

Planning Services

Gateway Determination Report

LGA	City of Parramatta
RPA	City of Parramatta Council
NAME	107 George Street (39 homes, 18 jobs)
NUMBER	PP_2017_COPAR_003_00
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2011
ADDRESS	107 George Street, Parramatta
DESCRIPTION	Lot 67 DP633057
RECEIVED	5 September 2017
FILE NO.	IRF17/26
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend planning controls to remove the maximum building height and sliding scale provisions relating to floor space ratio (FSR) for the site. The concept design in the urban design report (**Attachment E**) illustrates the potential to achieve a 14-storey tower with a maximum FSR of 6.9:1 with mixed-use residential and commercial proposal including:

- underground parking;
- 3 storeys of commercial (1 underground); and
- 11-storey residential.

The concept design provides for approximately 39 dwellings and 18 jobs in the Parramatta CBD.

Site description

The site is 630m² and located at 107 George Street, Parramatta (Lot 67 DP633057).

Surrounding area

The site is in the Parramatta CBD close to the ferry terminal and Parramatta station and bus terminal (Figure 1).

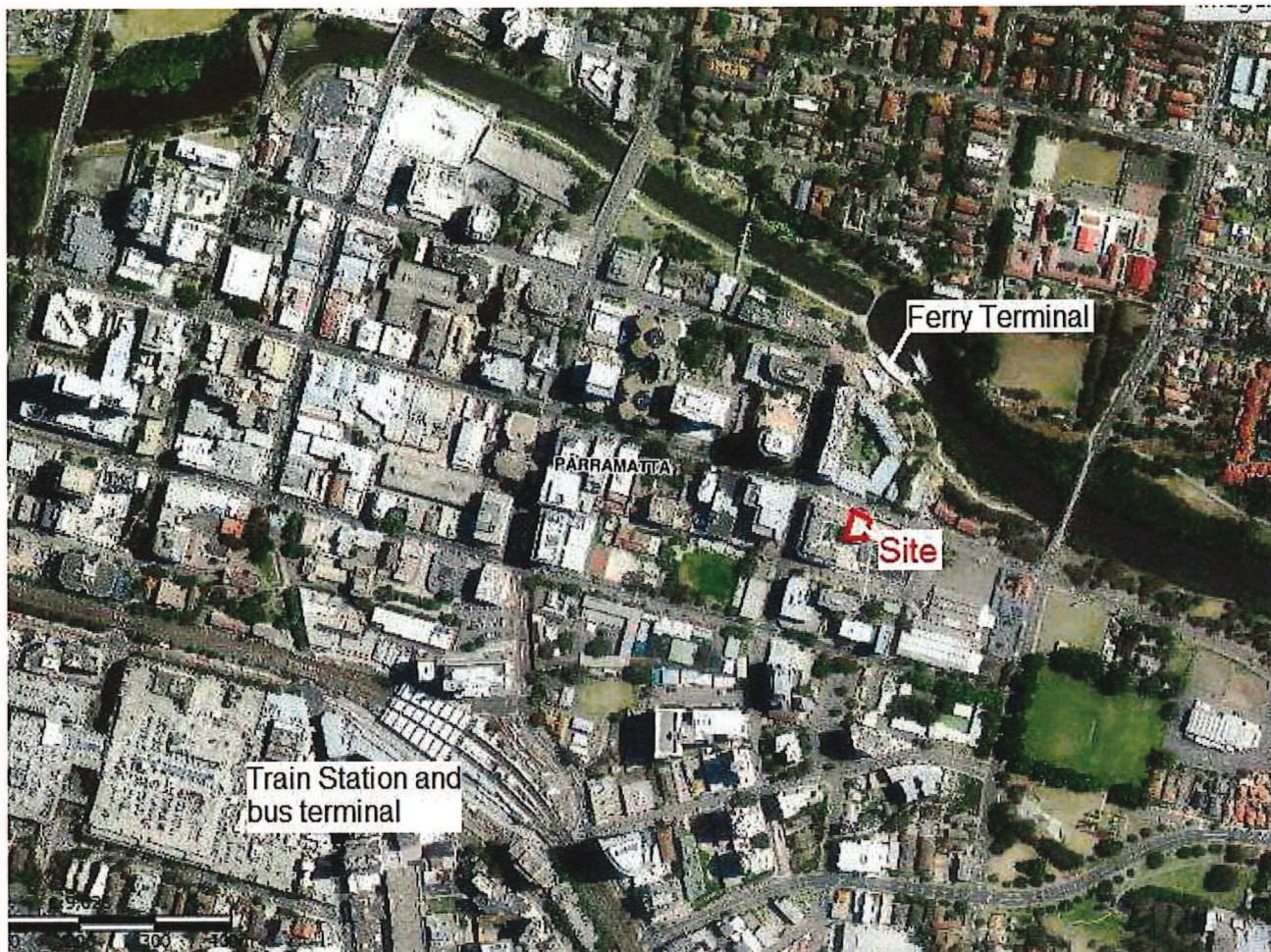


Figure 1: Site location

Summary of recommendation

Proceed to Gateway with conditions.

PROPOSAL

Objectives or intended outcomes

The planning proposal seeks to redevelop the site which is located within the B4 Mixed Use zone, close to public amenities and public transport. The planning proposal seeks an increase in Floor Space Ratio (FSR) through the removal of existing sliding scale provisions relating to FSR.

Explanation of provisions

The planning proposal seeks to amend the following controls of the Parramatta Local Environmental Plan 2011 (PLEP 2011) applicable to 107 George Street, Parramatta to:

- remove the maximum building height on the height of building map;
- require that clause 7.6 (Airspace Operations) apply to the site;
- increase the FSR by exempting the site from the sliding scale provisions of clause 7.2 of PLEP 2011 to achieve the existing mapped FSR of 6:1, plus access to additional bonus FSR through demonstrating compliance with design excellence under clause 7.10;
- apply a site-specific provision ensuring a commercial FSR of 1:1 is included in the base FSR of 6:1; and
- include a maximum car parking rate in line with Council's adopted resolution of 10 April 2017 relating to car parking provision in the Parramatta CBD.

