

## Greater Sydney, Place and Infrastructure

IRF20/2245

### Plan finalisation report

**Local government area:** City of Parramatta

#### 1. NAME OF DRAFT LEP

Parramatta Local Environmental Plan 2011 (Amendment No. 49)

#### 2. SITE DESCRIPTION

The planning proposal applies to land at 38 Cowper Street, Granville, (Figure 1). The site is bound by Cowper Street to the north, Rowell Street to the west and East Street to the south, has an approximate area of 9,950m<sup>2</sup> and is legally defined as Lot 50 DP1238546.



**Figure 1:** Site at 38 Cowper St, Granville. (Source: Local Planning Panel Report)

The area surrounding the site is in transition from older light industrial uses to high density residential. Small retail and commercial uses are present along Good Street. New development is present to the south east of the site, and recent LEP amendments have been finalised in the vicinity which pursue similar levels of residential and mixed use development.

Under the *Parramatta Local Environmental Plan 2011 (PLEP 2011)* the site is already zoned B4 Mixed Use and;

- includes an existing local heritage item at the eastern end of the site;
- has a maximum floor space ratio (FSR) of 6:1;
- has a maximum building height of 52 metres; and
- is identified as 'Area 1' on the HOB and FSR maps. Under clause 4.3 (2A) of the PLEP 2011, land identified as 'Area 1' requires the need to apply a sliding scale to determine height and FSR controls for the site.

The site is located within the Granville precinct of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) (**Figure 2**). Under the PRCUTS the following development controls are recommended for the site:

- B4 Mixed Use zone;
- maximum FSR of 6:1; and
- maximum building height of 80m.

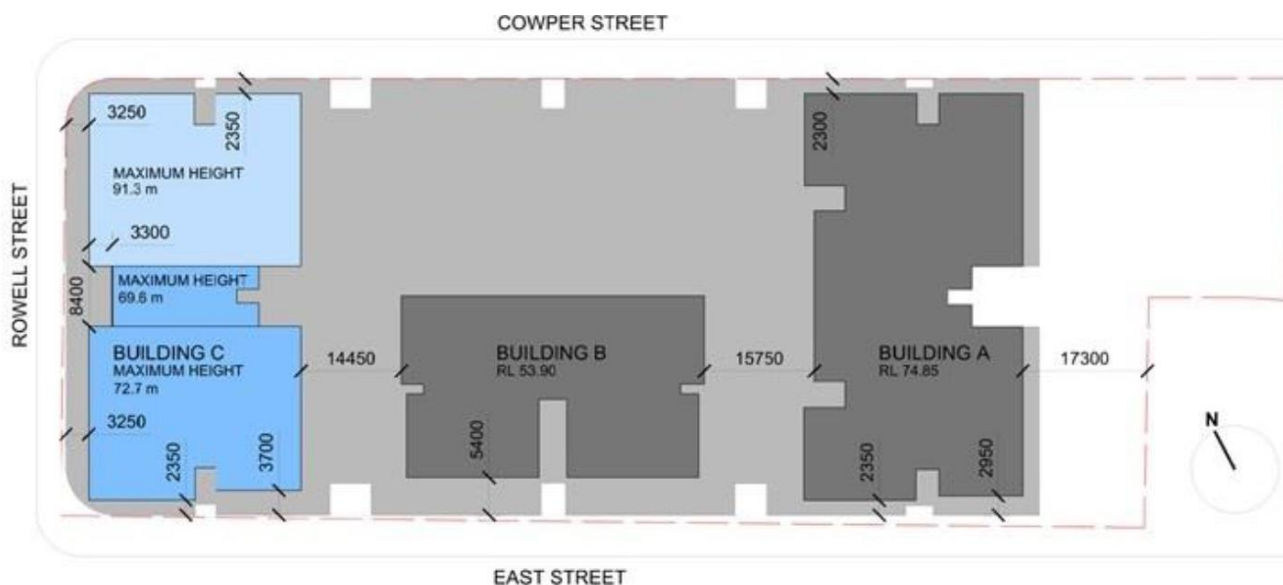


**Figure 2:** Location of site bound in blue within Granville precinct of PRCUTS bound in red (Source: PRCUTS 2016).

The site has development consent for a mixed-use development comprising three residential towers above a podium with approximately 618 residential units, ground floor retail space with ancillary basement parking (DA/961/2015). Construction has commenced on the site under this consent.

