PLANNING PROPOSAL

5 Hunter Street, Parramatta

PARRAMATTA WE'RE BUILDING AUSTRALIA'S NEXT GREAT CITY

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Caladines Town Planning	October 2014

Council versions:

No.	Author	Version
1.	Parramatta City Council	February 2016 – submitted to NSW Department of Planning and Environment seeking Gateway Determination

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INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *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 guides, 'A Guide to Preparing Local Environment Plans' (April 2013) and 'A Guide to Preparing Planning Proposals' (October 2012).

Background and context

On 24 October 2014, Council received a planning proposal and supporting documents from Hunt Group Pty Ltd affecting land at 5 Hunter Street, Parramatta. The site is shown in Figure 1.

Figure 1 – Site at 5 Hunter Street, Parramatta subject to the planning proposal

Under *Parramatta Local Environmental Plan* 2011 (*PLEP 2011*), the site:

- is zoned B4 Mixed Use (refer to Figure 3 in Part 4 – Mapping);
- has a maximum building height of 80 metres (refer to Figure 4 in Part 4 – Mapping); and
- has a maximum floor space ratio (FSR) of 4:1 (refer to Figure 5 in Part 4 – Mapping). It should be noted that the Floor Space Ratio Map indicates an FSR of 6:1 for the site. However, under Clause 7.2 of PLEP 2011, sites under 1,000m^2 in area are limited to an FSR of 4:1.

This planning proposal does not seek to amend the land zoning.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to increase the permissible density of development on land at 5 Hunter Street, Parramatta within the western edge of the Parramatta City Centre.

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta Local Environmental Plan 2011* (*PLEP 2011*) in relation to the height and floor space ratio controls.

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

1. Insert a new clause in Part 7, consistent with Council's resolution:

   7.11 Development on land at 5 Hunter Street, Parramatta

   (1) This clause applies to land marked "Area #" on the Special Provisions Area Map.

   (2) Despite clause 7.2, the consent authority may grant consent to development on land to which this clause applies with a maximum floor space ratio of 10:1 (excluding any design excellence bonus granted pursuant to Clause 7.10).

2. Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB_010) so as to remove any affection from the site. Refer Figure 8 in Part 4 of this planning proposal.

3. Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR_010) from 6:1 to 10:1. Refer Figure 9 in Part 4 of this planning proposal.

4. Amend the **Special Provisions Area Map** (Sheet CL1_010) to include the site to relate it to the above floor space ratio exceptions clause at the first amendment in Point 1 above.

The above proposed amendments would need to be legally drafted and included within the *PLEP 2011.*

2.1 Other relevant matters

2.1.1 Voluntary Planning Agreement

At the time of the preparation of this Planning Proposal, Council had not received a Letter of Offer to enter into a voluntary planning proposal (VPA). Should a draft Letter of Offer be received, this will be assessed separately and a draft VPA will ideally be exhibited in conjunction with the planning proposal.

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

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims of the proposal.

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

The Planning Proposal is a result of an application from the land owner seeking to increase the density of development permitted on the site. Council has assessed the application within the context of local and State government strategic plans including the NSW Government's *A Plan for Growing Sydney*, Parramatta City Centre Vision 2007 and the 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 *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 density of development envisaged in the planning proposal and would not allow the site to capitalise on its location at the western gateway to Parramatta City Centre.

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 Plan for Growing Sydney and subregional strategy, 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?

A Plan for Growing Sydney

On 14 December 2014, the NSW Government released '*A Plan for Growing Sydney*' which outlines actions to achieve the Government's vision for Sydney which is a 'strong global city and a great place to live'.

Parramatta local government area is part of the West Central Subregion. *A Plan for Growing Sydney* identifies the following directions, actions and priorities for Parramatta and the West Central Subregion that are relevant to the site and planning proposal:

Grow Greater Parramatta – Sydney's Second CBD

- Grow Parramatta as Sydney's second CBD by connecting and integrating Parramatta CBD, Westmead, Parramatta North, Rydalmere and Camellia
- Grow the specialised health and education precincts at Westmead and Rydalmere
- Renew Parramatta North to create a vibrant mixed-use precinct (to deliver around 6,000 new homes and 2,000 new jobs).
- Establish A New Priority Growth Area – Greater Parramatta To The Olympic Peninsula
- Establish a new partnership to manage renewal of the Greater Parramatta to Olympic Peninsula Priority Growth Area
- Identify and deliver enabling infrastructure to support growth and urban renewal
- Deliver priority revitalisation precincts
- Grow the knowledge economy as part of the extension of the Global Economic Corridor.

Promote Sydney's Heritage, Arts and Culture

- Grow the arts and cultural opportunities in Parramatta to include State-level facilities.
- **Centres**: Parramatta is identified as Sydney's Western CBD and is also a Strategic Centre. The site is located within Parramatta CBD near the centre of Greater Parramatta.
- **Global Economic Corridor**: The Global Economic Corridor contains a concentration of jobs and activities in strategic centres, transport gateways and industrial lands between Port Botany/Sydney Airport, Macquarie Park and now extended to Parramatta, Norwest and Sydney Olympic Park. Growing Sydney notes that 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.
- **Transport**: As well as existing road and public transport infrastructure, several potential light rail corridors have been identified around Parramatta. Parramatta CBD is also located at the intersection of West Connex and the M4.
- **Urban Renewal Corridor**: Parramatta is part of an Urban Renewal Corridor (Greater Parramatta to Olympic Peninsula Priority Growth Area) where *A Plan for Growing Sydney* prioritises the revitalisation of established urban areas to provide for a greater range of housing and to improve liveability through better access to employment, improved services and social infrastructure.

The planning proposal will enable the development of residential dwellings and non-residential uses that will contribute towards dwelling and employment targets on a site located within the Parramatta City Centre with excellent access to public transport.

The development concept would revitalise and better present the north-western gateway to the City Centre. Allowing for an increased residential component within the development at the western City Centre gateway will assist in activating the city and helping to support the commercial core around the Parramatta Transport Interchange.

West Central Subregion Draft Subregional Strategy

The Subregional Strategy translates objectives to the local level, and recognises that some issues extend beyond local government boundaries and require a 'subregional' approach. The draft Subregional Strategies act as a broad framework for the long term development of the area, guiding government investment and linking local and state planning issues. It was exhibited in December 2007 through to March 2008.

Key components of the draft West Central Subregional Strategy of relevance to future development of the subject site and the broader development of Parramatta city centre include the following:

- *Housing: Housing stress is considered a significant problem for the west central subregion. This is an indicator of poor housing affordability. The Strategy encourages a greater mix of housing types, especially in centres with good public transport, to accommodate changing demands of existing residents and to support the workforce.*

There are no Greenfield sites left within the subregion, therefore most of the future dwelling growth will be located within centres or through infill development. The Strategy recommends that councils should aim to provide at least 80% of new dwellings in locations within 30 minutes by public transport of a Strategic Centre.

The Planning Proposal seeks to deliver approximately **142 apartments** which makes a contribution towards Council's housing targets.

- *Transport: The state government has invested in a number of new bus corridors include the Parramatta– Liverpool Transitway, Parramatta– Rouse Hill Transitway and the Strategic Bus Corridors connecting Parramatta to surrounding major centres of Bankstown, Burwood, Castle Hill, Hornsby, Macquarie Park, Ryde and the CBD.*

The site is in a good location to provide mixed use development as it is approximately 700m walking distance from Parramatta Railway Station/Bus terminal and within walking distance of Parramatta CBD.

