

**LEADING**


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<b>ITEM NUMBER</b>	12.3
<b>SUBJECT</b>	Request to revise Gateway Determination for planning proposal at 14-20 Parkes Street, Harris Park.
<b>REFERENCE</b>	RZ/9/2015 - D05766859
<b>REPORT OF</b>	Project Officer- Land Use Planning
<b>APPLICANT</b>	THINK PLANNERS PTY LTD

**PURPOSE:**

To seek Council's endorsement to write to the Department of Planning & Environment (DP&E) and request a revised Gateway Determination for the planning proposal application at 14-20 Parkes Street, Harris Park, to enable an incentive FSR of 10:1 and maximum building height of 122.5 metres on the site, consistent with Council's draft CBD Planning Proposal.

**RECOMMENDATION**

- (a) **That** Council writes to the DP&E to seek a revised Gateway Determination at 14-20 Parkes Street, Harris Park, to amend the maximum FSR from incentive 8:1 to 10:1 and maximum building height from 79 metres to 122.5 metres on the site (plus design excellence) consistent with the CBD Heritage Interface Study and Council's draft CBD Planning Proposal.
- (b) **That** subject to compliance with Gateway determination requirements the Planning Proposal be publicly exhibited for 28 days.
- (c) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council subject to the gateway determination and that the outcome of negotiations be reported back to Council prior to its public exhibition.
- (d) **That** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.

**EXECUTIVE SUMMARY**

- On 18 December 2017, Council received a request from Think Planners Pty Ltd. on behalf of the land owner (Aland Group) requesting Council seek a revised Gateway Determination from the DP&E for a site specific planning proposal at 14-20 Parkes Street, Harris Park (See **Attachment 1**).
- A revised gateway determination is being sought following Council's adoption of the recommendations under the CBD Heritage Interface Study by Hector Abraham Architects (HAA) on 10 July 2017. This study focused on the 'interface' of proposed development in the vicinity of areas and items of heritage significance making a number of recommendations in relation to planning controls in these interface areas.
- The applicants request for an increased FSR on the site is considered to be consistent with the endorsed recommendations of the HAA study. The detail of

these recommendations in relation to the subject site will be further discussed throughout this report.

## BACKGROUND

4. On 21 April 2015, Council received a planning proposal which sought to amend Parramatta LEP 2011 controls applying to the site as follows:
  - Maximum Building Height from 54 metres/16 storeys to 122.5 metres/39 Storeys
  - Maximum FSR from 4:1 to 10:1 not including the 15% design excellence bonus. (The design excellence bonus would enable an FSR of 11.5:1 and building height of 140 metres/42 storeys)
5. Under the draft CBD Planning Strategy endorsed in April 2015, the subject site was proposed as having a potential FSR of 10:1 subject to further testing.
6. Further testing and investigation was undertaken as part of the draft Urbis Heritage Study, which at the time identified that the site was located within a 'transitional area' to Harris Park Conservation Area, Experiment Farm Conservation and Robin Thomas Reserve. As a result of this, the draft study recommended that an FSR of 6:1 would be most appropriate on the site as it would help mitigate the impacts of development on scale, views and amenity, and create an appropriate transition to surrounding heritage items and heritage conservation areas.
7. On 9 November 2015, Council considered the site specific planning proposal where Council officers recommended an FSR of 6:1 (consistent with the draft Urbis study). Councillors resolved to defer this matter for the following Council meeting of 23 November 2015 to allow Council to properly consider the outcome.
8. On 23 November 2015, the matter was presented to Council and the following was resolved:
  - (a) **That** Council endorse the planning proposal contained in attachment 1 subject to it being amended to: -
    1. Provide a base FSR of 8:1 plus design excellence and
    2. Provide a maximum FSR of 10:1 plus design excellence.
  - (b) **That** maximum FSR may be achieved if the applicant voluntarily participates in a density bonus scheme which reflects an appropriate showing of the land value uplift of approximately 25 % of that value uplift and provided the additional floor space has no adverse impact on the amenity of the adjoining area.
  - (c) **That** subject to gateway determination the Planning Proposal be publicly exhibited for 28 days.
  - (d) **That** Council advise the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorized by Council on 26 November 2012.

