

INNOVATIVE

ITEM NUMBER	13.2
SUBJECT	Planning Proposal for land at 128 Marsden Street, Parramatta
REFERENCE	RZ/13/2018 - D06658109
REPORT OF	Project Officer
LANDOWNER	Marathon Holdings Pty Ltd
APPLICANT	Robinson Urban Planning Pty Ltd

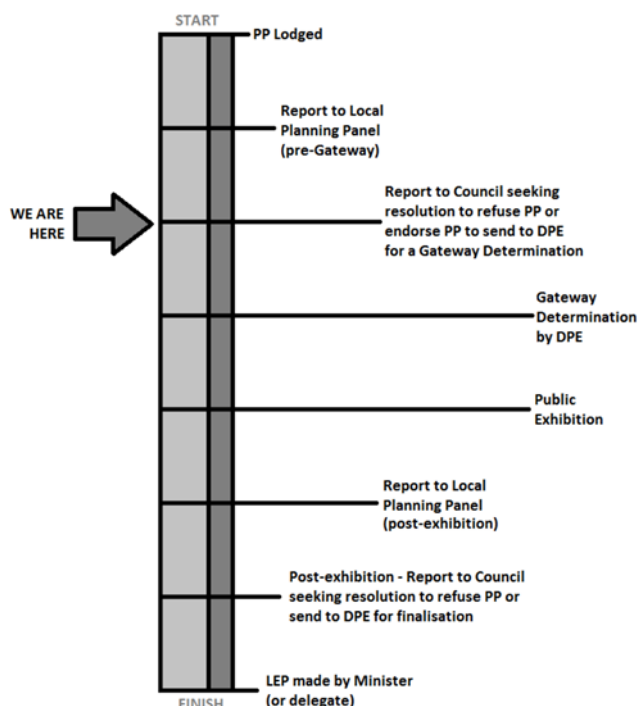
PURPOSE:

This report seeks Council's endorsement of a Planning Proposal for the land at 128 Marsden Street, Parramatta, and that the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway determination.

RECOMMENDATION

- (a) **That** Council note the recommendation of the Local Planning Panel dated 19 February 2019 in relation to this matter as detailed below, noting that the Panel's recommendation amended part of the Council Officer's recommendation to support the proposal to address the Panel's preference that the existing colonnade not be infilled.
- (b) **That** the Planning Proposal to increase the maximum floor space ratio control from the existing 4.2:1 to 6.4:1 be reduced to 5.9:1 to reflect the Panel's preference that the existing colonnade not be infilled and instead be retained.
- (c) **That** Council endorse the Planning Proposal contained at **Attachment 2** for land at 128 Marsden Street, Parramatta, subject to the following:
 - i. Amend the maximum floor space ratio control as per Clause (b) above;
 - ii. Rezone the site from B4 Mixed Use to B3 Commercial Core; and
 - iii. Include a site-specific clause to replace Clause 7.3 of the Parramatta Local Environmental Plan 2011 with an alternate clause that applies the maximum car parking rates previously endorsed by Council as part of the CBD Planning Proposal.
- (d) **That** the Planning Proposal be forwarded to the Department of Planning and Environment with a request for a Gateway Determination.
- (e) **That** Council advise the Department of Planning and Environment that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council.
- (f) **Further, that** Council authorises the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during plan amendment processes.

Planning Proposal Timeline



BACKGROUND

1. This summary report is supported by a detailed assessment report provided at **Attachment 1**. The applicant's Planning Proposal (refer to **Attachment 2**) seeks to amend the Parramatta Local Environmental Plan 2011 by increasing the floor space ratio control from 4.2:1 to 6.4:1.
2. These changes are being sought to allow for the conversion of two levels of existing above-ground car parking into commercial space and the extension of the existing ground floor retail space to fill-in the existing colonnade.