Under the approved DA consent, the site was unable to achieve the maximum FSR of 6:1 within the existing maximum Height of Buildings controls. The approved DA has an FSR of 5.5:1. The intended development includes three residential towers identified as 'Building A', 'Building B' and 'Building C' (**Figure 3**). The planning proposal only relates to the western portion of the site containing Building C (**Figure 4**).





**Figure 3:** Building C is the subject of the planning proposal (Source: Draft DCP).

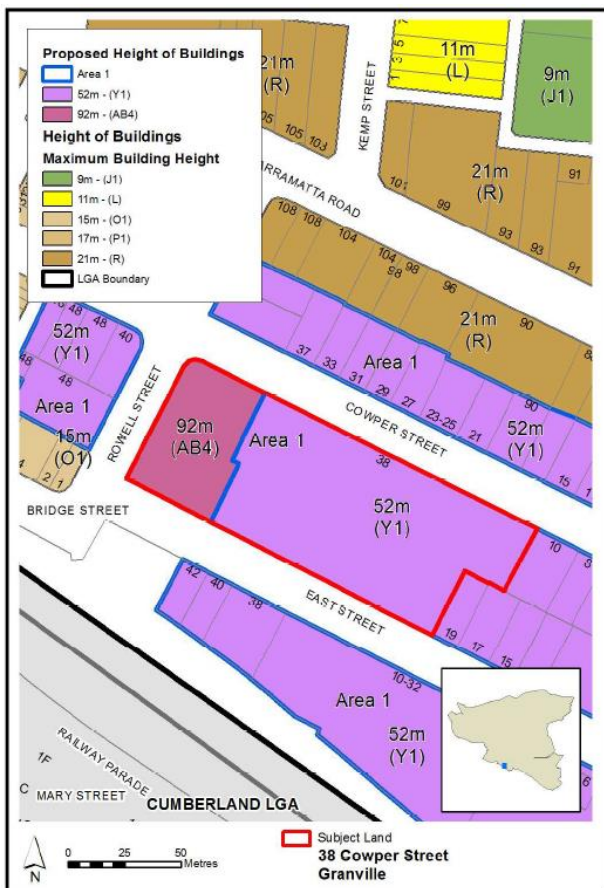


**Figure 4:** Land identified as 'Building C' highlighted in red as part of the broader 38 Cowper Street, Granville (Source: Draft DCP).

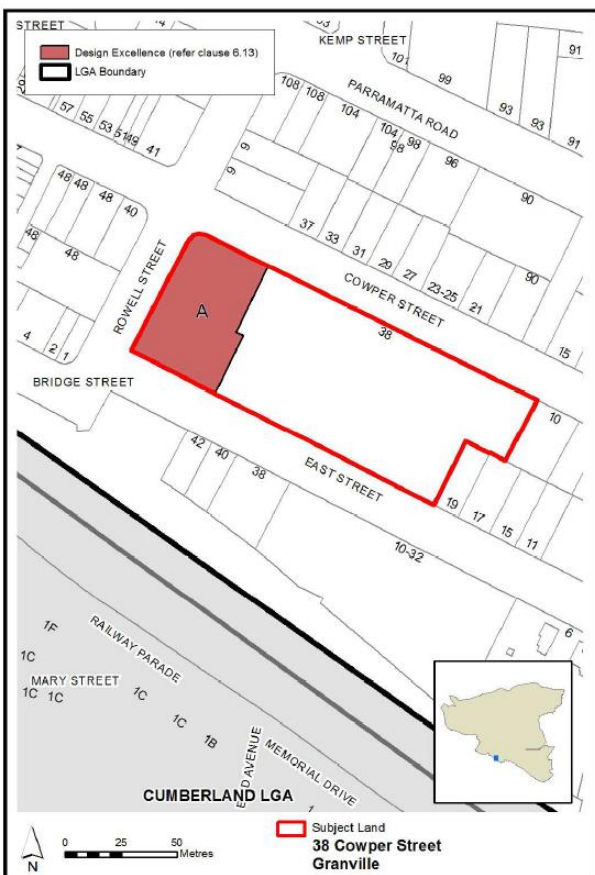
### 3. PURPOSE OF PLAN

The draft LEP seeks to amend the Parramatta Local Environmental Plan (LEP) 2011 as follows:

- increase the maximum Height of Building control from 52m to part 92m for land containing Building C (**Figure 5**) and retain the existing 52m for the remainder of the site;
- amend the Height of Buildings map to remove the western portion of the site from 'Area 1' and therefore the application of minimum site area requirements to achieve the proposed Height of Building (**Figure 5**); and
- identify the land containing Building C (**Figure 6**) as "A" on the Design Excellence Map to ensure that it is subject to an appropriate design competition as per Clause 6.13 of the PLEP 2011.



