

Planning Services

Gateway determination report

LGA	City of Parramatta
PPA	City of Parramatta
NAME	128 Marsden Street, Parramatta (0 homes, 206 jobs)
NUMBER	PP_2019_COPAR_004_00
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2011
ADDRESS	128 Marsden Street, Parramatta
DESCRIPTION	Lot 10 DP 789520
RECEIVED	26 March 2019
FILE NO.	IRF19/2229
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The proposal seeks to amend Parramatta Local Environmental Plan 2011 (PLEP 2011) by altering the zone, increasing the FSR and including a site-specific provision limiting car parking for 128 Marsden Street, Parramatta.

Site description

The site is known as Lot 10 DP 789520 and 128 Marsden Street, Parramatta and has an area of 1073m². The site (**Figure 1**) is located on the corner of Marsden Street and Argyle Street. The site contains a nine-storey building with five levels of commercial space, three levels of above-ground car parking and ground floor retail/café.

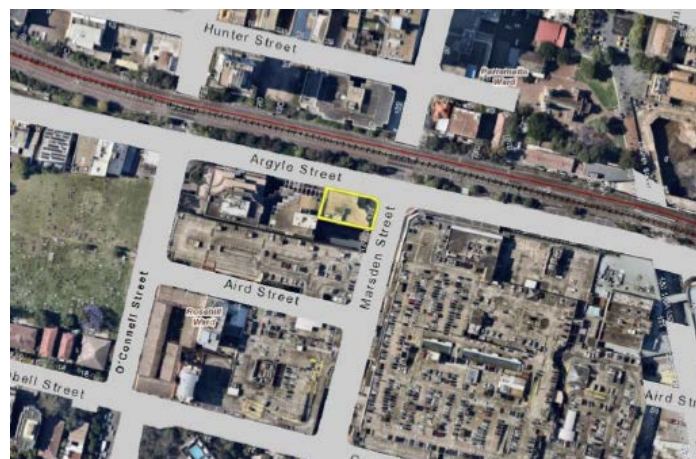


Figure 1 – Subject site (shown yellow) (source: Planning Proposal)

Existing planning controls

The following planning controls are contained in the PLEP 2011:

- is zoned B4 Mixed Use (**Figure 2**);
- has a maximum floor space ratio (FSR) of 4.2:1 (**Figure 3**);
- has a maximum building height of 36 metres (**Figure 4**);
- the site is not listed as an item of heritage significance and is not within a Heritage Conservation Area (**Figure 5**); and
- the site is affected by the Probable Maximum Flood (**Figure 6**).



Figure 2 – Existing zoning (Source: Local Planning Panel Report)



Figure 3 - Existing FSR controls (Source: Local Planning Panel Report)



Figure 4 – Existing height controls (Source: Local Planning Panel Report)

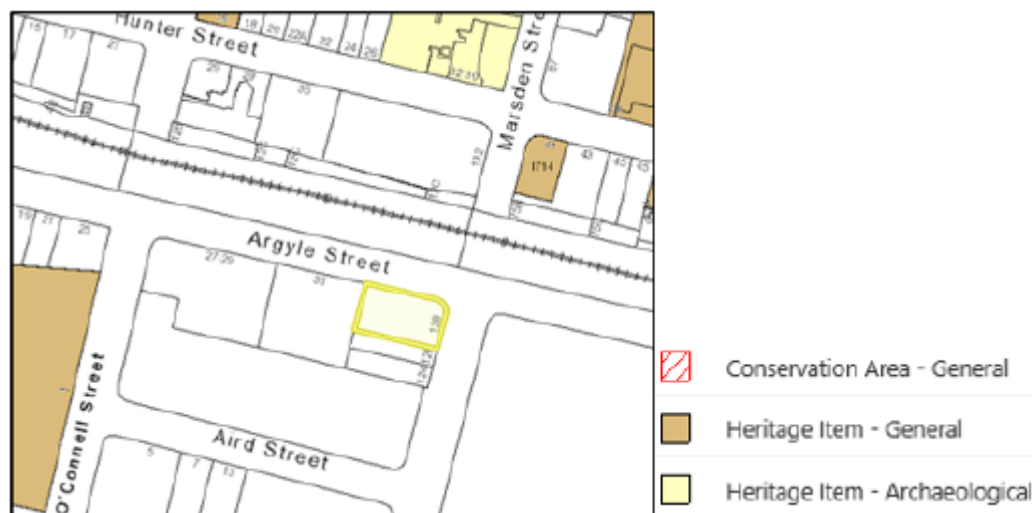


Figure 5 – Location of heritage items (Source: Local Planning Panel Report)