- (e) ***That*** Council grant delegated authority to the CEO to negotiate a Voluntary Planning Agreement (VPA) with preference for a cash component for the delivery of public benefit.
  - (f) ***That*** the outcome of the VPA negotiations be reported back to Council.
  - (g) ***Further, that*** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.
9. On 14 December 2015, a resolution of Council concerning the CBD Planning Framework resolved in respect to heritage matters that the FSR controls remain as they were proposed in the CBD Planning Strategy. The relevant part of the 14 December 2015 resolution is as follows:
- Part (c) ***That*** Council recognise that to preserve the heritage value of each individual heritage item in the City, and seek to enhance heritage outcomes for the City, redevelopment proposed for heritage items should be treated as site specific case by case matters based on merit. Further:
- iv) *That FSR and height controls remain as listed in the current draft maps (ie. 10:1 in the CBD Core and 6:1 in the transitional areas as resolved in the draft City Centre Planning Framework Maps and as adopted in the Auto Alley Strategy). That is, that heritage items in the CBD, and those adjoined, have FSRs the same as adjoining properties, except for only the following:*
    - a) *Harrisford House, given this is a state heritage item with a direct connection with the river.*
    - b) *Area directly to the north of Lancer Barracks, given this is an item of national heritage significance.*
    - c) *Areas adjoining state heritage items within a significant landscape setting, including St John's Church and St John's Cemetery.*
10. In accordance with these resolutions, the site specific planning proposal at 14-20 Parkes Street, Harris Park was forwarded to the DP&E on 24 February 2016, seeking a gateway determination for a maximum FSR of 10:1 and maximum building height of 122.5 metres/39 storeys.
11. On 6 April 2016, the applicant proceeded to enter into a design competition assuming an FSR of 10:1. Design Excellence was awarded to the scheme submitted by SJB Architects enabling a 15% bonus in height and FSR that would equate to an 11.5:1 maximum FSR and 140 metre (approx.42 storey) maximum building height.
12. On 17 June 2016, the DP&E issued a number of Gateway Determinations for site specific planning proposals in the CBD including 14-20 Parkes Street, Harris Park.
13. The gateway determination issued for 14-20 Parkes Street proposed that the planning proposal be amended to allow a maximum FSR of 6:1 and maximum

height of 79 metres (plus design excellence). The DP&E advised that the proposed controls for this site were based on the need for better transition to the heritage conservation areas in proximity to the site. In response to this gateway determination, the applicant initiated a post gateway review.

## POST GATEWAY REVIEW AND EXTERNAL REVIEW OF GATEWAY DETERMINATIONS BY COUNCIL

14. In late June 2016 the applicant initiated a post gateway review. At the same time, they requested that Council not proceed with the public exhibition of the planning proposal or any associated voluntary planning agreement negotiations. Additional information and site specific evidence was provided to the DP&E by the applicant in support of a 10:1 FSR on the site.
15. Moreover, in response to the several gateway determinations that included the FSR and height controls contrary to those adopted by Council, the Council Administrator commissioned an independent planner to conduct an external review of these gateways to determine whether or not Council should initiate (or support any applicant initiated) post gateway reviews.
16. The external review was generally not supportive of Council initiating or supporting any post gateway reviews for the site specific planning proposals. This was because these issues were not simply a matter for consideration on a site-by-site basis, but rather the subject of further investigation and assessment of cumulative impact under the broader CBD planning policy.
17. On 29 November 2016, the DP&E issued a revised Gateway determination (contained at **Attachment 2**) resulting in an FSR of 8:1 and maximum building height of 110 metres (plus design excellence). It is considered that a height of 110 metres is already inclusive of the design excellence bonus. Nonetheless, a height of 110 metres would still be consistent with Council's CBD Planning Proposal and the endorsed recommendations of the HAA study. **Table 1** contains a summary of the controls as they have progressed on the site.