- *Environment, Heritage and Resources: As the second oldest European settlement in Australia, Parramatta contains significant historical artefacts and archaeological sites. The Strategy also states that when preparing Principal LEP's Councils should incorporate measures that will protect identified Aboriginal cultural heritage values and provide for ongoing participation of Aboriginal communities in the decision–making process.*

The site is not heritage listed, however, is within the setting of the Old Government House and the Domain (OGHD). This issue is critical to the Planning Proposal as OGHD is World heritage listed and is one of eleven sites in a group forming the Australian Convict Sites on the World Heritage List. The OGHD is also on the National Heritage List and the NSW State Heritage Register.

Under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999, development that is likely to have a significant impact on the world and national heritage values of the OGHD must be referred by the applicant to the Commonwealth Government Department of Environment for approval from the Australian Minister for the Environment.

To provide clarity and certainty for development within the setting of OGHD Council has worked with Commonwealth and State Governments to enter into a Conservation Agreement. This agreement is made under the EPBC Act and removes the need for Commonwealth referrals of development within the Park Edge Highly Sensitive Area under the EPBC Act, as long as the proposed development complies with the specified planning controls in the agreement

The planning controls include the applicable maximum building height and floor space ratio controls under the Parramatta LEP 2011 (incorporating the now repealed Parramatta City Centre LEP 2007). They also include the DCP controls outlined in Section 4.3.3.7(c) Park Edge of the Parramatta DCP 2011.

As the Planning Proposal is seeking to increase the height and floor space ratio controls, the Proposal is deemed as a "Controlled Action" under the EPBC Act and the proponent has submitted the Planning Proposal to the Commonwealth Department of Environment for approval. At the time of the preparation of this Planning Proposal, no approval has been issued.

Council officers originally recommended to the applicant that it would be more efficient to obtain Commonwealth government advice on this Planning Proposal as ultimately, the development cannot proceed without Commonwealth Government approval and Council has no control over this approval process. However, the proponent has requested Council proceed with its consideration of the Planning Proposal despite the lack of advice from the Commonwealth government.

It is noted that the applicant's Urban Design Study has addressed the controls relating to the Park Edge (Highly Sensitive) Area within Parramatta DCP 2011. The Study which is prepared by Architectus includes an analysis of the views likely to be seen from OGHD as a result of the development in context of the likely cumulative development in the immediate locality.

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 including; to help build the City as a centre of high, value-adding employment and a driving force behind a generation of prosperity for Western Sydney. The development will also allow for the concentration of housing around transport nodes and contributing towards dwelling targets for the Parramatta LGA.

Parramatta CBD Planning Strategy

Council adopted the "Parramatta CBD Planning Strategy" at its meeting of 27 April 2015. The Strategy is the outcome of detailed technical studies which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The objectives of the Strategy are as follows:

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.
3. To provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.

The planning proposal is consistent with the above Strategy in that it will allow for redevelopment of the site for mixed residential and commercial development replacing the existing low-scale commercial building with a building more commensurate with Australia's next great city.

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

The following State Environmental Planning Policies are of relevance to the site.

State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land)

The intention of the State Environmental Planning Policy No. 32 Urban Consolidation (Redevelopment of Urban Land) is to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

The PP is consistent with the SEPP given its purpose is for the orderly and economic development of the land for high density residential housing in a location which benefits from suitable infrastructure, employment and leisure opportunities.

State Environmental Planning Policy No. 55 – Remediation of Land

The underlying aim of SEPP No. 55 is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Residential development is already permitted on the site. In any event, past uses are unlikely to give rise to contaminated soils. Further investigations, if required, can be completed at the DA stage.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

SEPP 65 was recently amended with amendments taking effect on 19 June 2015. The SEPP no longer requires that a provision be included in a draft instrument to ensure the achievement of design quality:

- in accordance with the design quality principles; and
- have regard to the publication Apartment Design Guide.

The SEPP 65 is required to be considered during the assessment of any future development on the site that includes three or more storeys and four or more dwellings and it is reasonable to expect that a design concept supporting a planning proposal demonstrates compliance with the Apartment Design Guide.

In the case of the development concept put forward by the Urban Design Report (prepared by Architectus) which supports the applicant's planning proposal, further design work may be required by the applicant at the DA stage to address the Apartment Design Guide.

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

In accordance with Clause 117(2) 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
- Metropolitan planning

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

Employment and Resources - 1.1 Business and Industrial Zones

Business and Industrial Zones The objectives of this direction are to:

a) encourage employment growth in suitable locations,
b) protect employment land in business and industrial zones, and
c) support the viability of identified strategic centres.

The planning proposal will maintain the existing zone which allows for a mix of residential and non-residential uses. A mix of residential and commercial uses will support the core commercial precinct.

This Planning Proposal is consistent with the strategic directions outlined in state and local planning strategies including *A Plan for Growing Sydney*, West Central Subregion Draft Subregional Strategy, Parramatta CBD Planning Strategy and Parramatta City Centre Vision 2007.

Environment and Heritage - 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The site is not a heritage item, however, is within the setting of the Old Government House and the Domain (OGHD). This issue is critical to the Planning Proposal as OGHD is World heritage listed and is one of eleven sites in a group forming the Australian Convict Sites on the World Heritage List. The OGHD is also on the National Heritage List and the NSW State Heritage Register but is in the vicinity of several listed items.

As discussed in Section 3.2.1, under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999, development that is likely to have a significant impact on the world and national heritage values of the OGHD must be referred by the applicant to the Commonwealth Government Department of Environment for approval from the Australian Minister for the Environment.

To provide clarity and certainty for development within the setting of OGHD Council has worked with Commonwealth and State Governments to enter into a Conservation Agreement. This agreement is made under the EPBC Act and removes the need for Commonwealth referrals of development within the Park Edge Highly Sensitive Area under the EPBC Act, as long as the proposed development complies with the specified planning controls in the agreement

The planning controls include the applicable maximum building height and floor space ratio controls under the Parramatta LEP 2011. They also include the DCP controls outlined in Section 4.3.3.7(c) Park Edge of the Parramatta DCP 2011.

As the Planning Proposal is seeking to increase the height and floor space ratio controls, the Proposal is deemed as a “Controlled Action” under the EPBC Act and the proponent has submitted the Planning Proposal to the Commonwealth Department of Environment for approval. At the time of the preparation of this Planning Proposal, no approval has been issued.

Council officers originally recommended to the applicant that it would be more efficient to obtain Commonwealth government advice on this Planning Proposal as ultimately, the development cannot proceed without Commonwealth Government approval and Council has no control over this approval process. However, the proponent has requested Council proceed with its consideration of the Planning Proposal despite the lack of advice from the Commonwealth government.

It is noted that the applicant’s Urban Design Study has addressed the controls relating to the Park Edge (Highly Sensitive) Area within Parramatta DCP 2011. The Study which is prepared by Architectus includes an analysis of the views likely to be seen from OGHD as a result of the development in context of the likely cumulative development in the immediate locality.

Housing, infrastructure and urban development - **3.1 Residential Zones**

The objectives of this direction are:

a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
c) *to minimise the impact of residential development on the environment and resource lands.*

The planning proposal is consistent with the objectives of this direction as it will increase residential densities and housing choice in a location that is close to public transport, shops, employment and recreational opportunities.

Housing, Infrastructure and Urban Development - **3.4 Integrating Land Use and Transport**

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
b) *increasing the choice of available transport and reducing dependence on cars, and*
c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
d) *supporting the efficient and viable operation of public transport services, and*
e) *providing for the efficient movement of freight.*

Increasing the density of development in the walking catchment around transport nodes, namely Parramatta Railway Station and Bus Terminal will support the viability of existing and proposed public transport services and reduce dependence on cars. The proposal integrates land use and transport outcomes to a high degree.