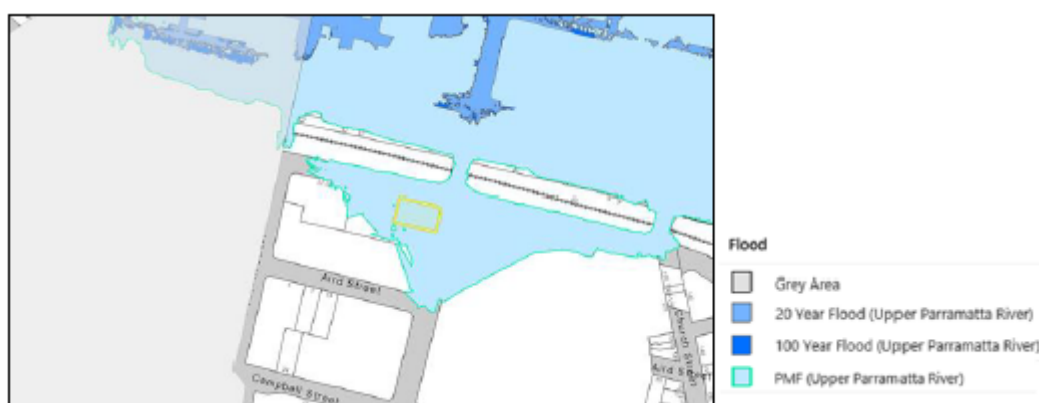


Figure 6 – Extent of flooding (Source: Local Planning Panel Report)

Surrounding area

A 10 storey commercial building adjoins the site on its western frontage and a two storey commercial building is located immediately to the south. Parramatta Westfield

shopping centre is located to the east on the opposite side of Marsden Street. The north of the site is bound by Argyle street and a rail line.

The site is 350m to the west of the Parramatta bus and rail interchange.

The site is not located within a heritage conservation area or in close proximity to any heritage items.

Summary of recommendation

The planning proposal should proceed subject to conditions as it reflects the broader aims for the Parramatta CBD and has strategic merit. It offers an economic benefit through the provision of additional commercial floor space.

PROPOSAL

Objectives or intended outcomes

The planning proposal (**Attachment A**) outlines its intent to enable alterations and additions to the existing building at 128 Marsden Street, Parramatta to provide for additional commercial floor space.

The additional commercial floor space is to be provided via the conversion of two existing levels of car parking into office space while extending the ground floor retail space to fill the existing footprint under the external colonnade. **Attachment D** sets out the indicative works to be carried out (subject to approval via development application).

The impetus for the conversion is the reduced parking rates being applied at various sites within the City of Parramatta via clause '7.14 Car parking for certain land in Parramatta City Centre' within the existing PLEP 2011, various site specific additional local provisions and the general approach contained in the CBD Planning Proposal.

The conversion of parking areas to commercial floor space will result in additional FSR. Council have advised that the conversion cannot occur under the current provision of PLEP 2011.

The increase in FSR will allow the anticipated built form outcomes to be achieved. The application of the reduced parking rates will also facilitate the anticipated outcomes.

The FSR proposed by the planning proposal of 6.4:1 is consistent with the CBP PP FSR of 10:1 when the sliding scale provisions are applied (based upon the site area).

Figures 7 and 8 identify the existing and likely built form outcomes that are currently being considered by the proponent. The final design will be the subject to a development application.

The planning proposal does not seek to make any alterations to the existing controls relating to height. The anticipated built form outcomes currently identified by the proponent are to be carried out within the existing building footprint.

