

INNOVATIVE

ITEM NUMBER	6.3
SUBJECT	Planning Proposal for 128 Marsden Street Parramatta
REFERENCE	RZ/13/2018 - D06629127
REPORT OF	Project Officer
LANDOWNER	Marathon Holdings Pty Ltd
APPLICANT	Robinson Urban Planning Pty Ltd

PURPOSE:

To seek the Local Planning Panel's (LPP) endorsement of a Planning Proposal to increase the floor space ratio from 4.2:1 to 6.4:1 for land at 128 Marsden Street, Parramatta, for the purposes of requesting a Gateway Determination from the Department of Planning and Environment.

RECOMMENDATION

That the Local Planning Panel recommend to Council:

- a) **That** Council endorse the Planning Proposal contained at **Attachment 1** for land at 128 Marsden Street, Parramatta, subject to the following inclusions:
 - i. Rezone the site from B4 Mixed Use to B3 Commercial Core; and
 - ii. Include a site-specific clause to replace Clause 7.3 of the Parramatta Local Environmental Plan 2011 with an alternate clause that applies the maximum car parking rates previously endorsed by Council as part of the CBD Planning Proposal.
- b) **That** the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway determination.
- c) **That** Council advise the Department of Planning and Environment that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council.
- d) **Further, that** Council authorise the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

SITE DESCRIPTION

1. The subject site is located at 128 Marsden Street, Parramatta, and has a legal description of Lot 10 DP 789520 (Refer to **Figure 1**). The site has an area of 1,073 square metres. The site contains a nine storey building with five levels of commercial space, three levels of above-ground car parking and ground floor retail/café.
2. The site is a corner lot and fronts Argyle Street to the north and Marsden Street to the east. A 10-storey commercial building adjoins the building to the west and a 2-storey commercial building adjoins the site to the south.

