

Greenway - 48 Macquarie Street and 220-230 Church Street, Parramatta

Proposal Title : **Greenway - 48 Macquarie Street and 220-230 Church Street, Parramatta**

Proposal Summary : **The proposal seeks to increase the maximum FSR that applies to the site to 10:1 to enable a mixed use development incorporating retail and residential uses.**

PP Number : **PP_2016_PARRA_004_00** Dop File No : **16/01908**

Proposal Details

Date Planning Proposal Received : **18-Jan-2016** LGA covered : **Parramatta**

Region : **Metro(Parra)** RPA : **Parramatta City Council**

State Electorate : **PARRAMATTA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **48 Macquarie Street, 220-230 Church Street**

Suburb : **Parramatta** City : **Sydney** Postcode : **2150**

Land Parcel : **Lot 1 DP 702291, Lot 1 DP 1041242, Lot B DP 394050**

DoP Planning Officer Contact Details

Contact Name : **Lillian Charlesworth**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

Greenway - 48 Macquarie Street and 220-230 Church Street, Parramatta

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 416
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : The Lobbyist Contact Register was checked on the 19 January 2016 and no contact with registered lobbyists has occurred regarding this proposal.

Supporting notes

Internal Supporting
Notes :

External Supporting Notes : The site has an area of 3,681 square metres and is currently occupied by 2 and 3 storey mixed use commercial and retail buildings, including the 'Greenway Plaza'. The proposal has the potential to establish 416 residential dwellings as well as retail and commercial services.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to amend the Parramatta Local Environmental Plan 2011 to increase the maximum permissible FSR to 10:1 in accordance with Council's adopted Parramatta CBD Planning Strategy.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : **PROPOSAL**
The planning proposal seeks to apply the following planning controls to land at 48 Macquarie Street and 220-230 Church Street, Parramatta:
- increase the maximum FSR from 3:1, 6:1 and 10:1 to 10:1 across the entire site.
Note: the maximum potential FSR would be 11.5:1 with a 15% design competition bonus;
- remove clause 7.2 (3), a site specific FSR provision; and
- amend the Special Provisions Area Map to remove Area 1 and Area 2 (the site), as clause 7.2 (3) will no longer apply.
DEPARTMENT COMMENT
The proposal is supported as it holds merit being consistent with regional, metropolitan and local strategies in terms of facilitating additional housing and employment in an area well served by public transport and infrastructure. This will assist in strengthening

Parramatta's role as Sydney's second CBD.

The proposal is supported, however, provided it is amended to ensure no overshadowing occurs between 12pm to 2pm of the protected area of public domain within Parramatta Square.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 65—Design Quality of Residential Flat Development

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

The proposal is considered to be consistent with relevant section 117 directions, with the exception of the following:

4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared.

This inconsistency is considered to be justified on the basis of minor significance, given that:

(a) the affection is by class 4 acid sulfate soils; and

(b) the matter will be further considered at development application stage under clause 6.1 of Parramatta Local Environmental Plan 2011.

Accordingly, it is recommended that the Secretary's delegate agree that the inconsistency is of minor significance.

4.3 Flood Prone Land

This direction is relevant as the proposal will alter a provision that affects flood prone land.

The planning proposal indicates that a small portion of the site (fronting Macquarie Street) is affected by the 1 in 20 and 1 in 100 year average recurrence interval events. It is also noted the entire site would be inundated in the event of a probable maximum flood. The diagram on page 31 (Figure 19) of the proposal, however, does not clearly indicate these events and a condition is recommended to amend the planning proposal to provide a more legible diagram.

The proposal also proposes certain design features that can mitigate flood impacts and measures to facilitate evacuation measures (refer to PP 30/31 of the proposal).

Given the small area of affection and the ability to provide design and other measures to mitigate impacts, it is considered that any inconsistency with the Direction is justified as of minor significance. It is recommended accordingly.

It is also recommended that the proposal be referred to NSW State Emergency Service for comment during the exhibition period.

2.3 Heritage Conservation - while not inconsistent with this direction, it is relevant to the proposal and is discussed, as follows;

This Direction applies to the planning proposal as it may affect items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. The site has high Aboriginal sensitivity, State archaeological significance and exceptional archaeological research potential.

The site is identified on the State Heritage Registry as Parramatta Archaeological Management Unit 3075. The Office of Environment and Heritage has been consulted and OEH reportedly recommends an archaeological assessment to be submitted prior to the public exhibition of the planning proposal.

Following further discussion, OEH now indicates that it is not necessary to prepare an archaeological assessment prior to exhibition and, in lieu, an archaeological assessment will be required prior to lodgement of a DA to inform the design of the development.

It is also noted Council's Heritage Officer has concluded that the proposal is acceptable noting the impacts are reasonable and expected in a CBD context.

