



# PLANNING PROPOSAL

**189 Macquarie Street, Parramatta**

### Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	LJB Planning	October 2015

Council versions:

No.	Author	Version
1.	City of Parramatta Council	August 2016- Council Meeting
2.	City of Parramatta Council	September 2018 – Exhibition version which incorporates the amendments outlined in the Gateway Determination (Nov 2016) and subsequent Alterations of Gateway Determination (Aug 2017 and May 2018), as well as relevant administrative changes.

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## INTRODUCTION

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This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011*. It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment guides, 'A Guide to Preparing Local Environment Plans' (April 2013) and 'A Guide to Preparing Planning Proposals' (October 2012).

**Please Note:** This version (April 2019) of the Planning Proposal has been amended post-Gateway to include the following (refer to red text throughout):

- Amendments made in response to the Gateway Determination (November 2016) and Alteration of Gateway Determination (August 2017 and May 2018),
- An assessment of the Greater Sydney Regional Plan and Central City District Plan;
- Amendments to certain matters previously referred to within this Planning Proposal to reflect their current status e.g. CBD Planning Proposal, Voluntary Planning Agreement (VPA) negotiations

### Background and context

On 28 October 2015, Council received a planning proposal and supporting documentation from LJB Planning Pty Ltd affecting land at 189 Macquarie Street, Harris Park. This planning proposal was lodged in response to the then CBD Planning Strategy. The site is shown in Figure 1. 189 Macquarie Street, Parramatta, (also known as the Macquarie Street car park) is a Council owned site and currently operates under a Project Delivery Agreement (PDA) between Council and Toplace Pty Ltd. for the delivery of a 715 space public car park as part of a redevelopment of the site.

This site has been the subject of a previous planning proposal, design competition and development application prior to the lodgement of this planning proposal. The previous planning proposal resulted in Amendment No.12 to the then Parramatta City Centre LEP 2007 which included a site specific clause. This clause is known as '*Clause 7.9 – Development of land on 189 Macquarie Street*', under Parramatta LEP 2011.

A successful design competition under the then clause 22B of Parramatta City Centre LEP 2007 was completed in 2013. Subsequently, a Development Application (DA/852/2013) was lodged and approved in April 2015 by the Sydney West Joint Regional Planning Panel (JRPP) for the construction of a 30 storey mixed use development containing 425 apartments and basement car parking.

The site as shown in Figure 1 is irregular in shape with an area of approximately 5,214.2m<sup>2</sup>. It consists of one allotment - Lot 1 DP1214839 and has recently been cleared and excavated, with the construction of the approved basement car park underway. It has two street frontages on Hassall and Macquarie Streets.



Figure 1 – Subject Site 189 Macquarie Street

Surrounding the site is:

- Eight (8) and nine (9) storey residential flat buildings directly opposite the Macquarie Street frontage;
- Seventeen (17) storey residential flat building to the east of the site at 26-30 Hassall Street;
- Nine (9) storey residential flat building located to the west of the Hassall Street frontage on the corner of Hassall and Charles Street;
- Rowland Hassall School is located to the east of the site; and
- A recently approved development application for the construction of a 10 storey mixed use building containing retail, residential and basement parking located opposite the Hassall Street frontage.
- A planning proposal has been submitted for 183 Macquarie Street adjacent to the site for a student housing development with a potential FSR of 8:1 (current FSR is 4:1), and a potential height of a 22 Storey high building (73m High).

Under *Parramatta Local Environmental Plan 2011 (PLEP 2011)*, the site:

- Is zoned B4 Mixed Use;
- Has a maximum building height of 54 metres; and
- Has a maximum floor space ratio (FSR) of 6:1.

Notwithstanding the above controls, the subject site is located within Area 4 of the 'Special Provisions Area Map' and is subject to Clause 7.9 – Development on land at 189 Macquarie Street, Parramatta as outlined below:

- (1) *This clause applies to land marked "Area 4" on the "Special Provisions Area Map".*
- (2) *Despite clauses 4.3, 4.4 and 7.10 (5), the consent authority may grant consent to development involving the construction of a new building or external alterations to an existing building on land to which this clause applies if:*
  - a) *the design of the building or alteration is the result of a competitive design process as required by clause 7.10 (5), and*

- b) *the consent authority is of the opinion that the building or alteration exhibits design excellence with regard to the design criteria specified in clause 7.10 (4), and*
- c) *the development continues to include a public car park on the site (the area of which is not subject to paragraphs (e) and (f)), and*
- d) *the development does not result in a building with a building height that exceeds 91.3 metres above natural ground level, and*
- e) *the development does not result in a building with a gross floor area that exceeds 36,000 square metres, excluding any floor space used only for private balconies and communal open space, and*
- f) *the development does not result in a building with a gross floor area that exceeds 2,750 square metres that is used for the purposes of communal open space and private balconies.*

(3) *In this clause:*

***communal open space*** means areas for the purpose of recreation for use by building tenants, including gymnasiums, common rooms and communal gardens.

***private balcony*** means a balcony, terrace, deck or winter garden (whether unenclosed, partially enclosed or wholly enclosed) that is attached to a dwelling for private use.

This planning proposal does not seek to amend the land zoning.

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

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The objective of this planning proposal is to increase the permissible density of development **and introduce a new provision in relation to maximum private car parking rates** for land at 189 Macquarie Street, Parramatta, so as to provide opportunities for the redevelopment of the land in a manner generally consistent with the outcomes of Council's adopted planning strategy and subsequent planning proposal for the Parramatta CBD.

## PART 2 – EXPLANATION OF PROVISIONS

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This planning proposal seeks to amend *Parramatta LEP 2011 (PLEP 2011)* in relation to the site specific Clause 7.9 Development on land at 189 Macquarie Street, Parramatta. This clause prescribes the height and gross floor area of the subject site. In order to achieve the desired objective of this planning proposal to increase the density of the site, the following amendments to *PLEP 2011* will be required:

(Deletions are shown in ~~italic strike-through~~ and new texts in ***bold underlined italics***).

1. Amend Clause 7.9 to state the following:

### ***7.9 Development on land at 189 Macquarie Street, Parramatta***

- (1) *This clause applies to land marked "Area 4" on the Special Provisions Area Map.*
- (2) *Despite clauses 4.3, 4.4 and 7.10 (5), the consent authority may grant consent to development involving the construction of a new building or*

*external alterations to an existing building on land to which this clause applies if:*

*(a) the design of the building or alteration is the result of a competitive design process as required by clause 7.10 (5), and*

*(b) the consent authority is of the opinion that the building or alteration exhibits design excellence with regard to the design criteria specified in clause 7.10 (4), and*

*(c) the development continues to include a public car park on the site (the area of which is not subject to paragraphs (e) and (f)), and*

*(d) the development does not result in a building with a building height that exceeds ~~91.3~~**167** metres above natural ground level, and*

*(e) the development does not result in a building with a gross floor area that exceeds ~~36,000~~ **60,000** square metres, excluding any floor space used only for private balconies and communal open space, and*

*(f) the development does not result in a building with a gross floor area that exceeds 2,750 square metres that is used for the purposes of communal open space and private balconies.*

*(g) the development is subject to the following maximum parking rates associated with private parking:*

*Residential:*

<i>3-bedroom</i>	<i>1 spaces/unit</i>
<i>2-bedroom</i>	<i>0.7 spaces/unit</i>
<i>1-bedroom</i>	<i>0.3 spaces/unit</i>
<i>Studio</i>	<i>0.1 spaces/unit</i>

*Commercial:*

*If the FSR > 3.5:1*

$$M = (G * A) / (50 * T)$$

*where:*

*M = maximum number of parking spaces;*

*G = GFA of all office/business premises in the building (m<sup>2</sup>);*

*A = Site Area (m<sup>2</sup>);*

*T = Total GFA of all buildings on the site (m<sup>2</sup>)*

*If the FSR <= 3.5:1*

*Office/Business:*

*1 space / 175 sqm GFA*

*Retail:*

*1 space / 90 sqm GFA*

**(3)** *In this clause:*

**communal open space** means areas for the purpose of recreation for use by building tenants, including gymnasiums, common rooms and communal gardens.