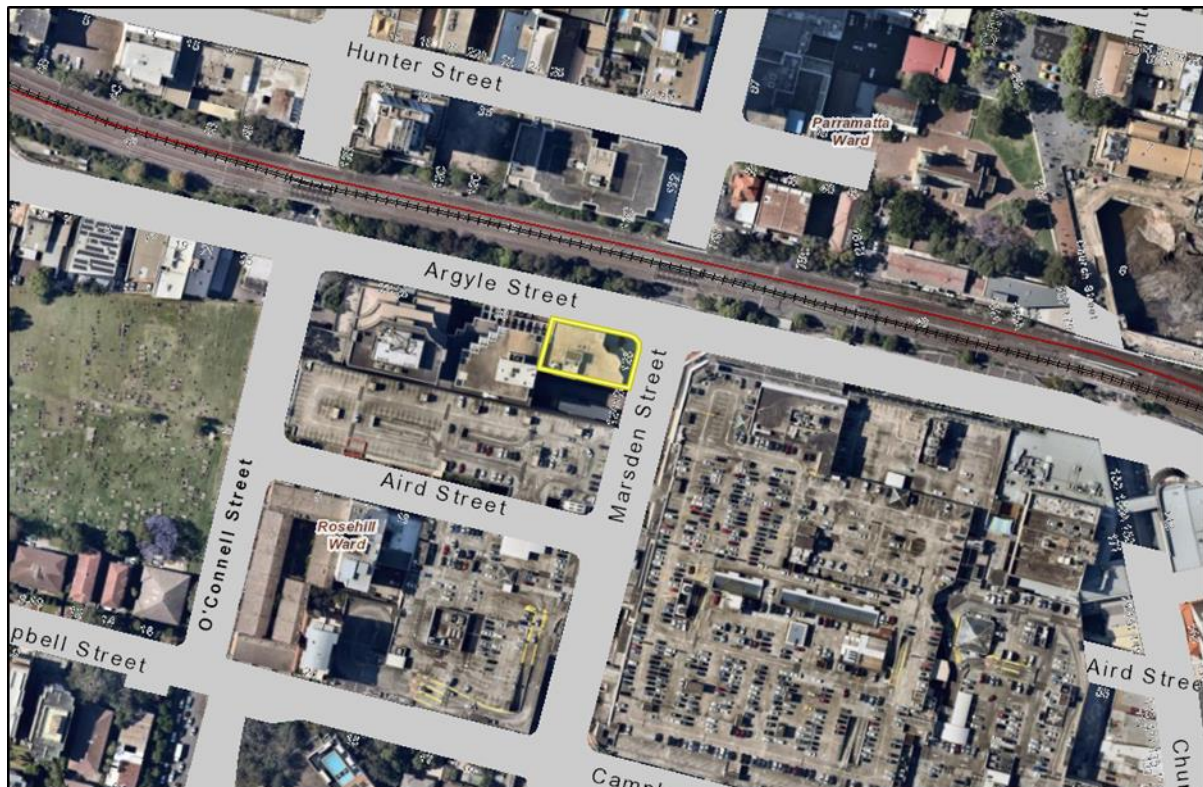


Figure 1 – Site location map (site shown outlined in yellow)



Figure 2 – The site viewed from the corner of Argyle and Marsden Streets

CURRENT PLANNING CONTROLS

3. Under the Parramatta Local Environmental Plan 2011 (Parramatta LEP2011) the site is subject to the following controls:
 - a. Land Use Zoning is B4 Mixed Use;
 - b. Floor Space Ratio (FSR) is 4.2:1 mapped with sliding scale provisions;
 - c. Height of Buildings is 36 metres; and
 - d. The site is not listed as an item of heritage significance and is not within a Heritage Conservation Area
 - e. Flooding; affected by the Probable Maximum Flood.



Figure 3 – Land Use Zoning map (site shown outlined in yellow)



Figure 4 – Floor Space Ratio map (site shown outlined in yellow)

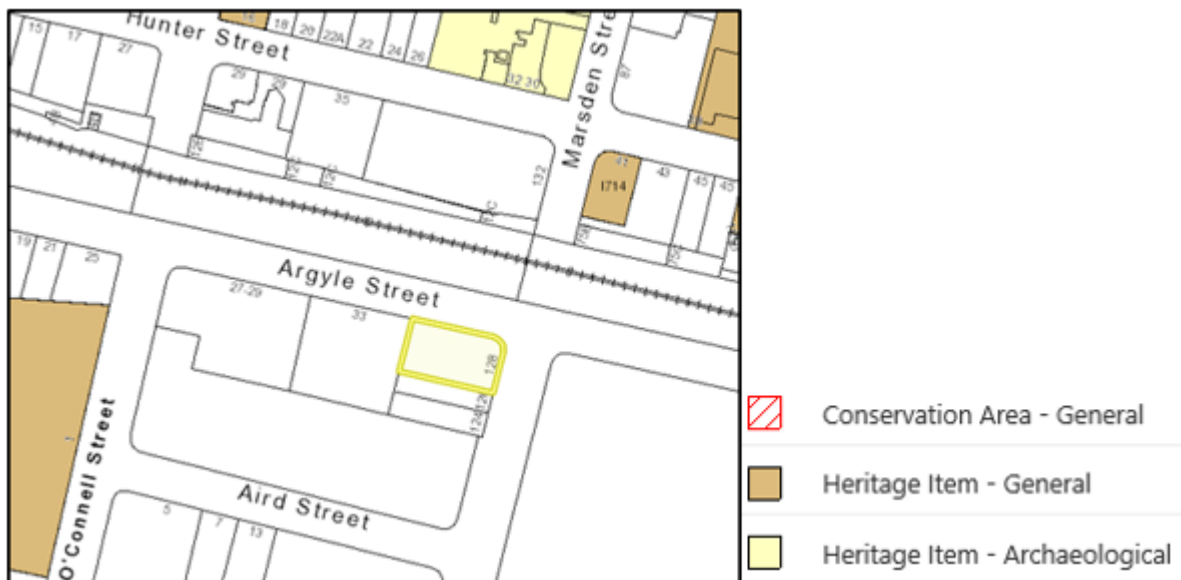


Figure 5 - Heritage map (site shown outlined in yellow)



Figure 6 – Height of Buildings map (site shown outlined in yellow)

