

Place, Design and Public Spaces

IRF19/2113

Plan finalisation report

Local government area: City of Parramatta

1. NAME OF DRAFT LEP

Parramatta Local Environmental Plan 2011 (Amendment No 37).

2. SITE DESCRIPTION

The draft LEP applies to land at 2-6 Hassall Street, Parramatta (**Figure 1**). The three parcels of land which make up the subject site are known as Lot 22 in DP608861, Lot 62 in DP1006215 and Lot 7 in DP128820.

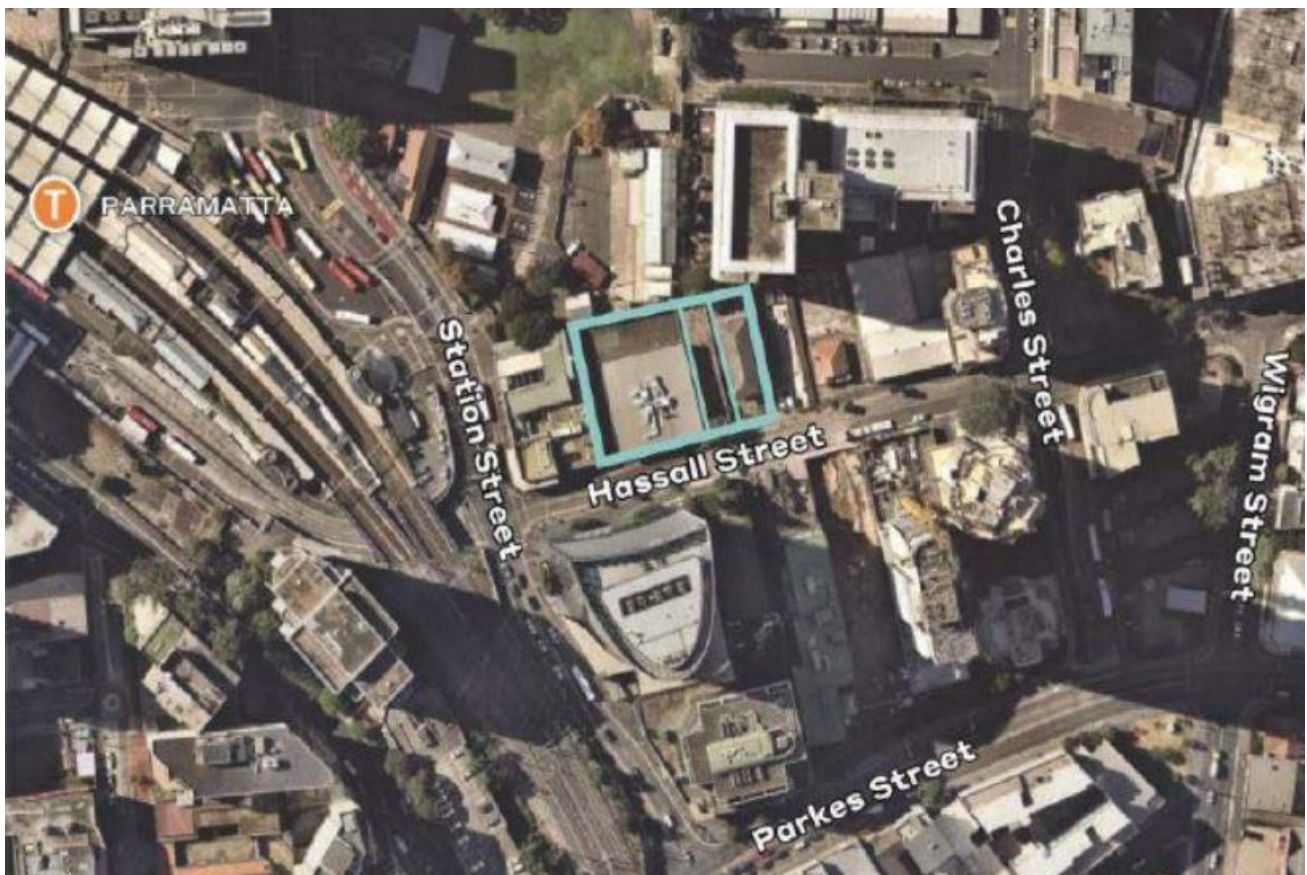


Figure 1 – Subject site (shown in blue outline) (Source: Planning Proposal).

