

Planning Services

Plan Finalisation Report

Local Government Area: Parramatta

PP Number: PP_2016_COPAR_05_00

1. NAME OF DRAFT PLAN

Liverpool Local Environmental Plan 2011 (Amendment No. 23) (the draft Plan).

2. SUBJECT LAND DESCRIPTION

The Site

The draft Plan applies to land at 153 Macquarie Street (Lot 1 DP863571) and Part 1A (Lot 2 DP1192394) Civic Place, Parramatta. The land is Council owned and located in Parramatta Square, within Parramatta City Centre Central Business District (CBD). The site has a total area of 4,533sqm and 72.6m frontage to Macquarie Street. A location map is at [Tab C](#).

The site is located close to the Lancer Barracks, a State Heritage listed item and protected area of Parramatta Square. The site is cleared and partially excavated.

Development Proposals

The site is subject to three approved development applications (DA). These include:

- demolition of the former Australia Post building (DA/865/2014);
- early works to facilitate Aboriginal and European archaeological and cultural heritage investigations and salvaging (DA/414/2015); and
- development of '3 Parramatta Square' for construction of three level basement parking with 183 parking spaces, essential services at ground level and land subdivision (DA/385/2015).

Following a competitive design excellence process in June 2016, a separate DA (DA/76/2017) was lodged with Council. The DA is for construction of a commercial building above a podium with ground level retail floor space and basement parking. The proposed commercial building will consist of 17 levels above 4 basement levels with maximum height of 83.5m and a total Gross Floor Area of 45,938sqm of commercial floor space over some 1,979sqm of retail space located at ground floor. The DA was exhibited during 9 March 2017 to 10 April 2017 and is being assessed by Council.

The DA/76/2017 triggered the need to amend the existing development standards that apply to the site as follows:

- increase the maximum floorspace from 8:1 to allow up to 46,200sqm Gross Floor Area (10.14:1) on the site; and
- remove the current maximum building height (54m) on the site and allow the height to be determined based on solar access provision.

3. PURPOSE OF PLAN

The planning proposal was submitted to the Department on 20 December 2016. The proposal is to facilitate the re-development of the site for the proposed commercial building with a maximum gross floor area of 46,200sqm (FSR 10.14:1). The Planning Proposal seeks to deliver approximately 1400 jobs.

The proposal will amend Parramatta Local Environmental Plan 2011 (Parramatta LEP) to allow construction of a new commercial building with increased height and floor space ratio controls contained in the LEP for the site subject to:

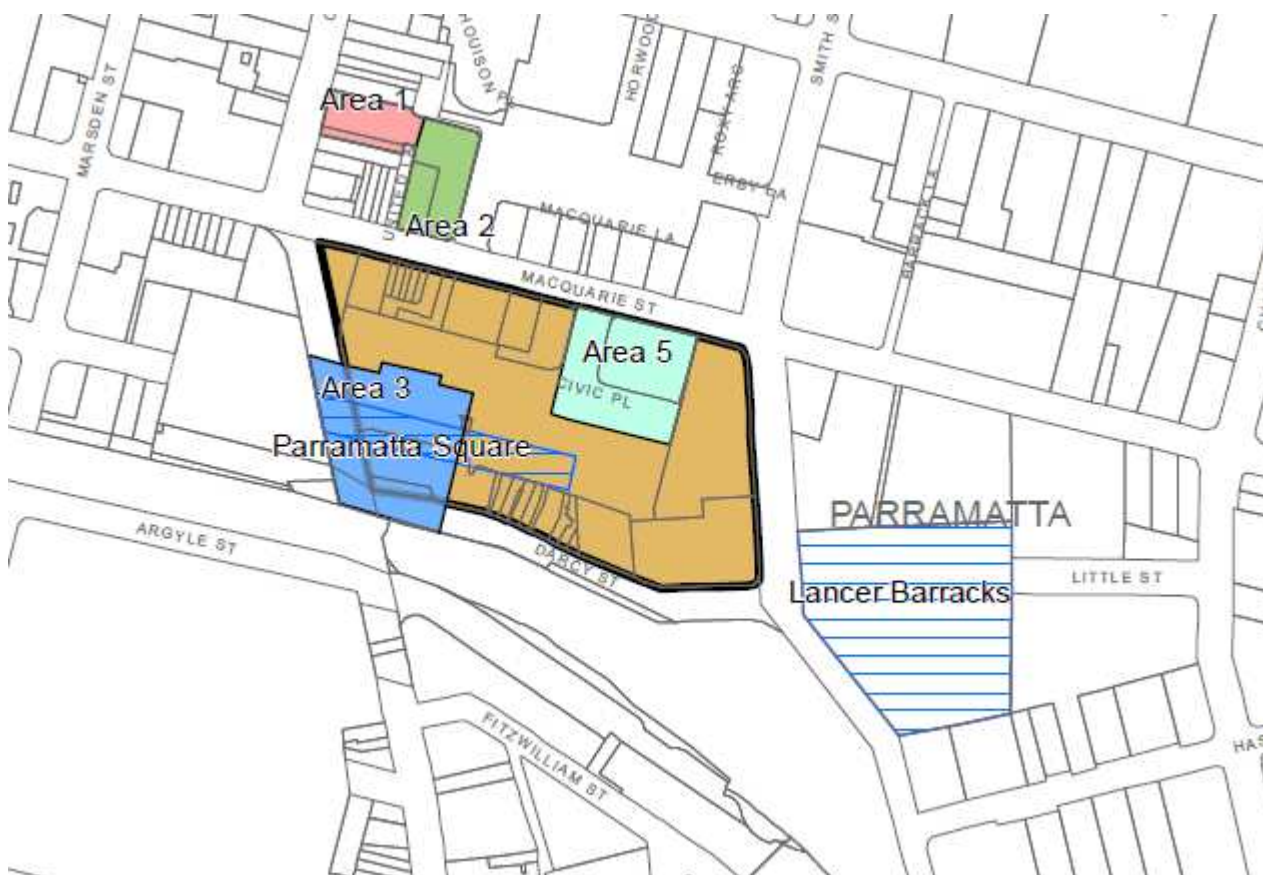
- a competitive design excellence process with regard to the design criteria in clause 7.10(4) of the Parramatta LEP 2011;
- contains 90% commercial floor space with no residential components;
- a height or form of a building which does not result in any additional overshadowing of Lancer Barracks or the protected area of Parramatta Square between 12noon and 2pm on 21 June each year; and
- a building with a gross floor area that does not exceed 46,200sqm.

The proposal will allow an increase of 3,500 sqm gross floor area than the current controls applying to the land. No zoning change and no maximum height are proposed on the site. The height will be dictated by the solar access provisions which protects the nearby heritage buildings – Lancer Barracks and the protected area of Parramatta Square. The aims of the planning proposal will be achieved through insertion of an additional clause to the Parramatta LEP 2011 (Tab CI) and the site identified on a Key Sites Map (CL1 – 010) ([Tab Map](#)).

The planning proposal was independently reviewed due to Council's direct interest in the site.



Site location



Proposed Key Site Map

4. STATE ELECTORATE AND LOCAL MEMBER

The Member for Parramatta is Dr Geoffrey Lee MP. Sydney Region West is not aware of Dr Lee making any direct representations on the planning proposal to date.

Council has informed the Department that no representations have been received with regards to this proposal from State or Federal members of Parliament. Council also advised that it has not met with the Minister in relation to this planning proposal.

5. CONSISTENCY WITH GATEWAY REQUIREMENTS

A conditional Gateway determination was issued on 28 February 2017, as altered on 2 March 2017. Conditions 1(a) and (b) of the Gateway determination required the following changes be made to the planning proposal:

1(a) Amend the Explanation of Provisions by removing the reference to clause 4.3 from point 1(2)

Council has removed the reference to clause 4.3 in the explanation of provisions prior to public exhibition.

1(b) Amend the Explanation of Provisions by deleting 1(d) and replacing with 'the development results in a building with a height or form such that it does not result in any additional overshadowing of Lancer Barracks or the protected area of Parramatta Square between 12noon and 2pm midwinter'

Council has satisfactorily replaced the text as required in the Gateway determination condition 1(b), to protect additional overshadowing on Lancer Barracks and part of the Parramatta Square between 12noon and 2pm on 21 June each year. The planning proposal was publicly exhibited with these changes.