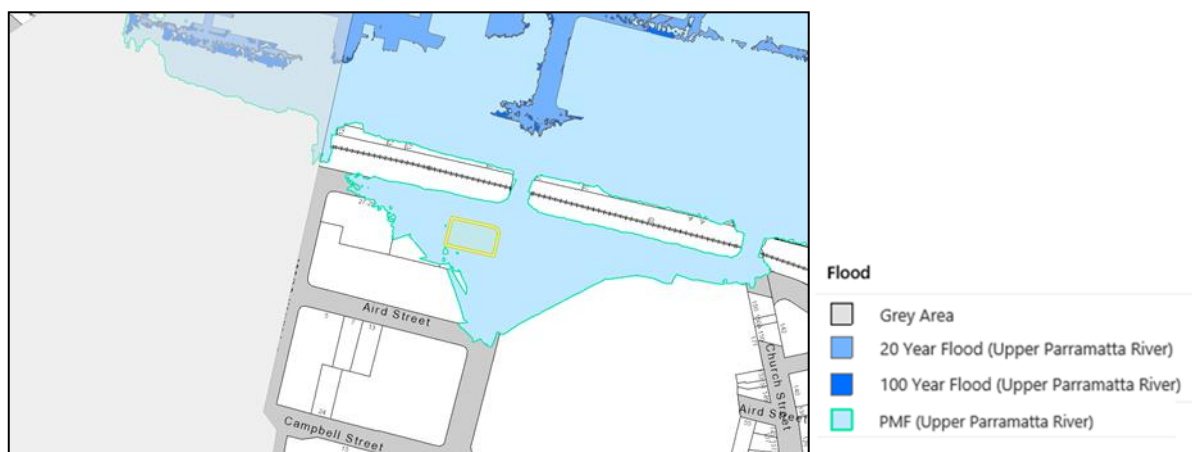


Figure 7 – Flooding map (site shown outlined in yellow)

PLANNING PROPOSAL SUMMARY

4. In August 2018, the applicant attended a Pre-Lodgement meeting with Council's Development Advisory team in preparation for the eventual lodgement of a Development Application for the site. The applicant's proposal sought to convert two levels of above-ground car parking into commercial floor space and extend the ground-floor retail space to fill in the existing colonnade. As Clause 4.6 (8)(ca) of Parramatta LEP 2011 does not permit variations of floor space ratio in excess of five percent in the Parramatta City Centre, the applicant was advised that a Planning Proposal seeking an increase in floor space ratio control would be necessary to facilitate their proposed development.
5. The applicant's Planning Proposal (refer to **Attachment 1**) seeks to amend Parramatta LEP 2011 by increasing the FSR on the Floor Space Ratio Map from 4.2:1 to 6.4:1.
6. A table summarising the existing planning controls, controls sought by the site-specific Planning Proposal and those endorsed by Council under the CBD Planning Proposal is included in Table 1 below.

Table 1: Summary of Current PLEP 2011 Controls, Applicant's Planning Proposal and CBD Planning Proposal controls

Control	Existing (Parramatta LEP 2011)	CBD Planning Proposal	Site-specific Planning Proposal
Zoning	B4 Mixed Use	B3 Commercial Core	B4 Mixed Use
Floor Space Ratio	4.2:1	10:1 (7.37:1 under Council resolved sliding-scale, 6.37:1 under Gateway sliding-scale provision)	6.4:1
Height	36m	No height control	36m
Parking	76-86 spaces, depending on type of commercial GFA	22 spaces	52 spaces with car stackers or 27 without car stackers

7. The proposal is largely consistent with the Parramatta CBD Planning Proposal and relevant State Government Policies. In particular, the delivery of additional commercial floor space is consistent with the policy framework that seeks to maximise jobs growth in the Parramatta CBD. The strategic alignment is dealt with in detail in Part 3 and Section B of the Planning Proposal document included as **Attachment 1**.

