NSW GOVERNMENT | Planning & Environment

Planning Team Report

153 Macquarie Street and Part 1A Civic Place, Parramatta

Proposal Title :	**153 Macquarie Street and Part 1A Civic Place, Parramatta**
Proposal Summary :	**The proposal seeks to permit an increased site density provided that a proposed development complies with the requirements of a new site specific clause.**
PP Number :	**PP_2016_COPAR_005_00**
Dop File No :	**16/15895**

Proposal Details

Date Planning Proposal Received :	**20-Dec-2016**	LGA covered :	**City of Parramatta**
Region :	**Metro(Parra)**	RPA :	**City of Parramatta Council**
State Electorate :	**PARRAMATTA**	Section of the Act :	**55 - Planning Proposal**
LEP Type :	**Spot Rezoning**		

Location Details

Street :	**153 Macquarie Street**				
Suburb :	**Parramatta**	City :	**Sydney**	Postcode :	**2150**
Land Parcel :					
Street :	**Part 1A Civic Place**				
Suburb :	**Parramatta**	City :	**Sydney**	Postcode :	**2150**
Land Parcel :					

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	**Adrian Hohenzollern**
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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	**Metro West Central subregion**	Consistent with Strategy :	**Yes**
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	**0**	No. of Dwellings (where relevant) :	**0**
Gross Floor Area :	**0**	No of Jobs Created :	**1,400**

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

If No, comment : **The Lobbyist Contact Register was checked on 20 December, 2016 and indicated no contact with lobbyists regarding this proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to increase the permissible density to enable a commercial building within Parramatta Square. No change in zoning is proposed.**

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

Is an explanation of provisions provided? **Yes**

Comment : **This planning proposal seeks to amend the height and floor space ratio controls contained in Parramatta Local Environmental Plan 2011 (PLEP 2011) by:**

a) inserting a new site specific clause in Part 7 relating to development on land at 153 Macquarie Street and part 1A Civic Place, Parramatta, which identifies "Area 5" on the Key Site Map/ Special Provisions Area Map, and will allow the consent authority to grant consent to development if:
- **the maximum height of buildings is determined by the provisions of clause 7.4 Sun Access and there is no additional overshadowing of the protected area of Parramatta Square or the Lancer Barracks building;**
- **a competitive design process has been held and the building exhibits design excellence;**
- **the building contains a minimum of 90% commercial floorspace with no residential**

component; and
- the building has a maximum gross floor area of 46,200sqm.

b) amending the maximum height of building map from 54m to refer to Clause 7.4 of the PLEP 2011 and

c) amending the Key Site Map/ Special Provisions Area Map to include Area 5.

COMMENT

It is recommended that a Gateway determination be issued subject to minor amendments.

The proposed controls equate to an FSR of approximately 10.19:1 (where the subject of a competitive design process).

There is no need for proposed clause 7(2) to indicate that Council may grant consent despite clause 4.3 Height of Buildings, given that the proposal will amend the Height of Buildings Map.

There is no need for the site specific clause to refer to requirements within a Development Control Plan, as they will apply irrespective.

A Gateway condition is recommended to amend the Explanation of Provisions to address these matters and note that final drafting of the clause will be determined by Parliamentary Counsel.

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
5.1 Implementation of Regional Strategies
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 55—Remediation of Land**

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

SECTION 117 DIRECTIONS

2.3 HERITAGE CONSERVATION
The site is identified as being of potential State archaeological significance. Consultation with the Office of Environment and Heritage - Heritage Division is recommended.

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 5 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.

It is recommended the delegate agree to any inconsistency being of minor significance.

4.3 FLOOD PRONE LAND

A flood study has not been prepared for the planning proposal as Council has utilised flood modelling and a Flood Emergency Management Strategy prepared for previous development applications. Council's flooding engineer is satisfied that the proposal is consistent with this Direction. Council notes that the Flood Emergency Management Strategy Report "includes an analysis of the flooding affectation on the site and an emergency management plan detailing various flood related matters and measures including flood wardens, evacuation routes, emergency warning systems and signage. These measures were collectively assessed to have been acceptable with respect to flooding."

As the site is only partially affected by the 1 in 20 year flood (which is more frequent but less severe than a 1:100 flood), and the planning proposal seeks an increase in development density from the current planning controls of 8:1 to 10.19:1 (inclusive of design excellence), it is considered that consultation with NSW State Emergency Services is not required in this instance.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES
The proposal is considered to be consistent with the draft West Central District Plan which is concerned with the design, accessibility and economic strength of centres. The proposal will result in a development incorporating design excellence that will deliver approximately 1400 jobs within 100m of the Parramatta rail/bus interchange and in close proximity to high density housing.

6.3 SITE SPECIFIC PROVISIONS
The proposal seeks to include a site specific provision that will enable increased density subject to design excellence, protection of solar access and that it contain a minimum of 90% commercial floorspace with no residential component.