The subject site has a combined area of 2,647m². In accordance with DA714/2018, Council granted consent for the demolition of structures, tree removal and archaeological investigations on the site and all buildings have subsequently been removed.

The site is in the Parramatta CBD, approximately 100m east of the Parramatta transport interchange. The adjoining building to the west on the corner of Hassall Street and Station

Street East is the two-storey heritage-listed Commercial Hotel. Adjoining the site to the east is a vehicular access handle to 1 Charles Street, which provides access to the 17-storey public administration building occupied by NSW Police (Curtis Cheng building). The site to the north contains the state heritage listed Lancer Barracks, consisting of multiple low-rise period buildings.

3. PURPOSE OF PLAN

The planning proposal seeks to amend Parramatta LEP 2011 by increasing the FSR and maximum building heights whilst introducing site specific provisions relating to energy efficient building design and maximum parking rates.

The proposed outcomes will be achieved by:

- Amending the maximum height in the Height of Buildings Map (Sheet HOB_010) from 72m to 86m;
- Amending the maximum FSR in the Floor Space Ratio Map (Sheet FSR_010) from 6:1 to 10:1; and
- Introduction of a local provision which:
 - imposes a maximum parking rate for commercial development on site;
 - requires high performing buildings; and
 - requires dual water pipes.

The reference design (**Attachment C1**) indicates the planning proposal will enable a building with a 10:1 FSR (11.5:1 with design excellence) capable of achieving a height of 22 storeys (86m) with floor plates which range between 1,296m² to 1,965m² of Net Leasable Area (NLA). The total NLA for the building is 28,856m².

The reference design may generate up to 1,200 jobs for the Parramatta CBD.

City of Parramatta Council also proposes to amend the Parramatta Development Control Plan (DCP) 2011 to ensure appropriate development controls are established to support the intent of the draft LEP.

The Department is currently considering a state significant development application for the Western Sydney University innovation hub on the subject site (**Figure 2**). The application was exhibited from 23 May to 19 June 2019. The development involves the construction of a 19-storey mixed-use development incorporating education uses for Western Sydney University, commercial and retail uses. The proposal also includes landscaping, public domain, services augmentation and infrastructure works. The proposed development is consistent with the height and FSR identified by the draft LEP.



Figure 2 – Artist impression of new development (shown right) behind the existing Commercial Hotel (shown left) (Source: Drawing package of state significant development)

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Parramatta State Electorate. Dr Geoff Lee MP is the State Member for Parramatta.

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

To the regional 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 with respect 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 14 June 2018 (**Attachment B**) determined that the proposal should proceed subject to conditions.

The Gateway determination required consideration of additional building height to enable a flexible approach to design outcomes and ensure the proposed maximum height is consistent with the emerging character of Hassall Street and the broader Parramatta CBD.

The updated planning proposal has noted that the proposed building height control of 86m is considered flexible enough to enable a variety of design outcomes and ensure the height of a future proposal is consistent with the emerging character of Hassall Street and the broader Parramatta CBD. The planning proposal is consistent with the Parramatta CBD Planning Proposal.

The draft LEP is consistent with the Gateway conditions.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 5 September 2018 to 5 October 2018. No submissions were received from adjoining land owners.

The draft LEP was considered by the Local Planning Panel on 19 February 2019 where it was resolved to support the draft LEP for finalisation.

Council considered the draft LEP on 11 March 2019 and resolved to support the draft LEP.

7. ADVICE FROM PUBLIC AUTHORITIES

The Gateway determination required Council to refer the planning proposal to Office of Environment and Heritage – Heritage Division (OEH), Office of Environment and Heritage, Transport for NSW and Roads and Maritime Services (RMS).

Submissions were received from each notified agency. A summary of each submission is provided below:

OEH

OEH have provided comments (**Attachment D1**) in relation to aboriginal cultural heritage and sustainability and building design. Their comments are discussed below.

Aboriginal Cultural Heritage

OEH have raised concern with the lack of an Aboriginal cultural heritage assessment given the potential of the site to contain aboriginal cultural material.

Sustainability and Building Design

OEH have recommended that the development incorporate green walls, green roof and/or and cool roof into the design via the site specific DCP. OEH have noted the benefits of introducing vegetation into a design including ecological processes and reducing heat impacts of the building upon the locality.

OEH have offered support for the site-specific clause that will require a high performing building be constructed (with respect to energy efficiency) and dual water pipes.