Applicant's proposed development concept

8. The standard process when Planning Proposals are exhibited is for the Planning Proposal to be supported by a reference design that shows the potential scale of a future development that is consistent with the proposed new controls being considered.
9. The submitted reference design is reflective of the uplift being sought in this Planning Proposal. The applicant's proposal includes the retention of the existing nine storey building and the following alterations and additions:
 - a. The conversion of two levels of above-ground car parking into commercial office space;
 - b. Extension of the ground floor retail space to fill-in the existing colonnade; and
 - c. Minor external façade treatment on affected levels.



Figure 8 – Proposed works as described above

10. The proposed alterations and additions described in Paragraph 9 increases the building's gross floor area, despite the increase to the building envelope being minimal. This is because the calculation of gross floor area excludes any car parking required by the consent authority. The proposed conversion of area currently used for car parking to commercial floor space represents an increase in the building's gross floor area and exceeds the existing floor space ratio control applicable to the site. The applicant has lodged a Planning Proposal seeking to increase the existing floor space ratio control to accommodate their proposed alterations and additions.
11. While the applicant's proposal involves retention of the existing building, the application of new controls needs to be assessed as if alternate redevelopment options might be proposed in the future. If the proposed new controls are implemented, it is possible that future Development Applications could be lodged proposing to demolish the existing building and erect a new one. The

assessment therefore needs to take all relevant scenarios into account when assessing the Planning Proposal.

KEY ISSUES

Car parking

12. The number of car parking spaces in the existing building are well above the number endorsed by Council under the CBD Planning Proposal. While this proposal reduces car parking spaces by 40 percent, the number proposed is still above the rate endorsed under the CBD Planning Proposal. A table summarising the car parking spaces under different controls is provided in Table 2 below.

Table 2 – Comparison of car parking rates under different controls

	Parramatta LEP 2011	Existing Building	CBD Planning Proposal	Site-specific Planning Proposal
Spaces provided	60 spaces for current GFA Approx. 79* for proposed GFA	87 spaces	22 spaces	52 spaces (25 car stackers, 2 accessible)

*Clause 7.3 of PLEP2011 applies different rates for the type of commercial use proposed, e.g. retail, café, etc.

13. As shown in Table 2 above, the site-specific Planning Proposal does not comply with the CBD Planning Proposal in relation to car parking provisions. Even without the use of car stackers, the proposal would still be five spaces, or 23 percent above the CBD Planning Proposal rates.
14. Should the Planning Proposal be endorsed by Council to seek a Gateway determination, it is recommended that a site-specific clause be included which applies the maximum car parking rates endorsed by Council as part of the CBD Planning Proposal. Any departures from the CBD Planning Proposal rate associated with the applicant arguing it is an existing building which warrants retention of existing spaces should be assessed at Development Application stage and only be supported if the merits of the case allow. The parking policy framework that should be applied to the site for a Planning Proposal is the CBD Planning Proposal framework.
15. It is recommended that the site-specific clause to introduce the new parking rates supersede all controls in Clause 7.3 of the Parramatta LEP 2011 relating to car parking. Clause 7.3(3) allows for car parking spaces in addition of the prescribed rate but only if the additional number of spaces are included in the building's gross floor area. Given the proposal will result in a net reduction in car parking spaces, it is considered reasonable not to include parking spaces above the CBD Planning Proposal rates as floor space for the purposes of this site-specific planning proposal. Instead, the merits of any proposed car parking rate can be assessed at the development application stage.

Zoning

16. The CBD Planning Proposal seeks to amend the site's zoning from B4 Mixed Use to B3 Commercial Core. While the proposed land use is consistent with the objectives of the Commercial Core zone, the applicant has not indicated they wish to change existing land use zoning for this site.
17. Council's Urban Design team have raised concern with retaining the B4 Mixed Use zone if the site is granted additional FSR as sought under this site-specific Planning Proposal. Namely, the granting of additional FSR where residential development is permitted would affect the future development of adjoining sites which are of an exclusively commercial character. In particular, the adjoining lot to the south would become isolated with reduced development potential, resulting in adverse design outcomes.
18. As a pre-emptive measure, it is recommended the site be rezoned to B3 Commercial Core as part of this site-specific Planning Proposal. This is consistent with the proposed rezoning as part of the CBD Planning Proposal.