**Figure 5:** Proposed amendment to the Parramatta LEP 2011 Height of Buildings Map (Source: City of Parramatta Planning Proposal).



**Figure 6:** Proposed amendment to the Parramatta LEP 2011 Design Excellence Map (Source: City of Parramatta Planning Proposal).

The draft LEP removes reference to the site as 'Area 1' on the HOB map (**Figure 6**), removing the application of minimum site area requirements which restrict permitted height. With an area of 9,950m<sup>2</sup>, the existing sliding scale provisions would only enable the site to achieve a maximum height of 52m, despite any changes to the Height of Building Map.

The development is expected to contribute to the support of jobs growth identified in PRCUTS, through the intended provision of approximately 4,800sqm of retail floor space across the site. The draft LEP will result in a minor increase in dwelling yield of approximately 2 to 7 additional dwellings.

#### **4. STATE ELECTORATE AND LOCAL MEMBER**

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

The site falls within the Parramatta Federal Electorate. Julie Owens MP is the Federal Member for Parramatta.

To the planning team's knowledge, neither MP has made any written representations regarding the proposal.

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

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

#### **5. GATEWAY DETERMINATION**

The Gateway determination issued on 15 April 2019 (**Attachment B**) determined that the planning proposal (**Attachment A**) should proceed subject to conditions.

The planning proposal is consistent with the Gateway conditions as discussed below in further detail:

Condition 1 a) required the planning proposal to include details of any public benefits that were identified under the PRCUTS that are to be delivered on the site. The planning proposal outlined a number of public benefits to be delivered by the approved scheme under the DA consent, including:

- approximately 1,400m<sup>2</sup> of land in the north eastern part of the site to be dedicated to Council for a public park; approximately 4,800m<sup>2</sup> of retail and mixed-use space in Cowper Street and Rowell Streets to support the local economy, including a supermarket and childcare centre;
- retention and adaptation of a heritage item at the south eastern corner of the site for use as a new community facility; and
- creation of new connections to Granville town centre and public transport and links between East and Cowper Streets.

The proposal is considered to have satisfied Condition 1 a).

The timeframe for completing the LEP was by 15 April 2020. The Department received the request by Council to finalise the planning proposal prior to the due date. The Department is satisfied that Council has met the conditions of the Gateway determination.

#### **6. PUBLIC EXHIBITION**

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 6 November 2019 to 6 December 2019.

Three submissions were received during the public exhibition period, one was a joint submission from Transport for NSW (TfNSW) and Roads and Maritime Services (RMS), (refer Section 7 below), and two were from the community.

Community submission raised concern for density of development, overshadowing, loss of privacy, lack of open space, traffic congestion and reduced property values.

Council has addressed issues raised in submissions through a report to the Parramatta Local Planning Panel (**Attachment C**). Council notes that redevelopment of the site and the broader area is in line with the vision set by PRCUTS. The slight increase in height proposed for this site above the PRCUTS recommendation will allow for taller more slender buildings and a better urban design outcome. It is noted that this is only proposed for a portion of the whole development site and no increase to density is proposed.

Council notes that most of the issues are matters to be dealt with as part of the development application process. The Panel supported the progression of the proposal for finalisation on 21 January 2020. At its meeting of 24 February 2020, Council resolved that the planning proposal be finalised. A site specific DCP was also adopted for the site which will assist in addressing design concerns.

## **7. ADVICE FROM PUBLIC AUTHORITIES**

Council was required to consult Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) in accordance with the Gateway determination. A joint submission was received on behalf of both agencies which Council addressed within the Panel report (**Attachment C**).

TfNSW noted that City of Parramatta and Cumberland Council were undertaking a precinct wide traffic study currently in conjunction with DPIE. In its absence, TfNSW advised Council to consider:

- carparking rates;
- developer contributions; and
- traffic congestion around Granville Station.

