

**LEADING**

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<b>ITEM NUMBER</b>	5.1
<b>SUBJECT</b>	Planning Proposal for the land at 34-42 East Street, Granville
<b>REFERENCE</b>	RZ/8/2017 - D05612338
<b>REPORT OF</b>	Project Officer - Land Use Planning
<b>APPLICANT</b>	DPG Project Pty Ltd
<b>LANDOWNER</b>	St Vincent De Paul Society NSW

**Note: this report was deferred from the 19 September 2017 IHAP.**

**PURPOSE:**

The purpose of this report is to seek the Independent Hearing and Assessment Panel's (IHAP) endorsement to forward a Planning Proposal for the land at 34-42 East Street, Granville to the Department of Planning and Environment for a Gateway determination; and to seek endorsement to proceed with the preparation of a Site Specific Development Control Plan to manage the built form and public domain in association with the Planning Proposal.

**RECOMMENDATION**

**That** the IHAP recommend to Council:

- (a) **That** Council endorse the Planning Proposal for the land at 34-42 East Street, Granville (**Attachment 1**) which seeks to amend the Parramatta Local Environmental Plan 2011 (PLEP 2011) in relation to the subject site by:
  - i. Increasing the Maximum Height of Building (HOB) control from 52m to 82m and removing the land from 'Area 1' on the HOB map and its requirements under Clause 4.3(2A) of the PLEP 2011.
  - ii. Removing the land from 'Area 1' on the FSR map and its requirements under Clause 4.4(2A) of the PLEP 2011.
  - iii. Introducing a clause that will exclude the floor area of 'wintergardens' in the south-eastern corner of the site from the FSR calculation for the development.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning and Environment for Gateway determination.
- (c) **That** a Site Specific Development Control Plan (DCP) be prepared and reported to Council prior to the exhibition of the Planning Proposal; and for the exhibition of both the Planning Proposal and DCP to occur concurrently.
- (d) **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (e) **Further, that** Council authorise the CEO to correct any minor policy inconsistencies and any anomalies of an administrative nature relating to the

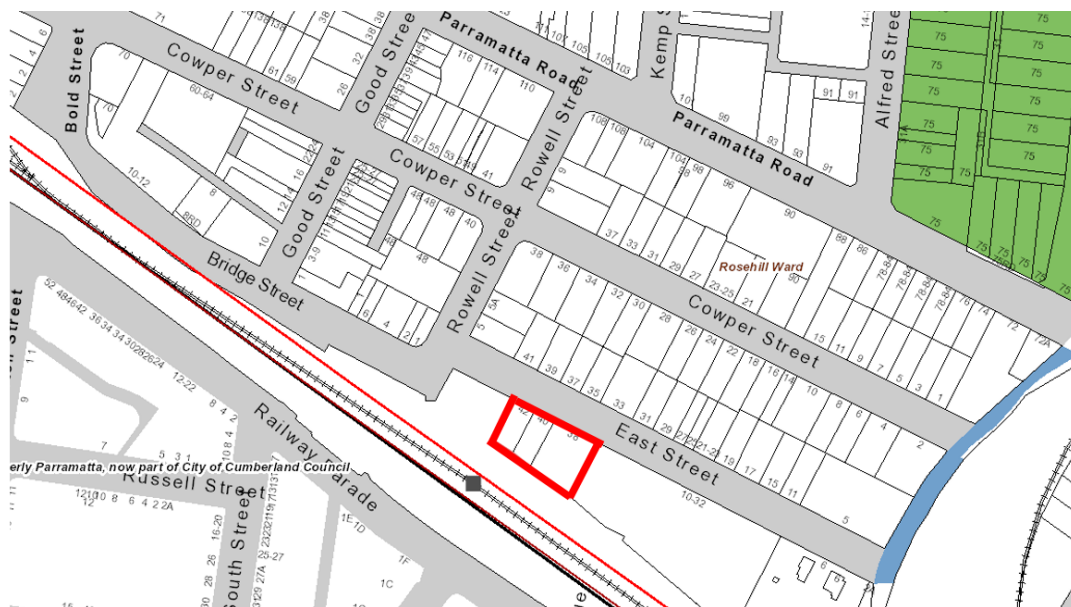
Planning Proposal that may arise during the amendment processes.

