

Greater Sydney, Place and Infrastructure

IRF20/3740

Gateway determination report

| | |
|---------------------------------|---|
| LGA | City of Parramatta |
| PPA | City of Parramatta Council |
| NAME | Amendment to Parramatta LEP 2011- 114-116 Harris Street, Harris Park (218 dwellings, 83 jobs) |
| NUMBER | PP_2020_COPAR_007_00 |
| LEP TO BE AMENDED | Parramatta Local Environmental Plan 2011 |
| ADDRESS | 114-116 Harris Street, Harris Park, NSW 2150 |
| DESCRIPTION | SP 35413 and SP 53257 |
| RECEIVED | 28 July 2020 |
| FILE NO. | IRF20/3740 |
| 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 |

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to facilitate the redevelopment of the site as a mixed-use tower containing apartments above ground floor retail and a commercial first level. The planning proposal (**Attachment A**) seeks to increase development controls for land at 114-116 Harris Street, Harris Park (the site) by amending Parramatta Local Environmental Plan 2011 as follows:

1. increase the height of building (HOB) control from 54m (15 storeys) to 126 metres (32 storeys) (145m including existing design excellence bonus);
2. increase the floor space ratio (FSR) from 4:1 to 10:1 (11.362:1 including existing design excellence bonus and proposed sliding scale);
3. amend the Special Area Provisions map to identify the site; and insert site specific provisions which include:
 - controls for the management of flood risk;
 - application of sliding scale requirements to the floor space ratio to encourage site amalgamation;
 - a minimum commercial floor space area of 1:1;
 - protection of solar access to Experiment Farm heritage item; and
 - maximum carparking rates in line with the Parramatta Strategic Transport study and resolution of Council of 10 April 2017.

The planning proposal seeks to allow for redevelopment of the site for the purpose of a high-density mixed-use development in line with the proposed controls for the Parramatta CBD Planning Proposal (CBD PP). The proposed uplift will allow for approximately 129 additional dwellings above the approximately 89 dwellings enabled by existing controls, based on an average unit size of 80m². It is anticipated that the proposal will provide approximately 83 jobs, based on an assumption in the CBD PP of an average of 24 m² per job.

1.2 Site description



Figure 1 – Subject site at 114-116 Harris Street, Harris Park bound in red (Source: Six Maps)

The site is legally defined as SP 35413 and SP 53257. With an area of 1776m² the site is comprised of two land parcels, fronting Harris Street to the east and the Clay Cliff Creek canal to the north (**Figure 1**). The site is currently occupied by two 3-4 storey residential mid-century brick apartment buildings, one including a single storey commercial premises fronting Harris Street. Vehicular access to the car park is via Harris Street.

1.3 Existing planning controls

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

- is zoned B4 Mixed Use;
- has a maximum HOB of 54m;
- has a maximum FSR of 4:1;
- is identified as Class 4 Acid Sulfate Soils; and

- is identified as flood-prone and affected by the Probable Maximum Flood (PMF).

The following map extracts from the Urban Design Report illustrate the current zoning, height and floor space ratio controls applying to the site in **Figures 2, 3 and 4.**

