

Parramatta LEP 2011 - 295 Church Street, Parramatta

Proposal Title :	Parramatta LEP 2011 - 295 Church Street, Parramatta		
Proposal Summary :	The proposal seeks to increase the maximum FSR to 10:1 (plus design excellence bonus) and permit a maximum building height of 150m (other than the front 10m facing Church Street which will have a maximum building height of 12m) for land at 295 Church Street, Parramatta.		
PP Number :	PP_2016_PARRA_002_00	Dop File No :	16/01724

Proposal Details

Date Planning Proposal Received :	04-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 :	295 Church Street		
Suburb :	Parramatta	City :	Sydney
Land Parcel :		Postcode :	2125

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes

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MDP Number :
Area of Release (Ha) :
No. of Lots : 0
Gross Floor Area : 0

Date of Release :
Type of Release (eg Residential / Employment land) :
No. of Dwellings (where relevant) : 140
No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

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

If Yes, comment : **To the best of the regional teams knowledge, the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. No such meetings or communications have occurred.**

Supporting notes

Internal Supporting Notes : **The site area is 1,082sqm and is currently occupied by a two storey building used as a restaurant/bar.**

External Supporting Notes :

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 enable mixed use development. The development is envisaged to comprise basement car parking, a 3 level commercial podium and residential tower.**

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 295 Church St, Parramatta:
- increase maximum FSR from 3:1 to 10:1 (plus a design excellence bonus that would enable an overall maximum FSR of 11.5:1)
- increase maximum height of buildings from 12m to part 12m and part 150m (38 storeys).
Note: a 15% design excellence bonus would result in a maximum building height of 172.5m.

Note: Part 2 - Explanation of Provisions on page 9 of the planning proposal is incorrect as it mentions a site specific clause to enable a 3.5:1 FSR bonus for dedication of certain land to Council. Council staff have confirmed that this did not form part of the subsequent Council resolution, and therefore reference to this bonus provision should be removed from the planning proposal prior to public exhibition.

DEPARTMENT COMMENT

The proposed increase in height and FSR is supported, subject to a condition that the planning proposal be reviewed prior to finalisation to ensure consistency with FSR controls within the CBD planning proposal. This is further discussed in the Assessment Criteria section of this report.

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

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

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 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Exempt and Complying Development Codes) 2008

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

SECTION 117 DIRECTIONS

Based on the information in the planning proposal this proposal is consistent with all the s117 directions except as follows.

2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Although the subject site is not heritage listed, it is surrounded by a number of heritage listed items and should be referred to the Office of Environment and Heritage for comment. A height restriction of 12m for a distance of 10m from the Church Street frontage is intended to address the existing heritage streetscape along Church Street.

3.5 Development near Licensed Aerodromes

Although the proposal seeks a maximum building height of 150m, Parramatta Local Environmental Plan 2011 clause 7.10(8)(a) - Design Excellence, enables a 15% height bonus for design excellence. The bonus would result in a potential maximum building height of 172.5m. This height is within the prescribed airspace for both Sydney and Bankstown Airport that starts at 156m and therefore this Direction applies.

This Direction requires a proposal for development that would intrude into prescribed airspace to obtain Federal government permission prior to community consultation stage. To ensure consistency with this Direction, should the proposal proceed, it is recommended that consultation be undertaken with the Department of Infrastructure and Transport prior to the commencement of community consultation. Furthermore, during the consultation period, consultation should occur with the Civil Aviation Safety Authority (CASA).

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 affectation is by class 4 acid sulfate soils; and
(b) the matter will be further considered at development application stage under clause 6.1 - Acid Sulfate Soils of Parramatta Local Environmental Plan 2011.

4.3 Flood Prone Land

This Direction does not apply because the land is not flood prone, although it is noted that both Church Street and Phillip Street are affected by the 1:100 year flood event. This means that in the event of flooding, occupants of the building may be isolated by flood waters and unable to exit the site beyond Phillip Lane at the rear boundary.

A flood study has not been prepared but will be undertaken as part of the preparation of the DA if necessary. Council staff consider it best practice that the proponent provide further detail on how the project design would respond to and manage extreme food events and for this to be provided prior to the finalization of the planning proposal.

Although the Council report indicates that the proposal is consistent with this Direction, the proposal should be forwarded to NSW State Emergency Service and the Office of Environment and Heritage for comment at exhibition stage.

7.1 Implementation of A Plan for Growing Sydney

This Direction has been revoked and therefore all references to this Direction and earlier versions of the metropolitan strategy should be removed from the planning proposal prior to public exhibition.

STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY No 55 - Remediation of Land
Contamination and remediation of land has not been adequately 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 : **The maps provided are sufficient for public exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council propose its standard exhibition format that includes newspaper advertisement, Council's website and written notification to adjoining land 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 seeks the early introduction of increased height and FSR controls proposed within the Council's CBD Planning Strategy that was very recently submitted to the Department as a planning proposal for Gateway determination.