THE LOCAL PLANNING PANEL'S DETERMINATION

3. As per the Ministerial direction issued on 27 September 2018, Council is required to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice before Council considers whether or not to forward it to the Department of Planning and Environment for a Gateway Determination.
4. At its meeting on 19 February 2019, the Parramatta Local Planning Panel determined that the Council Officer's recommended floor space ratio (FSR) control be amended to allow for retention of the existing colonnade and that the Panel otherwise adopts the recommendations as contained in **Attachment 1**. Refer to **Attachment 3** for the Local Planning Panel's determination in full.
5. The subject site contains an existing colonnade along the northern and eastern frontages. Currently it provides some space for pedestrians and protection from the weather. The recommendation of the Panel to reduce the proposed FSR seeks to ensure the colonnade is retained.

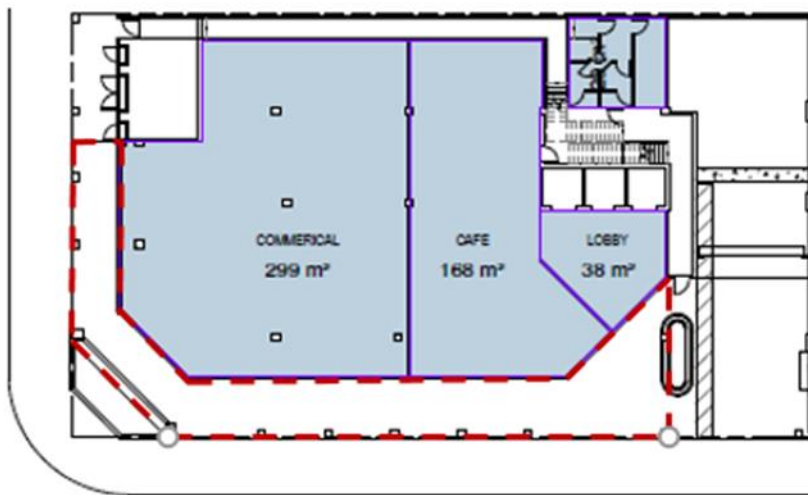


Figure 1 – Location of the colonnade proposed to be filled-in outlined in red

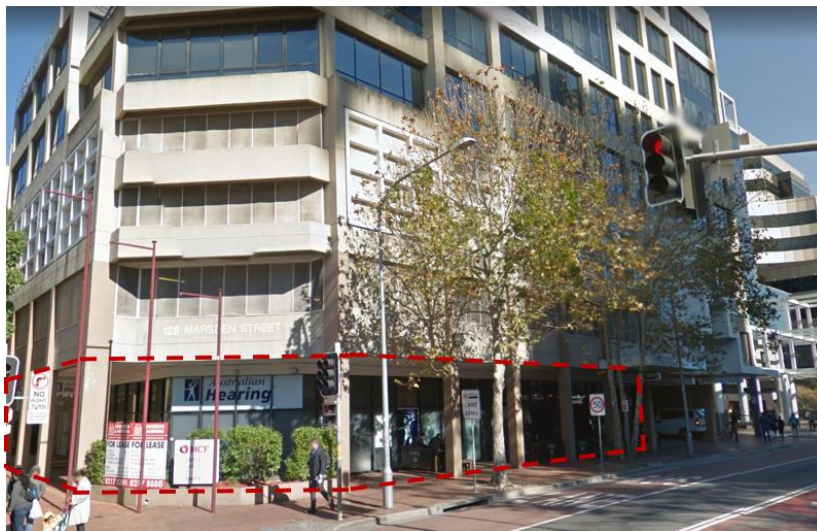


Figure 2 – Proposed colonnade to be filled-in viewed from the corner of Argyle and Marsden Streets