1(c) Include overshadow diagrams from 12noon to 4pm midwinter

This condition was inserted for public exhibition purpose only. Council advises that the public exhibition package included overshadow diagrams from 12noon to 4pm midwinter for the public to clearly understand the impact of the potential development on the surrounding area, including Lancer Barracks site and on the nominated solar protection area of Parramatta Square within this time. It is considered that this condition has been satisfactorily adhered to by Council.

The planning proposal is now consistent with the Gateway determination, and it is recommended that it should proceed to finalisation.

6. PUBLIC CONSULTATION

6.1 Agency Consultation

In accordance with the Gateway determination, six public authorities were consulted as required under Section 56(2)(d) of the EP&A Act 1979 and the Gateway Determination.

Three (3) submissions were received by Council from the Office of the Environment and Heritage, Transport for NSW and Roads and Maritime Services.

Office of Environment and Heritage

The submission raised the following concerns and comments:

- notes that the planning proposal is not accompanied by any heritage reports nor has the independent assessment report assessed the potential impacts of the proposal on the heritage items in the vicinity;
- recommends that a heritage impact assessment be undertaken prior to the finalisation of the proposal;
- general concern expressed with the number of site specific planning proposals across the Parramatta CBD and the potential cumulative impacts they may have on significant heritage items; and
- note that the Heritage Council has previously issued approvals on the site for archaeological salvage, testing, monitoring and recording of relics and deposits. Seek clarification as to whether any additional levels of basement parking are required.

Council response

The site is not a heritage item. It is, however, identified as a potential State Archaeological significance due to its known early history. The site is also located within proximity to a 'convict drain', an item of local significance in the Parramatta LEP 2011.

As part of the development approval (DA/414/2015) on the site by Council in August 2015 for early works to facilitate the Aboriginal and European archaeological and cultural heritage investigations and salvaging, all relevant Aboriginal Heritage Impact Permit (AHIP) and s140 and s144 permits were obtained. These works have now been completed in accordance with relevant development consent conditions and permits. Council further advised that the planning proposal (and resultant additional floor space) will not result in

any deeper excavation of the site or necessitate further approvals (under s140 and 144 of the Heritage Act 1977). Council has clarified this matter with Office of Environment and Heritage (OEH).

As part of the CBD Planning Proposal Council had a heritage assessment prepared by which reviews the potential impact and issues associated with the scale, density and height increases proposed across the whole of the CBD. The CBD planning proposal is currently being considered by the Department for Gateway. The proposal is to allow commercial developments without any FSR restrictions as long as the development complies with the solar access provisions with respect to Lancer Barracks and Parramatta Square. No additional heritage impact assessment is needed.

A development application (DA/76/2017) has been lodged with Council for the site for a commercial building with a density of 10.14:1 and maximum height of 83.5m. The development application was publicly exhibited during March and April 2017 with a detailed heritage impact assessment and a reference design which demonstrates that there is no additional overshadowing of the Lancer Barracks site as a result of the proposal and that there is no overshadowing of the nominated solar protection area of Parramatta within the hours of 12noon and 2pm on 21 June each year. Council does not consider an additional heritage impact assessment is needed.

Department

The site is not a heritage item. The Gateway determination for the planning proposal did not require a heritage impact assessment to be prepared.

The planning proposal seeks to allow an additional 3,500sqm commercial floor space on the site. The proposed provisions will also ensure that there is no additional overshadowing of the Lancer Barracks site and that there is no overshadowing of the nominated solar protection area of Parramatta Square within the hours of 12noon and 2pm on 21 June each year.

Council has satisfactorily addressed the matters raised by the OEH in regards to heritage impact assessment and potential cumulative impacts of CBD proposals on the significant heritage items.

Transport for NSW & Roads and Maritime Service

The submission received raised the following concerns and comments:

- Council should undertake a cumulative assessment for all sites with proposed land use change within Parramatta CBD prior to approving any site-specific planning proposals;
- dealing with the subject planning proposal could set a precedent for broader development controls in the CBD that may have implications for transport and land use planning for the broader CBD planning proposals;
- recommends that the DP&E be satisfied that suitable material public benefit is provided by the Planning Proposal; and
- Council review the development controls relating to parking provision on the site with view to ensuring vehicle movements can be accommodated on the road network.