Housing, Infrastructure and Urban Development - 3.5 Development near Licensed Aerodromes

The objectives of this direction are:

a) *to ensure the effective and safe operation of aerodromes,*
b) *to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and*
c) *to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

Sydney and Bankstown Airports are subject to the federal *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. Airspace above the Parramatta CBD is affected by operational requirements for those airports. A building that penetrates the Obstacle Limitation Surface (OLS) requires approval under that legislation, via the Commonwealth Department of Infrastructure and Regional Development.

This PP does not propose to penetrate the OLS for either the Bankstown or Sydney airports.

Hazard and risk - 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The site is identified as Class 5 under the Acid Sulfate Soils Map under the Parramatta Local Environmental Plan 2011. Acid sulphate soils are generally not found in Class 5 areas, however, this can be addressed further at the development application stage.

Hazard and risk - 4.3 Flood Prone Land

This direction applies where a planning proposal creates, removes or alters a zone or a provision that affects flood prone land. The planning proposal does not seek to alter the zoning of the land, however, does seek to increase the density of development on the site.

The objectives of this direction are:

a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Council's flooding consultant has assessed the Planning Proposal and a summary of his advice is provided below:

- The site has only very minor flood inundation issues in the 100 year ARI flood event but very substantial flood issues in the (worst possible) PMF event;
- It is considered that the project satisfactorily addresses the matters listed in Ministerial Direction s117 Clause 4.3 'Flood Prone Land';
- Given the critical risk issues related to potential inundation of basement car parking we very much concur with the PCC requirement/expectation that all car parking be provided by way of above ground arrangements. In this regard it is noted that both the Planning Proposal and Urban Design Study reports (reference *Sub-Sections 5.2* and *5.3* of this memo) include clear statements and preliminary drawings which indeed show that the proposal includes provision for above ground car parking;
- It is noted that the adoption of above ground car parking successfully eliminates the principal floodplain development risk associated with this site. Nonetheless as per one of Council's standard DA stage requirements, a report addressing all of Council's Local Floodplain Risk Management Policy requirements (including the controls listed in the accompanying Floodplain Matrix) should be submitted at that stage of the project;
- As detailed in our memos related to DA/863/2010, drainage issues at the rear of the site need to be considered and addressed as-necessary. These matters are relatively minor and therefore it is considered that they can be addressed at the DA stage of the project.

It is also noted that this property is identified as being within a "Grey Area". Properties which are within a Grey Area are those identified as being within a catchment area which drains to a location of a known drainage problem area. There may be additional development controls imposed on developments which are in a Grey Area. Typically these controls include the need to provide on-site detention to reduce the impact of increased peek runoff in the catchment resulting from further development. This issue would be addressed at the Development Application stage.

Regional planning – 5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

As discussed in 3.2.1 the planning proposal is consistent with A Plan for Growing Sydney and the West Central Subregion strategy. Additionally the planning proposal is consistent with NSW's State Environmental Planning Policies as outlined in 3.2.3.

Local Plan Making – 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Council resolved at its meeting of 14 December 2015 to endorse the Planning Proposal with a FSR of 10:1 and no height limit. In order to effect this change in FSR, a new site specific clause that applies to No. 5 Hunter Street, Parramatta is to be inserted in Part 7:

> ***7.11 Development on land at 5 Hunter Street, Parramatta***
>
> *(1) This clause applies to land marked "Area #" on the Special Provisions Area Map.*
>
> *(2) Despite clause 7.2, the consent authority may grant consent to development on land to which this clause applies with a maximum floor space ratio of 10:1 (excluding any design excellence bonus granted pursuant to Clause 7.10).*

The site specific clause proposed as part of this planning proposal is deemed necessary to ensure consistency with the Parramatta CBD Planning Strategy and to give effect to an increase in permitted density on site.

Metropolitan Planning - 7.1 Implementation of a Plan for Growing Sydney

This direction applies to land within the Sydney metropolitan area.

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

As detailed above in in section 3.2.1, the planning proposal is consistent with the directions, actions and priorities for Parramatta and the West Central Subregion as set out in *A Plan for Growing Sydney.*

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.

3.3.1 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.

3.3.2 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:

- European Archaeology
- Aboriginal Archaeology
- Heritage impacts
- Urban Design and Built Form
- Flooding – this is addressed in 'Hazard and risk - 4.3 Flood Prone Land', Section 3.2.4.
- Transport and Accessibility Assessment
- Acid Sulfate Soils – this is addressed in 'Hazard and risk – 4.1 Acid Sulfate Soils', Section 3.2.4.
- Soil Contamination – this is addressed in Section 3.2.3 'State Environmental Planning Policy No. 55 – Remediation of Land'.
- Aeronautical operations

Heritage - General

The site is not a heritage item, however, is within the setting of the Old Government House and the Domain (OGHD). This issue is critical to the Planning Proposal as OGHD is World Heritage listed and is one of eleven sites in a group forming the Australian Convict Sites on the World Heritage List. The OGHD is also on the National Heritage List and the NSW State Heritage Register.

This issue is addressed previously in Section 3.2.4.

European Archaeological

The Parramatta Historical Archaeological Management Study prepared by Godden Mackay Logan in 2001 has divided the Parramatta City Centre into a series of discrete areas referred to as Archaeological Management Units (AMUs). The site sits within AMU 3032 and is predicted to have a high archaeological research potential. While the site is disturbed and contains an existing building, the excavation related to future construction may uncover relics. The Study notes the following:

"*The subject area is likely to contain intact subsurface deposits. The construction of the existing structures within this AMU would not have significantly disturbed archaeological resources in this area. This AMU may contain structural and other remains associated with the use of this area prior to the construction of the railway line, as part of the developing township of Parramatta*."

The recommended management action is to excavate a test trench and reassess. This recommended management action is most appropriately conducted at the development application stage, and an appropriate archaeological assessment is required to be conducted by the applicant in order to inform any relevant development design.

Aboriginal Archaeological

Council's Aboriginal Heritage Study has identified the subject site as being of low sensitivity meaning that it is not expected that relics of Aboriginal heritage significance would be likely to be found. However, any future DA would be required to be accompanied by an appropriate archaeological assessment and would be required to comply with the provisions of cl. 5.10 Heritage Conservation within *PLEP 2011*.

Urban Design and Built Form

The applicant's Planning Proposal was accompanied by an Urban Design Study prepared by Architectus and is included as Appendix 1. The applicant submitted further information to reflect the additional floor space ratio bonus of 15% permitted under Clause 7.10 of the PLEP 2011. This is included as Appendix 2.

The Study includes an overview of the existing planning controls, a visual impact analysis of the key views and a comparison of FSR options. The Study incorporates several design concepts which demonstrate different floor space ratios and podium arrangements. The Parramatta DCP 2011 provides for a maximum podium height of 14m which is demonstrated with an FSR of 6.0:1. The Urban Design Study notes that the complying podium does not match well with the existing development on either side (see below).