**private balcony** means a balcony, terrace, deck or winter garden (whether unenclosed, partially enclosed or wholly enclosed) that is attached to a dwelling for private use.

## 2.1 Other relevant matters

### 2.1.1 Voluntary Planning Agreement

It is noted that the site is a Council owned site and currently operates under a Project Delivery Agreement (PDA) between Council and Toplace Pty Ltd. for the delivery of a 715 space public car park as part of the redevelopment of the site. The site is also subject to a Voluntary Planning Agreement executed as part of the previous Planning Proposal (RZ/7/2013). The relevant parties to the VPA are Parramatta City Council (now referred to as the City of Parramatta Council), the developer and Toplace Pty. Ltd. The VPA requires the developer to design, construct and deliver the public car park to Council in accordance with the PDA. The VPA also requires the developer to carry out road works, streetscape works and public thoroughfare works.

Council has negotiated a further VPA in light of the significant increase in residential Gross Floor Area being sought for the site under the current Planning Proposal. This draft VPA is being exhibited alongside this Planning Proposal. This approach is consistent with other Planning Proposals in the Parramatta Local Government Area (LGA), where there is a net increase in permissible density.

### 2.1.2 Design Excellence

On 14 December 2015, a report was provided to Council relating to the design excellence process for 189 Macquarie Street. This report provided an assessment of the issues arising in relation to the design competition for the planning proposal.

Initially the applicant was seeking an exemption from engaging in a further design competition for the site, through the introduction of a site specific provision under their planning proposal as follows:

*“To allow the original jury of the architectural design competition to endorse the design quality of any altered approved building form, without the need for a further design competition to be held”.*

This matter was referred to the Government Architects Office (GAO) in November 2015. Their response recommended that a new design competition would be required as the density increase sought represents a substantial design change.

Council Officers recommended Council not support this provision and this matter was deferred by Council (on 14 December 2015) pending resolution item (b):

- (a) **That** Council note the advice from the Government Architect’s Office (GAO) requiring a new design competition to be held in association with the increased development potential being sought.
- (b) **That** Council defer the recommendation to not support the applicant’s request to be exempt from the design excellence process for this site until further information is provided on:



1. *The effects of a design competition on the public car park to be handed over to Council;*
  2. *The implications of the delivery and handover of the public car park from the applicant to Council; and*
  3. *Further liaison between Council and the applicant.*
- (c) **That** Council continues to assess the Planning Proposal based on the merit of the application.
- (d) **Further, that** Council advise the applicant of Council's decision on this matter and seek advice on whether they wish to proceed with the planning proposal in its current form.

Following this resolution and discussion with Council staff, the applicant revised their planning proposal application to remove this proposed provision and no longer seek exemption. The applicant will still be required to proceed with a further design competition.

## PART 3 – JUSTIFICATION

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This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

### 3.1 Section A - Need for the planning proposal

#### 3.1.1 Is the Planning Proposal a result of any study or report?

This planning proposal is a result of an application from the developer seeking to increase the density of development permitted on site. Council and the independent consultant (Elton Consulting) has assessed the Proposal within the context of local and state government strategic plans including the NSW Government's *A Plan for Growing Sydney*, the Parramatta CBD Planning Strategy and the CBD Planning Proposal.

Notably, *A Plan for Growing Sydney* states that the Government will work with the City of Parramatta Council to review expansion opportunities in the Parramatta CBD including updated building height controls and removal of barriers to growth to promote more efficient land use outcomes. The CBD Planning Proposal provides a response to the growing needs of Parramatta City Centre as Australia's next great city and was informed by the CBD Planning Strategy and supporting technical studies. The CBD Planning Proposal prepares new draft planning controls to facilitate greater development in the Parramatta CBD to strengthen its role as Sydney's dual CBD.

Key attributes of the CBD Planning Proposal as they are proposed to apply to this site include a potential Floor Space Ratio (FSR) of 10:1 (Incentive FSR subject to meeting certain criteria), and a building height that responds to appropriate built forms.

#### 3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Given the site is subject to a site specific clause, a planning proposal which seeks to amend the development standards is considered the best way to achieve the intended outcomes. The specifics of Clause 7.9 of the PLEP 2011 are such that an increase in height and GFA on the site can only be achieved by amending the provisions of this

clause. The Planning Proposal will effectively deliver the intended outcomes of the CBD Planning Proposal on a site specific basis.

## 3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

### 3.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

#### Greater Sydney Region Plan (March 2018)

In March 2018, the NSW Government released the *Greater Sydney Region Plan, A Metropolis of Three Cities*, which is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The plan is guided by 10 overarching directions relating to infrastructure and collaboration, productivity, liveability and sustainability with objectives associated with each. The City of Parramatta is located within the Central City District.

**Table 1** below outlines key objectives relevant to this Planning Proposal, and how the proposed LEP amendments align to this plan.

Objective	Planning Proposal
Objective 10: Greater housing supply	The Proposal meets this objective by: <ul style="list-style-type: none"> <li>• Providing additional residential gross floor area to help meet housing targets set for the Central City District</li> <li>• Locating housing in the right locations, with direct access to the future Parramatta Light Rail and future Sydney Metro West</li> <li>• Through design excellence requirements, delivery of a high-amenity mixed-use development.</li> </ul>
Objective 11: Housing is more diverse and affordable	The Proposal meets this objective by: <ul style="list-style-type: none"> <li>• Providing additional housing supply to a local market with a high demand for increased residential accommodation.</li> </ul>
Objective 19: Greater Parramatta is stronger and better connected	The Proposal meet this objective as it: <ul style="list-style-type: none"> <li>• Is generally consistent with the Parramatta CBD Planning Proposal</li> <li>• Facilitates additional residential gross floor area near to services, amenities and transport</li> </ul>

	opportunities located in Parramatta CBD
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**Table 1 – Consistency of Planning Proposal with Greater Sydney Region Plan**

### Central City District Plan

The Central City District Plan was released by the Greater Sydney Commission in March 2018. The Plan considers that Parramatta CBD will be the driver of the Central River City and will be one of the top five CBDs in Australia.