The planning proposal seeks to align the proposed height and FSR for the site with the Parramatta CBD planning proposal (CBD PP), which the Department of Planning and Environment is considering for a Gateway determination. The CBD PP recommends a total maximum FSR for the site of 6.9:1 (including incentives, design excellence and sliding scale provisions). Removal of the sliding scale from the existing PLEP 2011 to enable an increase in FSR is the most effective mechanism to achieve the intended outcome for the site under the existing PLEP 2011 provisions.

Mapping

The submitted maps require amendment, as discussed later in this report, before public exhibition to provide a proposed height of building map to align with the Gateway conditions.

NEED FOR THE PLANNING PROPOSAL

The planning proposal has been prepared to respond to the emerging character of Parramatta as a centre of national significance by increasing density and offering diverse housing options. It seeks to achieve the density outcomes proposed in the CBD PP and Parramatta CBD Planning Strategy.

The proponent's original planning proposal submitted to Council on 8 July 2015 requested a maximum FSR of 20:1. Council considered this request and through an assessment of urban design outcomes recommended a maximum FSR of 6.9:1 (including design excellence).

On 23 May 2016, Council endorsed a planning proposal (**Attachment G**) for the subject site that included the following:

- an exemption from clause 7.2 sliding scale of PLEP 2011, permitting a maximum floor space ratio of 6:1 (6.9:1 with design excellence bonus under clause 7.10);
- apply no height limit but apply Clause 7.6 Airspace Operations to this site to require consideration of federal government airspace provisions;
- require 1:1 commercial floor space (included as part of the 6:1 FSR); and
- introduce maximum car parking rates for the development.

STRATEGIC ASSESSMENT

State

A Plan for Growing Sydney

The planning proposal is consistent with A Plan for Growing Sydney and Towards Our Greater Sydney 2056 as it will provide additional residential dwellings in the Parramatta CBD close to the existing ferry terminal, railway station and bus terminal, and will accelerate urban renewal and housing supply.

Draft Greater Sydney Region Plan

The plan seeks to reinforce the Parramatta CBD as the hub of the Central River City. The intent of the plan is to create 30-minute cities and improve connectivity underpinned by an infrastructure strategy to guide growth. The planning proposal is consistent with the draft plan through the provision of housing and the urban renewal and growth of the Parramatta CBD.

As the planning proposal was initially submitted to the Department prior to the release of the draft Greater Sydney Region Plan, it is recommended that the planning proposal be updated prior to community consultation to address this Plan.