## BACKGROUND

1. On 27 April 2017 the applicant DPG Project Pty Ltd on behalf of the landowner St Vincent De Paul Society NSW lodged a Planning Proposal with the City of Parramatta for the land at 34-42 East Street, Granville. Broadly the Planning Proposal is consistent with the recommendations of the Parramatta Road Corridor Urban Transformation Strategy to increase the current permitted height under the Parramatta Local Environmental Plan 2011 and retain the existing zoning and density controls. Further detail of the specifics of the Planning Proposal are included below under the heading 'Applicant Lodged Planning Proposal'.

## THE SITE

2. The subject site is 34-42 East Street, Granville. It has an approximate site area of 1,577m<sup>2</sup>, and is made up of three allotments: Lot 1 DP 1009146, Lot 1 DP 195784, and Lot 1 DP 996285. The site is bound by East Street to the north and the Western Railway Line to the south as seen in **Figure 1**.

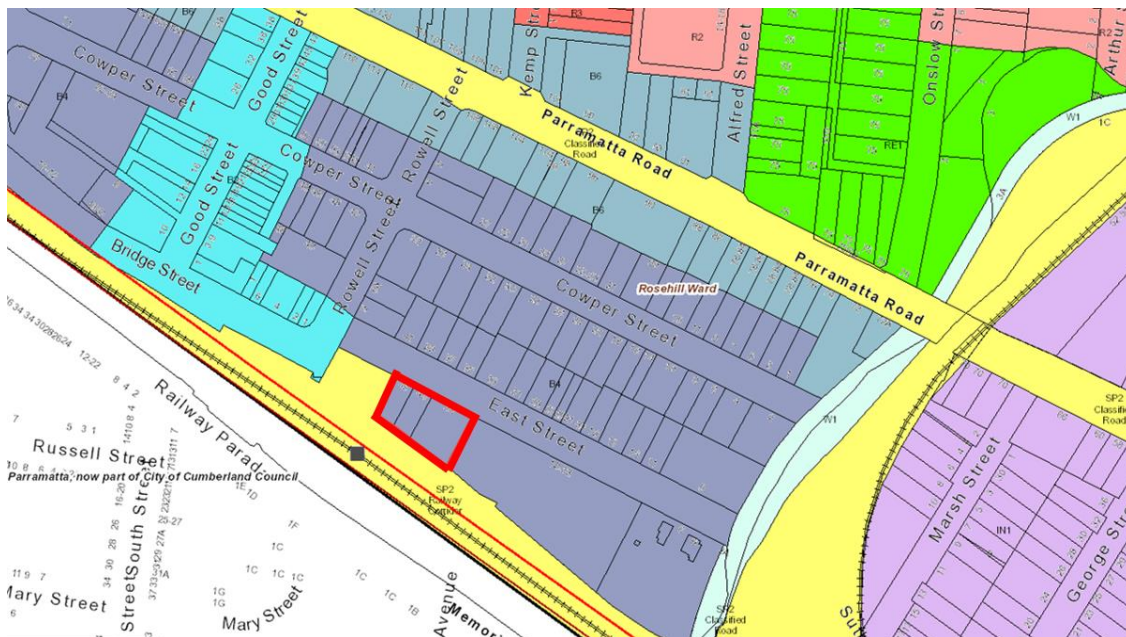


**Figure 1 – Locational Map**

3. The subject site is occupied by a range of land uses including business, light industrial, and low density residential. The land surrounding the subject site currently comprise a mixture of industrial uses and some single to three storey residential developments.
4. The Granville Precinct is experiencing renewal. A number of development applications have been lodged with Council for the redevelopment of the existing industrial uses and low density residential uses to mixed use developments that have a large residential component. This is discussed in further detail below under the heading 'Development Applications in Granville'.

## PLANNING CONTROLS

5. The subject site has a B4 Mixed Use zone under the provisions of the Parramatta LEP 2011 as seen in **Figure 2**. The surrounding area is similarly zoned B4 Mixed Use, with the exception of the properties fronting Parramatta Road which have a B6 Enterprise Corridor zone and the properties fronting Good Street which comprise the town centre, and have a B2 Local Centre zone.