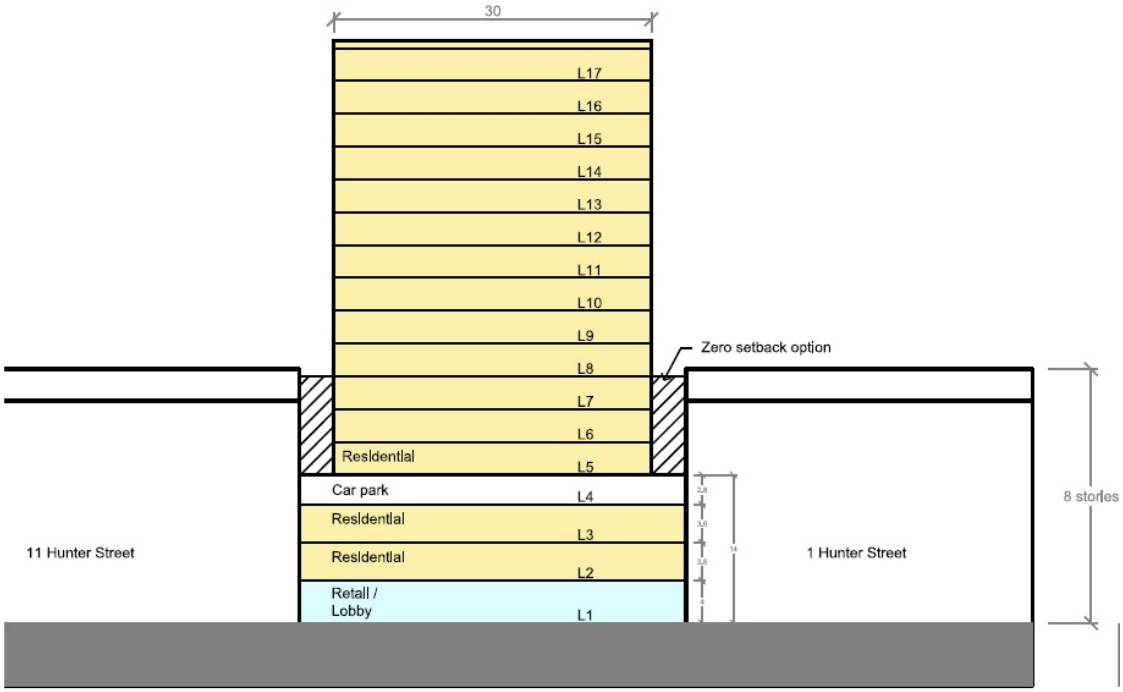

Figure 2 – Demonstration of a building on the site with an FSR of 6.0:1 and a podium height of 14m as required by the Parramatta DCP 2011 (Source: Urban Design Study prepared by Architectus 2014)

The Study demonstrates a building design with larger podium at 19.6m which does not comply with the DCP but is a better visual match with the adjoining developments. Additional information submitted by the applicant as an addendum to their planning proposal clarified that the applicant is intending to rely on the design excellence clause (Clause 7.10 within PLEP 2011) which will enable the height and FSR increase by 15%. This will mean the total FSR equates to 11.5:1. This is demonstrated overleaf in Figure 3 which includes a podium height of 19.6m and an FSR of 11.5:1.

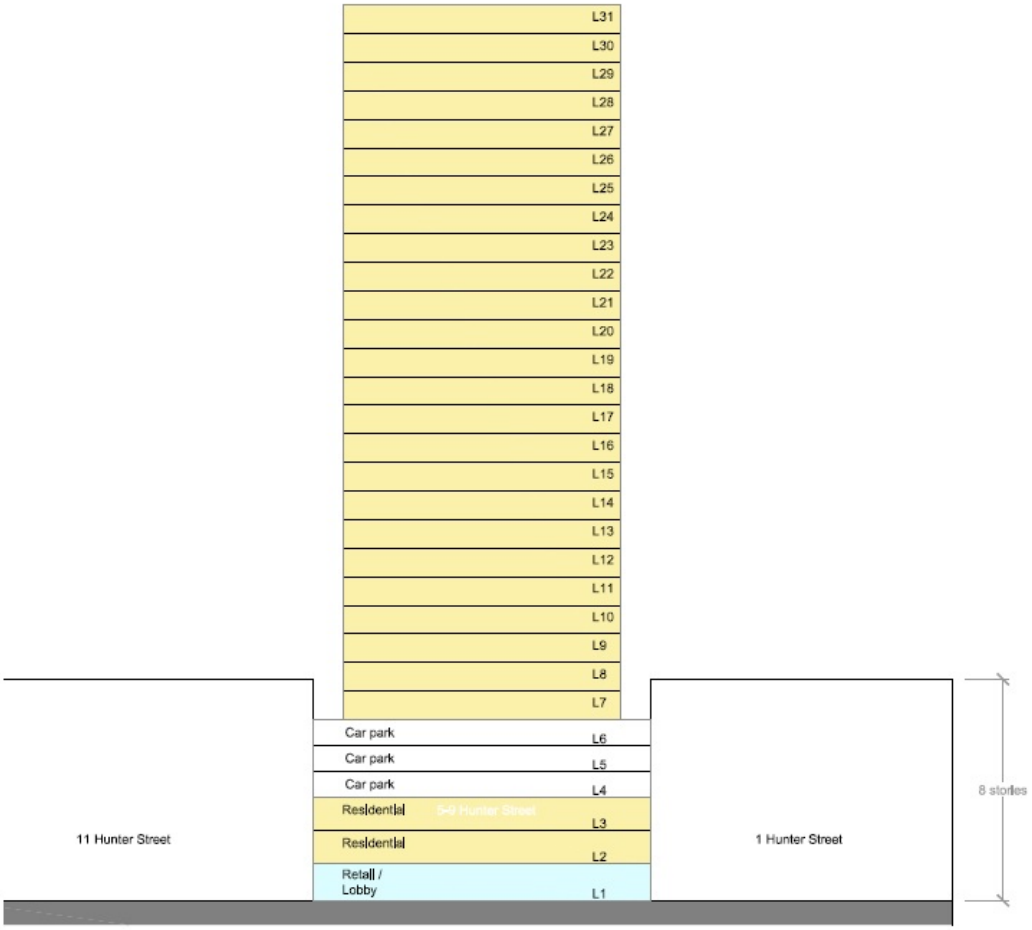

Figure 3 – Design concept (extracted from additional information submitted with the applicant's planning proposal).

The proposed development concept includes:

- A 31 storey (97.1 metre) high tower inclusive of a 6 storey podium comprising:
  - 142 residential units comprised of:
  - 26 x 1 bedroom units;
  - 104 x 2 bedroom units; and
  - 12 x 3 bedroom units.
  - 2 retail premises on the ground floor providing a total of 190m^2 in floor area.

  Note: this is inclusive of the additional 15% of GFA.
- Seven levels of above ground car parking comprising 111 car parking spaces.

It is noted that the Parramatta DCP 2011 requires all above ground car parking levels to be sleeved with residential uses. The Urban Design Study argues that sleeving of the car parking is difficult to achieve on small sites and that the 3 levels of car parking have been provided unsleeved in order to achieve car parking numbers for apartments. However, under Clause 7.3 of the Parramatta LEP 2011, the site is subject to maximum parking rates (as opposed to minimum car parking rates). As such, it is expected that

this issue will need to be addressed further with any Development Application lodged for the site in the future.

Overshadowing

The Urban Design Study by Architectus models shadows for the development concept at 10am, 12 noon and 2pm in mid-Winter. The shadows cast are shown for floor space ratios of 6.0:1, 8.0:1 and 10.0:1. The impact of overshadowing is lessened by the location of the railway line immediately to the south of the site. The shadow diagrams demonstrate the following impacts:

- At 10am in mid-Winter, a long shadow is cast upon the existing buildings that front Pitt Street from 6 Pitt Street to approximately 20 Pitt Street. This strip of buildings is a mix of low scale residential and commercial buildings.
- At 12 noon in mid-Winter, a shadow is cast upon the existing buildings at 5, 7 and 9 Argyle Street comprising of low scale commercial buildings.
- At 2pm in mid-Winter a long shadow is cast over 21 and 25 Argyle Street and a small portion of the St. John's Anglican cemetery. The buildings on Arygle Street are low scale commercial buildings.

It should be noted that the shadow diagrams have not been prepared beyond a building with an FSR of 10.0:1. The applicant has indicated an intention to seek to use the design excellence provisions within the Parramatta LEP 2011 to increase the base FSR by a further 15%. As such, the overshadowing impacts are likely to be greater than those submitted with the Planning Proposal.

