was prepared by Wood and Grieve Engineers dated 25 July 2016. The Flood Impact Statement analyses existing flooding conditions, Council's current requirements, the predicted flood impacts of the proposed density increase and identifies methods of mitigating the foreseen flood impacts that can be undertaken at the development application stage of the project, including preparation of an evacuation management plan.

The documentation has been assessed by Council's flooding team and the following comments have been made:

The existing seven storey building covers the surface area of the site and is already of a high density, reducing the flooding implications of the proposed form.

This is an area of moderate flood hazard. 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, with particular attention to emergency access for people in the basement.

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.

The level of detail in the Flood Impact Statement is considered a satisfactory response to the relevant Section 117 Direction for 1:100 event, applying to the subject site.

Whilst the planning proposal is considered to comply with the S117 direction 4.3 (Flood Prone Land) and Council's current controls, Draft LEP provisions as a result of the Parramatta CBD Planning Proposal relating to floodplain risk management should be considered with the development.

The CBD Planning Proposal seeks to insert a new Clause requiring new development (in the identified floodplain risk management area) to provide safe areas for refuge or egress for occupants of buildings or a flood free pedestrian access between the building and land above the PMF level. All new buildings must be certified by an engineer to withstand forces of floodwaters, debris and buoyancy resulting from the probable maximum flood.

Consultation with the SES

Condition 1(a) of the Gateway determination issued on 8 January 2018 required Council to undertake consultation with the NSW State Emergency Services (SES) prior to the community consultation. The SES was consulted on 19 January 2018 and a response has since been received (refer to separate attachment with exhibition material). In summary, the advice is that the Planning Proposal is not ideal considering the flood risk in the area especially when there are other areas in the CBD with lower flood risk. Intensifying development in an area that is already prone to high hazard flood water will mean more people are placed in a position at risk from the impacts and effects of flooding and may need to be rescued by members of the NSW SES.

The SES advises that should Council and the Department of Planning find the increased risk acceptable for the Planning Proposal, the same design considerations relating to 180 George Street, Parramatta should be applied.

It is noted that 180 George Street, Parramatta is to be developed without basement car parking. However, it should also be noted that 180 George Street is located near the Parramatta River foreshore and the locality and circumstances are different. It is acknowledged that there is risk involved in the development of 20 Macquarie Street, however, it is considered that there are alternative ways that this risk can be managed. For example, the recent development application at 2-10 Phillip Street includes a basement car park and includes a condition that the basement car park be flood proofed. This can include such measures as ensuring the driveway crest has a height above the flood planning level and ensuring that measures are in place to prevent flood waters from entering the basement up to the Probable Maximum Flood level.

Traffic and Transport

A Traffic Impact Assessment Report dated 22 October 2015 prepared by Ason Group has been submitted with the Planning Proposal. The report assesses the existing site conditions, proposed form, car parking implications and a traffic analysis of the proposed density on the site. The initial planning proposal proposed 392 parking spaces.

The Report concludes that:

“Based on the analysis presented within the Traffic Impact Assessment report it is our conclusion that the Proposal would have no material impact in regard to the operation of

the local road network and can provide appropriate access and parking provisions compliant with all planning guidelines and Australian standards.”

Council Officers raised concern with the initial planning proposal and the car parking rates proposed within the development, considering its proximity to the Parramatta Transport Interchange and the proposed Light Rail. In response, the revised planning proposal approach to reduced parking rates from 392 car parking spaces to 196 car parking spaces is supported by Council Officers. The vehicular access points into the site need to be further resolved, however Council Officers consider that this can be addressed at a development application stage.

Council Officers raised concern with the initial planning proposal and the cumulative impact the density of 10:1 or more across the Parramatta City Centre will have on the functionality of the CBD Planning Strategy. Of relevance is Council's recent resolution on 10 April 2017 to endorse the Strategic Transport Study which is a key supporting document for the CBD Planning Proposal. Resolutions (b) and (c) below are of particular relevance to the site:

- “(b) **That Council endorses the action recommended by the Parramatta CBD Strategic Transport Study to reduce maximum car parking rates to levels currently used by City of Sydney CBD and that the Parramatta CBD Planning Proposal be amended to reflect this prior to public exhibition.***
- (c) **That Council applies the recommended parking rates proposed in this report to existing site-specific Planning Proposals and Design Competitions within the Parramatta CBD as a provision applicable to each proposal or competition to ensure future development will be consistent with the strategic direction to reduce maximum car parking rates. (N.B. Only those site-specific planning proposals which are imminent to finalisation (gazetted), that is they have been endorsed by the Council to proceed to finalisation following public exhibition, will be exempt from this provision).***”

