

INNOVATIVE

ITEM NUMBER	18.3
SUBJECT	FOR APPROVAL: Pre-Gateway - Planning Proposal for 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site)
REFERENCE	RZ/3/2017 - D07126376
REPORT OF	Project Officer-Land Use Planning
LAND OWNER	PIC Royal Investments Pty. Ltd.
APPLICANT	Think Planners

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE:

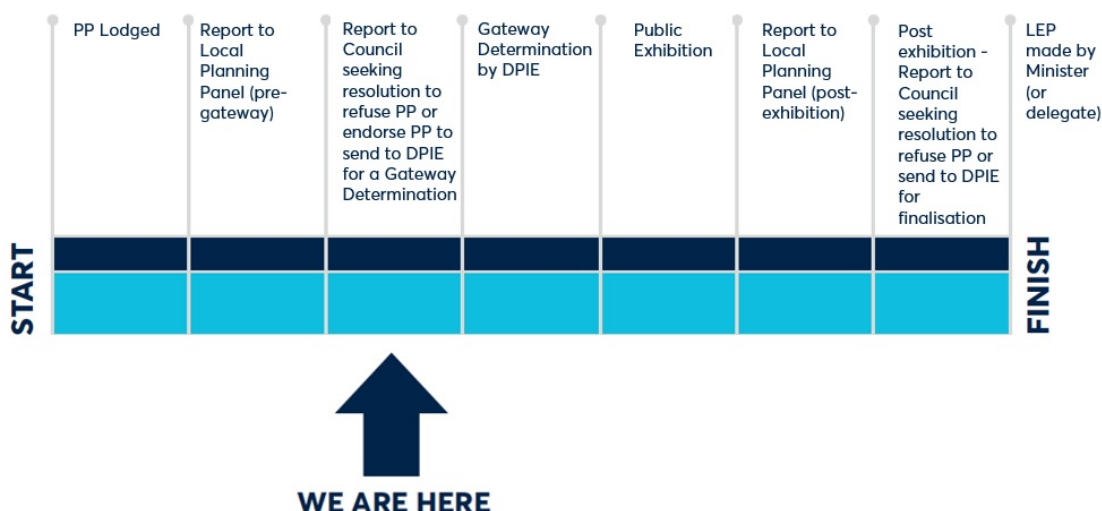
To seek Council's endorsement to request a Gateway determination for a Planning Proposal for land at 135 George Street and 118 Harris Street, Parramatta and to prepare an accompanying draft site-specific Development Control Plan and draft Planning Agreement.

RECOMMENDATION

- (a) **That** Council endorse for the purposes of requesting a Gateway determination from the Department of Planning, Industry and Environment, the Planning Proposal included at **Attachment 1** and the addendum at **Attachment 2** for land at 135 George Street and 118 Harris Street, Parramatta which seeks to increase the maximum height of buildings control from 54 metres to 166 metres and increase the floor space ratio from 4:1 to 13.5:1, subject to the following amendments:
- i. Floor space ratio (FSR) – reduction in the floor space ratio from the applicant's proposed 13.5:1 to a mapped FSR of 10:1;
 - ii. Height of Buildings – Reduction in the Height of Buildings control from the applicant's proposed height of 166 metres to a mapped height control of 130 metres;
 - iii. Minimum Commercial Provisions – inclusion of a site-specific LEP clause that requires a minimum commercial floor space area equivalent to an FSR of 1:1;
 - iv. High Performing Buildings Bonus - Provision outlining an additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met.
 - v. Car parking – inclusion of a site-specific LEP clause that applies the maximum car parking rates previously endorsed by Council as part of the Parramatta CBD Planning Proposal; and
 - vi. Overshadowing – inclusion of a site-specific clause that ensures that the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal.