The planning proposal also seeks to amend the zone to B3 Commercial Core. The removal of the existing B4 Mixed Use from the site will prevent residential accommodation and encourage commercial development. The proposed zoning is consistent with the CBD PP.



Figure 7 (left) – Photo of existing building (Source: Proponent Plans)

Figure 8 (right) – Photomontage of anticipated outcome (Source: Proponent Plans)

Explanation of provisions

The proposed amendments to the PLEP 2011 include:

- Amend the maximum FSR in the Floor Space Ratio Map (Sheet FSR_010) from 4.2:1 to 6.4:1.
- Amend the zoning in the Land Zoning Map (Sheet LZN_010) from B4 Mixed Use to B3 Commercial Core.
- Add a site-specific clause to replace Clause 7.3 with an alternate clause that applies the maximum car parking rates previously endorsed by Council as part of the CBD Planning

A Gateway condition has required that the existing clause 7.14 within the PLEP 2011 that deals with CBD parking rates be amended as opposed to the introduction of a new site-specific clause.

Local Planning Panel Consideration

On 19 February the City of Parramatta Local Planning Panel considered a council staff report (**Attachment E**) which recommended that the planning proposal be supported which sought an increase in the FSR from 4.2:1 to 6.4:1.

The Local Planning Panel recommended to City of Parramatta Council that the planning proposal be supported subject to the maximum permissible FSR being reduced to 5.9:1 to ensure the retention of the existing buildings colonnade (**Attachment F**). The Local Planning Panel felt that the colonnade area offers space for pedestrians and protection from the weather.

Figure 9, next page, identifies the extent of the colonnade on a floor plan. **Figure 10**, next page, identifies the colonnade on a photograph of the building.



Figure 9 – Floor plan with colonnade show heavy red (source: Council report)

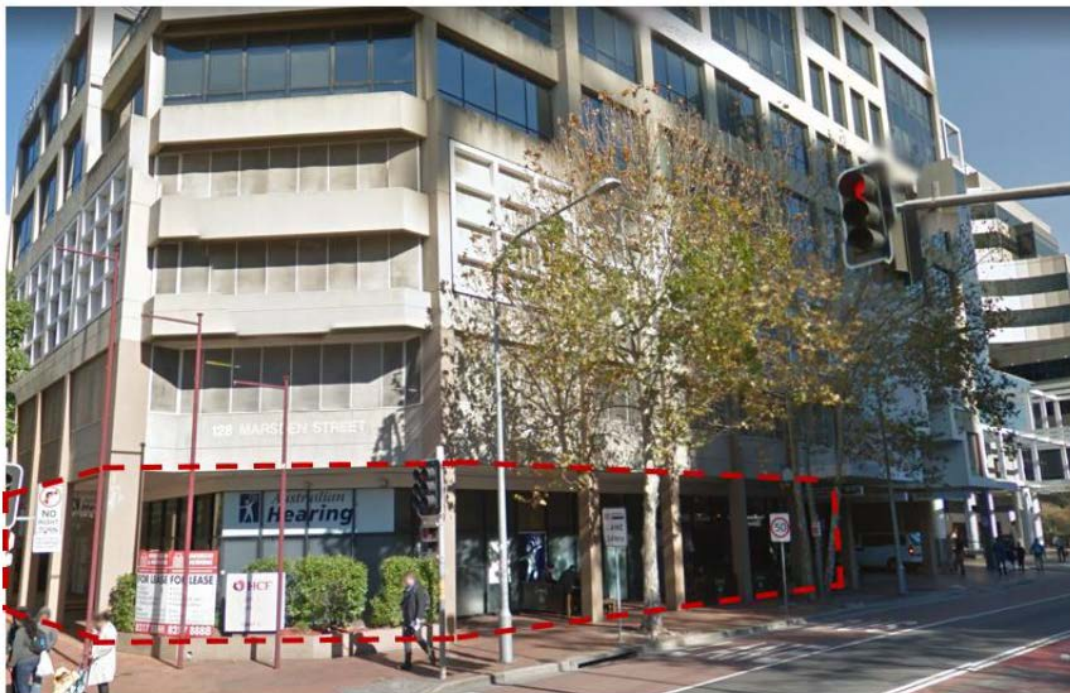


Figure 10 (right) – Photograph of the building with colonnade identified in red (source: Council report)

The council staff report (**Attachment G**) to Council does not support the recommended reduction in the FSR as suggested by the Local Planning Panel. The council report identified that there is no requirement to provide the colonnade in the DCP, the reduction in FSR will not necessarily result in the retention of the colonnade without a site-specific clause and Council's Urban Design team do not oppose the removal of the colonnade.