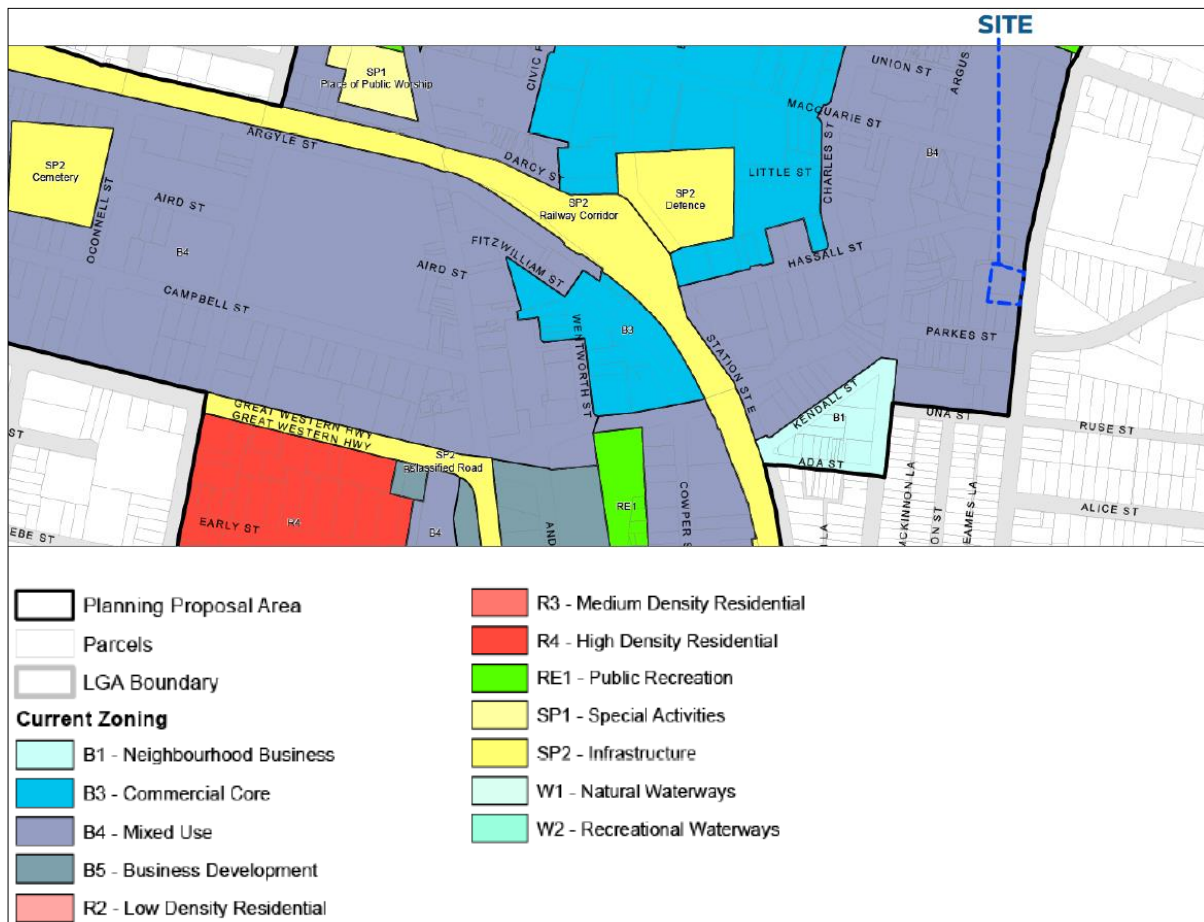


Figure 2 – Existing Zoning Map, site shown in blue (Source: Urban Design Report)

Source: Zoning Map - Parramatta LEP 2011

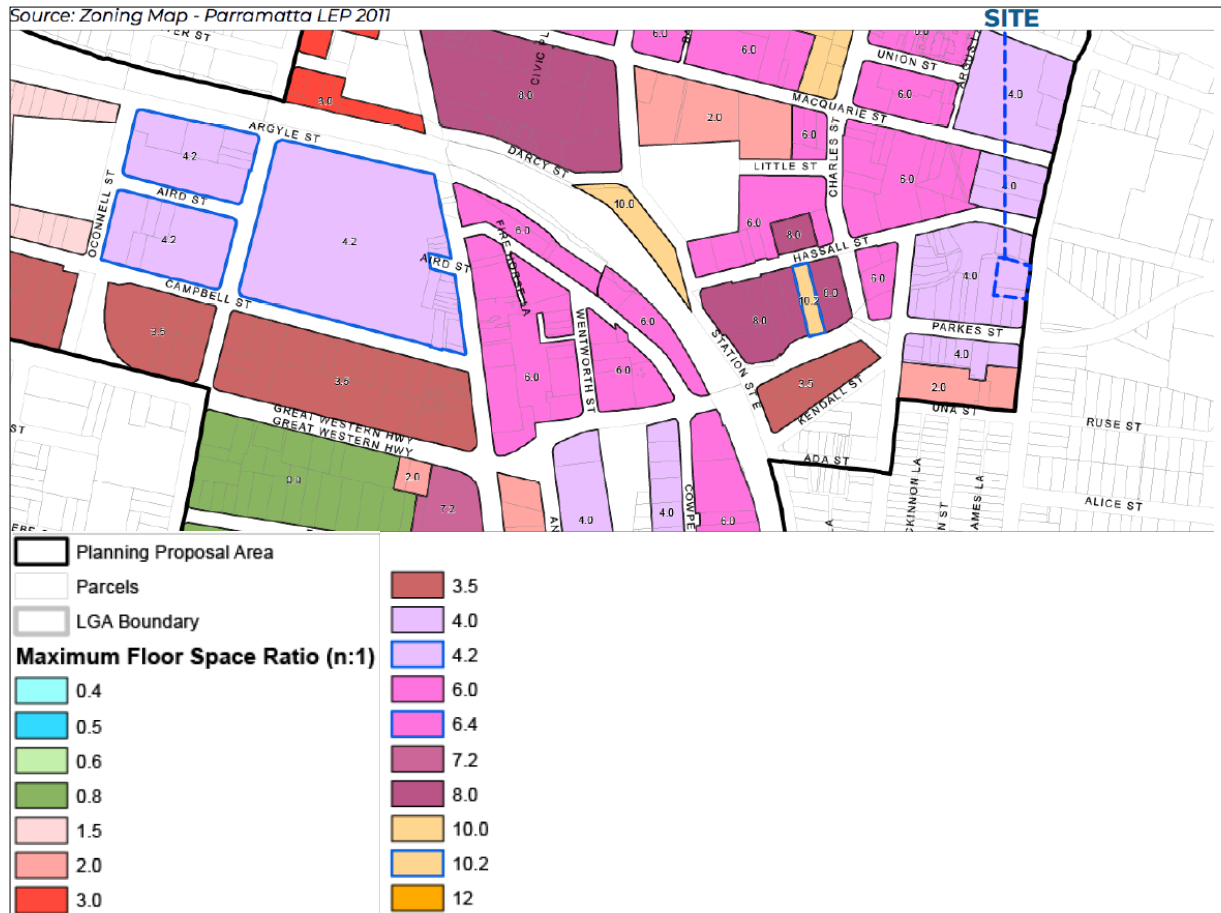


Figure 3 – Existing Floor Space Ratio Map (Source: Urban Design Report)