- (b) **That** the reference design be amended by the applicant to reflect the changes in (a) above prior to the Planning Proposal being forwarded to the Department of Planning, Industry and Environment for a Gateway determination.
- (c) **That** the Planning Proposal, as amended in accordance with resolution (a) above, be forwarded to the Department requesting a Gateway determination.
- (d) **That** a draft site-specific development control plan (DCP) be prepared and reported to Council for endorsement prior to its public exhibition.
- (e) **That** the applicant be invited to negotiate a 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, draft DCP and draft Planning Agreement be exhibited concurrently.
- (g) **That** Council advises the Department of Planning, Industry and Environment that the Chief Executive Officer will be seeking to exercise the plan-making delegations for this Planning Proposal.
- (h) **That** Council grant delegated authority to the Chief Executive Officer to correct any minor anomalies to the Planning Proposal, draft DCP and draft Planning Agreement of a non-policy and administrative nature that may arise during the amendment process.
- (i) **Further, that** Council note the Local Planning Panel's advice to Council is to defer the Planning Proposal subject to overshadowing analysis (refer **Attachment 3**), which has been conducted as part of the Parramatta CBD Planning Proposal and is addressed in this report.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION

1. The subject site is located at 135 George Street and 118 Harris Street, Parramatta and has a legal description of Lot 135 DP 748984 and Lot 4 DP 388895 (Refer to **Figure 1**). The site has an area of 3,135 square metres. The site contains the Albion Hotel.
2. The site adjoins another development site to the west and south known as the Former Cumberland Media site. To the north is the Parramatta River foreshore, to the east is the Robin Thomas Reserve.

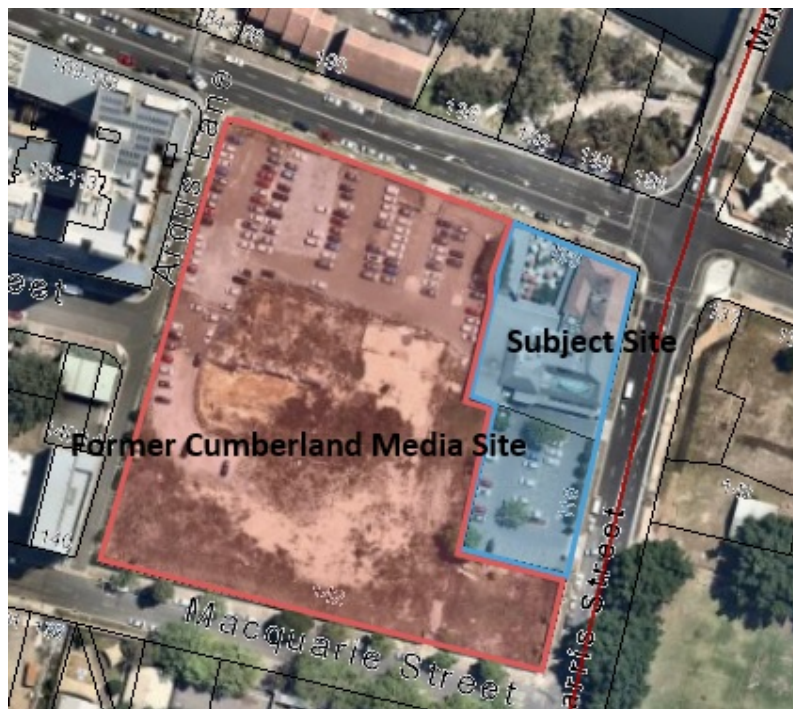


Figure 1: Site Location (site shown outlined in blue)

PLANNING PROPOSAL SUMMARY

Table 1: Summary of proposed controls

Control	Existing (Parramatta LEP 2011)	Parramatta CBD Planning Proposal	Previous lapsed Planning Proposal	Applicant's Planning Proposal	Recommended Planning Proposal
FSR	4:1	10:1 Incentive FSR (excluding Design Excellence) The CBD Planning Proposal mandates that a minimum 1:1 commercial floor space must be provided on this site but permits	8.47:1 (including Design Excellence)	13.5:1 (including Design Excellence)	10:1 Incentive FSR (excluding Design Excellence)