A summary of Council's response is as follows:

### Carparking rates:

An existing approval for the subject site (DA/961/2015) was determined prior to the PRCUTS. Parking rates were based on the Parramatta DCP 2011 and the applicable RMS rates. A lower parking provision than the PDCCP2011 rate was allowed due to the availability of public transport close to the subject site.

Council's Traffic and Transport Engineers support the planning proposal, provided there is no increase in parking above that already approved under the existing consent. As no increase in parking spaces are being sought, above existing controls, Council considers the proposal is still consistent with the PRCUTS' objective to reduce carparking in Granville.

### Developer contributions:

The precinct-wide traffic study for Granville is anticipated to identify any traffic infrastructure upgrades required to implement the PRCUTS. Council has responded that while the future findings of the traffic study are unknown, there is no uplift in FSR and no increase in density under the planning proposal. The site will still be subject to existing development contributions under the City of Parramatta Council Section 94A Development Contributions Plan.



### Traffic congestion around Granville Station:

Council has responded that despite the draft Granville precinct-wide traffic study not yet being complete, it anticipates no increase in traffic as a result of the proposal. The proposal is not seeking an increase in FSR, so traffic rates beyond existing approved development will not change.

It is considered that Council has addressed the issues raised in the submission, noting that the proposal does not seek to increase permitted FSR and will likely facilitate only seven additional dwellings. Detailed traffic considerations will be further assessed in any future development application.

## **8. POST-EXHIBITION CHANGES**

At its meeting of 24 February 2020, Council considered the results of the exhibition and resolved to finalise the planning proposal as exhibited.

## **9. ASSESSMENT**

### **9.1 Section 9.1 Directions**

At the time of Gateway assessment, the planning proposal was determined to be consistent with all relevant section 9.1 Directions, except Direction 7.3, which was left unresolved as discussed below:

#### Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy

The objective of this direction is to facilitate development that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS).

The planning proposal is inconsistent with this direction as it proposes a maximum height of 92m, which is 12m (approximately 4 storeys) above the 80m recommended building height control for Granville in the Parramatta Road Corridor Urban Transformation Planning and Design Guidelines. The proposal is also proposed to occur before completion of the precinct-wide traffic study.

The consistency with this direction was left unresolved at the Gateway assessment stage with the Gateway determination requiring Council to identify any public benefits that would be delivered through the development, prior to community consultation.

In this instance, the inconsistency can be considered minor because:

- the proposal does not seek to increase the permitted FSR for the development and therefore will not result in significant increased density or traffic burden;
- the planning proposal will result in a taller, slenderer building envelope, which is considered a better urban design outcome;
- the proposed requirement for design excellence will ensure that any future development on the western portion of the site will achieve the required design standard;
- delivery of retail and commercial floor space as part of this proposal supports the objective of Direction 7.3 to provide a diversity of jobs to meet the needs of the community;
- retention and adaptation of a local heritage item for community re-use supports the strategic action in PRCUTS to encourage adaptive reuse of heritage items;
- the current development consent, which includes the portion of land subject to this planning proposal, includes intended improvements to the public domain to support the population. These are consistent with PRCUTS's key actions for the Granville Precinct and include land to be dedicated to Council for creation of a pocket park, pedestrian links through the site and bike paths; and

- a planning proposal for 36-42 East Street, Granville opposite the subject site has recently been finalised which similarly sought to correct a disparity between the existing height and FSR controls that applied to the site and sets a precedent for the subject site.

PRCUTS also specifies that a precinct-wide traffic study is required to be prepared prior to commencement of any site specific or precinct wide rezoning. Each study and its supporting modelling will identify the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the precinct. As there is already an approved DA on the site with no increase to the existing maximum mapped FSR of 6:1, it is considered acceptable for the planning proposal to proceed ahead of the traffic study.

It is recommended that the Secretary's delegate agree that the inconsistency with this direction is of minor significance.

## **9.2 State environmental planning policies**

The draft LEP has addressed and is consistent with all relevant SEPP's.

## **9.3 Central City District Plan**

The Greater Sydney Commission released the Central City District Plan on 18 March 2018. The District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. The District Plan commits to providing additional housing supply with access to jobs, services and public transport (Planning Priority C5) with a 21,650 five-year housing supply target for Parramatta.

The draft LEP is consistent with the Planning Priorities C1 'Planning for a City supported by Infrastructure', C5 'Providing housing supply, choice and affordability with access to jobs, services and public transport' and C6 'Creating and renewing great places and local centres, and respecting the District's heritage'.