Regional / District

Revised Draft Central City District Plan

The Revised Draft Central City District Plan commits to providing additional housing supply with access to jobs and services (Planning Priority C5). It also identifies the importance of growing Parramatta as a metropolitan centre to create a stronger and more competitive Greater Parramatta (Planning Priority C7).

Action 24 in the draft Plan includes a commitment to expand the Parramatta office market and to balance residential development with the needs of commercial development.

The planning proposal is generally consistent with the priorities and actions set by the revised draft plan. The planning proposal provides an opportunity to deliver additional housing and jobs by enabling a mixed use development of greater density than currently exists.

As the planning proposal was initially submitted to the Department prior to the release of the revised draft district plan, it is recommended that the planning proposal be updated prior to community consultation to address this Plan.

Greater Parramatta and the Olympic Peninsula

The planning proposal is consistent with the Greater Parramatta and the Olympic Peninsula vision to design Parramatta as a 30-minute city, providing higher-density dwellings with proximity to jobs, amenities, schools and services.

Local

Parramatta 2038 Community Strategic Plan

The planning proposal is consistent with Council's local strategy as it meets the key objectives to allow for an appropriate mix of residential and non-residential uses near public transport, shops and community facilities.

Parramatta CBD Strategy and Parramatta CBD Planning Proposal

The Parramatta CBD Strategy was adopted on 27 April 2015 and informed the preparation of the Parramatta CBD PP. The CBD PP was adopted by Council on 11 April 2016 and is with the Department for a Gateway determination. The CBD PP and CBD Strategy are relevant to the desired future character and strategic assessment of this planning proposal. The CBD Strategy recommends an FSR of 10:1 for the subject site, but notes that the ability to achieve this is subject to detailed design testing.

The CBD PP introduces incentives to enable an increase in FSR over the base FSR. The incentive FSR for this site is 10:1, which is consistent with the CBD PP. It is noted that this site is not subject to the proposed 'value capture' mechanism that has impacted on the issue of Gateway Determinations for other site specific planning proposals in the Parramatta CBD. The site is not considered to be an 'opportunity site' by Council that would require value capture and Council has resolved to negotiate a planning agreement for the site. .

The CBD PP also retains the principles of the FSR sliding scale currently contained within PLEP 2011, with minor amendments relating to land areas. Given the subject site is less than 1000m², it is impacted by the sliding scale provisions of both the existing PLEP 2011 and the CBD PP. Table 1 compares the mapped FSR and sliding scale controls in PLEP 2011, the proposed CBD PP and the subject planning proposal at 107 George Street.

Control	Parramatta LEP 2011	CBD planning proposal (PP_2017_COPAR_002_00)	107 George Street
Base FSR	6:1 reduced by the sliding scale (cl 7.2) to 4:1	6:1 reduced by the proposed CBD PP base FSR sliding scale to 4:1	Retain mapping at 6:1 with an exemption from the PLEP Sliding Scale (cl 7.2)
Incentive FSR	N/A	10:1 reduced by the proposed CBD PP incentive FSR sliding scale to 6:1	N/A
Design Excellence bonus	15% of 4:1= 4.6:1	15% of 6:1= 6.9:1	15% of 6:1= 6.9:1
Total Maximum FSR	4.6:1	6.9:1	6.9:1

Table 1: FSR Comparison Table

The proposal is consistent with the CBD PP as the FSR on the site has been reduced to account for the size of the site, in accordance with the proposed sliding scale.

An urban design report (**Attachment E**) demonstrates this FSR outcome for the site and Council has resolved to support this outcome subject to the preparation of a site-specific development control plan (DCP). It is considered that the proponent has provided sufficient justification that would enable the consideration of an FSR of 6:1 for the site, subject to further site investigations, as outlined in this report and in the Gateway Determination.

The height of buildings map in the draft CBD PP proposes a maximum height of 54m, which is consistent with the submitted urban design report. Under the proposed Incentive Height of Buildings Map in the CBD PP, there is no mapped maximum building height. The subject planning proposal currently recommends that no height of building control applies to the site. Given the CBD PP is still under consideration by the Department, and the urban design report has demonstrated that the proposed FSR of 6.9:1 can be achieved within a height of 54m, it is recommended that the removal of the height of building control not be supported. This is also consistent with other Gateway Determinations in the Parramatta CBD, including 180 George Street (PP_2016_PARRA_016_00), which required the imposition of a maximum height of building control as part of the Gateway Determination.

