

INNOVATIVE

ITEM NUMBER 18.5
SUBJECT FOR APPROVAL: Gateway Request - Planning Proposal for 114 – 118 Harris St, Harris Park
REFERENCE RZ/9/2018 - D07470540
REPORT OF Project Officer Land Use

LAND OWNER Harris Street Developments Pty Ltd

APPLICANT Think Planners Pty Ltd

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE

The purpose of this report is for Council to consider a Planning Proposal for land at 114-118 Harris Street, Harris Park. This report recommends forwarding the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) with a request for a Gateway Determination.

RECOMMENDATION

- (a) **That** Council endorse for the purposes of seeking a Gateway Determination from the Department of Planning, Industry and Environment (DPIE) the Planning Proposal at 114–118, Harris Street, Harris Park (included as **Attachment 1**) which seeks the following amendments to Parramatta Local Environmental Plan 2011 in relation to the subject site:
1. Increase the maximum building height on the Height of Buildings Map from 54 metres (15 storeys) to 126 metres (32 storeys);
 2. Increase the maximum FSR on the Floor Space Ratio Map from 4:1 to 10:1;
 3. Inclusion of controls to deal with management of flooding including, but not limited to, provisions for safe refuge and ensure the building is capable of withstanding and does not obstruct flood flows; and
 4. Amend the Special Areas Provisions Map to identify the site and add site-specific controls that provide for the following:
 - a. Provision outlining that the mapped FSR of 10:1 is subject to the sliding scale requirements of Clause 7.2 of the draft LEP provisions of the Parramatta CBD Planning Proposal.
 - b. Requirement for minimum 1:1 commercial floor space.
 - c. Maximum parking rates, in line with the resolution of the City of Parramatta Council on 26 November 2019 with regard to parking rates in the Parramatta CBD Planning Proposal.
 - d. Requirement to demonstrate Experiment Farm is not overshadowed by development of the site.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment to request the issuing of a Gateway Determination.
- (c) **That** a draft site-specific Development Control Plan (DCP) be prepared and

reported to Council prior to its public exhibition. This draft DCP should address, at a minimum:

1. Built form and massing;
2. Building setbacks;
3. Flooding; and
4. Road widening.

(d) **That** with regards to a Planning Agreement for the subject site:

1. The applicant be invited to negotiate a Planning Agreement in line with Council's policy position on Planning Agreements in the Parramatta CBD;
2. Delegated authority be given to the Chief Executive Officer to negotiate a draft Planning Agreement with the landowner in relation to the Planning Proposal on behalf of Council; and
3. The outcome of the negotiations shall be reported back to Council prior to the draft Planning Agreement being placed on public exhibition.

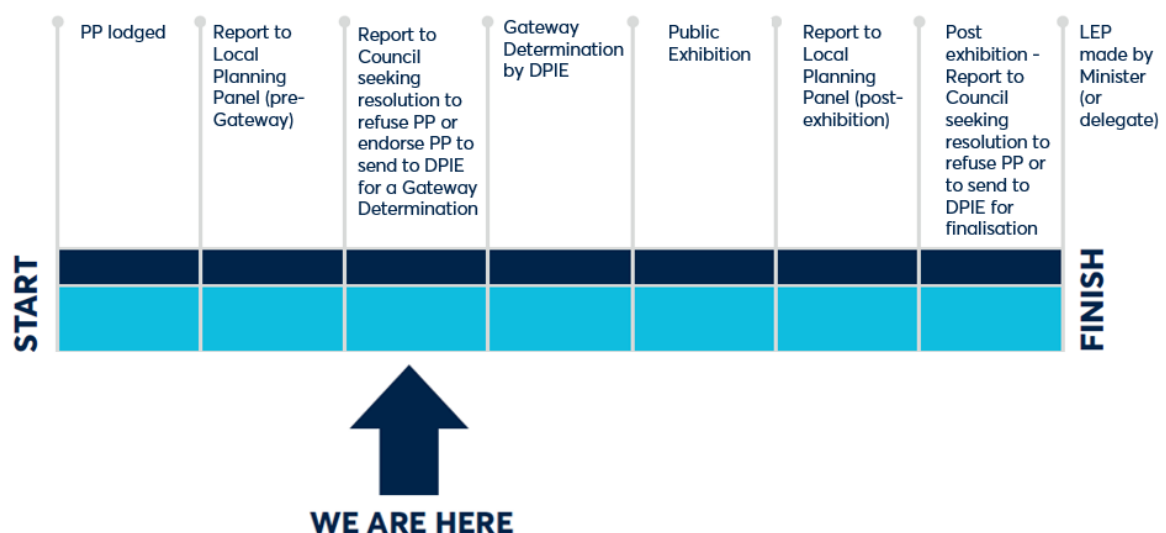
(e) **That** the Planning Proposal, DCP and Planning Agreement are concurrently exhibited.