Recommendation (c) above is to be applied through a site-specific clause to be included within Parramatta LEP 2011. This will apply the following parking rates to the site:

Residential development

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	.7 spaces/unit
1-bedroom	.3 spaces/unit
Studio	.1 spaces/unit

Commercial development (If the FSR > 3.5:1)

$$M = (G * A) / (50 * T)$$

where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (m²);

A = Site Area (m²);

T = Total GFA of all buildings on the site (m²)

The current reference design indicates a range of between 93 and 110 apartments; the unit mix and resulting maximum residential parking spaces under the Council-resolved rates are described in the below tables.

110 unit floor plan layout

Type of Apartment	Spaces/unit	Units indicated in reference design	Total
4-bedroom	1 space/unit	2	2
3-bedroom	1 space/unit	0	0
2-bedroom	.7 spaces/unit	108	76
1-bedroom	.3 spaces/unit	0	0
TOTAL			78

93 unit floor plan layout

Type of Apartment	Spaces/unit	Units indicated in reference design	Total
4-bedroom	1 space/unit	2	2
3-bedroom	1 space/unit	51	51
2-bedroom	.7 spaces/unit	23	16
1-bedroom	.3 spaces/unit	17	5
TOTAL			74

The current reference design indicates 2,817 m² of commercial floor space. Applying the above formula to the current reference design yields a maximum of 6 car parking spaces for the commercial/community uses, as follows:

$$\begin{aligned}
 M &= (G * A) / (50 * T) \\
 M &= (2,817 * 1,295) / (50 * 12,950) \\
 M &= 3,648,015 / 647,500 \\
 M &= 5.63 \text{ (round to 6)}
 \end{aligned}$$

The total number of 80 to 84 car parking spaces indicated above (based on the two different floor plan layouts) is far less than 196 spaces indicated on the reference design. It is recommended that a site-specific clause can ensure compliance with the above maximum parking rates, as previously resolved by Council, as shown in the draft clause included as part of the Planning Proposal. Council's traffic and transport team have concurred with this approach, advising that this Planning Proposal should assume a parking rate that is consistent with the rate in the CBD Planning Proposal resolved by Council in April 2017.

Please note: the above estimated maximum car parking rates apply to the current reference design, and would likely be altered during subsequent design competition and development application processes. However, the numbers above can be taken as an

indication of the scale of the quantum of car parking that would be expected to result at this site. Determining the final number of approved car parking spaces is a matter for the development application stage.

1.3.3 How has the planning proposal adequately addressed any social and economic effects?

There is adequate justification for this planning proposal which will facilitate an increase in housing. Further, should Council resolve to endorse the Planning Proposal and seek a Gateway determination, it is recommended that Council invite the proponent to enter into negotiations for a Voluntary Planning Agreement (VPA). A VPA will enable Council to secure further benefits for the community such as a monetary contribution towards public amenities or services or dedication of apartments for the purpose of affordable housing.

1.4 Section D – State and Commonwealth Interests

1.4.1 Is there adequate public infrastructure for the planning proposal?

There is adequate justification for this planning proposal which will facilitate an increase in housing and a renewal of the employment generating floor space.

The commercial components of the development will contribute to the activation of Macquarie and Marsden Streets and the surrounding area. The ground floor uses will provide for the daily needs of nearby residential uses, whilst contributing to a renewed streetscape with vibrant retail uses. The dominant residential use will deliver a range of housing options located in close proximity to public transport, employment and community facilities.

1.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

To be advised following the issue of the Gateway determination by the Department of Planning and Environment. As noted above, it is expected that consultation with relevant authorities will form part of the consultation requirements.

PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals.

4.1 Existing controls

This section contains map extracts from the *Parramatta LEP 2011* which illustrate the current controls applying to the site.