It is considered that the proposal is consistent with this Direction given that any foreshadowed potential impacts on site archaeology can be adequately addressed.

Additionally, it is recommended that Council consult with the NSW Office of Environment and Heritage during public exhibition.

STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY No 55 - Remediation of Land
Contamination and remediation of land has not been addressed within the planning proposal. An appropriate condition is recommended.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Heritage map needs to be updated. Heritage item I656 listed in the planning proposal is a different size and shape to what is identified in the PLEP 2011 Heritage map. This map needs to be updated to show all items of heritage in their entirety on pages 23 and 27.

All other maps are adequate for public exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intend that the planning proposal be advertised in the local newspaper, displayed on Council's website, and written notification provided to adjoining owners.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The principal LEP was made in October 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to implement the Council's plan to provide dwellings in an area that is well provided with public transport access points, and closer to employment opportunities.**

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

This Direction does apply to the planning proposal.

The planning proposal is consistent with the plan as it will contribute to housing supply in an appropriate location, contributing to in close proximity to existing transport infrastructure and employment opportunities.

The planning proposal will also contribute to mixed-use development by activating employment uses on the site, resulting in a strengthening of the Parramatta Commercial Core.

PARRAMATTA 2038 COMMUNITY STRATEGIC PLAN

The planning proposal supports the community strategic plan as it will help achieve the goals outlined in the plan by facilitating an integrated mixed-use development in close proximity to public transport.

PARRAMATTA CBD PLANNING STRATEGY

The Parramatta CBD Planning Strategy supports Parramatta CBD as a commercial core. The subject site is on the boundary of this commercial core. The plan supports controls that encourage employment uses, targeting high-yielding employment.

The proposal is consistent with the strategy in this regard.

NSW LONG TERM TRANSPORT PLAN 2012

The planning proposal is consistent with the Transport Plan by locating both residential and employment generating uses close to an existing railway station and the foreshadowed future Western Sydney Light Rail, promoting the use of public transport and reducing reliance on private motor vehicles.

The planning proposal is consistent with all relevant regional and local strategies. Both Parramatta CBD Planning Strategy and A Plan for Growing Sydney support the Parramatta CBD as a commercial core.

Business agglomerations are considered to be beneficial to maintaining a commercial core, and supports the outer core as a more suitable residential area.

Environmental social economic impacts :

VEGETATION

The site is currently developed with commercial buildings and is therefore suitable for development. Proposed development does not involve any clearing or disturbance of vegetation.

URBAN DESIGN AND BUILT FORM

Future development on the site will be subject to an Architectural Design Competition and Development Application.

HERITAGE & ABORIGINAL ARCHAEOLOGY

The site does not contain any heritage items, nor is it located within a heritage conservation area under the PLEP 2011, however there are a number of local and state heritage items that adjoin and surround the site.

Both Council's heritage expert and the Heritage Issues Identification Report (prepared by NBRIS +Partners) determined the proposed built form will create an acceptable impact on the adjoining and nearby heritage items.

The impacts associated with the proposal are consistent with an emerging CBD context. The report provides that the proposal will not interfere with the significant views nor view corridors and will not cause any significant heritage impact on Old Government House. As such, the proposal does not require referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The report at Appendix 3 of the Planning Proposal) provides that the site falls within AMU3075 (i.e. the site is identified on the State Heritage Register as Parramatta Management Unit 3075 - the area has high potential to contain intact subsurface deposits, which may include remnants of convict housing) which contains the potential for exceptional archaeological research potential of State significance. The Report provides that an Archaeological Assessment of the site should be undertaken prior to any development or excavation on the site.

The report also provides that any potential archaeological resources discovered on the site may be displayed on site to contribute a beneficial heritage impact. Further, the report indicates that the existing LEP controls permit a CBD type development that would permit basement car parking.

The proposed LEP amendment does not involve a significant heritage impact. Heritage and archaeological preservation and conservation can be dealt with during the DA stage before any development or excavation occurs on site.

As a condition of a Gateway determination, Council will be required to consult with the NSW Office of Environment and Heritage during the period of public exhibition.

TRANSPORT AND ACCESSIBILITY ASSESSMENT

A Traffic and Transport Assessment has been prepared by ARUP on 16 April 2015. The assessment is supportive of the proposal and considers that the anticipated traffic generation will not have an adverse impact on the surrounding road intersections and that the forecast increase in traffic movements is considered to be modest. Council's traffic and transport section found the proposed development has satisfactory parking and traffic impacts.

The Council has advised that broader traffic modelling is currently being undertaken to support the Parramatta CBD planning proposal, that has recently been lodged with the Department. It is recommended that this site specific planning proposal should progress to exhibition however, the proposal should be reviewed prior to finalisation, having regard to the results of the broader traffic modelling - when it is completed. This review should include confirmation of the appropriate FSR and the cumulative impacts of the increased FSR across the CBD.