(f) **That** Council advises DPIE that the Chief Executive Officer will not be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.

(g) **That** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the Planning Proposal, DCP and / or Planning Agreement processes.

(h) **Further, that** Council note that the Parramatta Local Planning Panel's advice to Council (**Attachment 2**) is generally consistent with the recommendations of this report. However, the Panel added the following recommendation: '(g) *That the high performance building bonus may apply to this particular site subject to no increase in height*'. This recommendation is not supported by Council officers and is not included above for reasons outlined in this report.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION AND SURROUNDING CONTEXT

1. The subject site has an area of 1,776 m² and its legal description is as follows: SP 35413 (114, Harris Street) and SP 53257 (116 – 118, Harris Street). The site is shown in **Figure 1**.

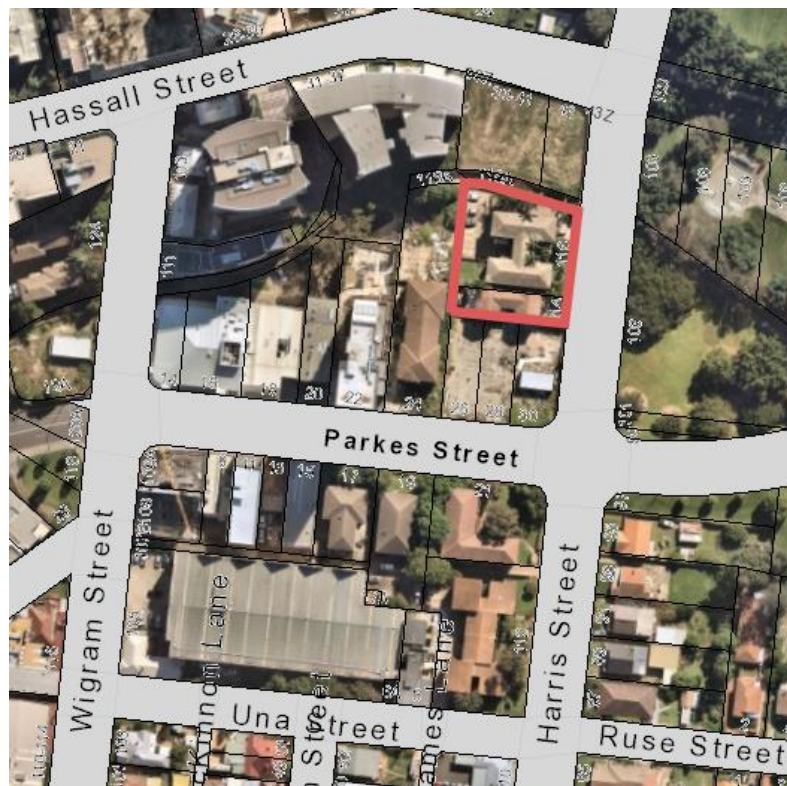


Figure 1: Location of Site (site shown outlined in red)

2. The site is on the southeastern edge of the Parramatta CBD. To the east of the site is the Robin Thomas Reserve, which is one of the few city centre open space areas and contributes to the character and amenity of the area. Clay Cliff Creek (an open channel) adjoins the northern boundary of the site.
3. The immediate locality is characterised by a mix of uses and built form. To the west of the site is generally aged building stock that is currently undergoing a transition in character because of development approvals under construction and the recent Planning Proposal at 14 – 20 Parkes Street, Harris Park.