Council response

As part of the CBD planning proposal there is already a process underway to assess the cumulative traffic impact by way of a Strategic Transport Study and other modelling

methods. There are ten (10) site specific planning proposals that have been issued Gateways each containing a condition which states that the site-specific planning proposal should not be finalised until the mesoscopic modelling is undertaken.

Cumulative traffic impact assessment was not required for this proposal as there is already a DA approved for the site and the potential traffic generated by the additional floor space of 3,500sqm is minor compared to the potential uplift considered on other CBD sites. The site is only a small portion of the Parramatta Square Redevelopment. The theoretical traffic generation arising from the increase in floor space amounts to an estimated 14 movements per hour which would be of negligible impact to the traffic generated by other CBD proposals.

Council advises that the existing carpark approved (183 carparking spaces) is less than 50% of the maximum car-parking that could be provided on site. The car parking to be provided on the site is not excessive compared to 427 spaces that could be provided if the existing full car parking rates were applied.

The issue raised in relation to the ability of the immediate road network to accommodate the development of the site has already been assessed as part of the development application, which approved the basement level car parkings across the Parramatta Square site.

Council does not consider that this proposal would set a precedent given the minor nature of the increase in floorspace compared to the other Site Specific planning proposals currently being considered in the CBD.

On the issue of public benefit raised in the submission Council has advised that the infrastructure funding framework contained within the Parramatta CBD Planning Proposal only applies to residential development. Given the strategic importance of increasing the quality and quantity of commercial floor space in the CBD the requirement for a contribution to infrastructure will not be applied to commercial floor space.

In respect of reviewing parking rates, on 10 April 2017 Council resolved to review its car parking rates. The proposed rates represent a significant reduction in the maximum car parking rates currently permitted in the CBD and will significantly mitigate the cumulative traffic impacts associated with the new planning controls in the CBD. However, the new rates will not apply to the site as the development for 183 car parking spaces have already been approved on the site.

Department

The site is only a small portion of the Parramatta Square Redevelopment. It will facilitate a predominantly commercial office development in a highly accessible CBD location and create 1,400 jobs. The traffic generation arising from the increase in floor space on the site is of a minor nature and would be of negligible impact to the traffic generated by other CBD proposals.

Finalisation of this planning proposal ahead of the Parramatta CBD mesoscopic modelling is considered to be reasonable in this instance given that under the existing FSR of 8:1, the site is currently able to be developed to a maximum FSR of 9.44:1 inclusive of a 15% design excellence bonus. The proposed gross floor area is equivalent to an FSR of 10.14:1 which represents a minor and insignificant increase in density.

In summary, it is considered that Council has satisfactorily addressed the concerns raised by Transport for NSW & Roads and Maritime Service in relation to cumulative impacts, precedent, public benefit and review of carparking rates.

The City of Parramatta Council, Department of Planning and Environment and Transport for NSW are working together to address traffic concerns in Parramatta CBD. A Strategic Transport Study is currently being undertaken which will be publicly exhibited as part of the Parramatta CBD planning proposal. The study will include all transport and traffic issues around the CBD.

Endeavour Energy

Endeavour Energy made a submission, and raised the following concerns and comments:

- referenced the submission made in respect to accompanying Development Application and attached this submission; and
- the submission made in response to the Development Application contains detailed requirements with respect to the (electrical) servicing of the site as well as details on matters relating to network requirements, licensing, tenure, easements and longer term management of the site with respect to electrical provision.

Council response

- Council views that the matters raised in the submission are most related to the Development Application process and will be dealt with as part of the development assessment. The submission received does not give rise to any matters directly affecting the planning proposal the subject of this report.

Department

Council's response to the submission is satisfactory.

6.2 Community Consultation

The planning proposal and supporting documents were publicly exhibited from 22 March until 21 April 2017 in compliance with the minimum 28-day public exhibition requirement in the gateway determination. No submissions were received during the public exhibition period.

6.3 Independent Hearing and Assessment Panel (IHAP)

Due to Council's interest in the site an independent assessment of the planning proposal was undertaken.

The planning proposal and the submissions by the agencies have been assessed by Independent Hearing and Assessment Panel (IHAP) on 16 May 2017. The Panel report noted the submissions have been satisfactorily responded to and endorsed the planning proposal be finalised. No changes were recommended to the exhibited planning proposal.