SUMMARY OF HEIGHT AND FSR CONTROLS – 14-20 PARKES STREET					
CONTROL	Applicant Planning Proposal (April 2015)	Council officer recommendation (November 2015)	Councillor resolution (November/December 2015)	Gateway Determination (June 2016)	Revised Gateway Determination (November 2016)
FSR	10:1 (11.5:1 design excellence)	6:1 (6.9:1 design excellence)	10:1 (11.5:1 design excellence)	6:1 (6.9:1 design excellence)	8:1 (9.2:1 design excellence)
HEIGHT	122.5 metres/39 storeys (140 metres/42 storeys design excellence)	79 metres/25 storeys (approx. 88 metres/28 storeys design excellence)	122.5 metres/39 storeys (140 metres/42 storeys design excellence)	79 metres/25 storeys (approx. 88 metres/28 storeys design excellence)	97 metres/31 storeys (approx. 110 metres/34 storeys)

Table 1: summary of height/FSR controls on site.

## PARRAMATTA CBD HERITAGE INTERFACE STUDY

18. As part of the DP&E feedback on the gateway determination discussed in this report, concern was raised about the level of detail in the Urbis Heritage Study report commissioned by Council to address heritage issues in the CBD. In response, Council further commissioned consultants Hector Abraham Architects (HAA) to prepare a heritage study to assess at a precinct scale the impact of the draft Parramatta CBD Planning Proposal on heritage items and heritage conservation areas within and adjacent to the 'Interface Areas'. The subject site formed part of the south-east interface area.
19. The key recommendations endorsed from the HAA study relating to 14-20 Parkes Street include the following:
- Retain the incentive FSR of 10:1
  - Be subject to a solar access plane that limits overshadowing to Experiment Farm between the hours of 10am – 2pm mid-winter. (Note: The solar access plane only affects a small portion on the north-east corner of the site).
20. These recommendations were endorsed by Council's Administrator on 11 July 2017.
21. As shown in Figure 1 below, the endorsed solar access plane to Experiment Farm affects a small portion on the north-east corner of 14-20 Parkes Street, with the height plane in this area ranging between 160-170 metres. Given the affectation (location and extent) of the solar access plane, the impact of this on the draft planning controls for the subject site is considered negligible.



Figure 1 – proposed sun access protection plane – Experiment Farm

22. Previous testing on the site based on the reference design scheme (10:1 and 122.5 metre height), as well as the winning design competition scheme (11.5:1

and 140 metres), provides a built form option that does not overshadow Experiment Farm between the hours of 10am-2pm mid-winter and is therefore consistent with the key recommendations under the HAA study. **Attachment 3** contains a copy of these diagrams.

23. Moreover, Council officers have also been advised by the applicant that in the event the gateway determination is revised to provide a maximum FSR of 10:1, that the applicant will continue to pursue the April 2016 winning design competition scheme by SJB. This provides Council with further certainty that the proposed development will be in keeping with Council's policy.

## **CONCLUSION/NEXT STEPS**

24. This report requests that Council seek a revised gateway determination for the site specific planning proposal at 14-20 Parkes Street, Harris Park. It is recognised that the Gateway Determination of 29 November 2016 was issued prior to the HAA study being undertaken for the CBD. Therefore, given the timing and detailed further analysis that has since been completed and endorsed by Council, a request to have the DP&E reconsider the FSR on the site to the 10:1 (as previously proposed by Council) is appropriate.
25. It is recommended that Council pursue the applicant's request. Council should write to the DP&E and seek a revised gateway determination enabling an FSR of 10:1 on the site, to ensure that the site specific planning proposal is being treated in a manner that is consistent with Council's broader CBD Planning Proposal and latest adopted position following the completion of the HAA study.
26. Subject to Council's resolution of this report, Council officers will commence VPA negotiations with the applicant consistent with Council's value share mechanism under the CBD Framework. Any draft VPA should be exhibited concurrently with the planning proposal. A report on the outcomes of the VPA negotiations will be put to Council before it is publicly exhibited.

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## **ATTACHMENTS:**

- |   |   |         |
|---|---|---------|
| 1 | Request for revised gateway determination                 | 2 Pages |
| 2 | Alteration of Gateway Determination - 14-20 Parkes Street | 3 Pages |
| 3 | Mid-winter shadows from 10am-2pm                          | 3 Pages |