The shadow diagrams submitted with the Urban Design Study do not indicate any significant concerns with overshadowing and the proposal will not overshadow any areas of public open space such as parks or public squares. As such, it is considered appropriate that the shadows cast by the FSR of 11.5:1 be modelled with any future Development Application submitted for the site.

Transport and Accessibility

Council is currently conducting a Traffic and Transport study as part of the CBD Planning Strategy. This Study includes traffic modelling of different growth scenarios factoring in various increases in the FSR. However, the Study does not factor in any increase in FSR for the subject site as it sits outside of the CBD Planning Strategy.

Further advice from Council's Traffic and Transport team has advised that the increase in traffic generation from the subject site is within the standard deviation of probable outcomes for the traffic modelling within the CBD. However, this assumption is made on the basis of this Planning Proposal in isolation. Considering the receipt of a similar Planning Proposal for Nos. 18-22A Hunter Street and Nos. 23-29 Macquarie Street, there are cumulative traffic impacts to be considered arising from potential development within the Park Edge Special Area.

Council's Traffic and Transport team has advised that it is not appropriate to request the proponent to submit a Traffic and Transport Study for their site as it is less meaningful without the broader CBD included. Should the NSW Department of Planning and Environment issue a gateway determination to Council to enable the Planning Proposal to be exhibited, it is intended that the CBD Traffic and Transport Study be amended to reflect the FSR assumptions underlying the traffic modelling with appropriate findings to be exhibited with the Planning Proposal.

Aeronautical operations of Bankstown and Sydney airports

The subject site is located approximately 20km north west of Sydney Airport and 11km north of Bankstown Airport. Airspace above the Parramatta CBD is affected by the operation of these airports. Given the proposed height on the site, an Aeronautical Study is not required.

Key criteria, relating to both airports, requiring consideration are:

- **Obstacle Limitations Surface (OLS)**: This is defined airspace that should ideally be kept free of obstacles to minimise danger to aircraft during an entirely visual approach to an airport; and
- **Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)**: Airspace surfaces intended to safeguard aircraft from collision with obstacles when a pilot is flying solely by reference to instruments.

Permanent or temporary penetrations of an OLS by a building or structure may be permitted via approval granted by the Commonwealth Department of Infrastructure and Regional Development. It is possible for approval to also be granted for a temporary penetration of PANS-OPS, however permanent penetration of PANS-OPS will not be approved.

For Bankstown Airport the Aeronautical Study indicates that:

- the OLS is 155.1m which is unlikely to be exceeded by the proposal;
- the location of the site should ensure that navigational aids are not affected;
- the proposed maximum floor space ratio is not likely to **result in any penetration of the PANS-OPS surface**.

For Sydney Airport the Aeronautical Study indicates that:

- the site is located outside of the OLS;

- the proposed likely building height will not impact upon the most restrictive of PANS-OPS surfaces;
- the development will not affect navigational aids; and
- the proposed height should enable cranes during construction to avoid penetrating radar surface, but this is subject to confirmation from Airservices Australia.

While the Planning Proposal includes no height control, the FSR of 10:1 (11.5:1 when including the design excellence) is likely to result in a building with a height of approximately 97m as indicated in the reference design. Therefore, the Planning Proposal is satisfactory in terms of relevant airspace safety considerations.

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

The future development will likely incorporate a mix of apartment types to respond to the diverse population and potentially contributing to housing choice and affordability. At the time of the preparation of this Planning Proposal, the applicant had not indicated an intention to enter into a VPA with Council. A formal letter of offer will be sought from the applicant and it is intended that any VPA be exhibited concurrently with the planning proposal in accordance with Council's VPA policy.

The minor negative impacts of the proposal are to do with the impact on existing social facilities and infrastructure such as child care centres, housing affordability and local open space. Many of the negative impacts can be addressed via:

a) consultation with state government and other agencies as part of the planning proposal process,

b) the DA process and through Council's DCP controls on community safety and design in PDCP 2011, and

c) the VPA process.

Community consultation and public authority consultation during the assessment of the application will explore the social and economic benefits in more detail.

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The subject land is approximately 700m walking distance from Parramatta Railway Station/Bus terminal. Civil and utility infrastructure is suitably accessible to service the subject land and support the proposed development. Redevelopment of the subject site and further development within the area can optimise public infrastructure investment. However, it is recommended that the relevant infrastructure agencies be consulted during the planning proposal process.

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

It is recommended that State and Commonwealth authorities will be consulted in accordance with Section 57 of the *EP&A Act 1979*, following the outcomes of the gateway determination.

In addition, the applicant has consulted with the Commonwealth Government Department of Environment for approval from the Australian Minister for the Environment as the development is a "controlled action" under the Environment Protection and Biodiversity Conservation Act, 1999. This Commonwealth government consultation is a separate process to the Planning Proposal process under the NSW legislation (Environmental Planning and Assessment Act, 1979). However, Council is still mindful of the implications of the Commonwealth government approval process.

Council officers originally recommended to the applicant that it would be more efficient to obtain Commonwealth government advice on this Planning Proposal as ultimately, the development cannot proceed without Commonwealth Government approval and Council has no control over this approval process.

However, the proponent has requested Council proceed with its consideration of the Planning Proposal despite the lack of advice from the Commonwealth government. Council resolved to consider the matter without first obtaining Commonwealth Government approval. The applicant has been advised of the risk that the Council process may proceed but that it may in the end be meaningless without Commonwealth Government endorsement. Notwithstanding, the applicant still wishes to proceed

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 *PLEP 2011* which illustrate the current controls applying to the site.