An assessment of the Planning Proposal against key relevant Priorities and Directions outlined in the draft District Plan is addressed in **Table 2** below.

Planning Priority C7 Actions	Planning Proposal
24. Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy by: c. balancing residential development with the needs of commercial development.	This proposal creates opportunities for additional residential GFA within the Parramatta CBD. This is considered a balance of the needs of both residential and commercial development for the following reasons: <ul style="list-style-type: none"> <li>• The site is located outside land identified in Council's Planning Proposal as forming part of the Commercial Core – therefore, it is not envisaged that this site should form a purely commercial development.</li> <li>• The proposal also does not preclude the development of other sites in the vicinity for an expanded office market.</li> </ul>
d. providing for a wide range of cultural, entertainment, arts and leisure activities.	The proposed contains, in part, a public car park which will have a supporting role for these aspects of city life. In addition, this planning proposal will attract a number of residents which will contribute to supporting cultural, entertainment, arts and leisure activities within Greater Parramatta.
28. Manage car parking and identify smart traffic management strategies.	The proposed development concept adheres to Council's proposed standards under their Planning Proposal for parking rates within the CBD in relation to private parking, and also provides public car parking.

**Table 2 – Consistency of Planning Proposal with the Central City District Plan**

### 3.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

The following strategic planning documents are relevant to the planning proposal.

#### Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta that links to the long-term future of Sydney. The plan formalises several big and

transformational ideas for the City and the region that are associated with the economy, environment, connectivity, people and neighbourhoods, culture and sport, and leadership and governance.

The planning proposal is considered to meet the strategies and key objectives identified in the plan by:

- Contributing to Parramatta's vision as a world class city
- Helping build the city as a centre of high value adding employment
- Using the city's growth to improve the environment
- Developing a world class city where people live well

The proposed development will allow for a residential development containing a mix of dwelling types that will support the city centre and revitalisation of a large underutilised site, and provide a concentration of housing around transport nodes contributing towards dwelling targets for the Parramatta local government area.

### **Parramatta CBD Planning Strategy and Parramatta draft CBD Planning Proposal**

Council adopted the "Parramatta CBD Planning Strategy" at its meeting of 27 April 2015. This Strategy evolved from the metropolitan strategy '*A plan for growing Sydney*', and was the outcome of detailed technical studies which reviewed the current planning framework. It has also involved a significant program of consultation with stakeholders and the community. The objectives of the Strategy are as follows:

1. To set the vision for the growth of the Parramatta CBD as Australia's next great city.
2. To establish principles and actions to guide a new planning framework for the Parramatta CBD.
3. To provide a clear implementation plan for delivery of the new planning framework for the Parramatta CBD.

On April 11 2016, Council adopted the draft CBD Planning Proposal which was informed by the Parramatta CBD Planning Strategy. This planning proposal was submitted to the DP&E (April 2016) for Gateway Determination, and includes proposed controls on built form, land use mix and tower slenderness. It also proposes a number of new draft LEP provisions that may have further implications on the subject site.

The amendment being sought for this site specific planning proposal is seeking an increase in density on the site consistent with the CBD Planning Strategy and subsequent Planning Proposal.

The CBD Strategy contains the following broad principles which are considered relevant to this Planning Proposal. They are addressed as follows:

#### **P1 Achieves world's best practice in the planning and development of cities:**

Assessment: The Planning Proposal responds to the Parramatta CBD Strategy and its vision for the City of Parramatta. The CBD Strategy itself is the culmination of a large body of work and detailed consideration of technical studies and community consultation. The CBD Strategy is to be implemented, largely through a Planning Proposal to alter the PLEP 2011 provisions. The controls proposed for the site are in accordance with the controls recommended in the broader CBD Planning Proposal and will contribute towards the growth of Parramatta as Australia's next great CBD.

**P2 Achieves a strategic balance of land uses.**

Assessment: The Planning Proposal does not include a change to the existing zoning of B4 Mixed Use. This maintains the zoning envisaged for the site under the CBD Strategy where the proposal provides a mix of retail/commercial uses and residential accommodation in order to support the viability of the commercial core.

**P3 Creates an attractive and distinctive city skyline defined by tall, slender towers.**

Assessment: The reference design submitted within the Urban Design report indicates two tall towers sitting on a large podium. The height control sought is 167m which is consistent with the height of other site-specific planning proposals in the CBD. This will contribute towards a distinctive skyline at the eastern gateway into the city.

**P4 Creates a liveable, active and highly desirable city.**

Assessment: The increase in permissible density is in keeping with the principle of transit-oriented-development and the location of the site is such that it is able to capitalise on the excellent access to transport, jobs, amenities and services that the CBD has to offer. The proposal incorporates retail uses on the ground floor on the Macquarie Street and Hassall Street frontages. The proposal will improve accessibility through the site by including a through-pedestrian link providing access from Macquarie street to Hassall Street. Above ground car parking will be sleeved with appropriate active uses.

**P6 Improves the quality of urban design and the public domain.**

Assessment: As stated above, the proposal includes active retail land uses at the ground floor and will contribute towards a quality public domain with the provision of a landscaped pedestrian link through the site. With regard to the broader urban design of the proposal, the Planning Proposal is accompanied by an Urban Design Report prepared by GMU on behalf of the applicant. Further to this, Antoniades Architects were appointed by Elton Consulting on behalf of The City of Parramatta Council to provide an independent assessment of the adequacy of the Urban Design Report prepared by GMU. The Antoniades Architects assessment agrees with the GMU report in terms of the massing of the two towers as being the most appropriate built form for the site (ie. the taller tower to the north facing Macquarie Street at 167m and the shorter tower to the south facing Hassall Street at 126m). The assessment, however, does note that the Macquarie Street tower, when viewed from the east has the potential to appear bulky and inarticulate. It recommends a more modulated architectural typology be provided which is able to be further detailed at the design stage.

**P7 Achieves design excellence.**

Assessment: The site specific clause that applies to the subject site (Clause 7.9 of PLEP 2011) requires the design of the building to be the result of a competitive design process as defined by Clause 7.10 (5). Clause 7.10 (5) outlines a process for ensuring design excellence in new buildings or alterations in existing buildings.

Please note: The CBD Planning Proposal received a Gateway Determination on 13 November 2018. For further information on the current status of the CBD Planning Proposal and Gateway Conditions, please visit Council's website at:

<https://www.cityofparramatta.nsw.gov.au/council/precinct-planning/parramatta-cbd>. The formal assessment of this site specific Planning Proposal will be assessed using the current information for the CBD Planning Proposal.

### 3.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 1 below).

**Table 1 – Comparison of planning proposals with relevant SEPPs**

State Environmental Planning Policies (SEPPs)	Consistent:	Comment
SEPP (State and regional Development ) 2011	Yes	The future development of the site is likely to be deemed as regional development, meeting the relevant threshold. The Joint Regional Planning Panel will be the determining authority.
SEPP No 65 Design Quality of Residential Flat Development	Yes	Detailed compliance with SEPP 65 will be demonstrated at the time of the design competition process and in making a development application for the site facilitated by this Planning Proposal. During the design development phase, detailed testing of SEPP 65 and the Apartment Design Guide was carried out and the indicative scheme is capable of demonstrating compliance with the SEPP.
SEPP No 55 Remediation of land	Yes	Contamination is not a constraint on the site. The land is currently zoned for mixed use development and the proposed amendment to the LEP does not change the nature of the permissible uses.