Control	Existing (Parramatta LEP 2011)	Parramatta CBD Planning Proposal	Previous lapsed Planning Proposal	Applicant's Planning Proposal	Recommended Planning Proposal
		commercial floor space beyond the endorsed 1:1 to be excluded from FSR calculations if certain criteria are met.			
Height	54m (approx 14 storeys)	130m Incentive Height (excluding Design Excellence bonus).	102 m (35 storeys)	166 m (51 storeys)	130m Incentive Height (excluding Design Excellence bonus). (approx 40 storeys)
Site-specific provision		<p>An additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met.</p> <p>Includes maximum car parking rates previously endorsed by Council; and</p> <p>Includes amendment to Clause 7.4 Sun Access Protection to ensure that any part of the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June.</p>	Total FSR can only be reached if that development includes a standalone pub		<p>An additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met.</p> <p>Includes maximum car parking rates previously endorsed by Council; and</p> <p>Includes amendment to Clause 7.4 Sun Access Protection to ensure that any part of the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June.</p> <p>Minimum commercial floor space area of 1:1</p>
Land reservation Map		Proposes a 7m wide reservation on the Harris Street frontage for the purpose of local road widening.		The applicant's reference design is set back 7m from Harris Street.	7m wide reservation on Harris St frontage for the purpose of local road widening.

Control	Existing (Parramatta LEP 2011)	Parramatta CBD Planning Proposal	Previous lapsed Planning Proposal	Applicant's Planning Proposal	Recommended Planning Proposal
Number of dwellings ¹	147	405	291	505	405

¹ The number of dwellings has been estimated based on the maximum achievable residential gross-floor area (including bonuses) divided by an average apartment size of 85m². The number of dwellings for the applicant's Planning Proposal reflects the Reference Design.

BACKGROUND

3. This summary report is supported by a detailed assessment report (report to the Local Planning Panel considered on 19 March 2019) provided at **Attachment 3**. The applicant's Planning Proposal (refer to **Attachments 1 and 2**) seeks to amend the Parramatta LEP 2011 by:
 - a. Increasing the Floor Space Ratio (FSR) on the Floor Space Ratio Map from 4:1 to 13.5:1 (including design excellence bonus); and
 - b. Increasing the Height of Buildings (HOB) on the Height of Buildings Map from 54 metres to 166 metres.
4. The applicant's Planning Proposal is supported by a reference design included within the Urban Design Report at **Attachment 4**.
5. The site was subject to a Planning Proposal that was lodged in April 2015 when the site was under a previous ownership (RZ/7/2015). The Planning Proposal was endorsed by Council at its meeting on 27 July 2015 and subsequently received a Gateway determination on 19 October 2015.
6. This previous Planning Proposal sought to increase the height control from 54 metres to 102 metres and increase the FSR from 4:1 to 8.47:1 incorporating all bonuses including a requirement that the site incorporate a standalone pub.
7. The Gateway determination for the previous Planning Proposal was extended twice by the then Department of Planning and Environment (Department) but has since lapsed. The Department has indicated that they will not issue any further extensions and note that the site was sold and is subject to this new Planning Proposal.

LOCAL PLANNING PANEL ADVICE TO COUNCIL

8. A detailed assessment report was considered by the Local Planning Panel at its meeting on 19 February 2019. The Panel considered the matter and resolved as follows: *"That the matter be deferred to allow for a briefing paper to be prepared and issued to the Panel about the broader CBD Planning Proposal strategy for transitioning building heights, including building heights on the subject site."*
9. The matter was reconsidered by the Panel on 19 March 2019 (see **Attachment 3**) and the information requested above was provided to the Panel as an attachment to the Panel report (see **Attachment 5**) where the Panel resolved as follows:

“The Panel has serious concerns regarding the potential shadowing impacts from the proposed controls, particularly the cumulative impact with the adjoining proposal.

The Panel considers these concerns should be addressed prior to a decision being made on this planning proposal.

In these circumstances, the Panel recommends that the shadowing diagrams be prepared so that a decision can be made by Council on what is an acceptable level of shadowing impact.”

10. The matter was considered by Council at its Meeting on 8 April 2019 where it resolved as follows:

“That Council note the recommendation of the Local Planning Panel dated 19 March 2019 in relation to this matter as detailed below, noting that the Panel’s recommendation is inconsistent with the Council Officer’s recommendation to support the proposal subject to amendments and the completion of cumulative shadow analysis prior to seeking a Gateway determination.