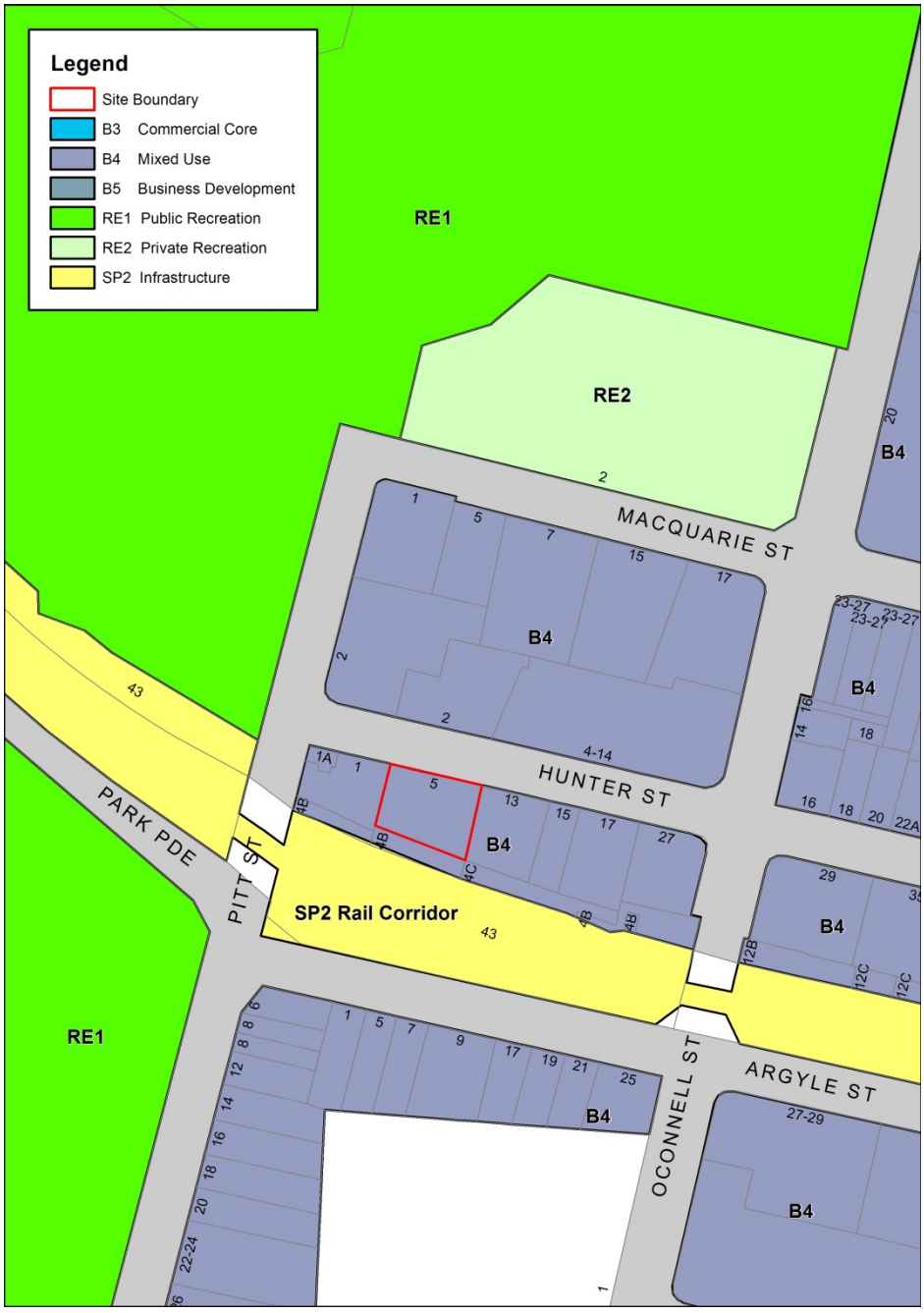

Figure 3 – Existing zoning extracted from the *PLEP 2011* Land Zoning Maps

Figure 3 above illustrates the existing B4 Mixed Use zone over the site.

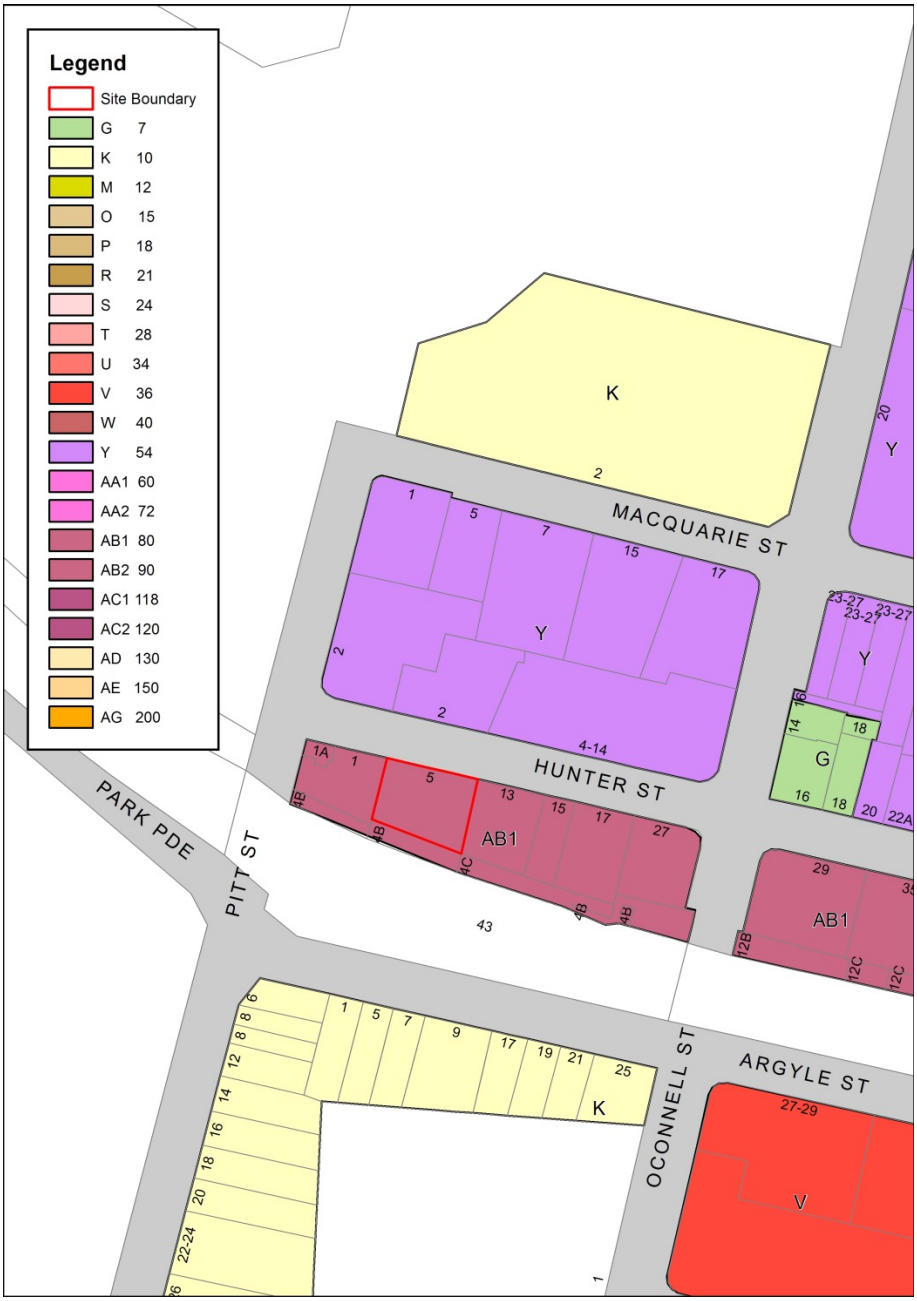

Figure 4 – Existing building heights extracted from the *PLEP 2011* Height of Buildings Maps

Figure 4 above illustrates the existing 80 metre height limit applying to the site.