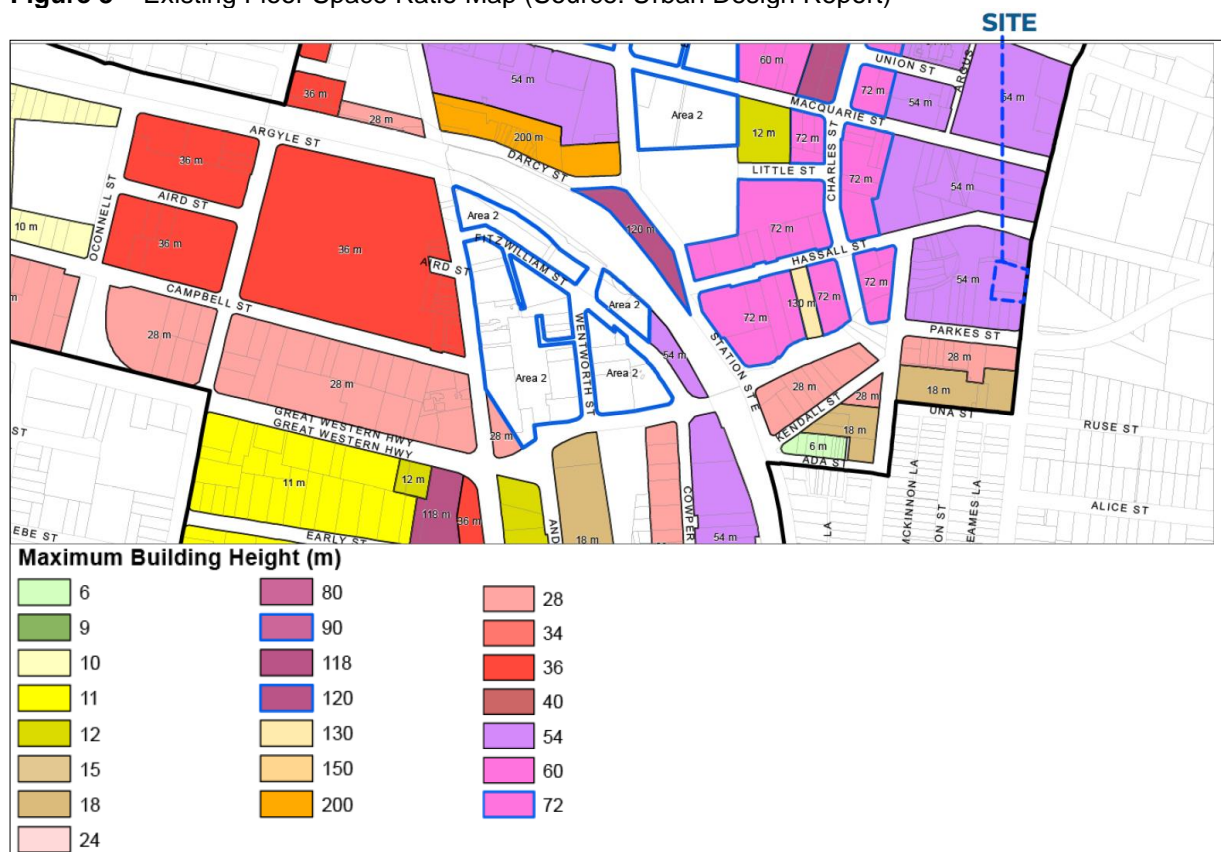


Figure 4 – Existing Height of Building Map (Source: Urban Design Report)

1.4 Surrounding area

The site is located at the eastern edge of Parramatta CBD, approximately 600m east of the railway station and is in the B4 Mixed Use zone, comprising a mix of retail, commercial, civic and residential uses. (**Figure 5**).

Robin Thomas Reserve and James Ruse Reserve to the east represent open spaces in the city centre and contribute to the character and amenity of the area.

Apartment buildings to the south across Parkes St date from the 1970s and 1980s. Clay Cliff Creek, an open concrete storm water channel, immediately adjoins the northern boundary. The area to the west, comprising aged building stock, is currently undergoing a transition brought about by development approvals and recent planning proposals for high rise residential developments including ground floor retail and commercial space. These include 14-20 Parkes Street, 24 and 26-30 Parkes Street, 122 Wigram Street and the Albion Hotel site.



Figure 5 – Context of subject site at 114-116 Harris Street, Harris Park (shown in red) (Source Nearmap.com)

1.5 Background

On 27 August 2018, an initial planning proposal was lodged with City of Parramatta Council for 114–116 Harris Street, Harris Park to remove the maximum height of building control and to increase the maximum FSR from 4:1 to 14.5:1. It was submitted at the same time as two other planning proposals on adjoining land at 24 and 26-30 Parkes Street, labelled 1 and 2 in **Figure 6** below.

The other two proposal sites are below 1,800m² and trigger sliding scale provisions proposed in the CBD PP, which both sets of applicants have requested not be applied. Council considers amalgamation of these sites would maximise the possible FSR and improve urban design outcomes through more generous setbacks and separations. However, applicants for the three sites have elected to develop separately.

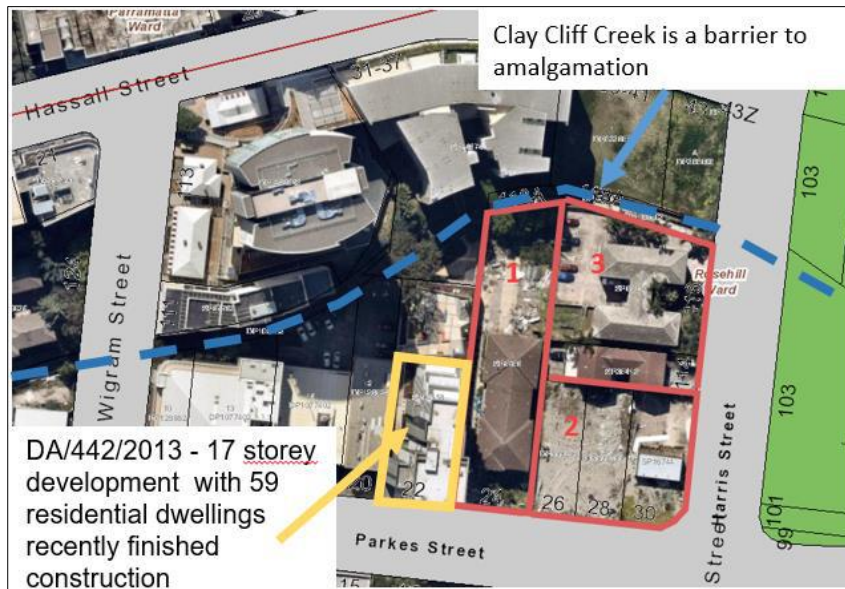


Figure 6 – Planning proposals on adjoining land at 24 and 26-30 Parkes Street (Source: Local Planning Panel report) Bound in red– Site 1: 24 Parkes Street, Site 2: 26-30 Parkes Street, Site 3: 114-116 Harris Street; Bound in yellow– Site at 22 Parkes Street.

