

## Planning Services

### Gateway Determination Report

<b>LGA</b>	City of Parramatta
<b>PPA</b>	City of Parramatta
<b>NAME</b>	East Street, Granville (28 dwellings)
<b>NUMBER</b>	PP_2017_COPAR_014_00
<b>LEP TO BE AMENDED</b>	Parramatta Local Environmental Plan 2011
<b>ADDRESS</b>	34-42 East Street, Granville
<b>DESCRIPTION</b>	Lot 1 DP 996285, Lot 1 DP 195784 and Lot 1 DP 1009146
<b>RECEIVED</b>	Registered 21 November 2017 and additional information received on 5 February 2018
<b>FILE NO.</b>	IRF17/631
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The proposal seeks to amend the Parramatta Local Environmental Plan (LEP) 2011 as it applies to 34-42 East Street, Granville by:

- increasing the maximum height of buildings from 52m to 82m;
- exempting the site from the operation of the floor space ratio (FSR) sliding scale to enable the maximum mapped FSR of 6:1; and
- including a site-specific provision that excludes enclosed balconies (wintergardens) on the building façade facing the railway line from the gross floor area (GFA) calculation used for determining the FSR of a proposed building on the site.

### Site description

The subject site is described as 34-42 East Street, Granville and comprises Lot 1 DP 996285, Lot 1 DP 195784 and Lot 1 DP 1009146. The site is approximately 1577m<sup>2</sup> and is bounded by East Street to the north and the Western Railway Line including Granville Train Station to the south. Immediately west of the site is a single-storey building occupied by Sydney Trains Facilities Maintenance and Depot (Figure 1, next page).

There is an approved development application (DA) that applies to the subject site and land immediately east of the site known as 10-42 East Street, Granville (DA/738/2014), as shown in Figures 2 and 3 (pages 2-3). The DA gave consent to the staged construction of one 19-storey and two 17-storey mixed-use towers, with 463 residential units over basement car parking and six commercial tenancies. The staging of the site is shown in Figure 3 (page 3). The subject site is known as stage C. Stage A is complete and stage B is under construction.



Figure 1: Site plan for 34-42 East Street Granville.

Within Stage C, there are 91 approved residential units above two commercial tenancies. There is also an approved pocket park within the site that is required to be dedicated to City of Parramatta Council. The DA also requires a right of carriageway to be created to enable pedestrian access through the subject site from East Street to Granville Train Station. The approved elevation of the three towers is shown in Figure 4 (next page).



Figure 2: Plan showing the DA-approved site (outlined in yellow) and the planning proposal site (outlined in red).