BACKGROUND

4. On 27 August 2018, a Planning Proposal was lodged for 114–118 Harris Street, Harris Park to remove the maximum height of building (HOB) under the incentive HOB map and to increase the maximum Floor Space Ratio from 4:1 to 14.5:1.
5. The Planning Proposal for 114 – 118 Harris Street is one of three Planning Proposals for land at the corner of Parkes and Harris Streets. Other Planning Proposals have been lodged for 24 Parkes Street and 26-30 Parkes Street. These three sites are shown in **Figure 2**. This report addresses the Planning Proposal for site 3 in **Figure 2**.



Figure 2: Three adjacent Planning Proposals, Harris Park
[1: 24 Parkes Street; 2: 26–30 Parkes Street; 3: 114–118 Harris Street)

6. The background to these three Planning Proposals extends over a period of approximately three years with extensive consultation with Council officer. During this time Council staff have raised a number of issues concerning development of the sites; the main issues relate to application of sliding scale, resolution of setbacks and site isolation particularly for 24 Parkes Street. The progress of these Planning Proposals was also impacted by conditions of the Parramatta CBD Planning Proposal Gateway Determination requiring an analysis of the overshadowing impacts on nearby heritage properties including Experiment Farm. Council staff have been of the view that site consolidation is the best means to secure optimal built form and urban design outcomes and avoid site isolation.
7. Nevertheless, after consideration Council officers have reached the conclusion that 114–118 Harris Street can be reported as a stand-alone Planning Proposal as this site may be developed without amalgamation.

COMPARISON OF PLANNING CONTROLS

8. **Table 1** outlines the planning controls for the site under three scenarios: (1) existing, (2) Parramatta CBD Planning Proposal and (3) recommended by Council officers for this site-specific Planning Proposal.

Table 1: Planning Proposal comparison to current controls and Parramatta CBD Planning Proposal

| Scenario | Current Controls | Parramatta CBD Planning Proposal Controls | Recommended Site-specific Planning Proposal controls |
|---|-------------------------|---|---|
| Site Area – 1,776m² | | | |
| Land zoning | B4 Mixed Use | B4 Mixed Use | B4 Mixed Use |
| FSR | 4:1 | Base: 4:1 Incentive: 10:1 (11.5 with bonus). However, under clause 7.2 of the Parramatta CBD Planning Proposal LEP provisions the site is subject to a sliding scale, as resolved by Council on 24 March 2019 | 10:1 Under the sliding scale the permissible FSR for the site is 9.88:1 (which allows 11.362:1 with design excellence. This is reflected in the reference design). |
| Height of Buildings (HOB) / solar access plane | 54m (15 storeys) | Base Height of Buildings map: 54m (15 storeys) Incentive Height of Building map: There is no numeric control on the Incentive HOB map; instead, a new “Area 1” control is applied to protect solar access to Experiment Farm between 10am and 2pm midwinter. | The Height of Buildings map will show 126m (32 storeys) (145m - 38 storeys with design excellence). A control to protect Solar Access to Experiment Farm will also affect the permitted maximum height. The control will be modelled on the Parramatta CBD Planning Proposal described in the adjoining row. Modelling suggests Experiment Farm will not be overshadowed if the building is at or below 145m. Given the height is based on preliminary modeling there is a small risk that a building at 145m could overshadow when detailed design work is completed. However this clause will ensure that a more detailed design prepared at Design Competition and Development Application stage will still comply with the requirement to keep Experiment Farm free from shadow at the specified periods of the day. |
| Land Acquisition | Nil | In the land reservation acquisition map for the Parramatta CBD Planning Proposal the Harris Street frontage of the site is subject to the requirement for 3.5m road widening. | It is recommended that a Planning Agreement be negotiated to secure a 3.5m widening along Harris Street. |

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|--|-----------------------------|---|--|
| Minimum Commercial Floor Space | Nil | Minimum 1:1 commercial floor space required in mixed use development. | Insert clause that will require a minimum commercial floor space of 1:1. |
| Active Street Frontages | N/A | Active frontage proposed for Harris Street. | Active frontage provided on Harris Street via DCP controls. |
| High performing buildings (residential) | N/A | 5% high performing building bonus. | High performing building bonus is not supported (refer to comments below). |
| Parking | Parking Rates | Endorsed Parking Rates consistent with City of Sydney CBD Parking rates - Category A. | Insert clause setting parking rates as per Parramatta CBD Planning Proposal. |
| Yield | Approximately 89 dwellings* | Approximately 218 dwellings. | Approximately 218 dwellings. |

*Based on Average Unit size of 80m²

9. In summary, the Planning Proposal recommended for the subject site seeks to amend the core planning controls of FSR and HOB in a manner that is consistent with the Parramatta CBD Planning Proposal as described in **Table 1**.