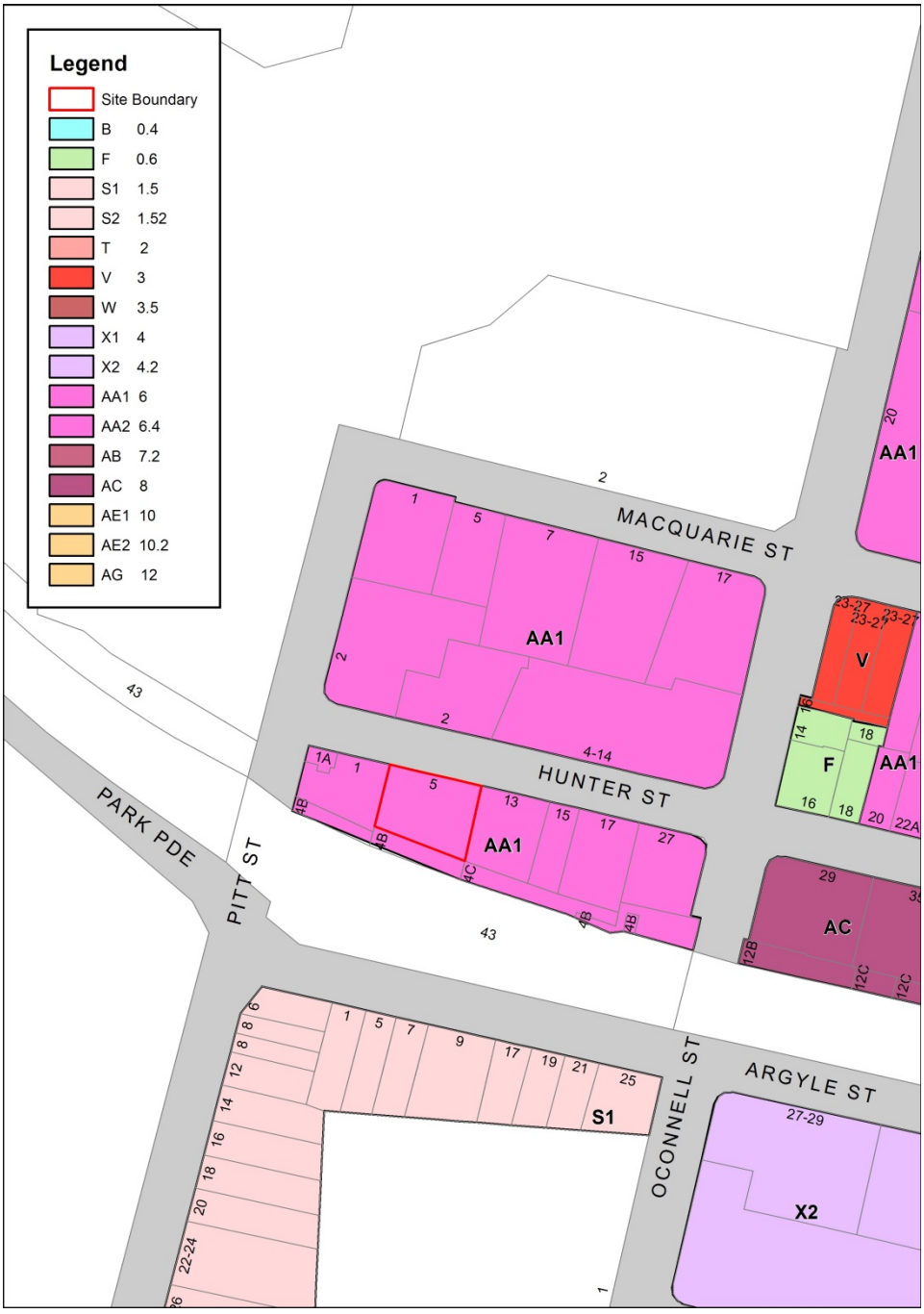

Figure 5 – Existing floor space ratio extracted from the *PLEP 2011* Floor Space Ratio Map

Figure 5 above illustrates the existing 6:1 FSR which applies to the site.

*Note: An FSR of 6:1 currently applies to the area under the LEP FSR Map, however, under Clause 7.2 of the Parramatta LEP 2011, the applicable FSR is **4:1** for sites less than 1,000m^2 in site area.

Figure 6 – Existing heritage items extracted from the *PLEP 2011* Heritage Maps.

Figure 6 above illustrates the heritage sites which are located adjacent to the site.

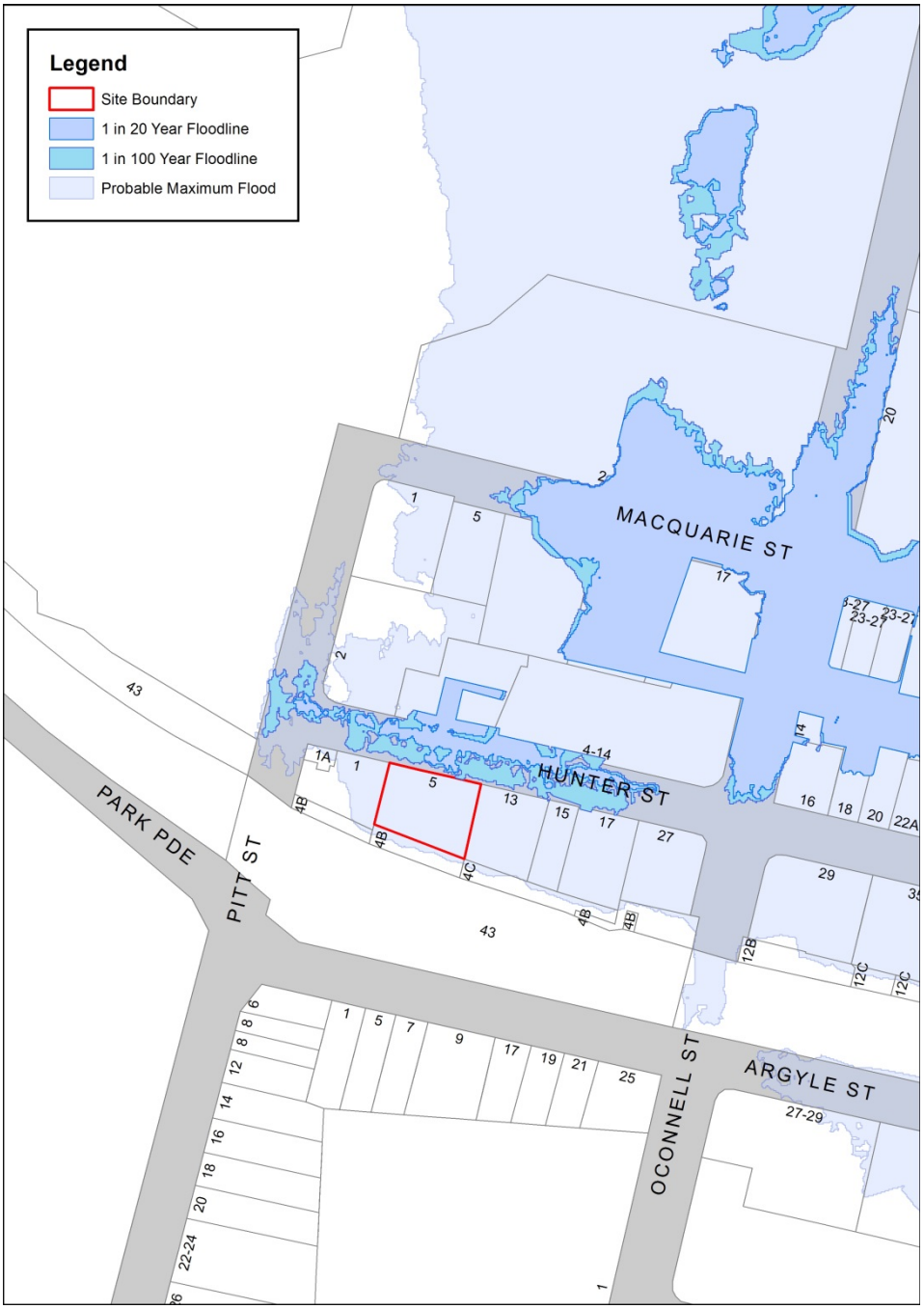

Figure 7 – Existing flooding extant extracted from Council's GIS.

Figure 7 above illustrates the flooding extant for the site.

4.2 Proposed controls

The figures in this section (Figures 8 and 9) illustrate the proposed building height, floor space ratio and key sites controls sought by this planning proposal.