This proposal has been amended over time to align with proposed controls in the Parramatta CBD PP. Discussion of the planning proposal's alignment with the CBD PP is addressed in Section 4.3 below.

1.6 Summary of recommendation

It is recommended that the planning proposal proceed to Gateway determination subject to conditions identified in this report. Overall, the proposal will facilitate redevelopment for mixed-use development, including commercial space with corresponding economic benefit. Consistent with the Central City District Plan's vision for the Central River City, the planning proposal will contribute to growth in housing and jobs close to a major transit hub in the geographic centre of Greater Sydney.

The planning proposal will require amendment to demonstrate that there is no overshadowing resulting from development to the Experiment Farm protected area. As this will likely result in reductions to planning controls, the proposal will also be required to demonstrate that the new standards can still comply with SEPP 65 and the Apartment Design Guide.

2. PROPOSAL

2.1 Objectives or intended outcomes

The planning proposal seeks to facilitate redevelopment of the site as a mixed-use apartment building through amendments to the development controls applying to the site. The proposal also seeks to ensure protection of solar access to Experiment Farm and management of flood risk.

A concept design (**Attachment D**) supports the proposal and depicts development comprising one level of retail, one level of commercial offices, 35 levels of residential apartments and one level of communal open space. Approximately 218 new dwellings will be delivered by the proposal. It is expected that there will be four levels of basement car parking.

The proposal does not seek to rezone the land. The proposal will support an increase in housing supply and employment generating floor space in the Parramatta CBD. The proposed uplift will allow for approximately 129 additional dwellings consistent with the controls proposed as part of the CBD PP.

A site-specific development control plan will be prepared to enhance urban design and public amenity for the site. A draft Voluntary Planning Agreement (VPA) has been negotiated and this is intended to deliver public benefits as part of the planning proposal.

The objectives of the planning proposal are clear and do not require amendment prior to community consultation.

2.2 Explanation of provisions

The planning proposal seeks to amend the Parramatta LEP 2011 as follows:

1. increase the maximum building height on the HOB Map from 54 metres (15 storeys) to 126 metres (32 storeys);
2. increase the maximum FSR in the Floor Space Ratio Map from 4:1 to 10:1.
3. amend the Special Area Provisions Map to identify the subject site and insert a clause into Part 7 to include new site-specific provisions as follows:
 - (a) include controls to manage flood risk in line with the Parramatta CBD Planning Proposal, including provisions for safe refuge and to ensure the building is capable of withstanding, and does not obstruct, flood flows;
 - (b) require the mapped FSR of 10:1 to apply the sliding scale requirements outlined in the Parramatta CBD Planning Proposal;
 - (c) require minimum commercial floor space area equivalent to an FSR of 1:1;
 - (d) apply the maximum car parking rates previously endorsed by Council as part of Parramatta CBD Planning Proposal; and
 - (e) insert a site-specific clause that ensures that the proposed building does not cause overshadowing to the Experiment Farm heritage item.

It is recommended that the proposal be updated to reflect the overshadowing standards for Experiment Farm from the Parramatta CBD Planning Proposal for greater clarity. This is discussed further in Section 4.4.

2.3 Mapping

The proposal involves amending three maps in the Parramatta LEP 2011, (**Figures 7 and 8**):

- Height of Buildings Map (Sheet HOB_010)
- Floor Space Ratio Map (Sheet FSR_010)
- Special Area Provisions Map (Sheet CL1_010)

Mapping extracts provided with the planning proposal are suitable for community consultation to demonstrate the proposed amendments.



Figure 7 and 8 – Proposed amendment to the *Parramatta LEP 2011* Height of Building (left) and Floor Space Ratio (right) Maps (Source: planning proposal)

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is in response to an owner-initiated request to increase the development potential of the site and is not the result of any site-specific study or report.

The planning proposal is considered to respond to Council's strategic vision for the Parramatta CBD as expressed in its Parramatta CBD Planning Proposal (CBD PP). The proposal seeks to intensify residential and commercial development across the CBD to meet future population and jobs growth and to support Parramatta's role as Sydney's central CBD. The CBD PP has been endorsed for public exhibition by the

Department. The planning proposal also responds to strategic objectives in the Greater Sydney Region Plan and Central City District Plan.

The planning proposal allows for the redevelopment of the site in the existing B4 Mixed Use zoning to a scale consistent with Council's CBD PP, with consideration of height to prevent overshadowing of Experiment Farm.

Council has advised that a site-specific development control plan (DCP) will be prepared to enhance urban design and public amenity for the site, following a Gateway determination being issued. The planning proposal is supported by a draft Voluntary Planning Agreement (VPA), that has been prepared. (VPA). Council proposes that the planning proposal, draft DCP and VPA be publicly exhibited concurrently with the planning proposal.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Central City District Plan

The Central City District Plan provides a 20-year plan to manage growth to achieve the vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal is broadly consistent with the key Planning Priorities as outlined in the District Plan:

Planning Priority C1 – Planning for a City supported by infrastructure

The site is approximately 600m from the Parramatta railway station and is in within walking distance of the future Parramatta Light Rail stop and the Parramatta Ferry Wharf. Future residents and workers will be well served by public transport and other services within Parramatta CBD.

The proposal satisfied this direction by co-locating commercial spaces and residential apartments on a site that is within walking distance to Parramatta Transport Interchange.

Planning Priority C5 – Providing housing supply, choice and affordability, with access to jobs and services

The proposal will facilitate the redevelopment of the site for a mixed-use development, offering a range of dwellings. The site is within walking to the Parramatta CBD core which provides employment opportunities and access to services.

Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city

The proposal will provide new dwellings near existing public transport links and will contribute to creating a 30-minute city. The proposal will enable residents to walk or cycle to the Parramatta CBD and access jobs within the CBD and Westmead Health and Education precinct, aligning with this priority.