### 3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

In accordance with Section 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Regional planning
- Local plan making
- Metropolitan planning

The following directions are considered relevant to the subject Planning Proposal.

**Table 2 – Comparison of planning proposals with relevant Section 9.1 Directions**

Section	Comment
<b>1. Employment and Resources</b>	
Direction 1.1 – Business and Industrial Zones	This planning proposal does not propose to change the zoning of the site. The proposed mixed use remains consistent with the current zoning for the site. The increase of planning controls on this site will facilitate a predominantly residential, mixed use development that will

	support employment growth due to its CBD location, and proximity to public transport.
<b>2. Environment and Heritage</b>	
Direction 2.3 - Heritage Conservation	<p>The subject site contains no heritage listed items however is located within the vicinity of items of state and local heritage significance including Experiment Farm Cottage, Hambledon House, Robin Thomas Archaeological Site, Elizabeth Farm, Gasworks Bridge and Tara (also known as Ellengowan).</p> <p>A heritage issues identification report was prepared in support of this planning proposal and assessed independently. It was identified that the additional height and floor space on the site will have little additional impact on the values of local heritage items in vicinity of the site.</p> <p>Varied heights across the site will be required in order to reduce any impact on state listed items, with concern mainly related to impacts caused by overshadowing. It was concluded that the proposed additional height may have acceptable levels of heritage impact provided that setbacks, building mass, form and treatment of elevations reduce overshadowing particularly to Experiment Farm and Experiment Farm Cottage.</p> <p>Further refinement and detail will need to be provided during the Design Excellence process and later at the Development Application stage to ensure reasonable management of this issue.</p> <p>Refer to Section 3.4.2 for an assessment of the planning proposal from a heritage perspective.</p>
<b>3. Housing, Infrastructure and Urban Development</b>	
Direction 3.1 - Residential Zones	<p>The Planning Proposal is consistent with this direction in that it will facilitate additional housing in close proximity to Parramatta City Centre, which is currently not provided on the site. It will also facilitate residential development in an existing urban area that is serviced by existing infrastructure including public transport, shops, and employment whilst maintaining the permissible residential density of land.</p>

Direction 3.4 - Integrating Land Use and Transport	<p>The Planning Proposal is consistent with this direction in that it provides increased dwellings and housing choice in close proximity to existing public transport links, including cycle ways, walking catchments, Parramatta railway station and Parramatta bus interchange. This in turn will support the viability of existing transport as well as support future transport options.</p> <p>As the development is located near transit, it will increase the use of public transport by enabling residents to walk or cycle to work if employed in the Parramatta City Centre or utilise the heavy rail service. In light of the existing development approval on the site, it will maintain and provide additional commercial premises in proximity to existing transport links, thus making more efficient use of space and infrastructure by increasing densities on an underutilised site.</p> <p>As per the alteration of the Gateway determination (dated 4 August 2017) in relation to Condition 5, this Planning Proposal seeks to apply maximum parking rates in line with the Parramatta CBD Strategic Transport Study, consistent with the CBD Planning Proposal.</p>
Direction 3.5 – Development near licensed aerodromes.	<p>Sydney and Bankstown Airports are subject to the federal Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996. Airspace above the Parramatta CBD is affected by operational requirements for those airports. A building that penetrates the Obstacle Limitation Surface (OLS) requires approval under that legislation, via the Commonwealth Department of Infrastructure and Regional Development. The protected airspace for Bankstown airport commences at 156.0 metres AHD and 243 metres AHD for the Sydney Airport, and any intrusion into the airspace applies to both permanent and temporary intrusions (including construction cranes).</p> <p>This planning proposal is seeking maximum height of 167 metres and will therefore require approval under the Regulations.</p>
<b>4. Hazard and Risk</b>	
Direction 4.1 - Acid Sulfate Soils	<p>The site is identified as Class 5 on the Acid Sulfate Soils Map in Parramatta Local Environmental Plan 2011. Acid sulfate soils are generally not found in Class 5 areas however this will be addressed further at the development application stage.</p>
Direction 4.3 - Flood Prone Land	<p>This site is identified as flood prone land under the Lower Parramatta River Flood Management Study.</p> <p>A site-specific flood study was not prepared for this planning proposal with the flood modelling conducted for the previous PP and DA used to inform the current planning proposal. An addendum letter was provided by the applicant to indicate that the previous flood study remains relevant for the</p>



	<p>additional density. However, further flood advice was sought for the purpose of this planning proposal due to the additional density proposed and any potential additional basement car parking levels as a result of a revised design competition scheme.</p> <p>The overall supporting flood advice indicates that the development of the site is able to be designed consistently with the Floodplain Development Manual 2005 and relevant Council flood planning controls. The planning proposal is also considered to be consistent with the Section 117 Direction 4.3 – Flood Prone Land. Detailed design features and evacuation measures to respond to the flood affectation can be implemented at the DA stage.</p> <p>Whilst this planning proposal complies with the <u>current</u> flood related controls for the site, Draft LEP provisions relating to floodplain risk management that will result in design implications for the development should also be considered at the detailed design stage of the development to remain consistent with Council's evolving policy position.</p> <p>As per condition 1(b) of the Gateway Determination (dated 15 November 2016), an addendum letter submitted by the Applicant relating to flooding has been attached (refer to Appendix 5). This letter contains advice that the conclusions of the flood study from the previous site specific planning proposal (prepared 13 May 2014) remains valid for this proposal, and that the current proposal is not inconsistent with the City of Parramatta Council Floodplain Matrix and part 4.3 of the Section 117 Directions.</p>
<b>6. Local Plan Making</b>	
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.
Direction 6.3 - Site Specific Provisions	While the Planning Proposal does include site specific prescriptive controls for maximum height and floor area, the controls are an amendment to an existing clause and the Planning Proposal will not introduce any new provisions.
<b>7 Metropolitan Planning</b>	
Direction 7.1 Implementation of a Plan for Growing Sydney	As detailed in this report, the Planning Proposal is consistent with the relevant metropolitan plan ( <b>Greater Sydney Region Plan, March 2018</b> )
Direction 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Implementation Plan	<p>The proposal is consistent with the actions in the Interim Land Use and Infrastructure Plan in that the proposal:</p> <ul style="list-style-type: none"> <li>• Is in line with the Parramatta CBD Planning Proposal</li> <li>• Will contribute towards dwelling and employment targets within the Parramatta City Centre</li> <li>• Will assist in the funding of infrastructure</li> </ul>

### **3.3 Section C – Environmental, social and economic impact**

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

#### **3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The site is a previously disturbed site within an urban area and the Planning Proposal is not likely to result in any impact to any critical habitats, threatened species, populations or ecological communities.