The planning proposal includes a site-specific clause to require a minimum commercial FSR of 1:1 be provided within the base FSR of 6:1, which is aligned with the CBD PP and Council policy.

Parramatta LEP 2011

The site is currently mapped with a maximum FSR of 6:1. Due to the size of the site being 630m², the provisions of Clause 7.2 apply and the maximum available FSR for 107 George Street under PLEP 2011 is currently 4:1. Exemption from clause 7.2 would enable the proposed FSR of 6:1 to be achieved (6.9:1 including design excellence).

An exemption to the FSR is supported in this instance as there are limited site amalgamation opportunities associated with the subject site and a site specific urban design report has been provided that demonstrates that 6.9:1 is capable of being accommodated on the site. The urban design report has satisfactorily demonstrated that an FSR of 6.1, as mapped under the existing LEP, with a potential design excellence bonus of 6.9:1, can be accommodated on the site, subject to addressing further matters relating to detailed design and flood mitigation. In this instance, the exemption to the

sliding scale is the best methodology to achieve the site specific planning outcomes for the site.

Section 117(2) Ministerial Directions

The proposal is generally consistent with section 117(2) Ministerial Directions, with the following exceptions:

4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared. This inconsistency is considered to be justified on the basis of minor significance given that:

- a) the affection is by class 4 acid sulfate soils; and
- b) this issue will be further considered and addressed at the development application in accordance with Clause 6.1 Acid Sulphate Soils of PLEP 2011 which requires suitable reporting and an Acid Sulphate Soils Management Plan to be submitted (if certain development thresholds are met) to ensure consistency with the Acid Sulphate Soils Manual published by the Acid Sulfate Soils Management Advisory Committee.

It is recommended that the Secretary's delegate agree that the inconsistency of the section 117 Direction is of minor significance.

4.3 Flood Prone Land

Part of the site is identified as flood prone land (Figure 2). Underground parking is proposed and a flood study has not been prepared. There are public safety concerns regarding underground car parking in a flood zone and the proposal does not refer to any engineering report or proposed mitigation methods. Council's catchment engineer has noted that the flood issues can be resolved during the development application process and has not raised any objection. However, it is considered that further evidence is needed to ensure flood mitigation methods are consistent with section 117 Direction 4.3 Flood Prone Land and that the submitted urban design outcomes for the site are feasible.

It is recommended that the planning proposal be updated through the provision of an appropriate study to address flood mitigation methods consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. It is recommended that the NSW State Emergency Service (SES) be consulted during this process given the site is affected by the 1:100 year flood event and an intensification of land use is proposed. The urban design report should be updated if the results of this investigation influence or impact upon the urban design outcomes for the site.

Consistency with the Section 117 Direction should therefore be considered after community consultation has occurred.

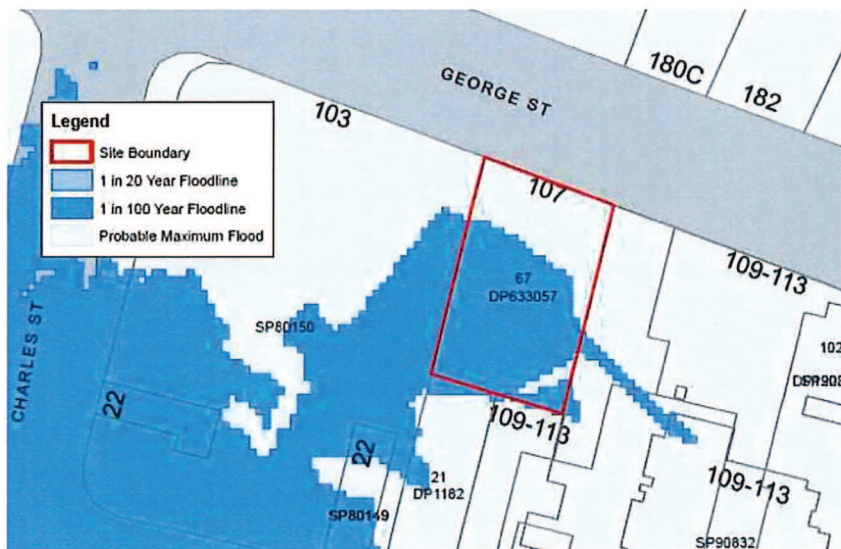


Figure 2: Flood prone land

State environmental planning policies

The planning proposal is consistent with all relevant state environmental planning policies.