- i. The Panel has serious concerns regarding the potential shadowing impacts from the proposed controls, particularly the cumulative impact with the adjoining proposal.*
- ii. The Panel considers these concerns should be addressed prior to a decision being made on the planning proposal.*
- iii. In these circumstances, the Panel recommends that the shadowing diagrams be prepared so that a decision can be made by Council on what is an acceptable level of shadowing impact.”*

11. In noting the Panel’s advice, Council did not progress the matter and effectively deferred it pending the outcome of the shadow analysis conducted as part of the Parramatta CBD Planning Proposal.

PARRAMATTA CBD PLANNING PROPOSAL

12. At the time that the concerns were raised by Council and the Local Planning Panel regarding overshadowing, work had already commenced in this area by Council’s CBD Planning Proposal team in response to the conditions of the Gateway determination for the Parramatta CBD Planning Proposal.
13. The Parramatta CBD Planning Proposal Gateway determination condition No. 1(j)(2) requires that in relation to the proposed height controls: *“provide further assessment of the overshadowing impact of the proposed controls on public open spaces surrounding the CBD compared to the existing controls.”*
14. Condition no. 1(j)(3) requires that in relation to the proposed height controls: *“incorporate an assessment of the potential overshadowing impacts on Experiment Farm that may result from the proposed planning controls (outside the proposed sun access plane of 10am to 2pm).”*
15. As such, the reporting of the site-specific Planning Proposal back to Council was considered to be interrelated with the overshadowing assessment for the Parramatta CBD Planning Proposal.

16. As part of this assessment, Council Officers prepared an Overshadowing Technical Paper for the Parramatta CBD Planning Proposal based on several city blocks to address the Gateway conditions to further assess the cumulative overshadowing impacts as a result of the proposed controls on public open spaces and heritage conservation areas. The analysis conducted included different scenario testing and urban design input.
17. Council considered the results of the analysis at its meeting on 26 November 2019 and modified provisions were endorsed by Council for the Parramatta CBD Planning Proposal.
18. The updated Parramatta CBD Planning Proposal contains provisions relating to solar access plane provisions for Experiment Farm as well as amendments to maximum building heights and FSRs in certain areas required to protect solar access to public open spaces. This also has the effect of reducing the extent of overshadowing of Robin Thomas Reserve to a more acceptable level.
19. The implication for the subject site is the identification of the southern half of the site within the Sun Access Protection Map that relates to Clause 7.4 Sun Access Protection (related to Experiment Farm) within the Parramatta CBD Planning Proposal. This clause stipulates that development consent must not be granted that results in any part of a building causing additional overshadowing on 21 June of Experiment Farm between 10.00am and 2.00pm.
20. The second implication for the site is no change to the proposed Incentive FSR (10:1), however, the identification of a maximum control on the Incentive Height of Buildings map. This has been identified at 130 metres (approximately 40 storeys) and excludes the 15 per cent Design Excellence bonus. When adding the Design Excellence bonus, the total achievable height would be approximately 149.5 metres (approximately 46 storeys). This total height would be subject to development assessment, having regard to the design excellence provisions and the proposed Sun Access Protection clause.

ISSUES/OPTIONS/CONSEQUENCES

21. A summary of the applicant's Planning Proposal compared with the endorsed Parramatta CBD Planning Proposal is provided in Table 1 above.
22. The applicant's Planning Proposal is not supported as it is inconsistent with the Parramatta CBD Planning Proposal. Council's Urban Design team has also raised concerns regarding the ability of the site to accommodate the FSR of 13.5:1 without compromising the urban design and public domain outcomes.
23. Should the site-specific Planning Proposal be endorsed, it is recommended that the applicant's Planning Proposal be amended to reflect the controls within the Parramatta CBD Planning Proposal as follows:
 - a. Floor space ratio – reduction in the total floor space ratio from the applicant's proposed 13.5:1 to 10:1 excluding the design excellence bonus;
 - b. Height of Buildings - Reduction in the Height of Buildings control from the applicant's proposed height of 166 metres to a mapped height control of 130 metres excluding the design excellence bonus
 - c. Minimum Commercial Provisions – inclusion of a site-specific LEP clause that requires a minimum commercial floor space area equivalent to an FSR of 1:1;

- d. High Performing Buildings Bonus - Provision outlining an additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met.
 - e. Car parking – inclusion of a site-specific LEP clause that applies the maximum car parking rates previously endorsed by Council as part of the Parramatta CBD Planning Proposal; and
 - f. Overshadowing – inclusion of a site-specific clause that ensures that any part of the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June.
24. The amendments above would ensure that the development of the site is consistent with Council's vision for the Parramatta CBD while ensuring an acceptable level of overshadowing of Experiment Farm and Robin Thomas reserve.