#### **3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

- Urban Design and Built Form
- Solar access and overshadowing
- Flooding
- Traffic

#### **Urban Design and Built Form**

Whilst the current approved development application has been the result of a design excellence competition, a simple extrusion of the heights as per the current design approval would generate concern in regards to the width and bulk of the built form, and overall design excellence. The applicant will be required to undergo a further design competition on the site to support the future design approval, for the additional floor space and height.

#### **Solar Access and Overshadowing**

Concern has been raised regarding the proposed height of the development in regards to overshadowing from and to the subject site (resulting from adjacent properties) and subsequent impacts on solar access. Overshadowing of nearby state heritage items and the Rowland Hassall School site is also of concern.

The level of impact associated with solar access afforded to future units on the subject site, as well as the extent of overshadowing on nearby heritage items and the school site (due to development on the subject site) will be dependent on the built form, and how the additional height and GFA is distributed across the site.

Appendix 1 contains the Urban Design Report which accompanies the Planning Proposal and demonstrates the overshadowing from the approved development on the site, and the additional overshadowing which could result from a two tower building form with a height of 167m on the site. The shadow diagrams submitted indicate that should the height be distributed according to the “preferred option”, there will be no overshadowing of experiment Farm Cottage. Further, there will be no overshadowing of Robin Thomas Reserve between 9am and 3pm in winter or summer. There is, however, the potential for some additional overshadowing of the Rowland Hassall School between 2pm and 3pm.

Detailed analysis of the overshadowing issue will be undertaken as part of the design competition and development application assessment.

As required by condition 1(a) of the Gateway determination (dated 15 November 2016), Appendix 4 of this Planning Proposal contains cumulative overshadowing diagrams depicting the overshadowing impacts on 21 June (mid-winter) from 9am-3pm. The diagram indicates the existing approved development application and planning proposal, in addition to other nearby planning proposals to demonstrate the cumulative impact within impacted areas.

## Flooding

This issue is addressed previously within the discussion of consistency with Section 117 direction 4.3 – Flood Prone Land.

## Traffic

Council has undertaken the Parramatta CBD Strategic Transport Study which established maximum rates for residential and commercial uses in association with the Parramatta CBD Planning Proposal. The rates are as follows:

### Residential:

3-bedroom	1 spaces/unit
2-bedroom	0.7 spaces/unit
1-bedroom	0.3 spaces/unit
Studio	.1 spaces/unit

### Commercial:

If the FSR > 3.5:1

$$M = (G * A) / (50 * T)$$

where:

M = maximum number of parking spaces;

G = GFA of all office/business premises in the building (m<sup>2</sup>);

A = Site Area (m<sup>2</sup>);

T = Total GFA of all buildings on the site (m<sup>2</sup>)

If the FSR <= 3.5:1

Office/Business: 1 space / 175 sqm GFA

Retail: 1 space / 90 sqm GFA

The amended Gateway Determination (dated 4 August 2017) requires “a maximum car parking rate in accordance with the Parramatta CBD Strategic Transport Study as shown above. This Planning Proposal seeks to apply the above maximum rates at 189 Macquarie Street for private parking.

With regard to the public car park required to be constructed and delivered on the subject site under the Project Delivery Agreement (PDA) and the Voluntary Planning Agreement (VPA), the Planning Proposal does not propose to alter this and the existing PDA and VPA will continue to operate regardless of the current Proposal.

### **3.3.3 How has the planning proposal adequately addressed any social and economic effects?**

There is adequate justification for this planning proposal which will facilitate an increase in density and the future development of housing in close proximity to existing public transport links including cycle ways, walking catchments, Parramatta railway station and Parramatta bus interchange. The future development is to provide a mix of apartment types to respond to the diverse population, contributing to housing choice and affordability.

In providing increased dwellings and housing choice in proximity to transport nodes, this will support the viability of existing transport and support future transport options.

### **Heritage**

The subject site contains no heritage listed items however is located within the vicinity of local and state items of heritage significance including Experiment Farm Cottage, Hambledon House, Robin Thomas Archaeological site, Elizabeth Farm, the Gasworks Bridge and Tara (also known as Ellengowan).

Previous development on the site was limited to 20th century housing following subdivision of vacant land. Whilst the site has no identified heritage significance beyond its general location in this area of early settlement, in the case where archaeological resources are found on the site the retention and interpretation of these resources is addressed in the conditions of the existing approval.

Items of local heritage significance: A heritage issues identification report was prepared in support of this planning proposal and assessed independently. It was identified that the additional height and floor space on the site will not cause adverse impact on the values of local heritage items in vicinity on the site.

Items of state heritage significance: The variation of heights across the site is necessary in reducing any impact on state listed items, particularly in relation to overshadowing. The proposed additional height may have acceptable levels of heritage impact provided that setbacks, building mass, form and treatment of elevations are considered to reduce overshadowing particularly to Experiment Farm and Experiment Farm Cottage. Consideration of these matters will form part of future detailed design.

Further refinement and detail will need to be provided during the Design Excellence process and later at the Development Application stage in ensuring this is managed appropriately. As identified above, any archaeological resources found as a result of the sites previous use should be retained and interpreted, supporting the public's understanding of the historical development of the site.

The Heritage Issues Identification Report referred to above is contained at Appendix 2 of this Planning Proposal.

## **3.4 Section D – State and Commonwealth Interests**

### **3.4.1 Is there adequate public infrastructure for the planning proposal?**

The subject land is approximately 800 metre walking distance from Parramatta Railway Station/Bus terminal. Civil and utility infrastructure is suitably accessible to service the

subject land and support the proposed development. Redevelopment of the subject site can provide a catalyst for further development within area and this will optimise public infrastructure investment within this area.

### **3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Relevant State and Commonwealth authorities will be consulted in accordance with Section 3.34 of the *EP&A Act 1979*, as per the outcomes of the Gateway determination.

