

INNOVATIVE

ITEM NUMBER	13.4
SUBJECT	Gateway Request – Planning Proposal – 18 – 40 Anderson Street, Parramatta
REFERENCE	RZ/4/2018 - D06585010
REPORT OF	Project Officer- Land Use Planning

PURPOSE:

This report seeks Council's endorsement of a Planning Proposal at 18 – 40 Anderson Street, Parramatta for the purposes of seeking a Gateway determination from the Department of Planning and Environment. The report also seeks endorsement to proceed with the preparation of a site-specific Development Control Plan and also recommends further discussions regarding a Planning Agreement.

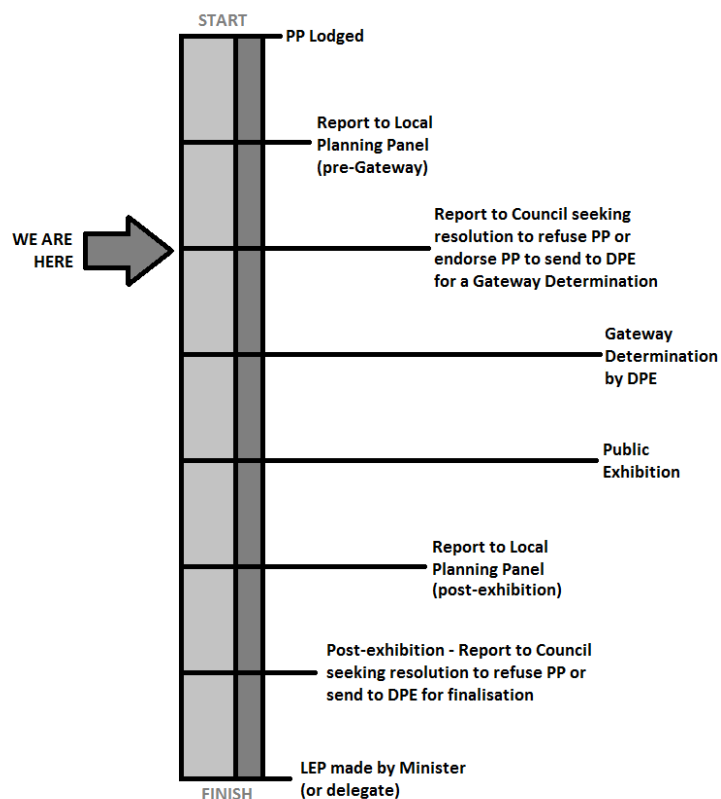
RECOMMENDATION

- (a) **That** Council note the recommendation of the Local Planning Panel dated 18 December 2018 in relation to this matter as detailed below, but with minor inconsequential changes relating to the format of site-specific provisions and a requirement for all documents to be publicly exhibited concurrently, noting that the Panel's recommendation is consistent with the Council Officer's recommendation to support the proposal.
- (b) **That** Council endorse the Planning Proposal at 18 – 40 Anderson Street, Parramatta (included as **Attachment 2**) for the purposes of a Gateway Determination, which seeks the following amendments to Parramatta Local Environmental Plan (LEP) 2011 in relation to the subject site:
- Rezone the site from B5 Business Development to B3 Commercial Core;
 - Amend the maximum building height in the Height of Buildings Map from 14 metres to part 120 metres and part 0 metres;
 - Amend the maximum floor space ratio (FSR) on the Floor Space Ratio Map from 4:1 to 6:1;
 - Amend Schedule 1 Additional Permitted Uses to add 'residential accommodation' and 'serviced apartments' as additional permitted uses and include a provision limiting those additional permitted uses to a maximum FSR of 3:1 (and up to 3.9:1 FSR with design excellence) and subject to a minimum FSR of 3:1 being provided as non-residential floor space;
 - Add site-specific controls that provide for the following:
 - Requirement to demonstrate Jubilee Park is not overshadowed by development of the site;
 - Reduced car parking rates in line with the Parramatta CBD

Strategic Transport Study; and

- High performing building bonus and Dual Piping.
- (c) **That** the Planning Proposal be forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination, noting that prior to public exhibition:
- issues relating to flood mitigation and risk assessment to be dealt with and if necessary the Planning Proposal will be amended; and
 - a revised reference design will be finalised that addresses flood mitigation and urban design issues discussed in this report.
- (d) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to its public exhibition.
- (e) **That** the applicant be invited to negotiate a potential Planning Agreement for the subject site and that delegated authority be given to the Chief Executive Officer to negotiate a Planning Agreement with the landowner in relation to the Planning Proposal on behalf of Council. The outcome of negotiations shall be reported back to Council prior to the draft Planning Agreement being placed on public exhibition.
- (f) **That** the Planning Proposal, site-specific DCP and draft Planning Agreement be placed on public exhibition concurrently.
- (g) **That** Council advises the Department of Planning and Environment that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (h) **Further, that** Council grant delegated authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

Planning Proposal Timeline



BACKGROUND

1. This summary report is supported by a detailed assessment report provided at **Attachment 1** (including overshadowing diagrams included at **Attachment 3**) that was provided to the Local Planning Panel at its meeting on 18 December 2018. The Panel supported Council officer's recommendations.
2. A number of minor inconsequential changes have been made to the recommendations of the Local Planning Panel:
 - The format of site-specific provisions has been changed to reflect that site-specific controls related to overshadowing of Jubilee Park, reduced car parking rates and the high performing building bonus and dual piping should be included in a different part of the LEP than Schedule 1 of the LEP, which relates to additional permitted uses.
 - An additional recommendation (f) has been added requiring the Planning Proposal, draft site-specific DCP and the draft Planning Agreement to be publicly exhibited concurrently.