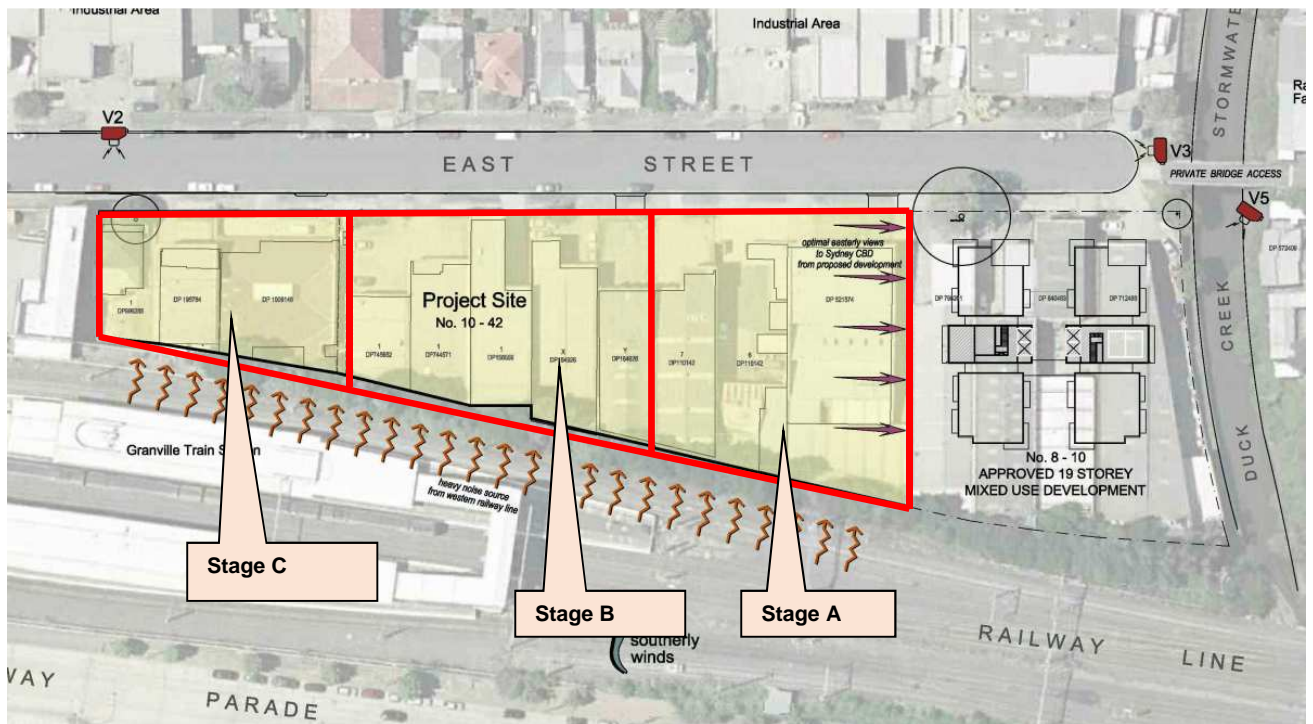


Figure 3: Staging plan from DA/738/2014.



Figure 4: South elevation of DA/738/2014.