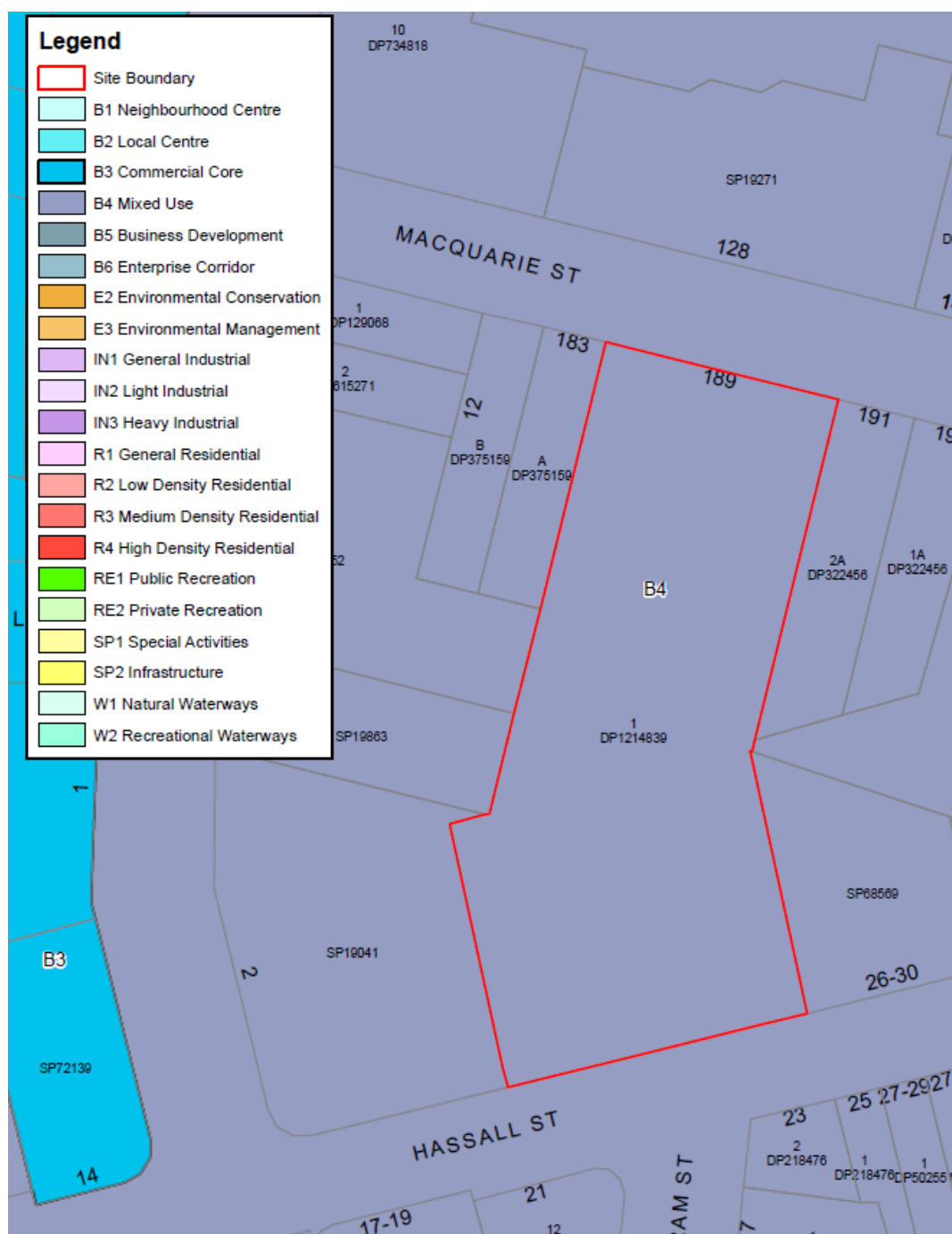
## **PART 4 – MAPPING**

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This section contains the mapping for this planning proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals.

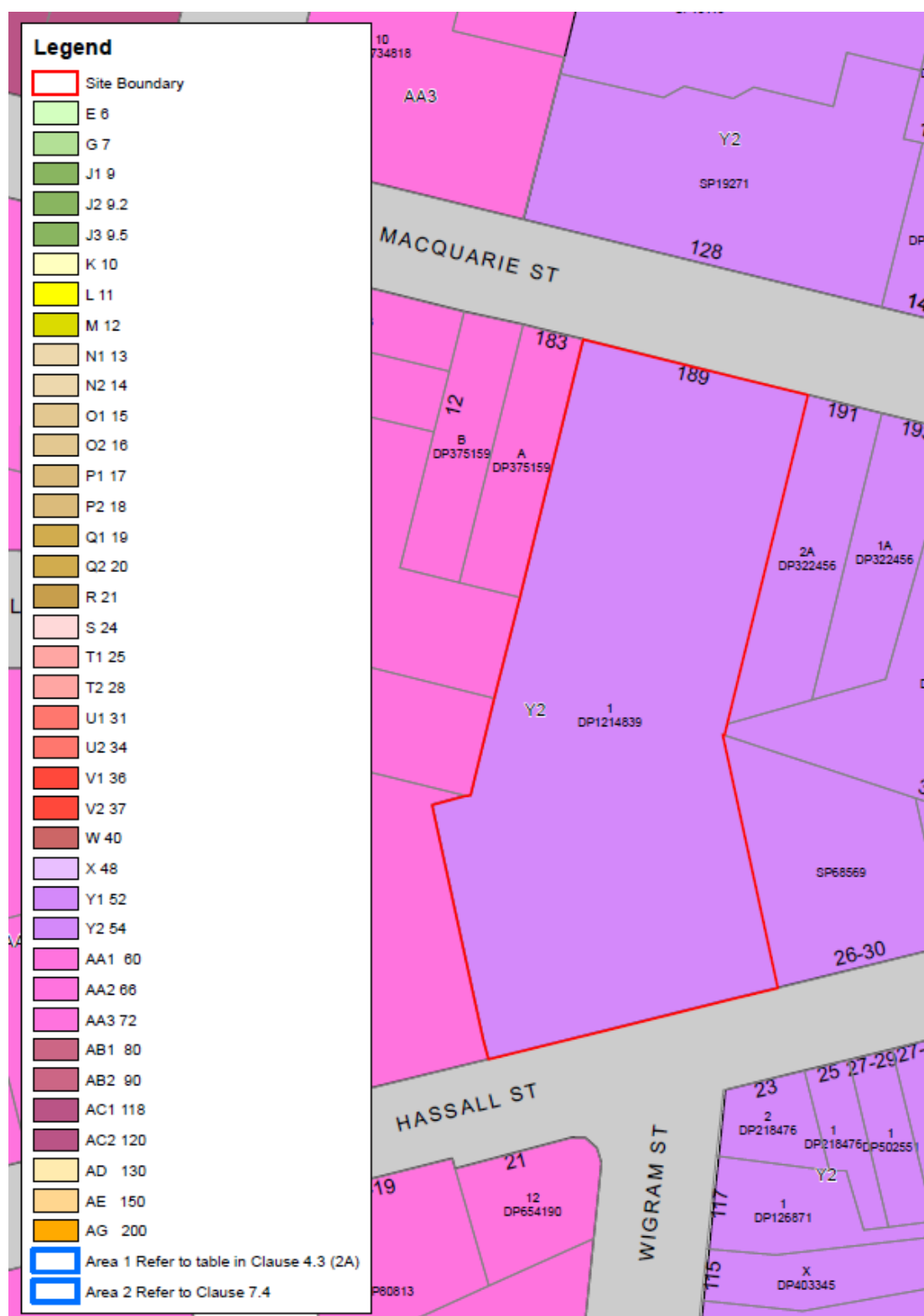
### **4.1 Existing controls**

This section contains map extracts from *PLEP 2011* which illustrate the current controls applying to the site. Please note that there are no proposed mapping changes under this planning proposal. This site is identified on the Special Area Provisions map (as shown in map 4.4) and is subject to the site specific clause 7.9 under PLEP 2011. This planning proposal seeks to amend that site specific clause.