**Figure 2 – Zoning Map**

6. The land is within “Area 1” of the Floor Space Ratio map which is subject to Clause 4.4(2A) of the PLEP 2011 (see **Figure 3**). This clause stipulates the way FSR is calculated on the land demarked as “Area 1”, and applies a sliding-scale to determine the FSR that applies to the site. To achieve the maximum FSR of 6:1 presented on the Floor Space Ratio Map, sites within “Area 1” must have a land area greater than 3,200m<sup>2</sup>. This is to encourage site amalgamation and deliver well-designed built form outcomes. The subject site has a site area of 1,577m<sup>2</sup> which is greater than 950m<sup>2</sup> and less than 2,100m<sup>2</sup>, therefore under the provisions of Clause 4.4(2A) an FSR of 3.5:1 is permitted.



**Figure 3– Floor Space Ratio Map**

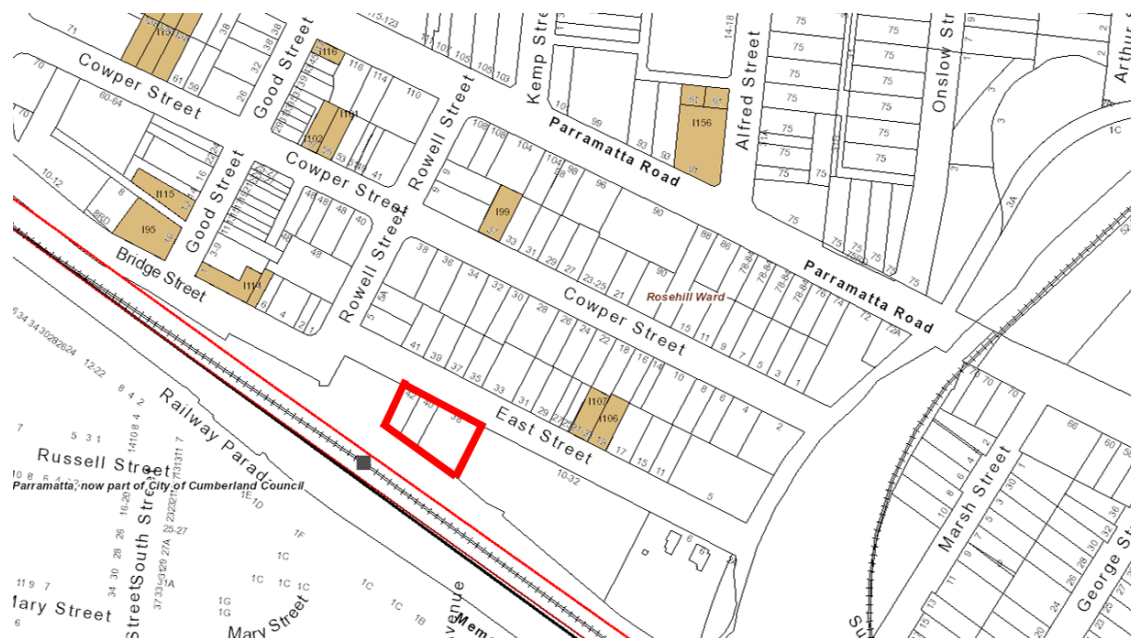


7. The land is within “Area 1” of the HOB map which is subject to Clause 4.3(2A) of the PLEP 2011 (see **Figure 4**). This clause stipulates the way heights are calculated on the land demarked as “Area 1”, and applies a sliding-scale process of height allocation. To achieve the maximum building height of 52 metres presented on the Height of Buildings Map, sites within “Area 1” must have a land area greater than 3,200m<sup>2</sup>. This is to encourage site amalgamation and deliver well-designed built form outcomes. The site has an area of 1,577m<sup>2</sup> which is greater than 950m<sup>2</sup> and less than 2,100m<sup>2</sup>, therefore under the provisions of Clause 4.3(2A) a height of 21m is permitted.



**Figure 4 – Height of Building Map**

8. However, as discussed in more detail later in this report, the subject site was consolidated with the adjacent lots when assessed as part of a previous DA process. In effect the amalgamation, which is the intent of the sliding scale did occur. This report will now detail an inconsistency in the current controls which meant the FSR of 6:1 was not able to be achieved despite the fact the amalgamation objective was achieved.
9. The land 10-42 East Street (the boundary of which is shown as No.3 in **Figure 6**) was subject to a development application (DA/738/2014). The total site area of this land was 6,855m<sup>2</sup> (i.e. greater than the 3,200m<sup>2</sup> required to achieve an FSR of 6:1 under Clause 4.4(2A)). Therefore, the site in consolidation with the adjacent properties was permitted to seek an FSR of 6:1 and a height of 52m as it had a combined land size of 6,855m<sup>2</sup>. Further detail of the previous DA consent is included below and shown in **Table 1**.
10. The subject site is not of heritage interest in its own right, however is in the vicinity of two listed items in the PLEP 2011. These consist of a single storey residence at 19 East Street, and semi-detached dwellings at 21-23 East Street. These can be seen in **Figure 5**.