Consistency with strategic planning framework :

PARRAMATTA CBD PLANNING STRATEGY

The proposal is consistent with this strategy adopted by on 27 April 2015 that intends to increase the maximum FSR to 10:1 (plus a 15% design excellence bonus) for the majority of the city centre area. The strategy does not indicate proposed maximum building heights but rather seeks to remove maximum building height controls for the CBD.

A PLAN FOR GROWING SYDNEY

There is no district plan currently applicable to the subject land, and under s75A(2) of the Act, "A Plan for Growing Sydney" is taken to be the regional plan for the Greater Sydney Region.

"A Plan for Growing Sydney" provides direction for Sydney's productivity, environmental management and liveability as well as for the location of housing, employment, infrastructure and open space.

The site lies within the West Central area of the metropolitan plan and the proposal is consistent with the overarching priorities for Greater Parramatta. The plan seeks to provide capacity for additional mixed use development in the Parramatta CBD and surrounding precincts (page 116).

The proposal is consistent with the intention of the Plan to grow Parramatta as Sydney's second CBD. The proposal will increase housing supply and choice in a location accessible to employment and well serviced by public transport, health and retail facilities.

Environmental social economic impacts :

FSR SLIDING SCALE

As the site has a maximum FSR of 3:1 currently, the FSR sliding scale does not apply as it only applies to sites with a maximum FSR of 6:1 or greater and a site area of below 1,800sq.m. Therefore, given that the FSR is recommended to be increased to 10:1 and the site area is only 1,082sq.m., an exemption from the sliding scale provisions at clause 7.2 would be required to achieve the maximum FSR.

The CBD planning proposal intends to continue to apply a sliding scale to development within the CBD, although this has yet to be assessed and endorsed by the Department. The sliding scale seeks to ensure that development scale is relative to site constraints, supports good design outcomes and the minimises impacts on the redevelopment potential of adjoining sites. It is recommended that the FSR for this site specific proposal be amended prior to finalisation to ensure consistency with FSR controls within the CBD planning proposal. It should be noted that the Department will undertake a detailed assessment of the proposed CBD planning proposal prior to exhibition which may result in amendments to the suite of FSR controls proposed.

A suitable Gateway condition is therefore recommended to ensure that the planning proposal does not result in an FSR that is greater than that which would be achieved under the FSR sliding scale proposed within the CBD planning proposal.

ECONOMIC AND SOCIAL

The proposal will generate economic benefits in terms of supporting the viability of the CBD and enhancing the CBD as a night time destination with additional activation beyond office hours. The proposal has the potential to improve pedestrian access via creation of a laneway along the northern boundary of the site, although this is subject to negotiation through a Voluntary Planning Agreement.

FLOODING

As mentioned in the earlier discussion under s117 Direction 4.3 Flood Prone Land, additional flooding information should be provided to the satisfaction of Council's drainage engineer.

HERITAGE - OLD GOVERNMENT HOUSE

The subject site falls within the "Sensitive Area" versus the "Highly Sensitive Area" in relation to Old Government House and therefore is not subject to the Conservation Agreement with the Federal government. Development within this area may have some impact, but not a significant impact, on the World and National Heritage values of Old Government House. The proposed tower will intrude into the skyline of three views from Old Government House of high significance and three views of moderate significance.

The Heritage Impact Statement prepared by City Plan Services indicates that intrusion into the important visual curtilage of Old Government House is inevitable and expected, as the height of the proposed tower, together with previously approved and pending mixed-use tower developments will change the skyline such that the silhouette of the city centre built form will soon be significantly different than as currently viewed from Old Government House. These towers will visually dominate the skyline of the city centre as anticipated.

The heritage report indicates that the proposal aims to achieve the best possible outcome in relation to heritage values in the context of the dramatically changing urban environment and skyline of the Parramatta City Centre. The heritage report notes that the visual impact will not be different than the visual impact that has already occurred for all heritage items within the Sydney CBD and as envisaged for the Parramatta City Centre.

OVERSHADOWING

The slim design of the building is intended to minimise overshadowing impacts. Although the proposed building will generate additional overshadowing, this is not significant within the context of shadows cast by existing and proposed buildings in the vicinity. Figure 34 on page 30 of the planning proposal should be correctly labelled and adequately enlarged to improve legibility.

TRAFFIC

Council's Development and Traffic Services Team have raised concern that the proposed additional volumes of vehicles accessing the site from Phillip Lane will add to a high level of congestion in this precinct and traffic management challenges when combined with that envisaged from the redevelopment of 12-14 Phillip Street (awaiting Gateway determination) and 331A-339 Church Street (planning proposal finalised) sites.