The Council considered the council staff report (**Attachment G**) and resolved to submit the planning proposal to the Department with a FSR of 6.4:1 without need to retain the colonnade (**Attachment H**).

The Local Planning Panel Direction – Planning Proposals (**Attachment G**) requires all planning proposal's to be presented to the Local Planning Panel for advice. The planning proposal was sent to the panel for advice in accordance with this direction. Whilst the council staff report (**Attachment I**) to Council provides an alternative view to that of the Panel, it has adequately addressed the advice provided by the panel (**Attachment F**).

The decision to retain the colonnade is a matter which is more appropriate to be considered at the development application phase of development.

Mapping

The planning proposal (**Attachment Maps**) includes land use zoning and FSR maps that show the current and proposed controls and is suitable for community consultation, subject to the recommendations in this report.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of any site-specific study or report and is a landowner-initiated planning proposal.

The planning proposal notes the Parramatta CBD planning strategy and the Parramatta CBD planning proposal as catalysts for the preparation of the proposal.

The planning proposal states the need for the proposal to bring development forward to meet market demands for commercial development within the CBD. The planning proposal is considered to have strategic merit and amending the PLEP 2011 through the planning proposal is the most effective mechanism to enable the development to occur.

The planning proposal will provide certainty to the City of Parramatta Council, the community and the landowner, and will allow for the orderly and economic development of the land. The current controls would not permit development as envisaged in the planning proposal.

STRATEGIC ASSESSMENT

Greater Sydney Region Plan

The Greater Sydney Region Plan was prepared by the Greater Sydney Commission and provides a vision and plan for the delivery of 725,000 dwellings and an extra 817,000 jobs in the Greater Sydney region by 2036. The plan identifies the Central River City as one of the three cities to create a metropolis of three cities. Greater Parramatta and its CBD are identified as the core of the Central River City.

The plan provides four key concepts to drive and establish the three cities vision: infrastructure and collaboration; liveability; productivity; and sustainability. These key concepts are informed by 10 key directions, which are supported by 40 objectives to ensure the delivery of the vision for Sydney to 2056.

The planning proposal is broadly consistent with the plan as it will deliver high-quality commercial development within close proximity to existing and planned transport links and surrounding high-density residential development.

Of the 40 objectives, the planning proposal is consistent with the following productivity objectives:

- Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities;
- Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive;
- Objective 19: Greater Parramatta is stronger and better connected;
- Objective 22: Investment and business activity in centres; and
- Objective 24: Economic sectors are targeted for success.

Central City District Plan

The Central City 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. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal is consistent with the productivity focus of the plan, which outlines Planning Priority N7 – Growing a stronger and more competitive Greater Parramatta, noting the Parramatta CBD planning proposal seeks to allow for increased employment capacity for the CBD. The planning proposal seeks an uplift in FSR that will enable commercial development at a density that is consistent with the Parramatta CBD planning proposal.

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.

Local

Parramatta 2038 Community Strategic Plan

The planning proposal is considered to meet the strategic objectives identified in Council's strategic plan by providing increased commercial space in the established commercial core close to public transport and services. The proposal will encourage economic growth in the CBD and help to build the CBD as a centre of high value-added employment.

Parramatta CBD planning strategy and planning proposal

The Parramatta CBD planning was issued with a Gateway determination on 13 December 2018.

The strategy established the principles and actions to guide a new planning framework for the Parramatta CBD.

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

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

The planning proposal is generally consistent with the zoning, height and FSR controls contained within the CBD PP.