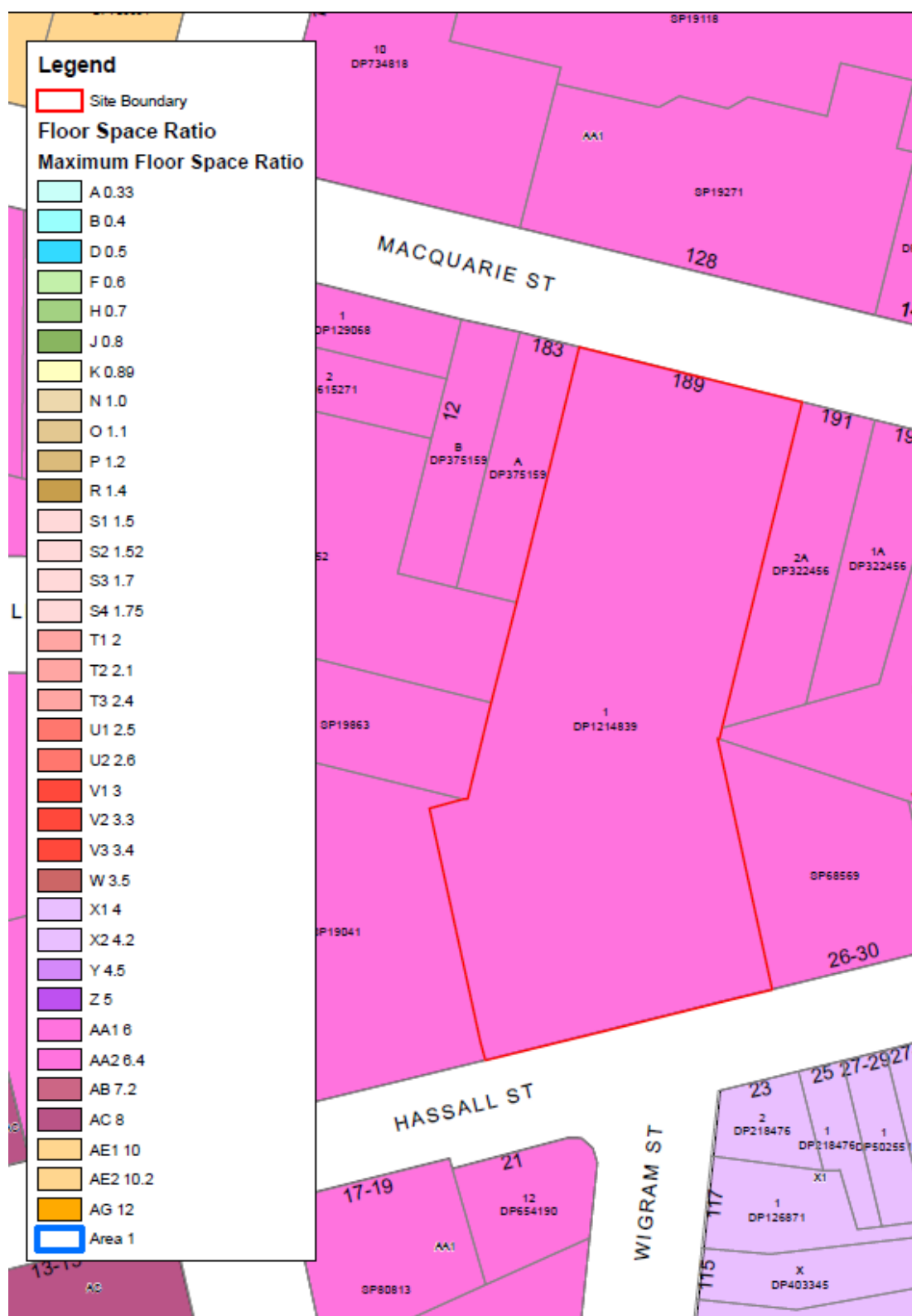
**Figure 4.1** – Existing zoning extracted from the *PLEP 2011* Land Zoning Maps

Figure 4.1 above illustrates the existing B4 Mixed Use zone over the site.



**Figure 4.2 – Existing building heights extracted from the PLEP 2011 Height of Buildings Maps**

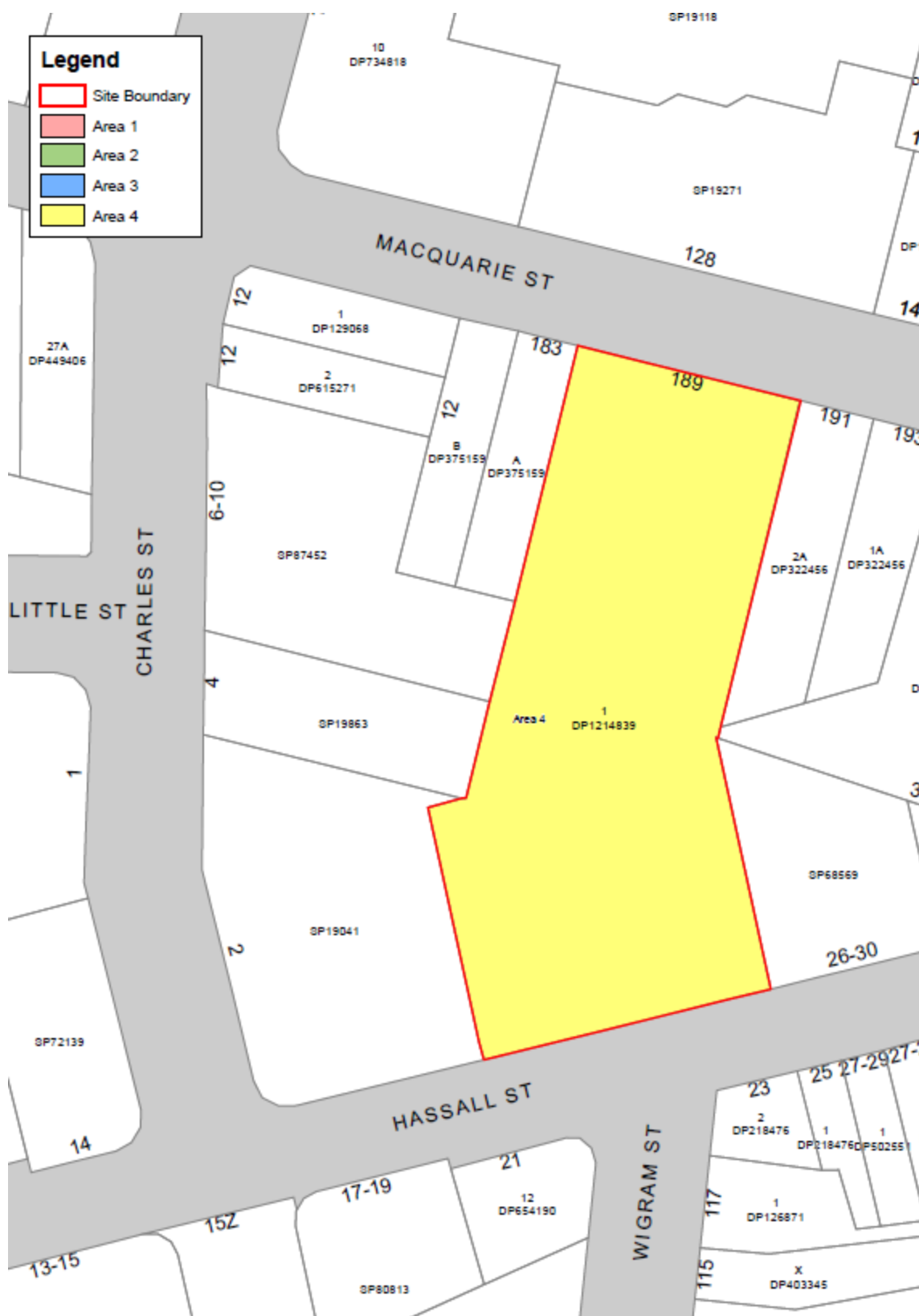
Figure 4.2 above illustrates the existing 54 metre height applying to the site. (Note: The current provisions of Clause 7.9 of the PLEP 2011 provide for a height of 91.3m despite the provisions of the Height of Buildings Map.)