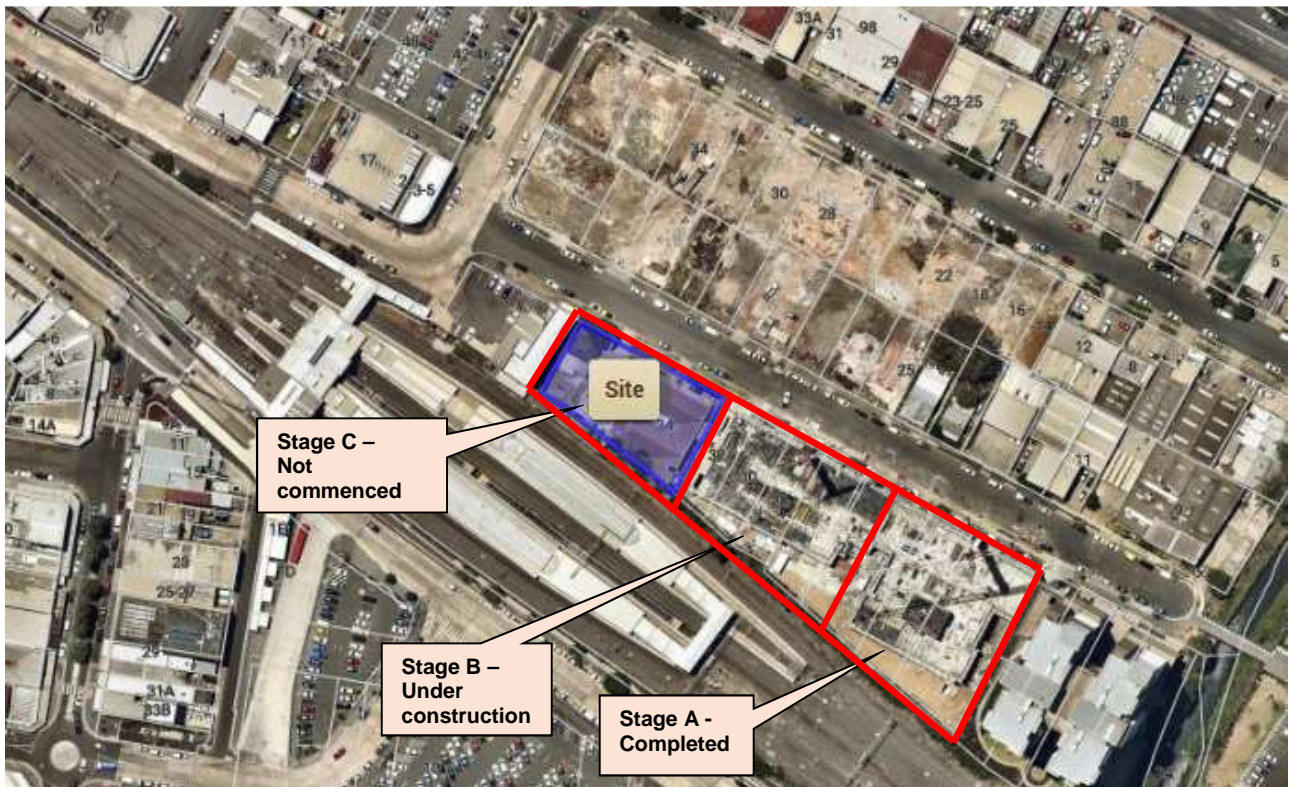


Figure 5: Current state of development activity at site.

## Surrounding area

As indicated in Figures 5 and 6, the Granville area is experiencing urban renewal with construction activity occurring to the north and east of the site. Several DAs have been lodged with Council for the redevelopment of industrial and low-density residential land to mixed-use developments. This development activity reflects the proximity of the locality to Granville Train Station, Parramatta Road and the Parramatta CBD.



Figure 6: Approved DAs in proximity to the subject site.

## Summary of recommendation

It is recommended that the planning proposal proceed to Gateway determination subject to conditions. These conditions have been recommended for the following reasons:

- to comply with the requirements of relevant section 9.1 Directions;
- to achieve consistency with the relevant state environmental planning policies and strategic planning framework, including the Parramatta Road Corridor Urban Transformation Strategy;
- to ensure the planning proposal is supported by clear and accurate maps; and
- to specify community and agency consultation requirements.

## PROPOSAL

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### Objectives or intended outcomes

The objective of the proposal is to enable the site to achieve an FSR of 6:1 and increase the permitted maximum height of building (HOB) control from 52m to 82m under the Parramatta LEP 2011.

The planning proposal further states the following: "The intention of the planning proposal is to broadly apply the recommendations of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) to address the current 'mismatch' of the existing height and FSR controls experienced on the B4 Mixed Use zoned land in Granville."

The planning proposal is intended to enable increased FSR on the subject site. Under the approved DA, an FSR of 5.54:1 was achieved across the three stages. The planning proposal intends to allow additional height within stage C to enable a development outcome closer to the maximum permissible FSR of 6:1.

### Explanation of provisions

The planning proposal provides an explanation of provisions for amending the Parramatta LEP 2011 as follows:

- increase the maximum HOB control from 52m to 82m and remove the site's inclusion from area 1 on the HOB map to remove the application of the sliding-scale provision under clause 4.3(2A) of the Parramatta LEP 2011;
- retain the existing 6:1 maximum FSR control and remove the site's inclusion from area 1 on the FSR map to remove the application of the sliding-scale provisions within clause 4.4(2A) of the Parramatta LEP 2011; and
- introduce a site-specific clause to exclude wintergardens (enclosed balconies) in the south-eastern corner of the site from the future development GFA calculation to manage amenity constraints from the railway line.

### Mapping

It is considered that Council has provided adequate mapping to identify the site and Council's intentions for the site.

The planning proposal includes the proposed HOB and proposed FSR maps. These maps are considered suitable for community consultation. However, prior to finalisation of the planning proposal, Council will be required to prepare the proposed maps in a form that is consistent with the Department's standard technical requirements for LEP maps as a condition of Gateway.



## NEED FOR THE PLANNING PROPOSAL

The planning proposal will enable future development to achieve increased height and FSR on the site. The planning proposal is not the result of any strategic study or report and has been initiated by a private landowner.

The proponent has development consent for a staged mixed-use development that is close to the 52m permitted height; however, the permitted maximum height results in an outcome that does not allow the maximum FSR to be achieved.

The planning proposal recommends increasing the permissible height on the site so a new DA can be lodged for a slimmer, taller tower as indicated in Figure 7.