Planning Priority C10 – Growing investment, business opportunities and jobs in strategic centres.

The planning proposal will contribute to economic growth of Parramatta CBD by providing employment opportunities associated with the development and is walking distance to key public transport.

4.3 Local

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long-term Community Strategic Plan for the City of Parramatta guided by a vision and specific goals that are fair, accessible, green, welcoming, thriving and innovative.

The provision of residential and non-residential uses, located close to public transport, services and amenities will contribute to state dwelling targets and strengthen a local connection to existing infrastructure. The site's proximity to Robin Thomas Reserve will provide new opportunities for community gatherings which will in turn strengthen the community.

The planning proposal is considered generally to meet the vision and long-term community goals identified in the plan.

Parramatta Local Strategic Planning Statement City Plan 2036

Council's Local Strategic Planning Statement City Plan 2036 (LSPS) was published on 31 March 2020. Council's LSPS sets out a 20-year land use planning vision for the City of Parramatta, balancing the need for housing and economic growth, while protecting and enhancing housing diversity, heritage and local character.

The proposal is generally consistent with the priorities and actions of the LSPS which seek to build the productivity and liveability of the Parramatta CBD. Specifically, the proposal will facilitate the growth of commercial and housing opportunities in the GOP area (Priority 4) and deliver a mix of housing to support the diverse needs of the community (Priority 7), ultimately supporting the Parramatta CBD in becoming increasingly competitive and productive (Priority 11).

Parramatta CBD Planning Proposal

The CBD PP, adopted by Council on 11 April 2016, is the outcome of detailed reviews of the current planning framework and identifies a need for intensification of commercial and residential development in the Parramatta City Centre. The CBD PP seeks to increase height and density in the Parramatta CBD and a Gateway determination was issued in December 2018 and the planning proposal exhibited in September 2020.

Table 1 below sets out proposed controls under the CBD PP for the site, and the site-specific controls proposed by the planning proposal:

| Type of Control | Parramatta CBD Planning Proposal | Proposed site-specific control |
|---------------------------------------|--|---|
| Land Zoning | B4 mixed use | B4 mixed use |
| FSR | <ul style="list-style-type: none"> Base FSR of 4:1; and Incentive: 10:1 (11.5 with 15% design excellence bonus). <p>A sliding scale is proposed for which would apply to the site, which is between 1000m² and 1800m² as follows: (6+4X):1, where X= (the site area in square metres–1000)/800</p> <p>Total FSR that might be achieved: 11.362:1</p> | <p>The proposal is seeking to:</p> <ul style="list-style-type: none"> increase the base FSR to 10:1 apply the sliding scale proposed by the CBD PP as follows: (6+4X):1, where X= (the site area in square metres–1000)/800 apply the 15% design excellence bonus <p>Total FSR that might be achieved: 11.362:1</p> |
| HOB | <ul style="list-style-type: none"> Base 54m The maximum possible height achievable is controlled by a sun access plane to protect Experiment Farm and airspace controls. A 15% design excellence bonus applies to the site. | <p>The proposal is seeking to:</p> <ul style="list-style-type: none"> increase the base HOB to 126m (32 storeys). Application of a 15% design excellence bonus would achieve a total height of 145m (38 storeys). A precisely tuned sun access study based on the concept design shows that a height of 145m creates a shadow up to the boundary of Experiment Farm at 2pm on 21 June and shadows on the surrounding protected area. |
| Land Acquisition | In the land reservation acquisition map the Harris Street frontage of the site is subject to the requirement for 3.5m road widening. | Planning Agreement to secure a 3.5m widening along Harris street |
| Minimum Commercial Floor Space | Minimum 1:1 commercial floor space required in mixed use developments | Clause requiring minimum commercial floor space of 1:1 |
| Active Street Frontages | The site is included in the proposed Active Frontages Map and requires an active street frontage to Harris Street | This is not included in the proposed site-specific clause. Council proposes to address active frontage provision via DCP controls. |
| High Performing Buildings | 5% high performing building bonus, for sites greater than 1800m ² . | Not recommended by Council officers as the site is less than 1800m ² . |
| Parking | Endorsed rates consistent with City of Sydney CBD | Clause setting rates as per the CBD PP |

Table 1 – Comparison of CBD PP controls and proposed site-specific controls

Local Planning Panel

The planning proposal and an assessment report were considered by the City of Parramatta Local Planning Panel on 16 June 2020. The Panel recommended Council endorse the proposal, however, expressed the following concerns:

- the need to satisfactorily resolve potentially reduced setbacks caused by maximisation of FSR;
- possible overshadowing impacts on nearby heritage item, Experiment Farm;
- a recommendation that consolidation would achieve the most beneficial urban design outcomes and allow maximisation of FSR; and
- preference that sites on flood prone land should not include basements.

Council officers recommended a draft site-specific Development Control Plan (DCP) be prepared and exhibited concurrently with the planning proposal and planning agreement, to address, as a minimum:

- built form and massing;
- building setbacks;
- flooding; and
- road widening.

Flood risk management provisions are also proposed within the planning proposal.

4.4 Section 9.1 Ministerial Directions

The following Section 9.1 Directions apply to the planning proposal:

Direction 2.3 – Heritage Conservation

Direction 2.3 aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of items, buildings and places of heritage.

The site is not listed as a heritage item; however, within the vicinity are several heritage items including Robin Thomas Reserve archaeological site, Experiment Farm and Harris Park West Conservation Areas, semi-detached cottages at 23-25 Hassall Street and attached houses at 113 and 115 Wigram Street.