Appropriate conditions are recommended.

FLOODING

A portion of the site fronting Macquarie Street is affected by 20 and 100 year Average Recurrence Interval (ARI) events. The site is also impacted by a Probable Maximum Flood

(PMF) event. The flood prone land is considered minor and may be satisfactorily dealt with during the Development Application process.

ACID SULFATE SOILS

An Acid Sulfate Soils Management Plan will be required to support any future development application in accordance with the existing provisions of Parramatta Local Environmental Plan 2011.

SUN ACCESS

A. MAXIMUM HEIGHT OF BUILDINGS

There is no numerical height control that currently applies to the subject site and the planning proposal does not seek to amend the height of building controls.

The maximum height of buildings for the site is determined by clause 7.4 Solar Access of Parramatta LEP 2011. The objective of this clause is to protect public open space in Parramatta Square, the Lancer Barracks site and Jubilee Park from excessive overshadowing. This clause requires that:

"the consent authority, in determining a development application, must take into consideration the relevant sun access plane controls specified for that land in section 4.3.3 of the Parramatta Development Control Plan (DCP)."

In effect, this means that the maximum height of buildings within large parts of the commercial core and central areas of the Parramatta CBD are set by parameters within a development control plan, rather than a local environmental plan, and therefore subject to amendment without proceeding through the plan making process.

There are no sun access plane controls within the DCP for Parramatta Square. Instead, page 258 of the DCP sets the following overshadowing (height) control for land affected by clause 7.4:

"overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3. Individual buildings shall be designed so that no single point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter."

It should be noted that the previous version of the DCP contained the following sun access control:

"overshadowing is not to occur within the area outlined in red in Figure 4.3.3.7.3 between mid-winter 12-2pm."

The area in red (referred to) is equivalent to only 31.5 percent of the public domain in Parramatta Square, resulting in the majority of the public domain being unprotected from overshadowing and the protected area will still be potentially subject to a moving wall of overshadowing during the lunch period, when pedestrian activity is at its peak.

Given the critical importance of overshadowing to the usage and success of the public domain within Parramatta Square, which is the focal point for Sydney's second CBD, it is recommended that there should be no additional overshadowing of the protected area of the public domain within Parramatta Square between 12 noon and 2pm.

Consequently, a suitable amendment to clause 7.4 and the height of building map to implement this recommendation should form a condition of the Gateway determination.

B. MAXIMUM FSR

The Council resolution required that the applicant provide a reference design providing an FSR within the range of 8 to 10.5:1, demonstrating compliance with the sun access provisions and the SEPP65 Apartment Design Guide to enable the CEO to determine an exact FSR prior to seeking a Gateway determination.

Council staff are satisfied that the Council resolution - to enable a maximum FSR of 10:1 for the site, complies with the existing overshadowing controls currently in place.

The sun access provisions referred to in the resolution are those within the DCP and enable 45 minutes of overshadowing within a nominated area of Parramatta Square. Previous versions of the DCP afforded a greater level of protection to Parramatta Square. As stated previously, it is considered that protection of solar access to the Square is critical, therefore it is recommended that the planning proposal be amended to ensure that the maximum FSR for the site (including any design competition FSR bonus) be determined by requiring that development of the site does not result in any additional overshadowing of the protected area within Parramatta Square from 12 noon to 2pm in mid-winter.

ECONOMIC IMPACTS

The proposal will facilitate the redevelopment of an inner-city retail and commercial block, and is expected to stimulate and attract high quality retail and residential floor space. This will provide further growth within an under developed portion of the City Centre.

SOCIAL IMPACTS

This planning proposal will facilitate a supply of housing in an appropriate location which is considered to assist in ameliorating this undersupply and, as such, will result in an improved social outcome.

This proposal will offer a dwelling supply in close proximity to employment opportunities. Further investigations will be undertaken as part of the preparation of the DA material to determine whether any upgrade of existing public facilities is required.

CUMULATIVE IMPACTS

There are seven (7) planning proposals for CBD sites currently awaiting Gateway determination that will precede Council's CBD planning proposal, which has recently been lodged with the Department for Gateway determination.

As the six (6) recommended proposals are likely to collectively generate a significant cumulative impact in terms of infrastructure requirements (including transport, health, social services, education and recreation) and where applicable - aviation safety, it is recommended that these be simultaneously exhibited and forwarded to public agencies for comment.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d)	Department of Education and Communities Office of Environment and Heritage Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services State Emergency Service Sydney Water Telstra Other		

Greenway - 48 Macquarie Street and 220-230 Church Street, Parramatta

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
01. Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Traffic and Assessment Report.pdf	Study	Yes
Heritage Issues Identification Report.pdf	Study	Yes
Parra Sq Shadow Investigation.pdf	Study	Yes
Urban Design Analysis Part 01.pdf	Study	Yes
Urban Design Analysis Part 02.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 6.3 Site Specific Provisions

Additional Information : **SECTION 117 DIRECTIONS**

It is considered that any inconsistency with Section 117 Directions 4.1 Acid Sulfate Soils and s.117 Direction 4.3 Flood Prone Land are of minor significance.