**Figure 5 – Heritage Items**

## **APPLICANT LODGED PLANNING PROPOSAL**

11. The Planning Proposal lodged by the applicant seeks the following changes to the Parramatta LEP 2011:

- Increase the mapped Maximum Height of Building control from 52m to 82m.
- Retain the existing 6:1 Maximum Floor Space Ratio control, however remove the site's inclusion within 'Area 1' of the FSR map to remove the application of the sliding scale provisions within Clause 4.4 of the PLEP 2011.
- Introduce a Site Specific Clause to exclude wintergardens (enclosed balconies) from the calculation of the future development's gross floor area calculation where required to manage amenity constraints from the railway line.
- Introduce a savings provisions for the site to allow a Development Application to be assessed concurrently with the Planning Proposal.

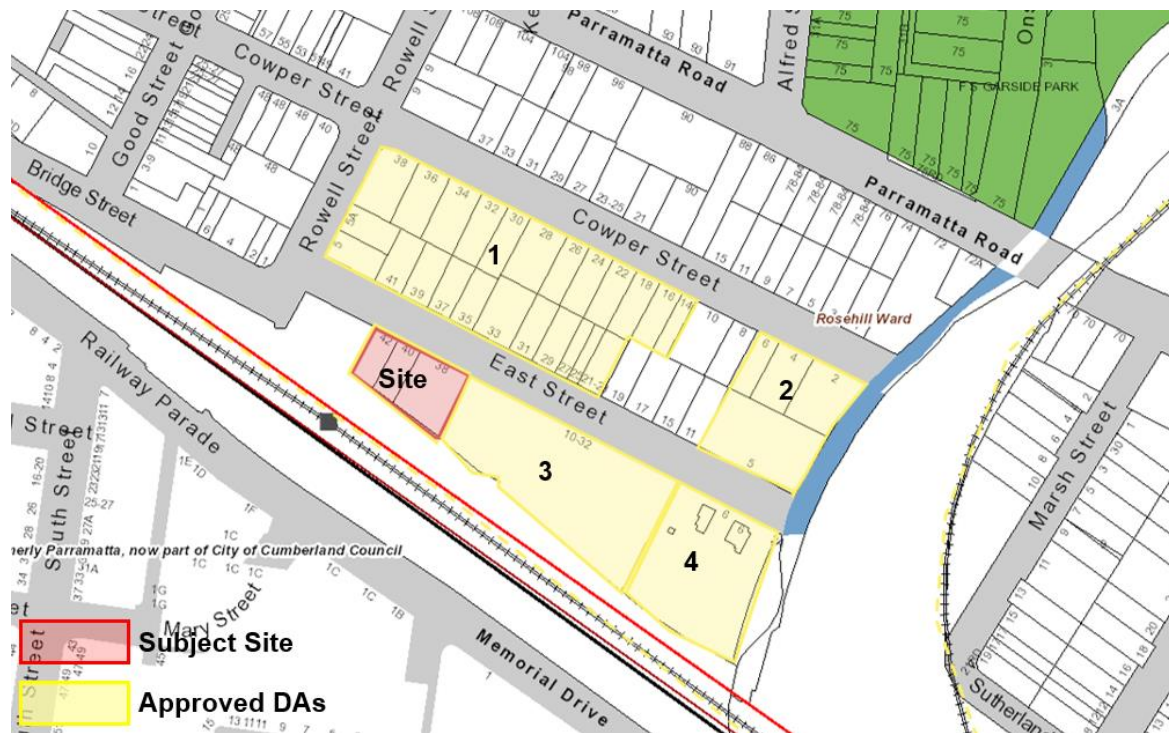
12. It is noted that the Planning Proposal seeks to retain the existing B4 Mixed Use zone and 6:1 FSR currently permitted under the Parramatta LEP 2011. The intention of the Planning Proposal is to apply the recommendations of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) to address the current 'mismatch' of the existing height and FSR controls permitted on the B4 Mixed Use land in Granville by increasing the maximum Height of Building control. This mismatch has become apparent through the assessment of recent Development Applications within the B4 Mixed Use zone in Granville. The recent development experience in Granville is discussed in further detail below.