SUMMARY OF COUNCIL OFFICER ASSESSMENT

10. Council officers' assessment of this matter is summarised below in **Table 2**. Please refer to the report to the Local Planning Panel (**Attachment 2**) for further details of the assessment.

Table 2: Summary of Council Officer Assessment

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|---|
| FSR |
| The FSR and height controls including the solar access protections for Experiment Farm are consistent with the Parramatta CBD Planning Proposal and therefore are supported for inclusion in this site-specific Planning Proposal. |
| Sliding Scale/Amalgamation Issues |
| This planning proposal is one of three proposals at the corner of Parkes and Harris Streets that seek to trigger a sliding scale. Council officers consider that amalgamation of the sites would achieve better planning and urban design outcomes. However, the applicants have not been able to agree to amalgamate and wish to develop their sites separately. Under the Parramatta CBD Planning Proposal each of the sites will be permitted to be developed individually subject to application of the sliding scale. Given this, Council officers consider that is acceptable to proceed with individual assessments for the site-specific planning proposals. |
| Application of High Performing Building Bonus |
| The applicant is seeking the high performing building 5% bonus. However the site does not meet the criteria to be eligible as the subject site is 1,776 m ² rather than the required 1,800 m ² . Council officers do not support the application of this bonus because it would undermine the sliding scale provisions that are being applied to encourage higher FSR bonuses to be available if amalgamation occurs to achieve larger lots. |
| Built form and urban design |
| Council officers are yet to accept setbacks proposed by the applicant, but are committed to continue discussion on what appropriate setbacks might be. Setback negotiations will have a significant impact on FSR achievable for the site as height is limited by the need to avoid overshadowing of Experiment Farm. A draft DCP reflecting the outcome of these discussions on setbacks will be reported to Council for endorsement to be exhibited with the Planning Proposal. It is recommended Council permit the maximum FSR in accordance with the Parramatta CBD Planning Proposal so if the applicant is able to satisfy Council that the setbacks are appropriate they can achieve this maximum FSR without having to amend the |

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|---|
| Planning Proposal. This approach allows an appropriate level of flexibility. |
| Heritage |
| Whilst the subject site does not contain any heritage items future development must ensure that solar access to Experiment Farm is protected. The reference design shows the development does not overshadow Experiment Farm. Further refinement and detail will need to be provided during the design excellence process and the development application stage to ensure this matter is appropriately managed and addressed. |
| Flooding |
| A portion of the site is subject to high hazard flooding and is affected by the 100-year Average Recurrence Interval (ARI). Nevertheless, the site is generally suitable for residential development from a flood risk perspective. This is subject to the inclusion of controls in the Planning Proposal that require development to address floodplain risk management in a manner consistent with the approach proposed in the Parramatta CBD Planning Proposal. The controls will require safe areas for refuge and ensure the building is capable of withstanding and does not obstruct flood flows. |
| Traffic Issues |
| The Planning Proposal is required to take into consideration a provision on the Local Reservation Acquisition (LRA) Maps of the Parramatta CBD Planning Proposal that provides for local road widening on the western side of Harris Street. The width of the widening is approximately 3.5 metres. The widening has been incorporated into the strategic traffic modelling for the Parramatta CBD Planning Proposal, and at this stage it has been jointly agreed by Transport for NSW and Council to facilitate the creation of a potential additional lane along the west side of Harris Street. Therefore, it has been included in the Local Reservation Acquisition Maps for the Parramatta CBD Planning Proposal. It is proposed that this road widening be achieved through negotiation of a Planning Agreement. |
| Parking |
| The applicant has accepted the application of residential and commercial parking rates consistent with the Parramatta CBD Planning Proposal. |
| Other Statutory Considerations |
| The proposal has been assessed against the statutory considerations including relevant local and regional strategies and planning policies and relevant Ministerial directions. Details of the assessment of these matters is included in the attached Planning Proposal. |

11. In conclusion, based on the assessment summarised above, Council officers recommend progression of this Planning Proposal.
12. Council officers also recommend that Council advise DPIE that the CEO will not be exercising the plan-making delegations for this Planning Proposal. This is on the basis that Council is also advancing the Parramatta CBD Planning Proposal (which affects this site), and the Parramatta CBD Planning Proposal has not yet been approved by DPIE for finalisation.