Should the planning proposal proceed, it is recommended the delegate agree that these inconsistencies are of minor significance.

DELEGATION OF PLAN MAKING FUNCTIONS

Council has requested that it exercise the Greater Sydney Commission's plan making function for this planning proposal.

This request is not supported given the large number of planning proposals recently submitted for Gateway determination within the Parramatta CBD, prior to Council's Parramatta CBD Planning Strategy and associated CBD planning proposal, which has recently been lodged and has not been assessed and endorsed by the Department.

Accordingly, it is recommended that the delegate not agree to delegation to Council.

RECOMMENDATION

It is further recommended that the Planning Proposal proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:

- (a) amend the Explanation of Provisions to indicate that the planning proposal will:
 - (i) amend clause 7.4 Sun Access, to ensure no overshadowing occurs between 12pm - 2pm of the protected area of public domain within Parramatta Square (Note: this is not intended as a site specific control but will apply to all land affected by clause 7.4);
 - (ii) amend the proposed maximum FSR to ensure that the maximum potential FSR, including design excellence bonus, will not result in any overshadowing of the existing protected area of Parramatta Square in accordance with the current red outlined area in Figure 4.3.3.7.3 of Parramatta Development Control Plan 2011 and will enable compliance with the SEPP65 Apartment Design Guide.
- (b) update the Heritage map on page 23 and page 27 of the planning proposal to represent the current Parramatta Local Environmental Plan 2011 Heritage map (6250_COM_HER_010_010_20150122);
- (c) include an assessment of State Environmental Planning Policy No.55 - Remediation of land, within the planning proposal in relation to the site; and
- (d) include a legible diagram in the planning proposal to indicate flood affectation.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days;
- (b) Council must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013),
- (c) figure 4.3.3.7.3 of Parramatta Development Control Plan 2011 is to be included within the exhibition materials; and
- (d) include an assessment of State Environmental Planning Policy No.55 - Remediation of land, within the planning proposal in relation to the site.

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act, as follows:

- Office of Environment and Heritage - Heritage Division
- Office of Environment and Heritage
- Department of Education and Communities
- Transport for NSW - Ferries
- Transport for NSW - Sydney Trains

- Transport for NSW - Roads and Maritime Services
- State Emergency Service
- Telstra
- Sydney Water
- Endeavour Energy

4. The planning proposal is to be concurrently exhibited and forwarded to public authorities for consultation under a single covering letter, together with the following six other planning proposals that were issued with a Gateway determination on the same day and are identified in the Department's covering letter to Council:

- 295 Church Street, Parramatta (PP_2016 PARRA 002 00)
- 122 Wigram Street, Harris Park (PP_2016 PARRA 006 00)
- 14-20 Parkes Street, Harris Park (PP_2016 PARRA 007 00)
- 2-10 Phillip Street, Parramatta (PP_2016 PARRA 010 00)
- 66 Phillip Street, Parramatta (PP_2016 PARRA 012 00)
- 180 George Street, Parramatta (PP_2016 PARRA 016 000)

Each public authority is to be provided with a copy of each of the seven planning proposals, a copy of the Parramatta CBD Planning Strategy and any relevant supporting material prepared for each proposal and the Strategy, and given at least 28 days to comment on the proposals.

5. A public hearing is not required to be held into the matter by any person or body under section 56(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).

6. Prior to submitting the proposal to the Department for finalisation the proposal should be reviewed, and amended where necessary, having regard to the mesoscopic modelling (and consultation with Transport for NSW and Roads and Maritime Services) undertaken for the Parramatta CBD planning proposal. This review should include confirmation of the appropriate site specific FSR in the context of the cumulative traffic impacts of increased FSR controls across the CBD.

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal holds merit as it is consistent with regional, metropolitan and local strategies in terms of facilitating additional housing and employment in an area well served by public transport and infrastructure. This will assist in strengthening Parramatta's role as Sydney's second CBD.

The proposal has not been assessed in terms of cumulative impact on local and State infrastructure or aviation safety and therefore this proposal should be jointly exhibited and considered by public agencies together with similar current proposals within the Parramatta CBD.

As Parramatta Square is the focal point of Sydney's second CBD and overshadowing plays a key role in ensuring its maximum usage, enjoyment and success, the sun access controls for the public domain within Parramatta Square should be contained within Parramatta Local Environmental Plan 2011 and ensure no overshadowing of the existing protected area between 12pm and 2pm.

Signature:



Printed Name:

T DORAN

Date:

13/6 3/6/16