## **DEVELOPMENT APPLICATIONS IN GRANVILLE**

13. Granville is going through a process of renewal. The Parramatta LEP 2011 introduced a B4 Mixed Use zone for the majority of the land between Parramatta Road and the Western Railway Line as seen in **Figure 2** (with the exception of the land directly fronting Parramatta Road which were zoned B6 Enterprise Corridor). The PLEP 2011 also increased density within the area in

line within the State Government's policy position of Transit Orientated Development, which promotes the delivery of housing on key transit nodes. A 6:1 FSR was permitted, subject to a sliding scale imposed under Clause 4.4 of the PLEP 2011. As discussed above, the maximum FSR of 6:1 could be achieved subject to obtaining a land size of 3,500m<sup>2</sup>. This was to encourage site consolidation and integrated planning to assist in the delivery of better built form outcomes.

14. A number of Development Applications have subsequently been lodged within the B4 Mixed Use area seeking the development of mixed use towers primarily comprising of residential uses. **Figure 6** shows the recent DA activity in close proximity to the subject site.



Note: Subject site is located within boundary of DA No.3

**Figure 6 – Approved DAs in proximity to subject site**

15. **Figure 6** identifies the subject site and the recently approved development applications in immediate proximity to the subject site. It is noted that the site subject to the Planning Proposal at 34-42 East Street was the subject of a recent development approval that formed part of a larger development site that was approved for a mixed use development as part of DA/738/2014 (DA site No.3 in **Figure 6** above). This DA was one of the DAs within the precinct that was unable to achieve the permitted FSR of 6:1 under the PLEP 2011 due to the height control (even with a Clause 4.6 variation). Nonetheless, the subject land currently has an active development consent for its redevelopment which could proceed irrespective of the planning proposal progressing. The details of the DA and how it formed the catalyst for the lodgment of a Planning Proposal is discussed in further detail below in this report.
16. **Table 1** summarises the details of the approved developments shown in **Figure 6**, which are labelled 1, 2, 3 and 4. As demonstrated within the table, the applications were not able to attain the permitted FSR under the permitted height controls.



	Address	Development	Permitted FSR	Approved FSR	Permitted Height	Approved Height
1	14-38 Cowper Street, 21-41 East Street & 5-5A Rowell Street	Deferred commencement approval for the construction of a mixed use development consisting of 618 residential apartments, 12 commercial tenancies, and 633 car parking spaces within a building with a 4 storey podium and 3 tower forms with varying heights from 14 to 21 storeys	6:1	5.5:1 -8% variation	52m	70m  Council permitted a 35% variation through Clause 4.6
2	2-6 Cowper Street & 1-9 East Street	Deferred commencement approval for 20 storey mixed use development comprising 5 retail tenancies and 264 residential units, 255 car parking spaces, and landscaping and construction of a public vehicular lane.	6:1	6:1	52m	68m  Council permitted a 31% variation through Clause 4.6
3	10-42 East Street (which includes the subject site)	Approval for a mixed use development comprising 463 residential dwellings and 6 commercial tenancies across three buildings: Block A, B and C. Block A and B have already commenced construction	6:1	5.5:1 -8% variation	52m	61m  Council permitted a 17% variation through Clause 4.6
4	2-8 East Street	Approval for a 19 storey mixed used development containing 211 sqm of commercial floor space and 208 apartments over 4 levels of basement carparking.	6:1	5.18:1 -14% variation	52m	64m  Council permitted a 23% variation through Clause 4.6