Figure 3 – Artist's impression of proposed works

ISSUES WITH THE PANEL'S DETERMINATION

6. The Panel's recommendation to reduce the Council Officer's recommended FSR control for the site to encourage retention of the existing colonnade on the building is inconsistent with the CBD Planning Proposal which has been adopted by Council and has received a Gateway Determination on 13 December 2018.
7. Under the proposed CBD Planning Proposal controls, an FSR control of 10:1 would apply to the site (effective FSR 6.4:1 after applying the sliding scale provision consistent with the CBD Planning Proposal Gateway Determination). The FSR of 6.4:1 sought by the applicant is consistent with the controls proposed under the CBD Planning Proposal Gateway Determination.
8. The current Parramatta Development Control Plan 2011 does not identify the subject site as requiring continuous awnings and/or colonnades (Section 4.3.3).
9. Reducing the FSR alone will not ensure the colonnade is retained. There are a number of reasons why reducing the FSR will not be an effective mechanism:
 - Council Officers have calculated that the FSR that would need to be applied to satisfy the Panel's recommendation (which is to only allow enough additional FSR to allow for the conversion of the carparks but not fill in the colonnade) is 5.87:1. Unless the CBD Planning Proposal is amended to apply a special site-specific FSR for this site of 5.87:1, then the applicant could simply fill in the colonnade when the CBD Planning Proposal is finalised at a later date.
 - The applicant could still make a choice at Development Application stage to apply to fill-in the colonnade using the permitted FSR instead of converting some of the carpark. If a Development Application was lodged in this form, there would be no policy framework which would require any consideration to be given to retaining the colonnade at Development Assessment stage.
 - The applicant could at the Development Application stage apply for a Clause 4.6 variation under Parramatta LEP 2011. This clause allows consideration of variations to the FSR of up to 5% in the Parramatta CBD. In this case a variation of 2.5% would be required to fill in the colonnade if the FSR of 5.87:1 is applied. As described above retention of the colonnade is not a requirement of Council's existing Development Control Plan. Given that the 2.5% variation would not result in any variation to Council's Development Control Plan controls there is a risk that this variation may be supported on planning grounds and the outcome would be loss of the colonnade.
 - Whilst the applicant has indicated that their intention is to convert the carpark and fill-in the colonnade, any amendments to the LEP controls should be applied strategically so that they apply regardless of the form of the redevelopment of the site. The owner is within their rights to change their mind and lodge an application for a complete knock-down and rebuild on this site. If the Panel's recommendation is endorsed by Council, there would be no requirement to retain the colonnade in a new Development Application. Should a new building be proposed, it would only need to comply with the new FSR of 5.87:1.

10. If the Council considers the Panel's recommendation to retain the colonnade should be implemented, a better way to achieve this is for a new provision to be included in the Parramatta Development Control Plan requiring retention of the colonnade. Inclusion in the Development Control Plan means the option will be more directly considered as part of the Development Assessment process.
11. Council's Urban Design team have no in-principle objection to the filling-in of the existing colonnade, subject to the implementation of design advice previously provided to the applicant in connection with a Development Application that the applicant did not proceed with lodging.
12. Council Officers maintain the position that the applicant's Planning Proposal, including an FSR of 6.4:1 be supported subject to:
 - a. Rezoning the site from B4 Mixed Use to B3 Commercial Core; and
 - b. Including a site-specific clause to replace Clause 7.3 of the Parramatta Local Environmental Plan 2011 with an alternate clause that applies the maximum car parking rates previously endorsed by Council as part of the CBD Planning Proposal.

CONSULTATION AND TIMING

13. Should Council resolve to proceed with a Planning Proposal for the site it will be forwarded to the Department of Planning and Environment for a Gateway Determination.
14. If a Gateway Determination is received, the Planning Proposal will be placed on public exhibition. A report on the outcomes of the public exhibition will be provided to Council addressing any objections received.

FINANCIAL IMPLICATION FOR COUNCIL

15. There are no financial implications related to this matter and there is no Planning Agreement associated with the Planning Proposal. A Planning Agreement is not required as the site is proposed to be zoned B3 Commercial Core and residential development is not permissible in this zone. Under Council's Planning Agreements Policy, commercial developments do not require a Planning Agreement.

Marko Rubcic
Project Officer Land Use Planning

Jonathon Carle
Land Use Planning Manager

Jennifer Concato
Acting Executive Director City Strategy and Development

ATTACHMENTS:

- | | | |
|----------|------------------------------------------------------------------------------|-------------|
| 1 | Detailed Assessment Report - Report to Local Planning Panel 19 February 2019 | 10
Pages |
| 2 | Planning Proposal - 128 Marsden Street Parrmatta | 38
Pages |
| 3 | Local Planning Panel 19 February 2019 Minutes | 2 Pages |

REFERENCE MATERIAL