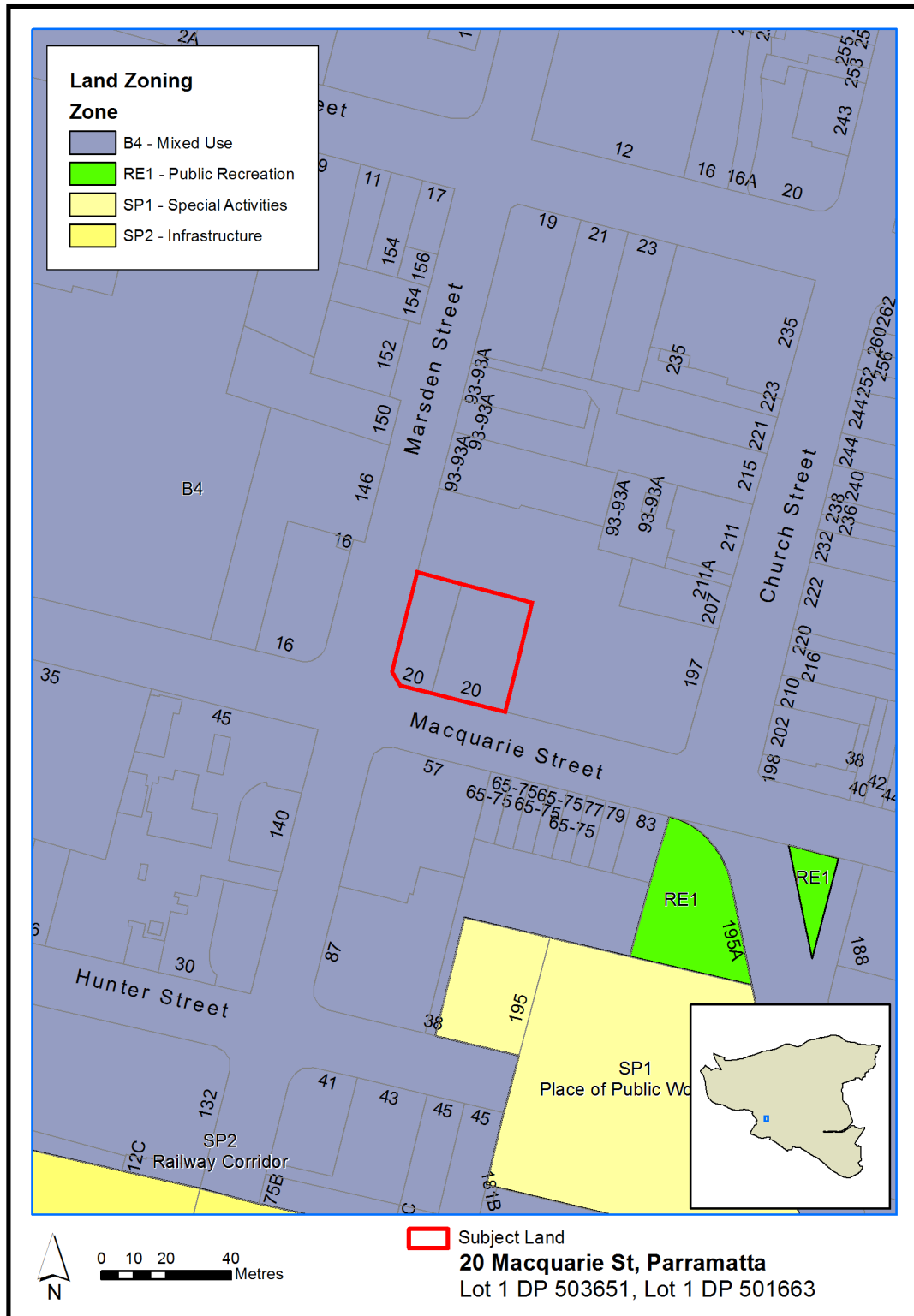


Figure 6 – Existing zoning extracted from *Parramatta LEP 2011* Land Zoning Maps

Figure 6 above illustrates the existing B4 Mixed Use zone over the site.