The proposal is inconsistent with this Direction as it imposes site specific development standards or requirements. This inconsistency is considered to be justified on the basis of minor significance given that the proposal is consistent with "A Plan for Growing Sydney" and the draft District Plan by ensuring development that is sustainable, productive and enhances the livability of the Parramatta CBD.

It is recommended the delegate agree to any inconsistency being of minor significance.

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 : **The mapping is adequate for public exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The proposal states that public exhibition is likely to include newspaper advertisement, display on Council's website and written notification to adjoining landowners.**

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

Consistency with strategic planning framework :

PARRAMATTA CBD PLANNING STRATEGY
The proposal is consistent with this strategy adopted by Council on 27 April 2015, that intends to increase the incentive FSR to 10:1 (plus a 15% design excellence bonus) for the majority of the city centre area.

This strategy has not been endorsed by the Department of Planning and Environment.

PARRAMATTA CBD PLANNING PROPOSAL
The Parramatta CBD Planning Strategy has been refined and translated into the CBD planning proposal for implementation. This planning proposal has been endorsed by Council for submission to the Department for Gateway determination, although the supporting traffic study has yet to be finalised.

Environmental social economic impacts :

SUN ACCESS

The proposed site specific clause has not been accurately drafted to reflect Council's intentions with regard to solar access as follows:

1. The planning proposal requires that there be no additional overshadowing of the identified solar protection area of Parramatta Square.

Comment: the proposal should be consistent with a Gateway decision for the Greenway Plaza site (at 48 Macquarie Street and 220 to 230 Church Street, Parramatta) which instead of requiring no additional overshadowing, specified that there be no additional overshadowing of the protected area "between 12 noon and 2pm mid-winter."

2. The planning proposal requires that there be no additional overshadowing of the Lancer Barracks building.

Comment: the existing sun access controls protect the entire Lancer Barracks site, rather than just the Lancer Barracks building. Council staff have verbally confirmed that it was unintentional to apply solar access controls to the building only.

3. The planning proposal requires compliance with sun access controls within Parramatta DCP 2011.

Comment: the proposal intends that there be no additional overshadowing of the protected area of Parramatta Square between 12 noon and 2pm mid-winter, although the DCP allows for some overshadowing under a control known as the "45 minute rule". Therefore the draft clause should not refer to the DCP given this inconsistency, and as a reference to the DCP is not necessary in order for other relevant provisions of the DCP to apply.

4. The draft site specific clause indicates that despite clause 4.3 and 4.4, the consent authority may grant consent to development on land to which the clause applies subject to certain requirements.

Comment: clause 4.3 Height of Buildings should continue to apply to the site as it includes a number of relevant objectives with regard to the height of buildings, other than solar access.

It is recommended that a Gateway condition amend the draft site specific clause to address the above matters. Council staff have been verbally consulted and raise no objection.

It is also considered desirable that the planning proposal include overshadowing diagrams from 10am to 4pm, rather than only the 12 noon to 2pm period.

TRAFFIC
A traffic study has not been prepared and the Council report indicates that the proposal should not await the completion of mesoscopic modelling for the Parramatta CBD Planning Proposal prior to finalisation.

The reasons given by Dowling Urban to justify finalisation ahead of the mesoscopic modelling include:
(a) trip generation from the increased FSR from 8:1 to a 10.2:1 gross floor area equivalent is relatively modest;
(b) Council's Traffic and Transport Team advise that the increase in traffic generation is within the standard deviation of probable outcomes for the traffic modelling within the CBD; and
(c) as a predominantly commercial office development in a highly accessible CBD location, it should be afforded priority use of existing traffic and transport capacity.

Finalisation 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 an FSR of 10.2:1 which represents a minor and insignificant increase in density.

Assessment Process

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

Is Public Hearing by the PAC required?	**No**
(2)(a) Should the matter proceed ?	**Yes**
If no, provide reasons :	

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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
Planning Proposal - 153 Macquarie Street and 1A Civic Place.pdf	**Proposal**	**Yes**
Urban Design Report - 153 Macquarie Street and 1A Civic Place.pdf	**Study**	**Yes**
Council covering lettter - 153 Macquarie Street and part 1A Civic Place.pdf	**Proposal Covering Letter**	**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
5.1 Implementation of Regional Strategies
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 6.3 Site Specific Provisions, are of minor significance.

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

DELEGATION OF PLAN MAKING FUNCTIONS
Council has indicated that it will not exercise the Greater Sydney Commission's plan making function for this planning proposal given that the site is Council owned land.

Accordingly, it is recommended that the delegate not agree to authorisation being issued for Council to exercise the delegation.

RECOMMENDATION

The planning proposal should proceed subject to the following conditions:

1. Prior to exhibition, Council is to:

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

(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"; and

(c) include overshadowing diagrams from 10am to 4pm midwinter.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(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).

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
- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- Telstra
- Sydney Water
- Endeavour Energy

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. 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).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : It is recommended that the proposal proceed with conditions given that it will make a significant contribution to job creation in the Parramatta CBD in line with metropolitan and district planning objectives.

Signature:

Printed Name: Adrian Hohenzollern Date: 20/12/16