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.

CUMULATIVE IMPACTS

As the six planning proposals mentioned above are likely to collectively generate a significant cumulative impact in terms of infrastructure requirements (including transport,

health, social services, education and recreation) and aviation safety, it is recommended that they be simultaneously exhibited and forwarded to public agencies for comment.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
 Period :
 Timeframe to make **12 months** Delegation : **DDG**
 LEP :
 Public Authority **Office of Environment and Heritage**
 Consultation - 56(2)(d)
 :

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. :

Flooding

If Other, provide reasons :

Although the site is not flood affected, it could potentially be isolated by a 1:100 year storm event affecting egress from the site to Church and Phillip Streets. Additional flooding information should be provided to the satisfaction of Council's drainage engineer prior to public exhibition in line with best practice as per the Council report.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Although the site will yield a relatively small number of dwellings, it is significant in terms of cumulative impact when considered in the context of six (6) similar CBD proposals that pre-empt the Department's position on Council's CBD planning proposal that has only recently been submitted for Gateway determination. The supporting studies undertaken for the CBD planning proposal that address cumulative impact on CBD infrastructure and justify a 10:1 FSR and increase/removal of height restrictions have yet to be assessed by the Department.**

It may be necessary for adjustments to be made to the development potential of other sites in the CBD once the cumulative impact of the CBD planning proposal is reviewed.

Documents

Document File Name	DocumentType Name	Is Public
planning proposal - Church St.pdf	Proposal Covering Letter	Yes
Planning proposal document.pdf	Proposal	Yes
Urban Design Report - Church Street.pdf	Study	Yes
Heritage Impact Statement.pdf	Study	Yes
Traffic Impact Assessment.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**
 - 3.1 Residential Zones**
 - 3.4 Integrating Land Use and Transport**
 - 4.1 Acid Sulfate Soils**
 - 4.3 Flood Prone Land**
 - 6.1 Approval and Referral Requirements**
 - 6.2 Reserving Land for Public Purposes**
 - 6.3 Site Specific Provisions**
 - 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **SECTION 117 DIRECTIONS**

It is considered that any inconsistency with Section 117 Directions 4.1 - Acid Sulfate Soils is justified due to minor significance.

Should the planning proposal proceed, it is recommended the delegate agree that this inconsistency is 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 ahead of Council's Parramatta CBD Planning Strategy and associated CBD planning proposal, which has not as yet been endorsed by the Department.

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

RECOMMENDATION

It is further recommended the planning proposal proceed subject to the following conditions:

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

- (a) remove all references to a site specific clause enabling a 3.5:1 FSR bonus;
- (b) remove all references to section 117 Direction 7.1 Implementation of a Plan for Growing Sydney and all discussion of outdated and draft Sydney metropolitan strategies;
- (c) correctly label Figure 34 on page 30 and enlarge this figure to improve legibility;
- (d) include an assessment of the traffic impacts of the proposal on the local road network, with specific regard to the cumulative impact arising from adjacent and other developments in the vicinity, including the proposals at 12-14 Phillip Street, 333-339 Church Street and 330 Church Street; and
- (e) include an assessment of State Environmental Planning Policy No.55 - Remediation of land, within the planning proposal in relation to the site.

2. Prior to the commencement of community consultation, Council is to consult with the Department of Infrastructure and Regional Development, as required by Section 117 Direction 3.5 Development Near Licensed Aerodromes. The proposal is to be amended, if required, prior to exhibition, in accordance with the outcome of that consultation.

3. 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).

4. 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

5. The planning proposal is to be concurrently exhibited and forwarded to public authorities for consultation under a single covering letter, together with five 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.

Each public authority is to be provided with a copy of each of the planning proposals listed above, 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.

6. 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).

7. Prior to submitting the proposal to the Department for finalisation:

(a) Council's drainage engineer is to be satisfied as to how the project design would respond to and manage extreme flood events;

(b) The proposal is to 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.

(c) The proposal is to be reviewed, and amended where necessary, having regard to the FSR controls endorsed by the Gateway determination for the CBD planning proposal. In undertaking the review, Council is to ensure that the maximum FSR for this planning proposal is to be reasonably consistent with the endorsed CBD FSR controls including the FSR sliding scale.

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

Supporting Reasons : The proposal is consistent with A Plan for Growing Sydney and Parramatta Council's CBD Planning Strategy in terms of encouraging the growth of Greater Parramatta as Sydney's second CBD.

As the proposal has not been assessed in terms of cumulative impact on local and State infrastructure or aviation safety, this proposal should be jointly exhibited and considered

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by public agencies together with similar current proposals within the Parramatta CBD.

Signature:



Printed Name:

T DORAN

Date:

6/5/16