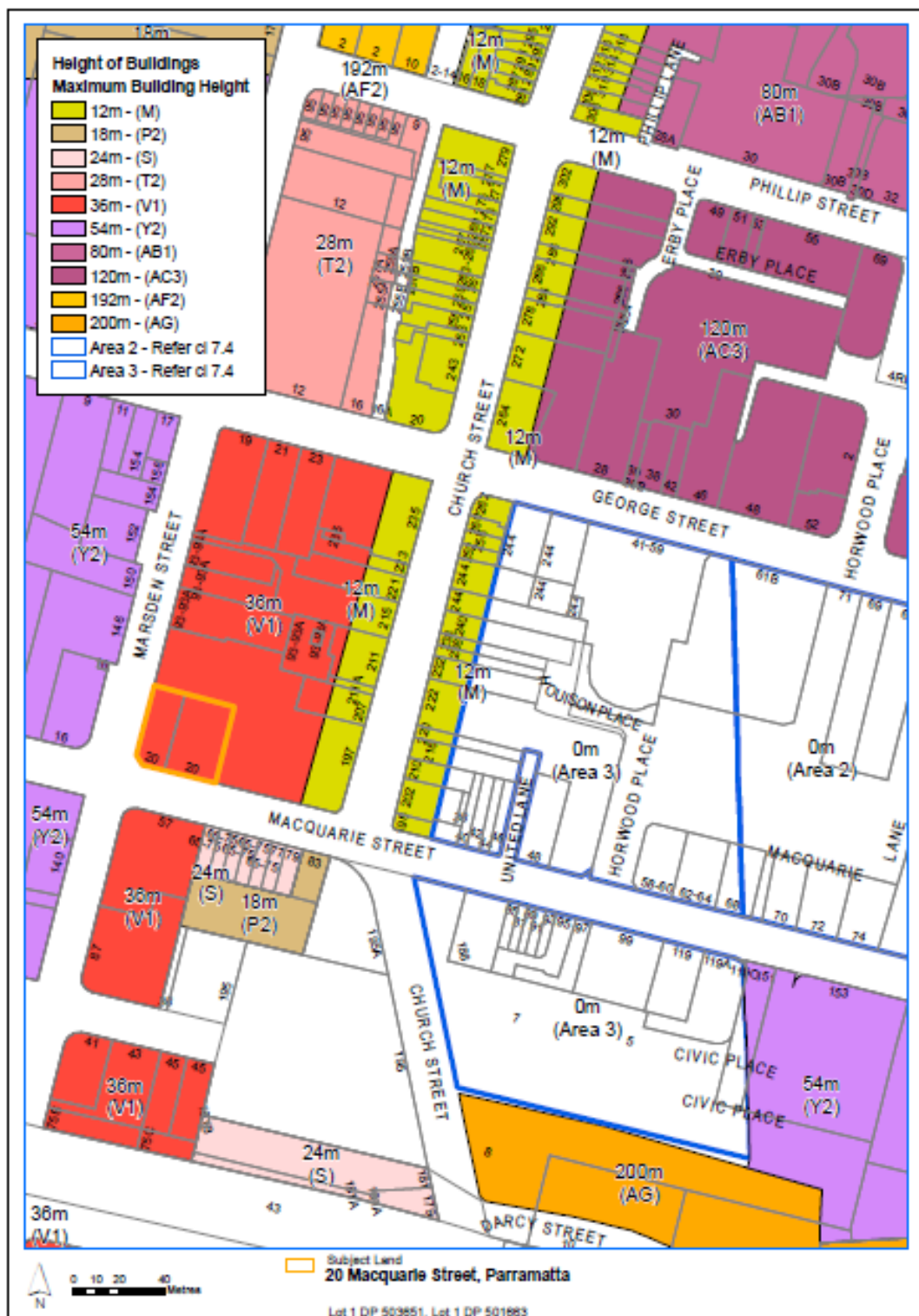


Figure 7 – Existing building heights extracted from *Parramatta LEP 2011 Height of Buildings Maps*

Figure 7 above illustrates the existing 36 metre height applying to the site.