**Table 1 – Existing DA Approvals**

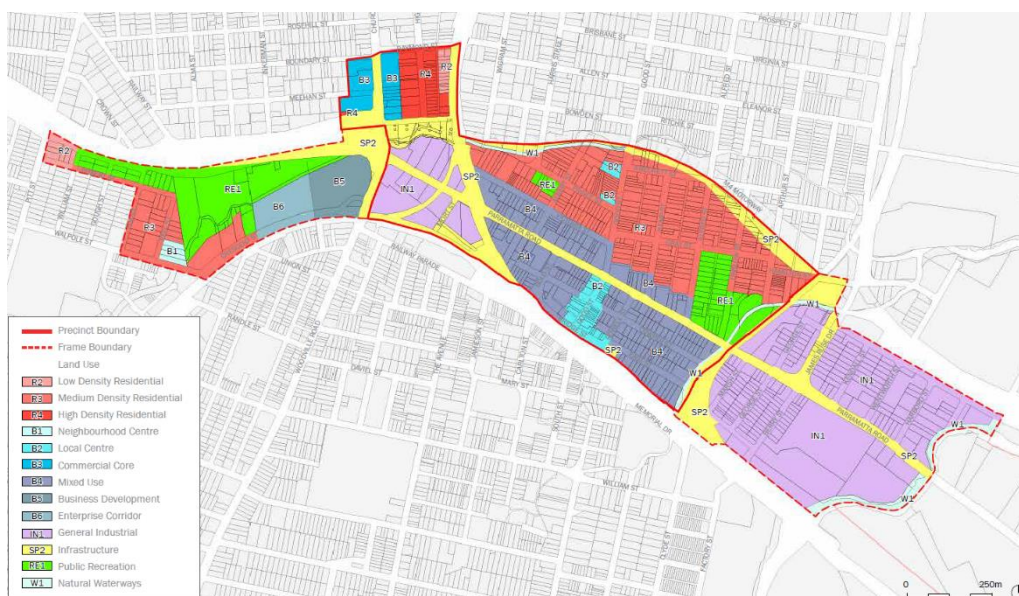
17. In summary, **Table 1** demonstrates that the existing permitted FSR of 6:1 cannot be delivered under the existing permitted height of 52m and that there is a mismatch between the built form controls. The previous approvals have relied on a Clause 4.6 variation to the permitted height to achieve an FSR that is close to 6:1, with many still not achieving an FSR of 6:1 even with the variation under Clause 4.6. This outcome has highlighted a flaw in the planning controls. The controls sought to encourage amalgamation to generate sites with a sufficient size, to enable developments with good urban design outcomes. The amalgamation of land was achieved, however the incentive to achieve this amalgamation (i.e. an FSR of 6:1) was not able to be provided to the developer due to the height constraint. In terms of the urban design outcome, this has also resulted in the approval of relatively squat 'bulky' buildings all of a similar height, and has not produced an optimal urban design outcome. A comprehensive review of the controls will occur when Council implements that PRCUTS recommendations, and this will seek to resolve this issue and promote higher quality urban design outcomes across the precinct. However,

the applicant is seeking to resolve this issue for their site ahead of the more comprehensive process to be carried out by Council at a later date.

## STRATEGIC PLANNING FRAMEWORK

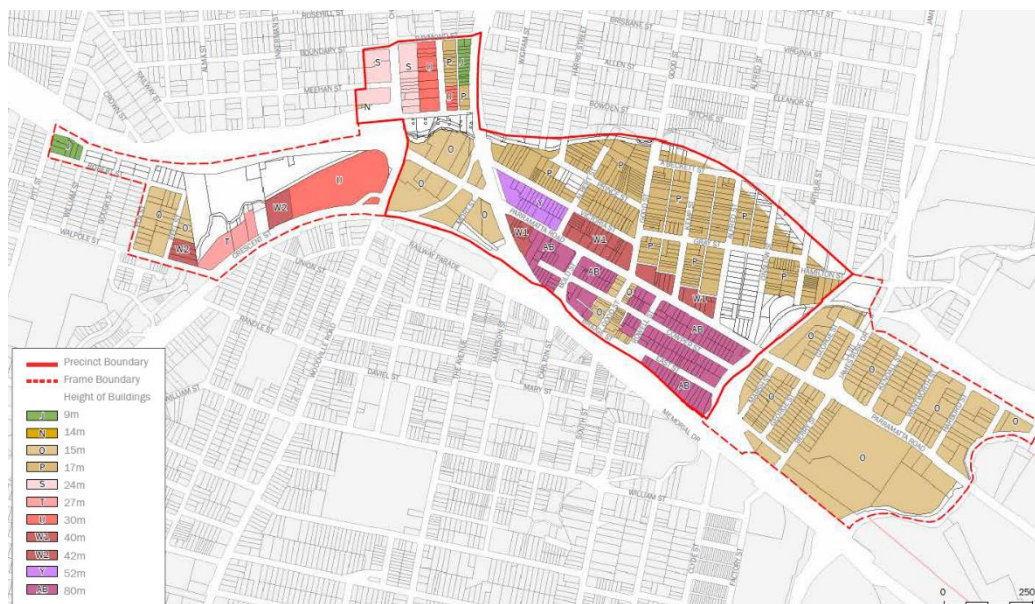
### Parramatta Road Corridor Urban Transformation Strategy