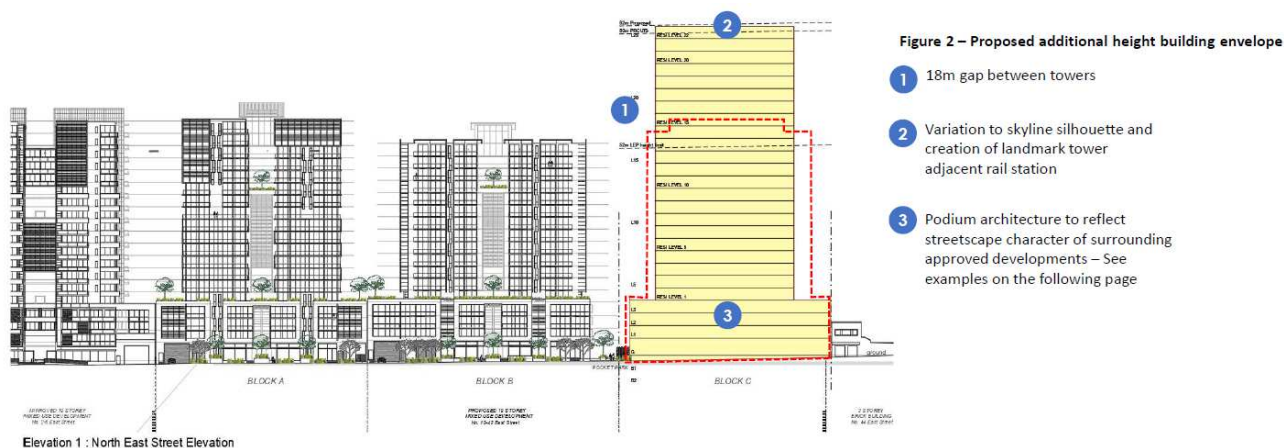


Figure 7: The approved built form for stage C is outlined in red, while the planning proposal built form is shaded in yellow.

### Department comment

The planning proposal is proposed as a result of a previous DA assessment and approval process, which demonstrated an inconsistency between the height controls and FSR that apply to the site. This assessment found that the total maximum FSR could not be achieved under the existing height controls. Council has advised that the FSR achieved under the approved DA was 5.54:1. The intent of the planning proposal is to allow stage C of the approved development to increase the permissible floor space. Council has subsequently advised that “the planning proposal will potentially increase the total FSR generated on the broader site considered under DA/738/2014 from 5.54:1 to 5:8:1”.

The Department notes that the planning proposal is further supported as new height controls for the site have been identified as part of the Parramatta Road Corridor Urban Transformation Strategy.

The planning proposal is considered to be the best way to achieve the objectives and intended outcomes for the site. The planning proposal represents a negotiated outcome between the proponent and Council, and is considered to have merit to proceed to Gateway determination.

## STRATEGIC ASSESSMENT

### State

#### Premier's Priorities

To support the Premier's commitment to deliver 61,000 housing completions on average per year to 2021, the planning proposal will deliver additional dwellings in the Granville area. The approved building contains 91 dwellings. The planning proposal indicates the

increased height will enable the construction of 119 dwellings, which results in a net increase of 28 dwellings on the site.

## **Regional / District**

### Greater Sydney Region Plan

The Greater Sydney Region Plan provides a 40-year vision and 20-year plan for the delivery of 725,000 dwellings and an extra 817,000 jobs in the Greater Sydney region. The plan recognises the City of Parramatta LGA as being within the Central River City.

With its emphasis on planning for future housing and improved urban design outcomes in the Granville town centre, the planning proposal is consistent with the focus of the plan to increase housing capacity (Objective 10) and deliver places that bring people together (Objective 12).

### Central City District Plan

The Central City District Plan commits to providing additional housing supply with access to jobs, services and public transport (Planning Priority C5) with a 21,650 five-year housing supply target for Parramatta. The plan also identifies the importance of providing capacity for jobs growth and growing Parramatta as a metropolitan centre to create a stronger and more competitive Greater Parramatta (Planning Priority C7).

Planning Priority C6 commits to creating and renewing places and local centres and respecting the district's heritage.

Action 5 set by the plan includes a commitment to use flexible and innovative approaches to revitalise high streets in decline.

The planning proposal is consistent with the priorities and actions set by the plan. The proposal provides an opportunity to deliver additional housing in a location that is highly accessible to bus and train services and within walking/cycling distance of the Granville town centre and the Parramatta CBD.

### Parramatta Road Corridor Urban Transformation Strategy

The Parramatta Road Corridor Urban Transformation Strategy commits to delivering 27,000 new homes and 50,000 new jobs within eight key precincts of the Parramatta Road Corridor, accompanied by improvements for transport, open space and amenity needs. The recommendations of the strategy are to be delivered via the planning proposal process.