The Council endorsed the recommendations of IHAP and on 22 May 2017 resolved to proceed with the planning proposal.

7. STRATEGIC ASSESSMENT

The planning proposal applies to a Council owned site and seeks to implement Council's vision for Parramatta Square.

The proposal is consistent with Parramatta CBD Strategy, adopted by Council on 27 April 2015. It will facilitate the strategic importance of increasing the quality and quantity of commercial floor space in the CBD while protecting the solar amenity of the public domain. The proposal is also consistent with the strategy that intends to increase the incentive FSR to 10:1 (plus a 15% design excellence bonus) for the majority of the city centre area. The strategy has not been endorsed by the Department of Planning and Environment. It is consistent with "A Plan for Growing Sydney" and the draft West Central District Plan by ensuring development that is sustainable, productive and enhances the livability of the Parramatta CBD. The proposal is also consistent with the draft West Central District Plan which is concerned with the design, accessibility and economic strength of centres, lack of new premium commercial office space supply in Parramatta and the provision of additional 60,000 jobs. The Planning Proposal The proposal will make a significant contribution to job creation in the Parramatta CBD in delivering approximately 1,400 jobs.

8. SECTION 117 DIRECTIONS

In issuing the Gateway determination the Executive Director, Regions, as delegate of the Secretary, has agreed that inconsistency with Section 117 Direction 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are of minor significance and that further approval is not required.

Relevant section 117 Directions are discussed as follows:

2.3 Heritage Conservation

The site is not a heritage item, however, is identified as a site of high potential archaeological significance and is near a local heritage items being a (subterranean) convict drain.

All relevant Aboriginal Heritage Impact Permit (AHIP) and s140 and s144 permits were obtained and works completed on the site as part of a previous DA for early works to facilitate the Aboriginal and European archaeological and cultural heritage investigations and salvaging. Council has advised that the planning proposal will not require any deeper excavation of the site or necessitate further approvals (under s140 and 144 of the Heritage Act 1977).

Council has consulted the Office of Environment and Heritage (OEH) - Heritage Division and has satisfactorily addressed all the issues raised by the OEH.

The proposed provision will ensure no additional overshadowing of the Lancer Barracks site and no overshadowing of the nominated solar protection area of Parramatta Square within the hours of 12noon and 2pm on 21 June each year. The planning proposal is consistent with the direction.

6.3 Site Specific Provisions

The proposal seeks to include a site specific provision that will enable increased density subject to design excellence, protect overshadowing on Lancer Barracks and Parramatta Square and that it contain a minimum of 90% commercial floorspace with no residential component.

The proposed site specific provision is to allow increased height and floor space ratio controls contained in the LEP for the site while protecting solar amenity of the public

domain. The proposal will facilitate a commercial development in a highly accessible CBD location and create 1,400 jobs. The planning proposal is consistent with the direction.

9. MAPPING

The draft plan proposes to amend the existing Key Sites Map/Special Provisions Map (6250_COM_CL1_010_010_20150122) to include a new Sun Access Protection layer to identify Lancer Barracks site and the nominated solar protection area of Parramatta Square on the new Key Sites Map/Special Provisions Map/Sun Access Protection Map (6250_COM_CL1_010_010_20170531). These areas will be referred to in the new site specific provision for 153 Macquarie Street and Part 1A Civic Place, Parramatta.

10. GATEWAY EXTENSIONS

There have been no Gateway extensions requested or issued with regard to the draft Plan. The proposal was due for finalisation by 7 March 2018.

11. CONSULTATION WITH COUNCIL

Parliamentary Counsel's Opinion was issued on 4 July 2017 (Tab PCO).

Under s59(1) of the Act, Council was consulted on the draft Plan (Tab LEP). Council's response was received on 4 July 2017, agreeing that the amendment could be made (Tab G).

12. CONCLUSION

The Planning Proposal is supported, as it will facilitate the strategic importance of increasing the quality and quantity of commercial floor space in the CBD while protecting the solar amenity of the public domain in general. The proposal will ensure no additional overshadowing of the Lancer Barracks site because of the proposal and that there is no overshadowing of the nominated solar protection area of Parramatta Square within the hours of 12noon and 2pm on 21 June each year.

The proposal will make a significant contribution to job creation in the Parramatta CBD in line with metropolitan and district planning objectives.



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