**Figure 4.3 – Existing floor space ratio extracted from the *PLEP 2011* Floor Space Ratio Map**

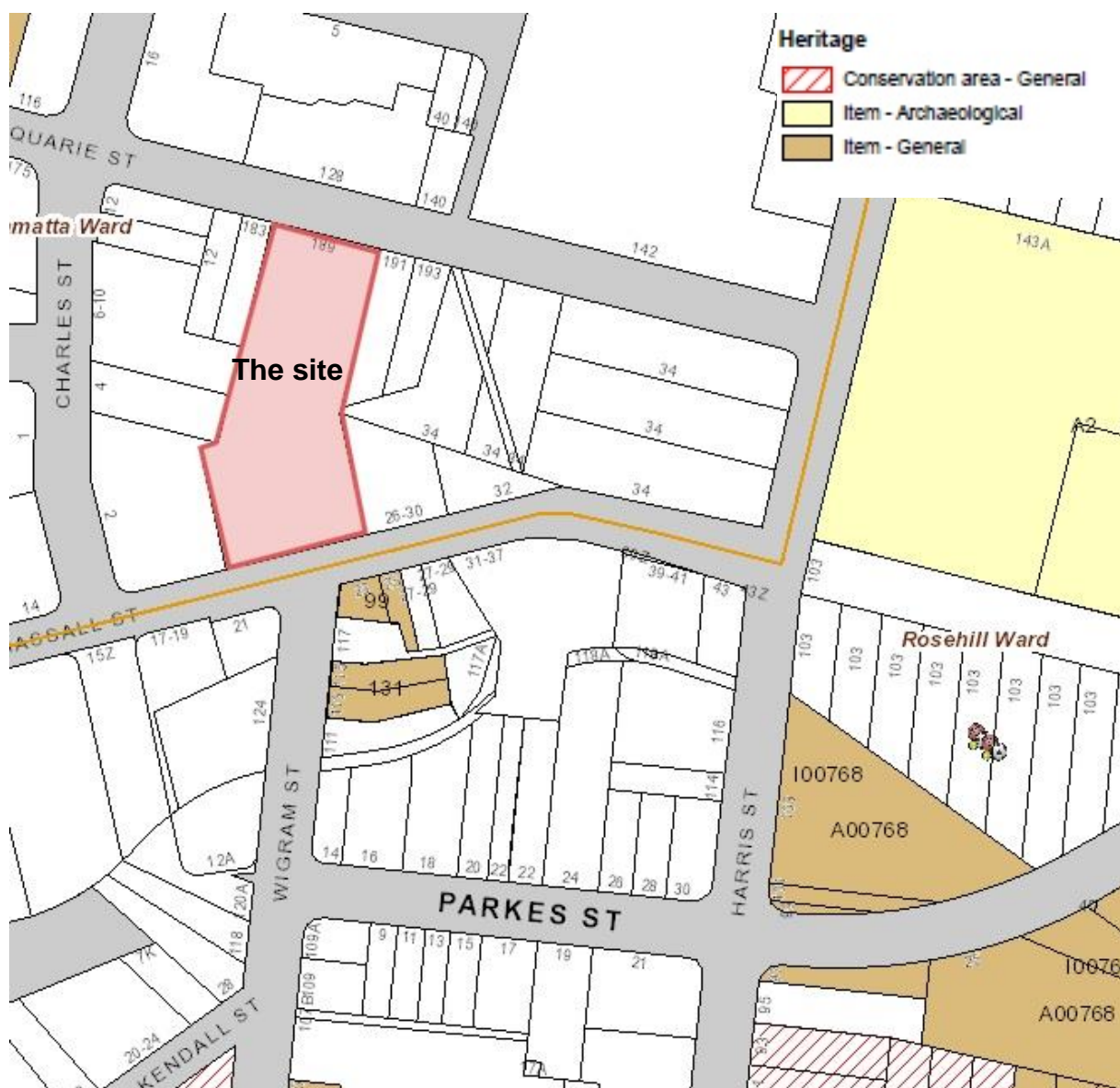
Figure 4.3 above illustrates the existing 4:1 FSR which applies to the entire site. (Note: The current provisions of Clause 7.9 of the PLEP 2011 provide for a gross floor area of 36,000m<sup>2</sup> despite the provisions of the FSR. This GFA equates to a FSR of approximately 6.9:1).





**Figure 4.4 – Special Area Provisions Map extracted from *PLEP 2011***

Figure 4.4 above illustrates the site is identified as a special area and is subject to site specific clause 7.9 of Parramatta LEP 2011



**Figure 4.5 – Heritage Map extracted from PLEP 2011**

Figure 4.5 above illustrates the site in context of surrounding items of heritage significance as identified under PLEP 2011.

## PART 5 – COMMUNITY CONSULTATION

The planning proposal (as revised to comply with the Gateway determination and subsequent alterations) is to be publicly available for community consultation.

Public exhibition will include:

- newspaper advertisement;
- display on the Council's website; and
- written notification to adjoining landowners.

The Gateway determination specifies the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies (refer to Section 3.4.2).

Consistent with Section 3.34(8) of the *EP&A Act 1979*, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity *to make submissions and the submissions have been considered*.

## PART 6 – PROJECT TIMELINE

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The detail around the project timeline is expected to be prepared following the referral to the Minister for review of the Gateway Determination.

The following steps are anticipated:

- Referral to Minister for Gateway determination (September 2016)
- Issue of Gateway determination (November 2016)
- **Issue of Alteration of Gateway determination (August 2017)**
- **Issue of Alteration of Gateway determination (May 2018)**
- Commencement and completion dates for public exhibition period and government agency notification (May 2019 – June 2019)
- Consideration of submissions (June 2019)
- Consideration of proposal post exhibition and reporting to Council (July/August 2019)
- Submission to the Department to finalise the LEP (September 2019)
- Notification of instrument (October 2019)

## APPENDIX

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### **Appendix 1 – Urban Design Report, GMU Urban Design and Architecture, June 2016**

Refer to separate attachment.

### **Appendix 2 – Heritage Issues Identification Report, NBRS and Partners, June 2016**

Refer to separate attachment.

### **Appendix 3 – Flooding Advice, KF William and Associates, March 2016**

Refer to separate attachment.

### **Appendix 4 – Cumulative Overshadowing Diagrams, November 2016**

Refer to separate attachment.

### **Appendix 5 – Addendum letter relating to flooding, KF William and Associate, February 2016**

Refer to separate attachment.



Prepared by City of Parramatta

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