Flooding

19. The Section 9.1 Direction related to flooding has been addressed in the Planning Proposal. The site is not within the 1 in 100-year Average Recurrence Interval, however, it is within the Probable Maximum Flood Level (PMF) area. Clause 7.19 within the draft LEP provisions of the Parramatta CBD Planning Proposal requires occupants above the PMF level within the building to be able to shelter in place or to safely evacuate. This matter can be addressed at the Development Application stage.

Height

20. No Height of Building control is proposed under the CBD Planning Proposal and the site-specific Planning Proposal proposes no change to the existing 36m height control. When considering site-specific Planning Proposals in the CBD, the Department of Planning and Environment have requested that a height be specified in site-specific Planning Proposals. In this case, given the applicant has not requested an increase in height and that the FSR can be accommodated in the existing building within the existing height control, no change is proposed to the existing height control for the site.

CONCLUSION AND NEXT STEPS

21. The Planning Proposal is consistent with the Parramatta CBD Planning proposal in relation to FSR and it is recommended that it be supported.
22. It is recommended that the Planning Proposal be endorsed for the purposes of seeking a Gateway Determination, subject to the following inclusions:
 - a. Rezoning the land from the current B4 Mixed Use zone to B3 Commercial Core, consistent with the CBD Planning Proposal.
 - b. Include a site-specific clause within Parramatta LEP 2011 that applies the maximum car parking rates endorsed by Council as part of the Parramatta CBD Planning Proposal.

CONSULTATION

23. If the Parramatta Local Planning Panel supports the recommendations of this report, a further report will be prepared for Council to seek adoption of the Panel's recommendation. If Council resolves to proceed with the Planning Proposal, it will be forwarded to the Department of Planning and Environment for a Gateway Determination.
24. If a Gateway Determination is received, the Planning Proposal will be placed on public exhibition. A report on the outcomes of the public exhibition will be provided to the Panel addressing any objections received. If no objections are received, the matter will be reported directly to Council seeking approval to finalise the Planning Proposal.

FINANCIAL IMPLICATION FOR COUNCIL

25. There are no financial implications related to this matter and there is no Planning Agreement associated with the Planning Proposal. A Planning Agreement is not required as the site is proposed to be zoned B3 Commercial Core and residential development is not permissible in this zone. Under Council's Planning Agreements Policy commercial developments do not require a Planning Agreement.

Marko Rubcic
Project Officer, Land Use Planning

Robert Cologna
Team Leader, Land Use Planning

Jonathon Carle
Manager Land Use Planning

Jennifer Concato
A/Director Strategic Outcomes and Development

ATTACHMENTS:

- 1 Planning Proposal - 128 Marsden Street Parramatta

REFERENCE MATERIAL

FOR ACTION

LOCAL PLANNING PANEL

19/02/2019

TO: Project Officer (Rubcic, Marko)

Subject: Planning Proposal for 128 Marsden Street Parramatta
Target Date: 21/03/2019
Notes:
File Reference: <FOLDERNUMBER> D06629127

DETERMINATION

That the Local Planning Panel recommend to Council:

That the proposed floor space ratio be amended to allow retention of the colonnade and that the Panel otherwise adopts the recommendation as contained in the report as follows:

- a) **That** Council endorse the Planning Proposal contained at **Attachment 1** for land at 128 Marsden Street, Parramatta, subject to the following inclusions:
 - i. Rezone the site from B4 Mixed Use to B3 Commercial Core; and
 - ii. Include a site-specific clause to replace Clause 7.3 of the Parramatta Local Environmental Plan 2011 with an alternate clause that applies the maximum car parking rates previously endorsed by Council as part of the CBD Planning Proposal.
- b) **That** the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway determination.
- c) **That** Council advise the Department of Planning and Environment that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council.
- d) **Further, that** Council authorise the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

REASONS FOR DECISION

The panel generally supports the findings contained in the report and endorses the recommendation contained in the report subject to the amendments above with respect to the proposed floor space ratio being amended to allow retention of the colonnade

The decision of the panel was not unanimous.

The decision of the panel was by a majority of 3 to 1 to adopt the recommendation. (*Jane Fielding dissented from the Panel decision*)

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