SITE-SPECIFIC ASSESSMENT

Social

Heritage items

The State heritage item Harrisford House is opposite the site. Overshadowing diagrams indicate that the future built form resulting from the planning proposal will not result in overshadowing impacts on the heritage item as it is located north of the subject site. Further, as the resulting built form from the planning proposal will be similar in scale to existing buildings adjacent to the subject site, it is considered that the proposal is capable of demonstrating compliance with existing PLEP 2011 Clause 5.10 relating to heritage conservation at the development application stage. However, it is recommended that the proposal be presented to the NSW Office of Environment and Heritage – Heritage Division for comment.

Amalgamation opportunities

It is understood that the applicant has not sought to amalgamate the site. There has been recent redevelopment of neighbouring sites that contain 9 and 20 storey mixed-use buildings. This leaves only one possible amalgamation opportunity, with 12 Union Street (300m²) to the rear of the site (Figure 3). Council officers consider amalgamation of the site could potentially provide a better design outcome as it would provide an opportunity to reduce driveway access from George Street and reduce the creation of blank walls.



Figure 3: Amalgamation opportunity

It is considered that this amalgamation opportunity does not warrant the retention of the sliding scale under PLEP 2011 as the consolidation will not result in a significant landholding (less than 1000m²), nor will it result in a large commercial floorplate to enable the provision of A Grade Office space. As such, while it is considered that there are possible minor benefits to site amalgamation, these relate to detailed design issues that are more appropriately dealt with at the DA stage.

Floor space ratio

The urban design report (**Attachment E**) shows a concept design with an FSR of 6.9:1. Previous concepts submitted to Council suggested an FSR of 20:1, which was objected to by Council's urban designers (**Attachment G1**) based on an inability to achieve the better design outcomes envisaged by the Apartment Design Guide (ADG), State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65) and Council's DCP.

On 23 May 2016 Council resolved to support an FSR of 6:1 on the site after consideration of the urban design outcomes for the site and Council's intended vision for the Parramatta CBD. It was considered that an FSR of 20:1 had the potential to set an undesirable precedent relating to the established and proposed incentives to amalgamate small sites in the CBD.

The proponent subsequently submitted an urban design report that demonstrated an FSR outcome of 6.9:1 including design excellence, which was accepted by Council before submission of the planning proposal for Gateway determination. The FSR of 6.9:1 was considered acceptable on the basis that the proponent provides commercial floor space on the site with an FSR of at least 1:1 and that a site specific DCP be prepared.

On 25 September 2017, the proponent's architect provided additional information directly to the Department for consideration of the increased FSR on the site (**Attachment F**) that raised several concerns about inaccuracies in Council's report of 23 May 2016, including the stated inability to comply with the ADG and SEPP 65. The additional information indicated that the preferred FSR of 20:1 (23.1:1 including design excellence) could exceed minimum compliance requirements with the ADG and SEPP 65 and should be supported by the Department.

The Department notes that recent developments on neighbouring sites have resulted in building heights ranging from 9 storeys to 20 storeys. An FSR of 6.9:1 (including design excellence) achieves a 15-storey building, which was considered an appropriate urban

design and streetscape outcome for the site, subject to further consideration at the development application stage.

The subject site is constrained in site area and surrounded on the George Street frontage by relatively recent developments that are consistent with the intended vision for Parramatta CBD. The urban design report, as submitted with the Gateway, considers this vision and the proposal will result in a scale of building that is consistent with surrounding development and ensure the introduction of commercial floor space with an FSR of at least 1:1. It is considered that suitable justification has been provided to enable a Gateway determination with a proposed FSR of 6.9:1. However, this is subject to a revised urban design report being submitted and may result in the need to review the FSR following this further assessment. The site does not demonstrate any exceptional or unique characteristics that justify an increase in FSR above what is currently proposed. Further, the Department considers that an FSR of 20:1 would set an undesirable precedent with regard to permitting tall towers on small sites in the Parramatta CBD.