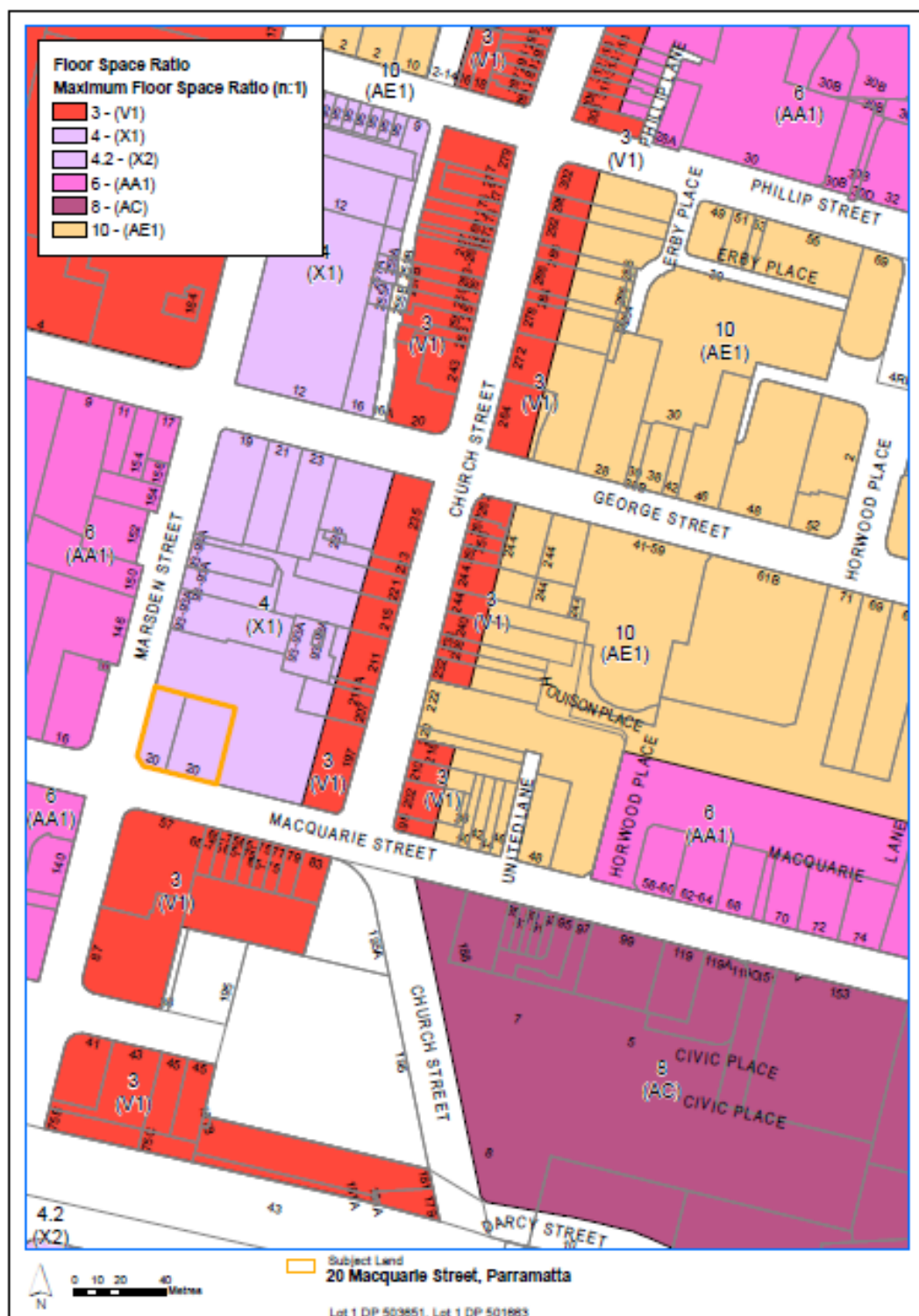


Figure 8 – Existing floor space ratio extracted from the *Parramatta LEP 2011* Floor Space Ratio Map

Figure 8 above illustrates the existing FSR of 4:1 for the site.