LOCAL PLANNING PANEL'S ADVICE

13. The LPP considered this matter at its meeting of 16 June 2020, and generally resolved in accordance with the officer recommendation.
14. However, the Panel added one recommendation as follows:
 - (g) **That** the high performance building bonus may apply to this particular site subject to no increase in height.
15. This report recommends that Council not accept the Panel's recommended amendment above. In summary, Council officers do not support application of the High Performing Building bonus to this site because it does not meet the minimum site size requirements for this bonus, and risks undermining

provisions in the Parramatta CBD Planning Proposal encouraging site amalgamation. For more detail, please refer to the information outlined in Table 2 above and to paragraphs 22 to 25 of the report to the Local Planning Panel (**Attachment 2**).

16. The Panel also included the following Additional Note in its determination:

‘That if the planning proposal proceeds to the development application stage attention should be given to the degree of potential overshadowing of the park opposite’.

PLANNING AGREEMENT

17. The Applicant has provided an initial letter of offer proposing to make a voluntary financial contribution consistent with the Phase 1 Value Sharing methodology that will provide contributions toward community infrastructure. A calculation of the potential value of a future Planning Agreement is approximately \$1,566,432 using the methodology shown in Table 3 below.

Table 3: Calculations for payment of monetary contribution

| Development parameters | |
|---|---|
| Site area | 1,776 m ² |
| Base Gross Floor Area | 4:1 = 4 x 1,776 m ² = 7,104 m ² |
| Incentive Floor area (Phase 1) | 9.88:1 = 9.88 x 1,776 m ² = 17,546.88 m ² |
| Uplift in Gross Floor Area | (17,546.88 – 7,104) = 10,442.88 m ² |
| Community infrastructure payment required at \$150/m ² | \$1,566,432 (Mixed use development with commercial and residential use) |

18. Council officers recommend the negotiation of a draft Planning Agreement in accordance with the following principles:
- Inclusion of the road widening dedication discussed above, noting that Council’s policy on such dedications is to assign a nominal (\$1) value to such dedications, as the Applicant is receiving the benefit of the FSR from the dedicated land;
 - Addressing the potential circumstance in which the rate in the Parramatta CBD Community Infrastructure framework changes;
 - Addressing the potential circumstance where this site proceeds in whole or in part as a non-residential use (in which case the framework would not apply to non-residential floorspace); and
 - Addressing the potential circumstance in which Council decides not to proceed with the Community Infrastructure framework, and instead pursues amendments to its other contributions plans.
19. It is recommended that the draft Planning Agreement is reported back to Council alongside the draft DCP (addressed in next section) prior to concurrent exhibition with the Planning Proposal.

DEVELOPMENT CONTROL PLAN

20. As is standard practice for site-specific Planning Proposals in the Parramatta CBD, Council officers will work with the Applicant to prepare a site-specific

Development Control Plan (DCP) for the site. This DCP will address the issues raised in the assessment of the proposal, including, but not limited to built form and massing, setbacks, flooding and road widening.

21. It is recommended that the draft DCP is reported back to Council alongside the draft Planning Agreement prior to concurrent exhibition with the Planning Proposal.

CONSULTATION & TIMING

22. It is expected that specific requirements for the public exhibition period would be set out in the Gateway determination for this Planning Proposal.

FINANCIAL IMPLICATION FOR COUNCIL

23. The financial implication for Council is a contribution in line with Council's Community Infrastructure framework for the Parramatta CBD of approximately \$1,566,432 (depending on the final GFA approved through the relevant Development Application process). This report recommends progression of a Planning Agreement process in line with Council's policy position for the Parramatta CBD, in order to support the delivery of community infrastructure in the Parramatta CBD.

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ATTACHMENTS:

- | | | |
|---|-----------------------|----------|
| 1 | Planning Proposal | 36 Pages |
| 2 | LPP minute and report | 19 Pages |

REFERENCE MATERIAL