Experiment Farm Cottage and Environs is an item of State significance and is potentially impacted by the planning proposal. The CBD PP proposes a base and incentive height throughout the CBD. The incentive height for this site is proposed to be determined by a sun access plane to Experiment Farm. The sun access plane will be determined by Experiment Farm Cottage and environs. This will ensure that solar access to Experiment Farm and its curtilage is protected for a defined area between 10am and 2pm on 21 June as shown in **Figure 9**.

The planning proposal seeks to include a new site specific provision to protect overshadowing of Experiment Farm, however discussion within the planning proposal and reports to the Panel and Council suggest this is intended to apply to the extent of the cottage. This would ensure solar access to Experiment Farm cottage, not the broader area and curtilage that comprises the State item and which is proposed to be protected from overshadowing through the CBD PP. The planning proposal seeks to apply a specified height through the height of buildings map. A sun study has been included in the Urban Design report supporting the planning proposal, based on assessment of a reference concept design for the site.



Figure 9 – Experiment Farm protected area (hatched blue) as proposed under the Parramatta CBD Planning Proposal and approximate location in red on aerial view (sources: CBD PP and Google Maps).

The sun study shows shading up to the boundary of the Experiment Farm Cottage and includes overshadowing of the curtilage in the protected area (**Figure 10** below). The Local Planning Panel report indicates that by the end of the design process some shading of Experiment Farm may occur.

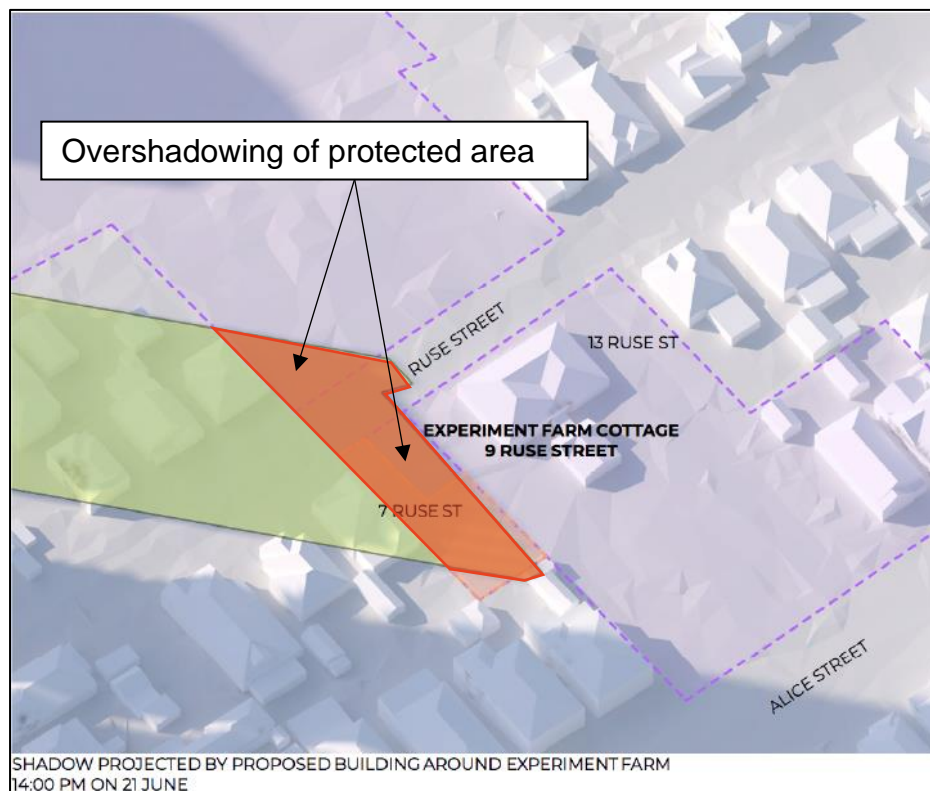


Figure 10 – Extract from Urban Design Report. Predicted overshadowing of Experiment Farm protected area (shown in red) by the proposed concept reference design at 2pm on 21 June is shown in yellow.

It is recommended that this be clarified within the proposal with a map of the protected area included and the times which solar access is to be protected as reflected in the CBD PP via a sun access plane.

It is also recommended that the proposal be amended to demonstrate proposed HOB and FSR do not enable overshadowing of the totality of the Experiment Farm protected area between 10am and 2pm on 21 June, consistent with the CBD PP. It is likely that this will result in a reduction to the proposed controls which at present could result in overshadowing. This is discussed further in Section 5.2.1.

It is recommended that consultation be undertaken with Heritage NSW prior to finalisation of the planning proposal having particular regard to the potential overshadowing provisions for Experiment Farm. Consistency with this direction is proposed to remain unresolved and will need to be further considered at the finalisation stage.

Direction 2.6 - Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered when making the planning proposal. The direction requires consideration of the state and suitability of the site for the anticipated use prior to a planning proposal rezoning land.

This direction has not been specifically addressed in the planning proposal, and should be amended to do so. However, as the planning proposal does not seek to rezone the land and the proposed use is already permitted on the site, it is considered that the planning proposal is generally consistent with this direction and that site contamination could be considered with any future development application that is lodged over the site.

Direction 3.5 Development Near Licensed Aerodromes

This direction ensures that development does not impede safe operation of airports. The site is located within prescribed airspace surfaces. A proposed height of RL145 is below the Bankstown Airport Obstacle Limitation Surface of 156 AHD. Therefore, it is considered that the planning proposal is generally consistent with this direction and that consultation with the Commonwealth Department of Infrastructure and Regional Development and Civil Aviation Safety Authority is not necessary to address this Direction.

Direction 4.1 – Acid Sulfate Soils

This site is within an area mapped as Class 4 Acid Sulfate Soils. This direction therefore applies and required an acid sulfate soils study to support a planning proposal where intensification is proposed. Parramatta LEP 2011 includes provisions which requires the consideration of acid sulfate soils at the development application stage.

The proposal is inconsistent with this direction as no study has been prepared to accompany the proposal. However, this inconsistency is considered of minor significance as any environmental risk can be appropriately considered and mitigated at the development application stage.