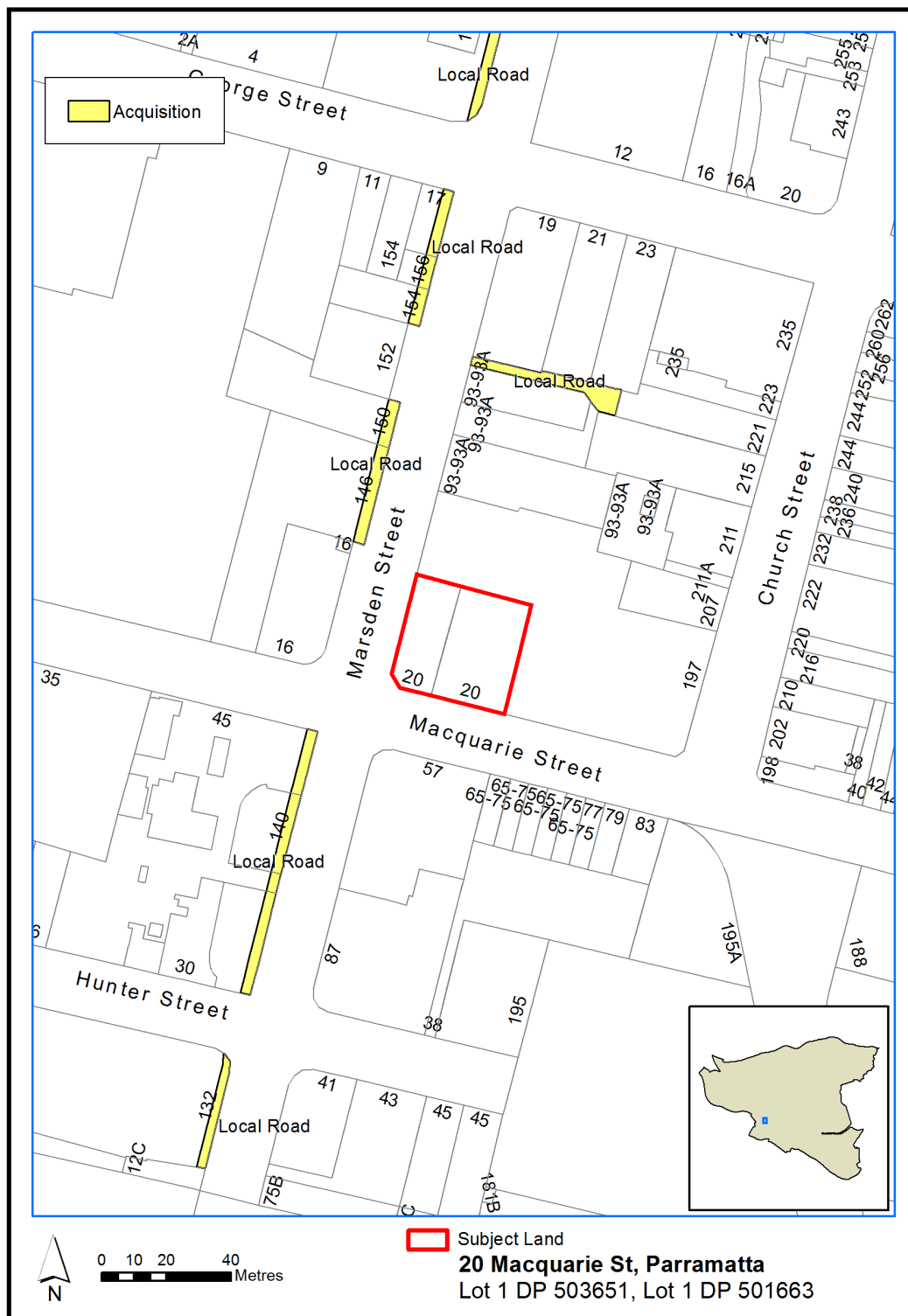


Figure 9 – Existing reservations extracted from the *Parramatta LEP 2011* Land Reservations Map

Figure 9 above illustrates the reservations that apply within proximity to the site.

4.2 Proposed controls

The figures in this section (Figures 9 and 10) illustrate the proposed controls sought by this planning proposal.