The proposal is consistent with the priorities and actions set by the plan. Under the approved consent the development will:

- deliver additional housing in a location that is highly accessible to bus and train services and within walking/cycling distance of the Granville town centre and the Parramatta CBD;
- provide the opportunity for a local heritage item to be preserved and adapted for community reuse; and
- provide open space, active street frontages and improved through-links to the surrounds.

Under this planning proposal a better urban design outcome may be achieved for Central River City by enabling an improved building profile and a design excellence process for the subject site.

The Department is satisfied that the planning proposal gives effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

## **9.4 Parramatta Road Corridor Urban Transformation Strategy**

The Parramatta Road Corridor Urban Transformation Strategy commits to delivering 27,000 new homes and 50,000 new jobs within eight key precincts of the Parramatta Road Corridor, accompanied by improvements for transport, open space and amenity needs.

The strategy projects a target of 5,400 dwellings for the Granville precinct and identifies current issues with existing height and floor space controls delivering bulkier buildings than originally envisaged, creating an undesirable built form outcome. The strategy's planning and design guidelines identify an FSR of 6:1 and height of 80m for the site. Increasing the height



control to 80 metres will allow future development to comprise a podium structure of 3-4 storeys with tower forms above.

Consistency with the Strategy is addressed in Section 9.1 of this report.

## 9.5 Parramatta Local Strategic Planning Statement

Council's Local Strategic Planning Statement: City Plan 2036 (LSPS) outlines Greater Parramatta's 20-year vision for land use planning, population, housing, economic growth and environmental management. It is noted that the Gateway determination was issued prior to the endorsement of Council's LSPS.

The LSPS identifies Granville as one of the Growth Precincts where growth will occur, close to public transport and other services. Housing in Granville (North and South) is expected to grow from 1,800 in 2016 to 7,600 in 2036 to allow for population growth from 3,300 in 2016 to 7,200 in 2036.

Two points of focus for these Growth Precincts relevant to this proposal are to ensure quality design outcomes are achieved and that Council continues to meet housing targets set by the State government.

The LSPS's commitments relevant to this site include:

- strong housing growth over the next 20 years (Section 3.1.2 and Priority 13)
- design of development in Growth precincts that maximises accessibility to transport services and includes improved place management outcomes (Priority 7);
- consideration of character and street typology when planning for buildings (Priority 9);
- consideration of how items of heritage in Growth Precincts can contribute to the future identity of the place to ensure existing heritage is respected, consistent with Priority 6 of the District Plan (Section 3.2.3 and Priority 31);
- open space accessibility, including around high density areas (Section 3.2.7 and Priorities 21 and 56);

The proposal is consistent with the priorities and actions set by the statement. Under the approved consent the whole development will deliver housing in a highly accessible location, preserve and adapt a heritage item for community reuse; and provide open spaces, active street frontages and improved through-links to the station and surrounds.

Under this planning proposal a better urban design outcome may be achieved by enabling an improved building profile and a design excellence process for the subject site, and by facilitating an improved city skyline.

## 10. MAPPING

The draft LEP seeks to amend the following mapping:

- Height of Buildings Map (Sheet HOB\_010); and
- Design Excellence Map (Sheet DEX\_010).

These maps (**Attachment Maps**) and supporting map cover sheet (**Attachment MCS**) have been approved by the Department's ePlanning Team and provided to Parliamentary Counsel.

## 11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment D**).

Council confirmed on 14 May 2020 that it was satisfied with the draft and that the plan should be made (**Attachment E**).

## 12. PARLIAMENTARY COUNSEL OPINION

On 5 May 2020 Parliamentary Counsel provided the final Opinion that the draft LEP (**Attachment LEP**) could legally be made. This Opinion is provided at **Attachment PC**. No changes have been made to the draft LEP since Parliamentary Counsel opinion was obtained.

## 13. RECOMMENDATION

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

- it generally supports the aims of the PRCUTS and Central City District Plan, including the vision for redevelopment of high-density housing near the Granville Town Centre, railway station and Parramatta CBD;
- introduces design excellence provisions which will ensure that the new development is of high quality design;
- facilitates redevelopment which delivers public benefits in support of PRCUTS objectives, including a pocket park dedicated to Council, pedestrian links through the site, retail and commercial space and adaptation of a local heritage item for community reuse; and
- alignment of height and FSR controls will allow for a taller, more slender building profile that will facilitate an improved urban design outcome.



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