Section 9.1 Ministerial Directions

The proposal is consistent with relevant section 9.1 Directions except for the following which require further consideration:

Direction 4.1 Acid Sulfate Soils

The site is identified as Class 5 acid sulfate soil. The proposal is inconsistent with this Direction as an acid sulfate soils study is required when intensification of the land is proposed, and a study has not been prepared by the proponent.

This inconsistency is justified based on being of minor significance as the issue can be addressed at the development application stage.

Direction 6.3 Site Specific Provisions

This Direction is relevant as the planning proposal seeks to introduce a site-specific provision to place a limit on the maximum number of car parking spaces that can be provided on-site.

PLEP 2011 contains an existing clause which deals with maximum parking rates in the CBD. The gateway determination has been conditioned to amend the planning proposal to seek the inclusion of the site within clause '7.14 Car parking for certain land in Parramatta City Centre'. This will remove any inconsistency with this section 9.1 Direction.

State environmental planning policies (SEPPs)

The planning proposal does not give rise to any matters relating to state environmental planning policies that require further information to be submitted at this point in the rezoning process.

SITE-SPECIFIC ASSESSMENT

Social and Economic

The planning proposal (**Attachment A**) outlines that the intent of the planning proposal is to enable alterations and additions to the existing building located on-site to provide for additional commercial floor space.

Council has advised that the additional commercial floorspace is likely to contribute towards between 90 and 206 jobs for the locality.

The addition of commercial floorspace is consistent with the proposed expanded commercial centre associated with the CBD planning proposal.

The proximity of the building to the Parramatta Rail and Bus interchange with a reduction of on-site car parking spaces will encourage reliance upon public transport.

Environmental

The proposal is not anticipated to have adverse impacts upon the natural environment. It does not contain any critical habitat, threatened species, populations or ecological communities.

The planning proposal does not seek to facilitate an increase in height and as such overshadowing impacts of the building will not be altered.

The planning proposal was accompanied by a flooding impact statement (**Attachment H**) that identifies that the site is not affected by the 1 in 100 year flooding event. It is noted in the report that the floor level of the existing building is 500mm above the 1 in 100 year event level. The report identifies that the site is affected by the Probable Maximum Flood. Clause 6.3 Flood Planning contained in PLEP 2011 will be required to be complied with in any future development.

The site is identified as containing acid sulfate soils. The existing PLEP 2011 contains a clause (6.1 Acid Sulfate Soils) which requires consideration of this matter. This is a matter which can be dealt with in any future development application.

Infrastructure

The development will also require the payment of section 94A contributions, which will contribute towards infrastructure to support the growth of the Parramatta CBD.

The council is not seeking a VPA in connection with the planning proposal as no residential development is proposed and the ability to develop the land for residential purposes is being removed as a result of the planning proposal.

CONSULTATION

Community

A community consultation period of 28 days is considered an appropriate amount of time to gauge the community's response to the proposal. Public exhibition is likely to include:

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

Agencies

Given the minor nature of the proposal, it is considered that consultation with state agencies is not required.

TIME FRAME

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

LOCAL PLAN-MAKING AUTHORITY

Council has requested authorisation to be the local plan-making authority in relation to this planning proposal. Given the minor nature of the proposal it is recommended that Council is authorised as the local plan-making authority.

CONCLUSION

The planning proposal should proceed subject to conditions as it reflects the strategic aims of the Parramatta CBD. It will enable commercial development with corresponding economic benefit. The proposed provisions are generally consistent with the intent of the Parramatta CBD planning strategy and subsequent CBD planning proposal currently under assessment for a Gateway determination.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 4.1 Acid Sulfate Soils is minor.

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

1. Prior to exhibition Council is to amend the planning proposal to:
 - (a) Reference the correct figures in points 1 and 2 of Part 2 – Explanation of Provisions;
 - (b) Reference the correct sheet reference for the Land Map Zoning in point 2 of Part 2 – Explanation of Provisions; and
 - (c) Amend point 3 in Part 2 – Explanation of Provisions to seek inclusion of the subject site in clause 7.14 of the Parramatta LEP 2011.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



1/05/2019

Christine Gough
Team Leader,
Sydney Region West

Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

Assessment officer: Simon Turner
Planning Officer, Sydney Region West
Phone: 8837 6376