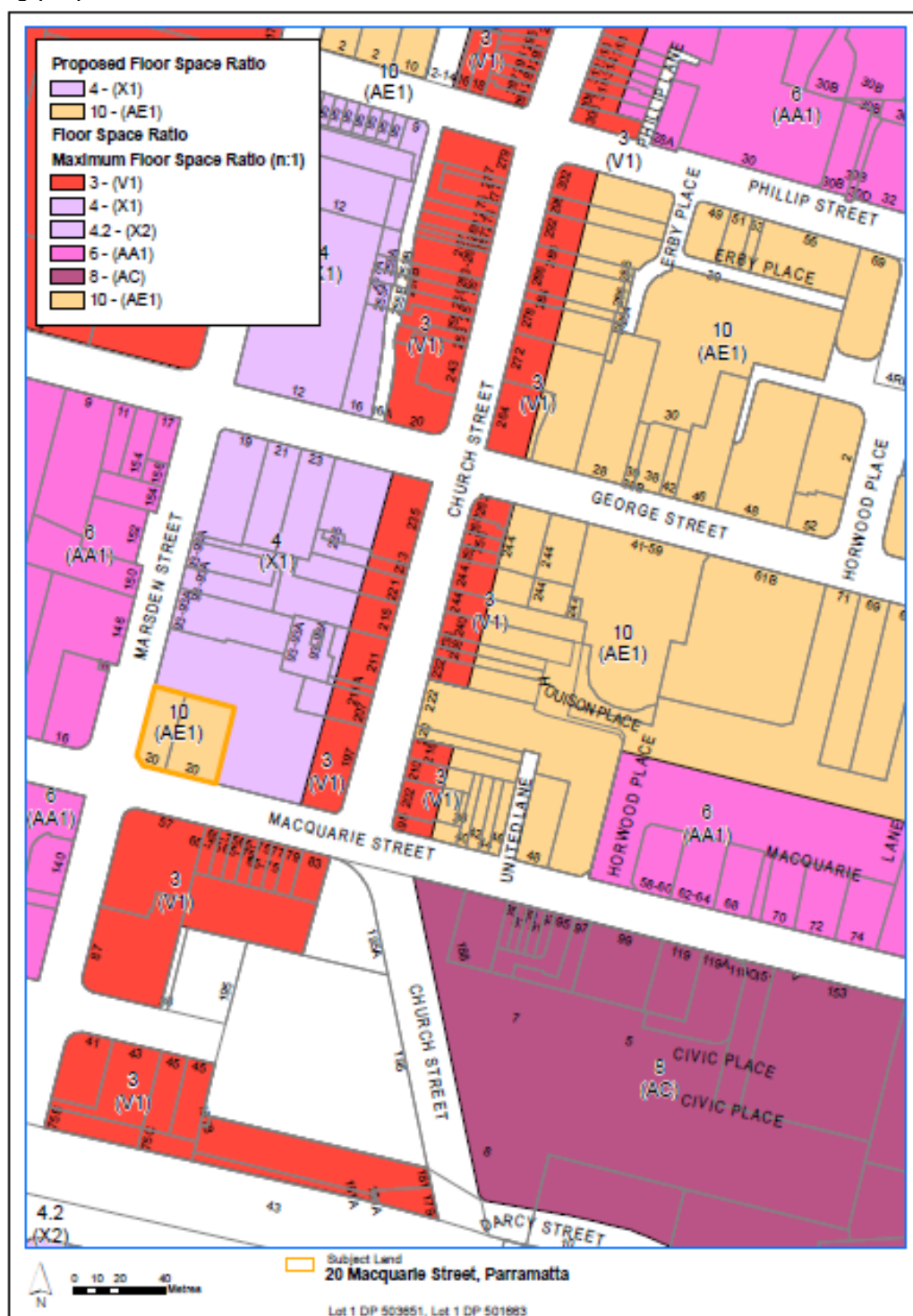


Figure 10 – Proposed amendment to the *PLEP 2011* Floor Space Ratio Map

Figure 10 above illustrates the proposed amendment to the Floor Space Ratio Map.