Parramatta Light Rail and road widening

25. The site is near the route for the planned Parramatta Light Rail with the planned route being on the opposite side of Harris Street. While this does not result in the need for any land acquisition on the site for the purposes of Parramatta Light Rail, the RMS has identified the need for a 7 metre road widening on the site on the Harris Street frontage to accommodate the future duplication of the Gasworks bridge. This has been reflected in the applicant's reference design which has set the development clear of the 7 metre road widening area. This issue is discussed in the report to the Local Planning Panel (see **Attachment 3**) within paragraphs 22 to 25.

Planning Proposal at adjoining site – Former Cumberland Media Site

26. The site is located adjacent to a site-specific Planning Proposal at 142-54 Macquarie Street (known as the Former Cumberland Media site). The Planning Proposal, site-specific DCP and draft Planning Agreement were exhibited for this site in July/August 2016 and the draft DCP and draft Planning Agreement were re-exhibited in May/June 2019 to reflect changes required by Parramatta Light Rail.
27. The applicants for both the Former Cumberland Media site and the Albion Hotel site have worked collaboratively to take a whole-of-block approach to their developments. This has resulted in the identification of pedestrian links and a shared zone which run through both sites. This is discussed further in the report to the Local Planning Panel (see **Attachment 3**) within paragraphs 26 to 30.
28. At the time of the preparation of this subject report, a report seeking to finalise the Planning Proposal and associated documentation for the Former Cumberland Media site was listed on the agenda for the Council Meeting of 10 February 2020.
29. Should Council endorse the Planning Proposal for the Albion Hotel site for the purposes of seeking a Gateway determination, a draft site-specific DCP will need to be prepared to provide more detailed design guidelines for the site which should integrate with the draft DCP for the Former Cumberland Media Site.

NEXT STEPS

30. Should Council endorse the site-specific Planning Proposal, it will be forwarded to the Department of Planning, Industry and Environment for a Gateway determination.
31. A draft site-specific DCP and draft Planning Agreement are also required for the site and will be reported to Council for endorsement prior to exhibition with the Planning Proposal.

PLAN-MAKING DELEGATIONS

32. Delegations were announced by the Minister for Planning in October 2012 allowing Councils to make LEPs of local significance. On 26 November 2012 Council resolved to accept the delegation for plan making functions. Council also resolved that these functions be delegated to the Chief Executive Officer.
33. Should Council resolve to proceed with this Planning Proposal, Council should seek to exercise its plan-making delegations. This means that after the Planning Proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office in the drafting of the LEP amendment, which is then signed by the Chief Executive Officer before being notified on the NSW Legislation website. Any Gateway determination issued for the site by the DPIE will ultimately determine whether Council can be the plan-making authority in this particular instance.

CONSULTATION & TIMING

34. If a Gateway determination is received, the Planning Proposal will be placed on public exhibition along with the draft site-specific DCP and a draft Planning Agreement. A report on the outcomes of the public exhibition will be provided to the Local Planning Panel addressing any objections received. If no objections are received, the matter will be reported directly to Council seeking approval to finalise the Planning Proposal.

FINANCIAL IMPLICATION FOR COUNCIL

35. Should Council resolve to endorse the Planning Proposal, it is recommended that the applicant be invited to negotiate a draft Planning Agreement for the subject site. This may include the dedication of land, works-in-kind and/or a monetary contribution. The result of any negotiations will be reported back to Council for the purpose of public exhibition.

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Executive Director City Strategy & Development

Brett Newman
Chief Executive Officer

ATTACHMENTS:

1	Applicant's Planning Proposal	33 Pages
2	Addendum to applicant's Planning Proposal	9 Pages
3	Report to Local Planning Panel 19 March 2019	17 Pages
4	Applicant's reference design	62 Pages
5	Further information provided to Local Planning Panel on 19 March 2019	5 Pages

REFERENCE MATERIAL