OEH – Heritage Division

OEH have considered the heritage study (**Attachment C2**) and visual impact assessment report (**Attachment C3**) and raised no concern with the likely impact of the reference design (**Attachment C1**) upon Lancer Barracks or Parramatta Rail Station.

The Heritage Division provided comments (**Attachment D2**) raising concerns with the reference design (**Attachment C1**) having a parapet height 2.3m higher than the parapet height of the commercial hotel.

Transport for NSW

Transport for NSW provided comments (**Attachment D3**) suggesting that consideration should be given to cumulative impact of additional density on existing footpath capacity, particularly at the Hassall Street/Station Street East intersection.

Roads and Maritime Services (RMS)

The RMS provided comments (**Attachment D4**) where they suggested that all site-specific planning proposals be deferred until the CBD planning proposal is finalised so that the cumulative traffic impacts can be considered. The Department notes the RMS's concerns but also recognises the ability for site specific planning proposals to be considered on their merits.

The RMS noted that should the Department be of a mind to support the site-specific planning proposal then matters relating to traffic generation, traffic management, pedestrian generation, parking rates and funding mechanisms for state and regional transport infrastructure to support the growth of the Parramatta CBD should be considered. These matters are considered in Section 9 of this report.

8. POST-EXHIBITION CHANGES

Minor amendment has been made to the draft LEP post-exhibition and relate to the identification of the site on the map sheets and the legal drafting of the instrument and do not materially change the intent of the planning proposal. Council have agreed to the changes (**Attachment G**).

It is not considered that the change warrants re-exhibition of the draft LEP as it does not alter the outcome for the site and allows easy identification of the site to which the amendment relates.

9. ASSESSMENT

Section 9.1 Directions

The draft LEP is generally consistent with the section 9.1 Directions. The Gateway determination required further consideration of section 9.1 Directions 2.3 Heritage Conservation, which is provided below.

Direction 2.3 Heritage Conservation

The Direction aims to conserve items, objects and place of environmental heritage significance.

The adjoining site to the north is the state and commonwealth heritage listed Lancer Barracks, consisting of multiple low-rise period buildings. The adjoining building to the west on the corner of Hassall Street and Station Street East is the two-storey locally heritage-listed Commercial Hotel. Parramatta Railway Station is listed on the Parramatta LEP 2011 and the State Heritage Register.

The Gateway determination noted that Direction 2.3 Heritage Conservation remained unresolved and required further consideration following consultation with relevant public authorities.

In accordance with the Gateway determination, Council consulted with Office of Environment and Heritage – Heritage Division. As discussed above, the comments from the OEH have been appropriately addressed.

The Direction notes that a planning proposal must contain provisions that facilitate the conservation of items, objects and place of environmental heritage significance. Clause 5.10 Heritage Conservation of PLEP 2011 enables heritage matters to be addressed at the Development Application stage.

Council formed the view that the planning proposal was consistent with this Direction and there are provisions in Council's LEP and under the Heritage Act to ensure appropriate consideration of heritage matters and therefore it is recommended that the delegate of the Secretary agree that there is no inconsistency with this Direction.

State environmental planning policies

The planning proposal has addressed and is consistent with all relevant SEPPs.

Central City District Plan

The planning proposal aligns with the directions and planning priorities outlined in the plan, having particular regard to the growth of the Parramatta CBD (Priority C7) and the expansion of employment-generating uses on the site (Priorities C7 and C8).

It is considered that the proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Traffic

The RMS and Transport for NSW raised concerns with traffic in response to the consultation process.

Council have addressed the concerns (**Attachment E3**) of the RMS by noting that a traffic report (**Attachment C4**) deals with traffic generation, traffic management, pedestrian generation and parking rates. The traffic report notes that the likely impact on the locality are minimal.

With respect to the comments by the RMS relating to funding mechanisms for state and regional transport infrastructure to support the growth of the Parramatta CBD, as the draft LEP seeks to facilitate commercial development and imposes maximum carparking rates, the Department is satisfied that no contributions towards regional infrastructure is required. Local contributions under Council's section 7.12 plan will be considered as part of the DA assessment.

The comments raised by the RMS do not warrant amendment to the draft LEP. Furthermore, their comments have been adequately addressed by council (**Attachment E3**).

Aboriginal Heritage

City of Parramatta Council approved a development application (DA714/2018) for the demolition of existing structures, tree removal and archaeological investigations on the site. The assessment report for the development application noted that the site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database.

An Aboriginal Archaeological Assessment was submitted with the development application which recommended that an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the *National Parks & Wildlife Act 1974* be obtained to account for any impacts upon items of Aboriginal cultural significance.