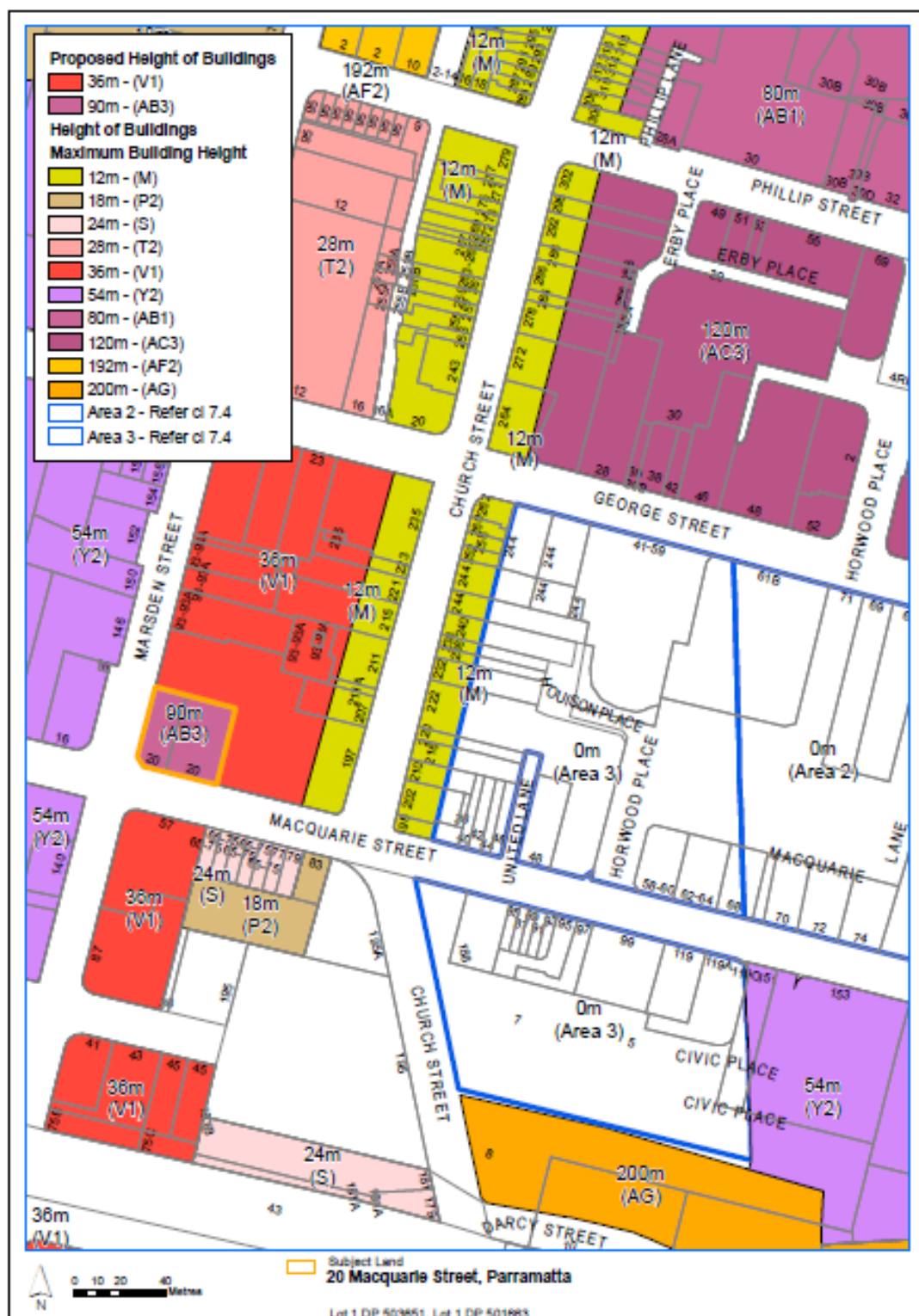


Figure 11 – Proposed amendment to the *PLEP 2011* Height of Buildings Map

Figure 11 above illustrates the proposed amendment to the Height of Buildings Map.

PART 5 – COMMUNITY CONSULTATION

The planning proposal is to be publicly available for community consultation.

Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's web-site; and
- written notification to adjoining landowners.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

Pursuant to Section 57(8) of the *EP&A Act 1979* the Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

PART 6 – PROJECT TIMELINE

The detail around the project timeline is expected to be prepared following the referral to the Minister for review of the Gateway Determination. The following steps and timeline are anticipated:

- Submission to the Department of Planning and Environment seeking Gateway determination (July 2017)
- Exhibition and referral (December 2018/January 2019)
- Consideration of submissions (February 2019)
- Consideration of proposal post exhibition and reporting to Local Planning Panel (if relevant) and Council (March/April 2019)
- Submission to the Department of Planning and Environment to finalise the LEP (June 2018)
- Notification of instrument (August 2018)

Appendix 1 – Draft Site-Specific Clause

Potential draft clause to be included in the Parramatta LEP 2011.

Note: The Clause is draft only to demonstrate the intent of the clause and may be amended post-exhibition as part of the legal drafting process and prior to this amendment coming into force.

Part 7 Additional Local Provisions – Parramatta City Centre

Clause 7.xx Development on land at 20 Macquarie Street, Parramatta

- (1) This clause applies to land at 20 Macquarie Street, Parramatta, being Lot 1 DP 503651 and Lot 1 DP 501663 and identified as area ## on the Special Provisions Area map.
 - (2) The consent authority may, despite any other provision of this plan, grant consent to the erection of a building on land to which this clause applies that has a floor space ratio that exceeds the maximum floor space ratio permitted under Clause 7.2 up to a floor space ratio of 10:1 but only if the consent authority is satisfied that the additional floor area will be used only for the purposes of hotel or motel accommodation.
 - (3) Despite any other provision of this Plan, any additional floor area that has been carried out in accordance with a development consent under subclause (2) must not be used for the purpose of residential accommodation or serviced apartments.
-
- (2) The maximum parking rates for any development proposed under this clause are as follows:
 - a. The maximum parking rates which apply to any part of the building used as a dwelling are:
 - i. For each studio dwelling – 0.1 spaces, and
 - ii. For each 1 bedroom dwelling – 0.3 spaces, and
 - iii. For each 2 bedroom dwelling – 0.7 spaces, and
 - iv. For each 3 or more bedroom dwelling – 1 space.
 - b. The maximum parking rates for any part of a building used for the purposes of commercial or community uses is established by the following formula:

$$M = (G \times A) / (50 \times T)$$

Where:

M is the maximum number of parking spaces,

G is the gross floor area of all commercial and community uses in the building in square metres, and

A is the site area in square metres, and

T is the total gross floor area of all buildings on the site in square metres.

Appendix 2 – Draft Site-Specific Development Control Plan

Refer to separate attachment.

Appendix 3 – draft Voluntary Planning Agreement

Refer to separate attachment.

Appendix 4 – Reference Design

Refer to separate attachment.

Appendix 5 – Heritage Impact Statement

Refer to separate attachment.



Prepared by City of Parramatta

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