Specifically, the strategy projects a 5400 dwelling target for the Granville precinct and identifies current issues with existing height and floor space controls delivering bulkier buildings than originally envisaged, creating an undesirable built form outcome. The strategy's planning and design guidelines identify an FSR of 6:1 for the site.

The planning proposal is consistent with the intention of the strategy to increase the maximum permitted height up to 80m or 25 storeys. There is a 2m height inconsistency as the planning proposal is seeking a height of 82m. The design reference report has demonstrated that the additional 2m is required to achieve a 25-storey development outcome. As such, it is considered that 82m is acceptable given the proposal retains consistency with the overall height in storeys and accounts for appropriate floor-to-ceiling heights for the commercial and residential levels within the proposed tower on the site.

The planning proposal refers to the requirement in the strategy for a design excellence process to be held, which would apply to the subject site. The proponent is seeking a variation to this requirement given a design excellence competition has already been undertaken for the site. The proposed alternate design excellence process is for the proponent-appointed architect to submit a design to the design excellence advisory panel, which would then assess whether it has design excellence. If it does not, then a design

excellence competition would be required. This does not require any amendments to the Parramatta LEP 2011, although it is recommended that an appropriate design excellence process be undertaken at the DA stage. The planning proposal recommends the process to achieve design excellence be embedded in the site-specific development control plan that is to be prepared for the subject site.

The strategy requires that no planning proposals proceed until a precinct-wide traffic study has been undertaken. Given there is already an approved DA on the site and the planning proposal will not increase the net number of dwellings that were envisaged under the existing zoned FSR of 6:1, it is considered that the planning proposal can proceed ahead of this traffic study.

## **Local**

### **Parramatta 2038 Community Strategic Plan**

The planning proposal is considered to meet the strategies and key objectives identified in Council's strategic plan by allowing for an appropriate mix of residential and non-residential uses in a centre with public transport, shops and community facilities nearby. The proposal will help to activate the street frontages and improve the walkability of the city centre, with commercial uses on the ground floor of the site and at podium level. The proposal will also allow for the concentration of housing around existing and future transport nodes and contribute towards dwelling targets for Parramatta.

## **Section 9.1 Ministerial Directions**

The planning proposal is consistent with relevant section 9.1 Directions except Directions 6.3 and 7.3 as discussed below.

### **Direction 6.3 Site Specific Provisions**

The planning proposal is inconsistent with this Direction as it includes a site-specific clause in addition to those already contained in that zone.

The planning proposal intends to introduce a site-specific provision that excludes enclosed balconies/wintergardens from the calculation of GFA on the basis that the southern elevation of the future development requires noise mitigation from transport corridor impacts.

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. However, the provision of wintergardens or enclosed balconies may be appropriate to provide improved amenity for the proposed apartments that interface with the railway line. While the provision of wintergardens may be an appropriate design response, it is not acceptable if it results in an FSR greater than 6:1 over the DA-approved development site. As previously discussed, Council has advised that the planning proposal will result in a total revised FSR of 5.8:1 over the DA-approved development site.

The exemption to the GFA for wintergardens is required for the site-specific response as Council has advised that the proposed FSR for stage C with the wintergarden included is 6:1. The proposed site-specific FSR for stage C with the wintergarden excluded is 6.25:1. This represents a difference of 386m<sup>2</sup> or 4%. It is considered that the Department should exercise caution in exempting wintergardens from the GFA as it has the potential to increase the bulk of the proposed building, which is contrary to the key objective of the planning proposal. As such, the planning proposal should be amended to include a site-specific clause that specifically restricts the additional GFA permitted by the wintergarden exemption, with a clearly articulated intent.

The Gateway determination will require that the urban design report and planning proposal clearly demonstrate and articulate that:



- the FSR over the site known as 10-42 East Street will not exceed 6:1 as a result of the removal of the sliding scale and exclusion of wintergardens from the calculation of GFA; and
- the site-specific clause for 35-42 East Street clearly nominates a maximum GFA that can be used for wintergardens and enclosed balconies (and the like) to ensure bulk and scale of the built form is not excessive and responds appropriately to site conditions.

While this adds further layers to the site-specific provision, it is considered to be a necessary requirement. As the site-specific provision is not identified clearly in the planning proposal, this Direction remains unresolved and will require further consideration following community consultation, subject to satisfactorily addressing matters relating to FSR as identified above.

### Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy

The planning proposal is inconsistent with this Direction as it proposes a 2m inconsistency with the 80m recommended building height for Granville in the Parramatta Road Corridor Urban Transformation Planning and Design Guidelines, and it is proposed to occur ahead of the precinct-wide traffic study.

In support of the inconsistency the planning proposal notes that:

- the variation to the recommended height does not increase the permitted FSR for the development;
- the total number of storeys (25) is consistent with the strategy; and
- the future design will result in a better built form outcome than what is currently approved on the subject site.

Justification for this variation has been provided; however, it is considered that this matter should remain unresolved pending community consultation on the proposal.

Council will need to obtain the agreement of the Secretary's delegate to comply with the requirements of section 9.1 Directions.

### **State environmental planning policies**

Subject to the conditions of the Gateway determination, the planning proposal is consistent with relevant state environmental planning policies (SEPPs) as follows:

- SEPP 65 Design Quality of Residential Apartment Development;
- SEPP (Infrastructure) 2007; and
- SEPP (Urban Renewal) 2010.

### **SITE-SPECIFIC ASSESSMENT**

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#### **Social**

##### Heritage

The site is near two local heritage items (I107: 21-23 East Street and I106: 19 East Street) listed in the Parramatta LEP 2011. There are other heritage items on the south side of the railway associated with the Granville War Memorial.

The heritage assessment accompanying the planning proposal found that the form of development arising from the planning proposal is compatible with the wider setting of the heritage items and would have a relatively low impact on the identified heritage values.

It is considered that adequate consideration to heritage impacts has been undertaken to progress the planning proposal to Gateway determination. The Gateway determination will

recommend the planning proposal be referred to the Office of Environment and Heritage as part of the stakeholder consultation process.

## **Environmental**

### **FSR**

Under the existing Parramatta LEP 2011, the site is mapped with an FSR of 6:1. The FSR is further controlled by an FSR sliding scale under clause 4.4(2A) of the LEP. This clause limits the maximum FSR that can be achieved on a site proportional to the site area through the application of the following formula:

<b>Site area</b>	<b>Maximum FSR</b>
$\leq 950\text{m}^2$	1.5:1
$> 950 \leq 2100\text{m}^2$	3.5:1
$> 2100 \leq 3200\text{m}^2$	4.5:1
$> 3200\text{m}^2$	6:1

The purpose of this control is to promote site amalgamation and prevent overdevelopment and inappropriate built forms on small sites.

This planning proposal proposes to exclude the site from the FSR sliding-scale control to enable it to achieve an FSR of 6:1 as a standalone DA. If the site was not excluded from the FSR sliding scale, an FSR of 3.5:1 would apply to the site as it is less than 2100m<sup>2</sup>. This FSR is less than the FSR that is currently approved on the site.

The approved DA requires the consolidation of lots across the entire site. Stages A and B have been consolidated, while Stage C remains unconsolidated. As such, as a new DA is required to be lodged over stage C, should the planning proposal proceed it would not benefit from being part of the larger consolidated adjoining parcel of land. Therefore, an exemption to the FSR sliding scale is required if the increase in height is considered appropriate on the site to enable a new DA to be lodged over stage C only.

It is not considered that the planning proposal will set a precedent as there is already an approved development outcome for the site that demonstrates the intent to amalgamate sites. The planning proposal is being considered in the context of the adjoining development and the most appropriate built form outcomes for the entire site. The existing DA required site amalgamation to occur as a condition of consent and it is recognised that this issue will be subject to further assessment at DA stage to ensure the key elements of the previous DA, such as the creation of a pocket park, are maintained. It is noted that the design reference submitted retains reference to the creation of the pocket park to provide connectivity between East Street and Granville Train Station.

The proposal to exempt wintergardens from the calculation of GFA for the site is only being considered as Council has stated that the total FSR over the approved development site will not exceed 6:1. This is not clearly articulated in the planning proposal and a Gateway condition will be required to ensure the planning proposal clarifies this to ensure an unacceptable precedent is not established.

### **Maximum HOB**

The planning proposal seeks a maximum HOB of 82m, which is a 30m uplift above the current 52m HOB control for the site.