It is recommended that the proposed FSR of 6.9:1 (including design excellence bonus) and commercial floor space with minimum FSR of 1:1 be included in the planning proposal subject to a further urban design report being prepared that addresses matters relating to flooding, building height and car parking, as discussed below.

Parking and traffic

The planning proposal adopts the reduced parking rates in accordance with Council's endorsed Strategic Transport Study for the Parramatta CBD (Council resolution of 10 April 2017). The site will not be directly affected by any proposed light rail or road widening and is able to proceed ahead of the mesoscopic traffic study being undertaken for the CBD PP.

The concept plan in the urban design report depicts a proposed development with eight levels of underground car parking with two car lifts. However, the planning proposal indicates that Council's adopted reduced parking rates will result in the need for 24 car parking spaces over two storeys in accordance with the Strategic Transport Study for the Parramatta CBD. However, this site is within a flood zone and the proposed parking scheme does not consider the need to address the flood potential.

It is recommended that a Gateway condition require the planning proposal be updated to provide supporting evidence detailing design solutions to mitigate flood impacts and that the urban design report is updated to reflect the reduced parking rates and flood mitigation methods. This should be carried out in consultation with the NSW State Emergency Service. The updated planning proposal is to be sent to Transport for NSW, Roads and Maritime Services and NSW State Emergency Service for comment during the community consultation process.

Maximum height of building

Under the existing PLEP 2011 provisions and the CBD PP, the subject site has a mapped building height of 54 metres, which would accommodate the proposed height in the submitted urban design concept plans. The imposition of height controls on the periphery of the CBD allows transition to adjoining uses. Insufficient justification has been provided to remove the maximum height limit for the site. Further testing following the required urban design review will identify an appropriate height limit taking into account the context of the site and the objectives for development in the Parramatta CBD. It is also considered that to align with previous Gateway determinations, including 180 George Street, a maximum height of building control be retained.

To ensure the proponent can achieve the maximum FSR of 6.9:1 (including design excellence) while also achieving the intended urban design outcomes, it is recommended

that a Gateway condition require Council to consider and set an appropriate maximum height of buildings before exhibition, rather than removal of the maximum height of buildings control. It is recommended that a Gateway condition require Council to indicate a maximum height of building control and remove reference to the obstacle limitation clause.

Environmental

The proposal will not impact on critical habitat, threatened species, populations or ecological communities.

Economic

The concept plan identifies 2.5 storeys of commercial floor space with the potential to produce 18 jobs, and 11 storeys of residential development with 39 dwellings.

It is considered that the increase in residential population has the potential to increase demand for local shops and businesses in the area. The proposal's additional dwellings and commercial space will help contribute to achieving the area's housing and employment targets.

CONSULTATION

Community

A 28-day exhibition period is proposed.

Agencies

It is considered appropriate that the following agencies be consulted:

- Transport for NSW
- Roads and Maritime Services
- NSW State Emergency Service; and
- NSW Office of Environment and Heritage - Heritage Division.

TIME FRAME

The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

DELEGATION

Council has requested delegation of the plan-making function in relation to this planning proposal. It is recommended that delegation not be issued given the site is in the Parramatta CBD and the Department has not issued delegation for any planning proposals in the Parramatta CBD due to the need to ensure that site specific planning proposals align with the overall vision for the CBD.

CONCLUSION

It is recommended that the planning proposal be supported to proceed and that a Gateway determination be issued with conditions.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree any inconsistencies with section 117 Direction 4.1 Acid Sulfate Soils are of minor significance; and
2. note that the consistency with section 117 Direction 4.3 Flood Prone Land is unresolved and will require justification.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) address the draft Greater Sydney Region Plan and Revised Draft Central City District Plan;
 - (b) provide appropriate documentation to address flood mitigation and safety implications relating to basement car parking and intensification of uses on flood prone land consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. The NSW State Emergency Service is to be consulted during this process;
 - (c) revise the urban design report to demonstrate that an FSR of 6.9:1 can be accommodated on the site, with a minimum commercial FSR of 1:1 and reduced car parking, taking into account the findings of the flood investigations required in 1(b) above; and
 - (d) amend the height of building map to include a maximum height of building control consistent with the findings of the revised urban design report.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:
 - Transport for NSW
 - Roads and Maritime Services;
 - NSW State Emergency Service; and
 - NSW Office of Environment and Heritage - Heritage Division.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.



26/10/17

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8/1/18

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