Council has advised that the application was referred to the Office of Environment and Heritage for comment and they raised no objections to the application and did not issue any general terms of approval under the *National Parks & Wildlife Act 1974*.

Heritage

The site to the north contains the state and commonwealth heritage listed Lancer Barracks, consisting of multiple low-rise period buildings. The adjoining building to the west on the corner of Hassall Street and Station Street East is the two-storey locally heritage-listed Commercial Hotel. Parramatta Railway Station is also listed on the Parramatta LEP 2011 and the State Heritage Register.

Council have noted that the reference design is only a guide to a future development outcome. The state significant development application (SSDA) has addressed this issue by creating a large void, with a raised podium, adjacent to the Commercial Hotel (**Figure 3**). This is a matter of detail design and will be subject to further consideration.

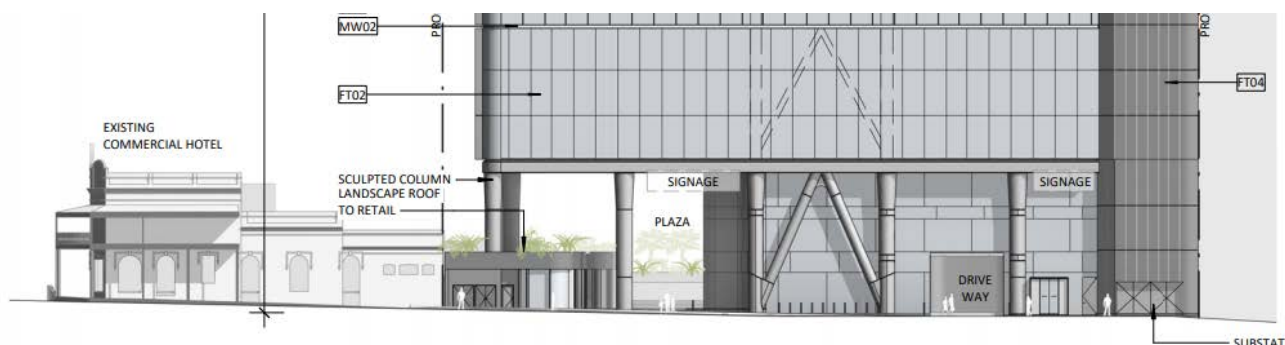


Figure 3 – Street level south elevation (Source: SSDA Design Report)

It is not considered that comments raised by the OEH – Heritage Division warrant amendment to the draft LEP. Furthermore, their comments have been adequately addressed by council (**Attachment E3**) and there is an ability to resolve detailed design issues through the assessment of the SSDA.

Environmental

The site is currently subject to an early works development application approved by council under DA/66/2019. The early works consist of bulk excavation, shoring and piling works to create a basement level and lift pit. The earthworks have resulted in the likelihood of impacts upon flora, fauna and ecological communities to be negligible.

OEH have recommended that the development incorporate green walls, green roof and/or and cool roof into the design via the site specific DCP. OEH have noted the benefits of introducing vegetation into a design including ecological processes and reducing heat impacts of the building upon the locality.

The preparation of the DCP is a matter for council to consider. It is not a matter for the Department to consider in the finalisation process.

It is not considered that comments raised by the OEH warrant amendment to the draft LEP. Furthermore, their comments have been adequately addressed by council (**Attachment E3**).

Voluntary Planning Agreement

A voluntary planning agreement (VPA) has not been offered by the proponent as the planning proposal seeks to offer commercial floorspace only (no residential floorspace is offered) and Council do not seek additional contributions over and above their existing Section 7.12 plan for commercial development.

10.MAPPING

The draft LEP seeks to amend the following mapping:

- Floor Space Ratio Map (Sheet FSR_010); and

- Height of Buildings Map (Sheet HOB_010).

The mapping (**Attachment Maps**) have been examined by GIS staff and meet the appropriate technical requirements.

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 F**). Council confirmed on 24 July 2019 that it was happy with the draft and that the plan should be made (**Attachment G**).

12. PARLIAMENTARY COUNSEL OPINION

On 26 July 2019 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

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 as:

- The draft LEP gives effect to the District Plan;
- The draft LEP will assist with the redevelopment of the locality it will and support the growth of the Parramatta CBD; and
- Provide opportunities for commercial (and other non-residential uses) within the commercial core of the Parramatta CBD.



30/7/2019

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1/08/2019

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