ISSUES/OPTIONS/CONSEQUENCES

3. Key issues identified in the assessment report are outlined in the following subsections.

Urban design

4. City staff have a number of issues with the applicant's urban design concept, the most significant being as follows:
 - Building separation – There is minimal separation between the two high rise towers proposed in the applicant's development concept (refer to **Figure 9** in the assessment report) which is not supported and may not meet Apartment Design Guidelines. An alternative “one tower” scenario with one taller tower and a shorter 6 to 8 storey street wall building around a courtyard would result in improved separation, amenity and views. A “two tower” scenario, with one tower up to 120 metres in height and the second shorter tower may also be considered, as shown in **Figure 10** in the assessment report.
 - Public domain activation – The issue of activation to the public domain is a matter to be addressed. Early versions of the development concept include a raised platform to deal with flooding issues that would limit opportunities for activation of the street and the adjoining open space. The possibility of creating an overland flow corridor on the southern part of the site and extending along the edge of Jubilee Park will enhance opportunities for activation.
5. It is proposed that a site-specific DCP be prepared to resolve the urban design issues to ensure an appropriate built form and massing, landscaping and retention of trees. It will also ensure an appropriate interface and activation with the public domain, including Jubilee Park.

Land use issues

6. The B3 Commercial Core land use zone proposed for the site does not permit residential accommodation. Residential and serviced apartments are proposed as additional permitted uses as part of this planning proposal. These additional permitted uses, together with a 50 percent split of residential (to an FSR of 3:1 with an additional 0.9:1 bonus for design excellence) and non-residential (to an FSR of 3:1 floor space) as recommended for this Planning Proposal is considered acceptable as:
 - The proposal will not impact on the ability of the Parramatta CBD to meet its employment targets and will play a key strategic role in providing for future jobs in the CBD. The development proposal as revised will result in 423 Full Time Equivalent (FTE) jobs compared to the original proposal of 105 FTE jobs.
 - The site is surrounded on three sides by sites zoned B4 Mixed Use that reduce the attractiveness of the site for A-Grade commercial floor space.
 - The site is generally acceptable for residential development as flood issues at the site are capable of being resolved, in principle. It is noted that flooding was a key reason for not including the site in the B4 Mixed Use Zone during the CBD Planning Proposal preparation. Appropriately designed residential accommodation on the site will provide a better interface for adjoining open space and residential uses than a wholly commercial development.

Flooding

7. The site currently experiences flooding from Clay Cliff Creek and overland flows and is located within a High Hydraulic Flood Hazard area. Originally, the applicant proposed to manage the flood risk by allowing flood waters to pass through the middle of the site. City staff raised concerns with this concept and considered that the overland flow paths within and through the development site would be hazardous and therefore unsafe.
8. In response to City staff suggestions, the applicant is considering options that create an overland flow corridor across the site from Anderson Street, south of the proposed buildings on the site into Jubilee Park together with widening and naturalising the existing drainage channel extending along the edge of Jubilee Park.
9. City staff consider that, in principle, the revised concept has the potential to address the flood risk issue in a manner that minimises flood risk to future occupiers of the site and the broader community. Nevertheless, there are some concerns about the details of the concept that can be resolved with the progression of the Planning Proposal and a site-specific DCP. The Planning Proposal is considered to be capable of being consistent with Section 4.3 Flood Prone Land of the Section 9.1 Ministerial Directions, which requires provisions to ensure consistency with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and that LEP provisions are commensurate with flood hazard.

Planning Agreement

10. Since this Planning Proposal provides for proposed residential accommodation on the site it is expected that a Planning Agreement will be negotiated on the basis of the Council endorsed value sharing rate for the Parramatta CBD, namely \$150/m² of residential floorspace.
11. In order to progress a Planning Agreement, City staff require delegation from Council to negotiate a Planning Agreement in association with this Planning Proposal.

CONCLUSION

12. This Planning Proposal is generally consistent with the CBD Planning Proposal endorsed by Council and is considered to provide a balanced approach to the development of the site that ensures a contribution to Council's employment and housing targets in a way that better integrates with surrounding development and the opportunities and constraints of the site.
13. Subject to the recommendations of this report, it is recommended Council support the Planning Proposal. There are some flooding and urban design issues that need to be resolved before the Planning Proposal can be publicly exhibited to ensure the development can proceed in a form generally envisaged in the applicant's proposal.

NEXT STEPS

14. Council officers recommend that Council:
 - endorse the Planning Proposal for the purposes of a Gateway determination;
 - prepare a site-specific DCP; and

- invite the applicant to commence negotiations for a Planning Agreement associated with the Planning Proposal.

15. Pending Council endorsement, the next step would be to send the Planning Proposal to the Department of Planning and Environment with a request for a Gateway Determination.

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ATTACHMENTS:

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|---|------------------------|----------|
| 1 | Assessment report | 23 Pages |
| 2 | Planning proposal | 46 Pages |
| 3 | Overshadowing diagrams | 1 Page |

REFERENCE MATERIAL