Direction 4.3 -Flood Prone Land

This direction considers potential flood impacts and aims to ensure that development on flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

Located within the Clay Cliff Creek floodplain, the site is flood prone, subject to the 1:100 year flood level, indicating the possibility of overland floods in a high rainfall event. A Flood Impact Assessment (**Attachment F**) confirms the site is generally suitable for residential development and can be developed with a minimum floor level to comply with flood planning requirements. Council proposes that provisions be added to the planning proposal requiring development to address floodplain risk management consistent with the CBD PP.

Controls will require safe areas for refuge and demonstration that the building is capable of withstanding flood and does not obstruct flood flows. At development application stage, design details will need to be considered to ensure that relevant planning controls are appropriately addressed.

It is recommended that consultation be undertaken with NSW State Emergency Services and Sydney Water prior to finalisation of this planning proposal. Consistency with this direction is proposed to remain unresolved and will need to be further considered at the finalisation stage.

Direction 6.3 Site Specific Provisions

This direction seeks to discourage any unnecessarily restrictive site-specific planning controls. The planning proposal is inconsistent with this direction, containing several site-specific controls.

The site specific provisions ensure that development is appropriate given the site specific considerations. These provisions are consistent with other planning proposals and bring forward key matters of consideration such as flood risk management.

It is recommended that the Secretary's delegate agree that any inconsistency with this Direction is of minor significance, as the provisions will facilitate redevelopment of the site which appropriately responds to the site's context and development impacts.

Direction 7.5 Implementation of Greater Paramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (LUIIP)

This Direction seeks to ensure that development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim (LUIIP) dated July 2017.

The proposal is generally consistent with this direction as it is consistent with the Parramatta CBD PP, will contribute towards dwelling and employment targets within the Parramatta City Centre and assist in the funding of infrastructure.

However, the Interim LUIIP also recognises the need for additional regional infrastructure to support growth and this is proposed to be implemented via a Special Infrastructure Contribution (SIC). At this stage, a SIC has not been formally exhibited for Greater Parramatta.

It is recommended that Council request the proponent to begin discussions with the Department regarding State infrastructure needs. Council should also raise the matter of State infrastructure needs generated by the proposal when consulting State Agencies.

This may ultimately lead to the requirement for a concurrence role for the Department for any subsequent development application. If applied, the Department would consider whether any applicable development application has made suitable contributions to meet the State and regional infrastructure needs generated by the proposal in the locality. It is recommended that this Direction remain unresolved until this matter has been further interrogated as the planning proposal progresses.

4.5 State environmental planning policies (SEPPs)

SEPP No. 65 Design Quality of Residential Flat Development

SEPP 65 provides principles to ensure that residential apartments are of high-quality design and maximise amenity both externally and internally for occupants. The SEPP is supported by the Apartment Design Guide (ADG) which provides further detail on how development can achieve these principles.

Council and the proponent are continuing to negotiate appropriate setbacks to be included in a future site specific development control plan. An urban design report (**Attachment D**) has been prepared including a concept reference design, which proposes setbacks less than those proposed by Council.

Due to the height constraints caused by the sun access protection of Experiment Farm, the proponent is seeking to achieve maximum FSR through reduced setbacks. Council's City Design Unit has expressed concern about the potential for reduced setbacks to negatively impact amenity for residents of neighbouring buildings and to compromise urban design outcomes, through impression of massing at street level, reduced pedestrian access and reduced street activation.

Council proposes that a draft site-specific Development Control Plan (DCP) be prepared addressing setbacks, built form and massing, and reported to Council prior to concurrent exhibition with the planning proposal. Council also proposes to address requirements for the site in the CBD PP relating to provision of an active street frontage to Harris Street, in the DCP.

As outlined previously, amendment to the proposal is required to demonstrate that development can be achieved which does not result in overshadowing of the Experiment Farm protected area. This may result in a reduction in maximum height putting greater pressure on reductions to setbacks in order to maximise floor space. Setbacks must also be considered in the context of development occurring on adjoining sites and must not prevent their ability to achieve SEPP 65 compliance.

Given the importance of setbacks in their contribution to the streetscape, the impression of visual bulk and massing, and amenity of neighbouring residents, it is recommended that the proposal be amended to demonstrate that the proposed height and density can be achieved which demonstrates compliance with SEPP 65 and the Apartment Design Guide for the subject site and adjoining land.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The delivery of high-density housing and commercial floor space in a strategic urban centre targeted for growth and well serviced by infrastructure aligns with state government strategic directions. The development will create employment opportunities through provision of commercial floor space and provide increased housing opportunities in a location highly accessible to retail, health and other services.

5.2 Environmental

The site is not bushfire prone land and there are no areas of terrestrial or river biodiversity mapped.

5.2.1 Urban Design and Built Form

Existing controls for the site allow a base FSR of 4:1. The planning proposal is seeking a base FSR of 10:1. With a possible design excellence bonus of 15%, and after applying the proposed sliding scale, the total maximum FSR achievable for this site is 11.36:1.

The maximum HOB for this site under the CBD PP is set by a requirement for protection of solar access to Experiment Farm between 10am and 2pm on 21 June.

The subject planning proposal for the site is seeking a maximum HOB of 126m (32 storeys), which is an uplift of 72m above the existing HOB control of 54m (15 storeys). The final intended height being sought for the development is 145m (38 storeys), which includes a 15% height bonus as part of the existing design excellence provisions to be determined through the development application stage.

Additional height for the site above existing controls is justified on the basis that it is in line with the draft CBD PP's intent to increase height and density in the CBD. However, the proposed nomination of a precise numerical HOB rather than reliance on performance based provision relating to solar access is inconsistent with the proposed approach under the CBD PP.