The justification provided in the planning proposal for the additional height is that it will permit a taller and thinner tower form with increased building separation and improved solar access, air circulation and amenity. The additional height for the site will also provide variation in the tower forms and massing along East Street as provided in Figure 8 (next page).





Figure 8: Tower form for approved DA (top) and planning proposal (shaded in yellow).

Urban design testing carried out as part of preparing the Parramatta Road Corridor Urban Transformation Planning and Design Guidelines identified that the existing height and floor space controls are delivering lower, bulkier buildings that create an undesirable and uniform built form outcome. Accordingly, the guidelines recommend buildings between Parramatta Road and the rail line be permitted heights of up to 80m or 25 storeys. This would allow for future development to comprise a podium structure of 3-4 storeys and tower forms above. The proposed building height is generally consistent with this desired outcome.

Shadow plans (August 2017) submitted by the proponent demonstrate that no overshadowing of public open space will occur between the hours of 9am and 3pm in midwinter.

The proposed additional height above the existing 52m control is supported as it is consistent with the intention in the strategy guidelines and it would deliver a broader public benefit by way of an improved urban design outcome.

## Infrastructure

### Traffic generation

The Parramatta Road Corridor Urban Transformation Strategy states: “Prior to any rezoning commencing, a Precinct-wide traffic study and supporting modelling is required to be completed which considers the recommended land uses and densities, as well as future Westconnex conditions, and identifies the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the Precinct” (p. 23).

The precinct-wide traffic study is currently being prepared. However, it is considered appropriate for this proposal to proceed in the absence of the traffic study as the proposed FSR increase is minor in the context of the approved DA on the site and will not increase the overall FSR above 6:1, which has already been envisaged on the site.

It is recommended that Transport for NSW and Roads and Maritime Services be consulted on the proposal as part of the consultation process.

## Satisfactory Arrangements Clause

As the planning proposal falls within the Parramatta Road Corridor, there is the potential for a special infrastructure contributions scheme to be applied to the site. The site has already received development consent for a 17-storey tower and negotiations are advanced in terms of the state and local infrastructure requirements for this site as part of the previously approved DA. Therefore, it is considered that a satisfactory arrangements clause is not required. Should the special infrastructure contribution be applied to this locality, any future DA over the site may be required to pay contributions. This will be subject to further negotiation at the DA stage.

## **CONSULTATION**

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### **Community**

The planning proposal outlines 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.

### **Agencies**

To comply with the requirements of relevant section 9.1 Directions, it is considered appropriate that the following agencies and organisations be consulted on the planning proposal:

- Roads and Maritime Services;
- Transport for NSW;
- Transport for NSW – Sydney Trains; and
- Office of Environment and Heritage – Heritage Division.

## **TIME FRAME**

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It is recommended that a 12-month time frame for completing the LEP is given, which is considered an appropriate time frame to enable the finalisation of the planning proposal.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested authorisation to be the local plan-making authority for this planning proposal. Given the evolving nature of planning in the Granville precinct and the need to monitor planning outcomes, authorisation is not recommended.

## **CONCLUSION**

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Subject to conditions of Gateway, the planning proposal has merit and is supported to proceed for the following reasons:

- to deliver an improved urban design outcome by permitting a taller and thinner tower form for the site; and
- to achieve consistency with the requirements of applicable section 9.1 Directions and state environmental planning policies.

## **RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Directions 6.3 Site Specific Provisions and 7.3 Parramatta Road Corridor Urban Transformation Strategy is unresolved and will require further justification.



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

1. Prior to undertaking community consultation, Council is required to amend the planning proposal as follows:
  - a) clearly articulate and demonstrate that the FSR over the site known as 10-42 East Street will not exceed 6:1 as a result of the removal of the sliding scale, and the exclusion of wintergardens from the calculation of GFA on the subject site; and
  - b) provide a site-specific clause for 35-42 East Street to clearly nominate a maximum GFA that can be used for wintergardens and enclosed balconies (and the like) to ensure bulk and scale of the built form is not excessive and responds appropriately to site conditions, and the total FSR over the land subject to DA738/2014 does not exceed 6:1.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
  - Roads and Maritime Services;
  - Transport for NSW;
  - Transport for NSW – Sydney Trains; and
  - Office of Environment and Heritage – Heritage Division.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's *Standard Technical Requirements for Spatial Datasets and Maps* (August 2017).



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