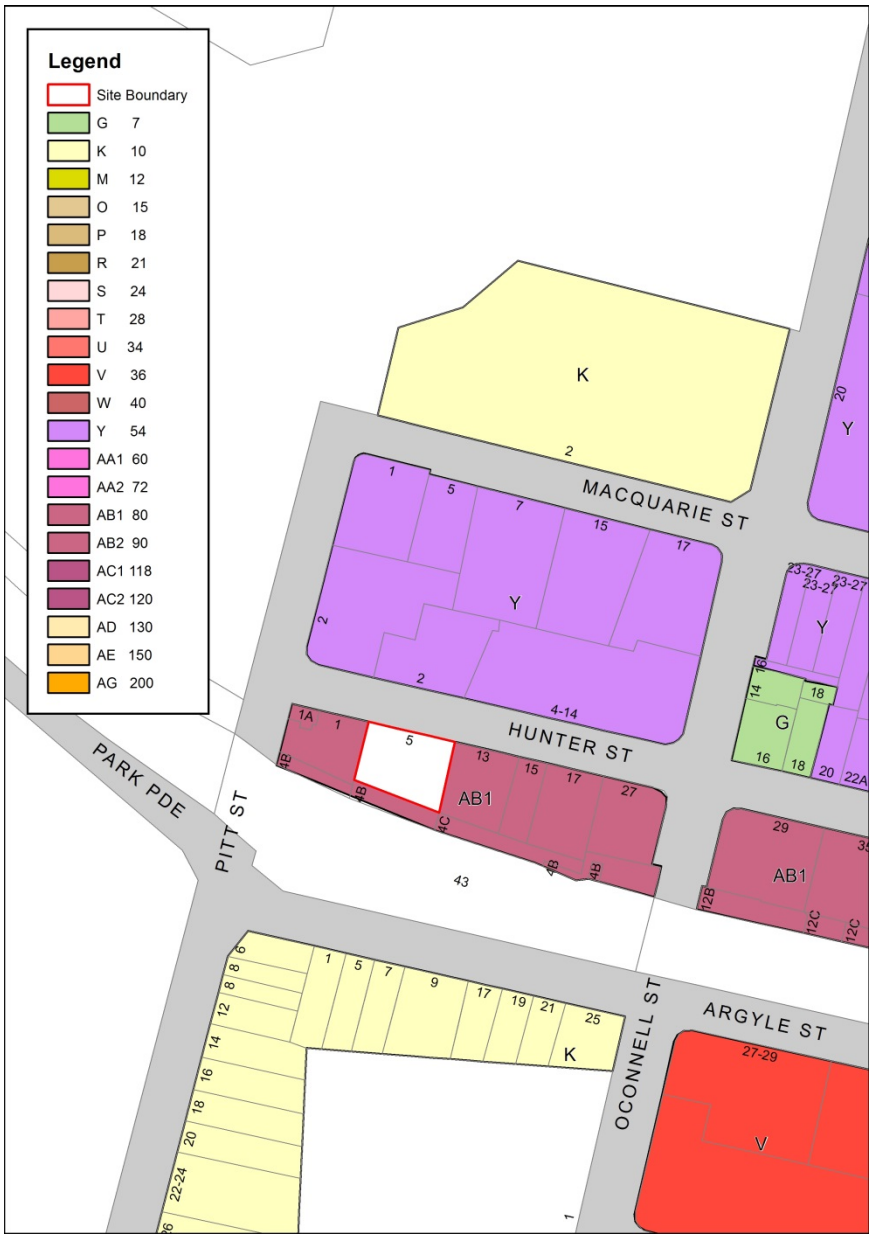

Figure 8 – Proposed amendment to the *PLEP 2011* Height of Building Map

Figure 8 above illustrates the proposed amendment to the Height of Buildings Map which proposes to remove any affectation from the site.

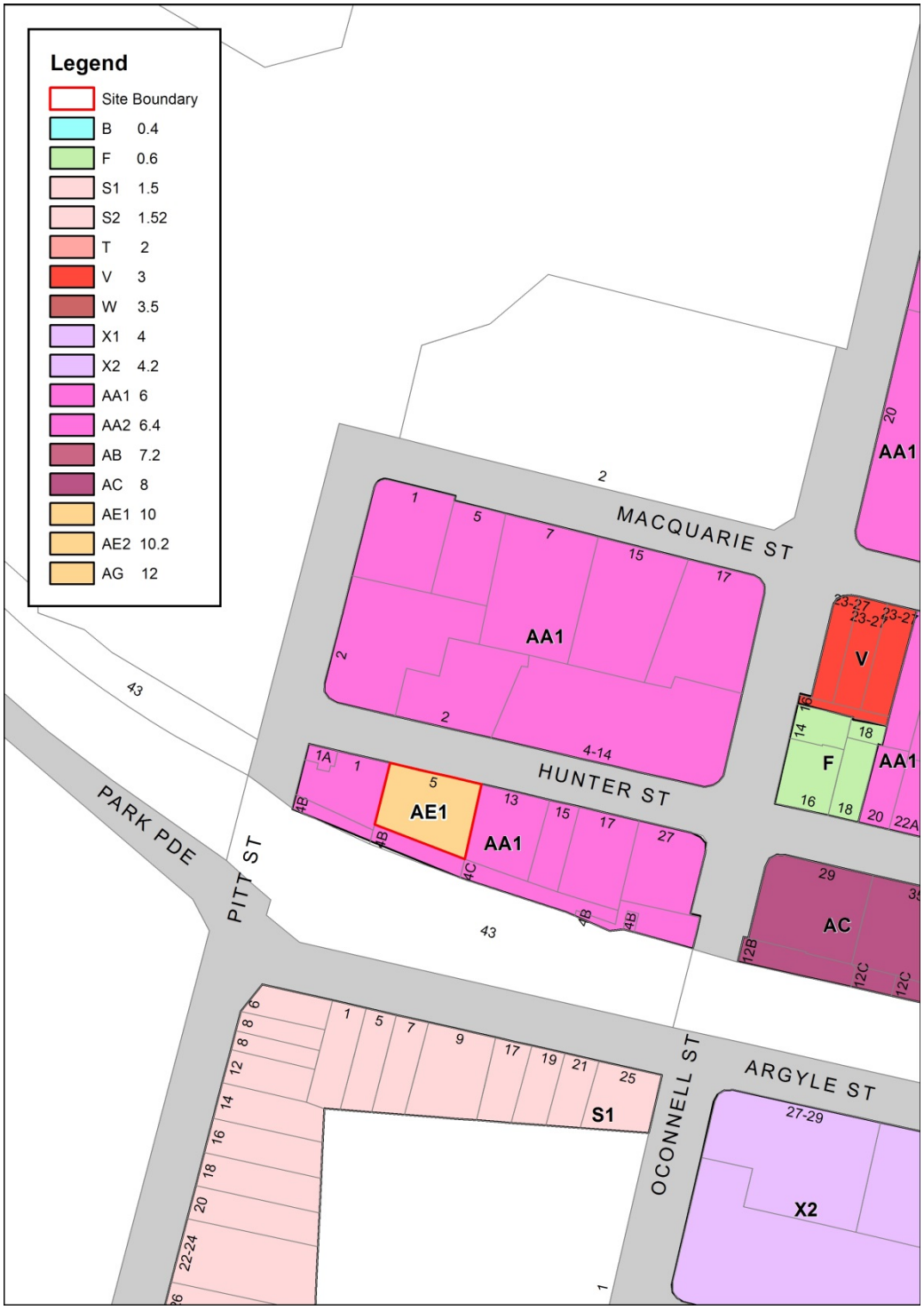

Figure 9 – Proposed amendment to the *PLEP 2011* Floor Space Ratio Map

Figure 9 above illustrates the proposed 10:1 FSR over the site. This excludes the additional 15% of GFA (which equates to a total FSR of 11.5:1) which can be achieved through the design excellence clause at development application stage.

PART 5 – COMMUNITY CONSULTATION

In accordance with Section 57(2) of the *EP&A Act 1979*, the Director-General of Planning must approve the form of the planning proposal, as revised to comply with the gateway determination, before community consultation is undertaken.

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 a Gateway Determination.

The following steps are anticipated:

- Referral to Minister for a Gateway determination
- Commencement and completion dates for public exhibition period and government agency notification
- Consideration of submissions
- Consideration of proposal post exhibition and reporting to Council
- Submission to the Department to finalise the LEP
- Notification of instrument

Appendix 1 – Urban Design Study prepared on behalf of the applicant

Appendix 2 – Additional Information submitted by the applicant reflecting the FSR of 11.5:1

Prepared by Parramatta City Council

PARRAMATTA WE'RE BUILDING AUSTRALIA'S NEXT GREAT CITY