The nominated height is supported by a sun study applied to a reference design which is at concept stage highlights the following concerns:

- The sun shading analysis and reference design are precisely tuned, with overshadowing shown up to the boundary of Experiment Farm and across the protected area (**Figure 10**);
- Changes in the building envelope during detailed design phases could result in overshadowing; and
- Nomination of a precise numerical height could ultimately conflict with a site-specific provision to demonstrate no overshadowing of Experiment Farm.

As noted above, amendments to the proposal are required to demonstrate a height which does not overshadow the protected area of Experiment Farm. A reduction in height is likely to result and therefore a reduction in FSR must follow. This is evidenced by existing pressure to reduce setbacks to allow for achievement of the maximum FSR.

It is noted that allowing a greater FSR may incentivise amalgamation with adjoining sites to achieve maximisation of floor space with less pressure on setbacks. Council notes that attempts have been made to facilitate amalgamation with adjoining landowners who are separately pursuing planning proposals.

A reduction in height will put greater pressure on setbacks to absorb losses in floor space. As such, the amendments to the proposal must ensure the controls work in concert and can allow for compliance with SEPP 65, without impeding development opportunities for adjoining land.

5.2.2 Transport and Accessibility

A Traffic Impact Assessment (TIA) (**Attachment E**) has been prepared in support of the planning proposal. The site in the Parramatta CBD is within 170m of a proposed Light Rail stop, 700m walking distance of Parramatta train station and 850m walking distance of Harris Park Train Station.

Access to Light Rail, new bus services, pedestrian paths and cycleways are expected to reduce reliance on car travel in Parramatta CBD. The TIA recommends changes to cycle times and phase sequences of traffic signals. These changes are expected to improve operation of nearby intersections despite increased traffic generation resulting from the planning proposal and two adjoining developments.

In relation to parking, the proposal is consistent with the CBD PP through the application of maximum car parking rates proposed in the 2017 Parramatta Central Business District Strategic Transport Study.

It is recommended that consultation be undertaken with Transport for NSW.

5.3 Economic

The proposal includes a required minimum commercial floor space requirement, which will be appropriate for retail or small business enterprises and which will contribute to economic growth and employment in Parramatta CBD.

5.4 Infrastructure

The site is within walking distance of the Parramatta rail and bus interchange and future Parramatta Light Rail stop. The site also has access to several open space areas within walking distance.

Local Planning Agreement

Council has indicated that the proponent will enter into a voluntary planning agreement (VPA) to enable appropriate contribution towards the provision of local infrastructure that will meet the demands of the future community.

State Planning Agreement

While a special infrastructure contributions (SIC) levy is not in place for Greater Parramatta, it has been identified as part of the Greater Parramatta Interim Land Use and Infrastructure Implementation Plan as a potential funding mechanism. It is recommended that the proponent enter early discussion with the Department to address the State infrastructure generated by the proposal.

6. CONSULTATION

6.1 Community

The planning proposal indicates a community consultation process that is consistent with *A guide to preparing local environmental plans (2016)*.

Given the nature of the planning proposal, it is recommended that a 28-day community consultation period apply.

6.2 Agencies

It is considered appropriate that the following agencies be consulted:

- Heritage NSW;
- Transport for NSW;
- NSW State Emergency Services; and
- Sydney Water.

7. TIME FRAME

Council has suggested six months to finalise the proposal. It is recommended that 9 months to finalise the proposal is considered appropriate given the scale and complexity of the project. Council have proposed preparation of a site-specific DCP and Planning Agreement to be exhibited concurrently with the planning proposal. In response to this recommended timeframe, the project timeline in the planning proposal is required to be updated prior to community consultation.

8. LOCAL PLAN-MAKING AUTHORITY

Council has advised that the Chief Executive Officer will not be exercising the plan making delegations for this planning proposal as Council is also advancing the CBD PP, which affects the subject site and has not yet been finalised by the Department. It is recommended that delegation not be authorised due to the required amendments of the proposal and need for further consultation.

9. CONCLUSION

The planning proposal should proceed subject to conditions as it reflects the strategic aims of growing a stronger and more competitive Parramatta CBD. It will facilitate redevelopment of the site for a mixed-use development, including commercial space with corresponding economic benefit. The proposed provisions are generally consistent with the intent of the Parramatta CBD planning proposal.

Amendments to the proposal are required to ensure that solar access is preserved to Experiment Farm and its protected area. Further justification will also be required to demonstrate that the proposed maximum height and density can be achieved while allowing solar access to Experiment Farm and compliance with SEPP 65.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Directions 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are minor or justified; and
2. note that the consistency with section 9.1 Directions 2.3 Heritage Conservation, 4.3 Flood Prone Land, 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan are unresolved and will require justification.

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

1. Prior to community consultation, the planning proposal is to be amended as follows:
 - (a) identify and incorporate protection of Experiment Farm and environs as identified in the Parramatta CBD Planning Proposal and identify that protection is to be measured between 10am and 2pm on 21 June via a sun access plane;
 - (b) demonstrate proposed height and density can be achieved while preventing overshadowing of Experiment Farm in accordance with 1(a), and amend controls if necessary to achieve this outcome;
 - (c) demonstrate that proposed height and density can be realised while achieving compliance with SEPP 65 and Apartment Design Guide for subject site and adjoining land;
 - (d) address Section 9.1 Direction 2.6 Remediation of Contaminated Land; and
 - (e) update the project timeline.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) The planning proposal should be made available for community consultation for a minimum of 28 days; and
 - (b) The planning proposal 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 6.5.2 of A guide to preparing local environmental plans (Department of Planning, Industry and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Heritage NSW;
 - Transport for NSW;
 - NSW State Emergency Services; and
 - Sydney Water

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 3.34(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. Prior to finalisation of the plan, the planning proposal must demonstrate consistency with the Parramatta CBD Planning Proposal.
6. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.



25/09/2020

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29/09/2020

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