18. The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) prepared by UrbanGrowth NSW was released by the Minister for Planning on 9 November 2016. The Strategy's key objective as an integrated land use and transport plan is to revitalise Parramatta Road, by delivering future housing, employment, public transport, open space and amenity needs.
19. The PRCUTS projects the delivery of 27,000 new homes and 50,000 new jobs along the Parramatta Road Corridor. The renewal will be focused in eight strategic Precincts at Granville, Auburn, Homebush, Burwood, Kings Bay (part of Five Dock), Taverners Hill, Leichhardt, and Camperdown.
20. The PRCUTS has been given statutory weight via a Ministerial Direction, under Section 117 of the *Environmental Planning and Assessment Act 1979*. On a practical level this means that the Strategy will be implemented by the planning proposal process, which requires Planning Proposals to be consistent with the Ministerial Directions. A Planning Proposal may be inconsistent with the PRCUTS and terms of the Direction if it satisfies a number of conditions stipulated by the Direction, relating to the level of significance of the variation, and its justification on planning and urban design merit.
21. The PRCUTS (November 2016) provides recommended zoning, floor space ratio, and height controls for each site within the Granville Precinct. The recommended zoning, height and FSR controls for the precinct are shown in **Figure 7, 8 and 9**.

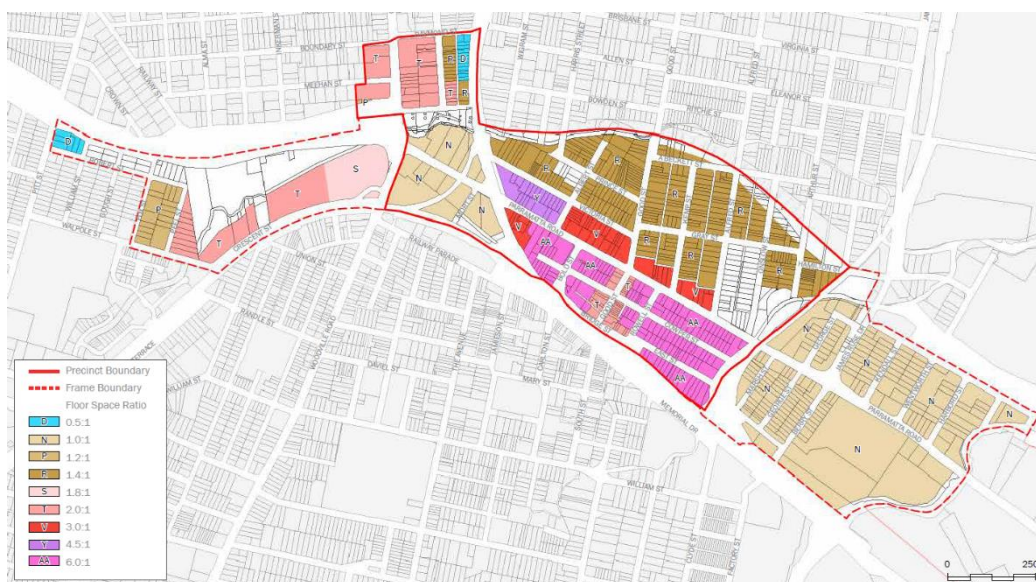


**Figure 7 – Recommended zoning from PRCUTS**





**Figure 8 – Recommended Height of Buildings from PRCUTS**



**Figure 9 – Recommended Floor Space Ratios from PRCUTS**

22. The PRCUTS requires a precinct wide traffic study be completed before Council is to pursue a Planning Proposal to implement all the PRCUTS recommendations. Council Officers are pursuing different options with landowners and Officers from the Department of Planning and Environment to resolve the funding and resourcing for this traffic study to be completed. This will be the subject of further reports to Council. Upon completion of the traffic study and the assessment of its implications, a Council led Planning Proposal to implement the PRCUTS recommendations for the Granville precinct can proceed.

## **CONSISTENCY WITH THE PARRAMATTA ROAD CORRIDOR URBAN TRANSFORMATION STRATEGY**

23. As discussed earlier in this report, the PRCUTS has been given statutory weight via a Ministerial Direction, under Section 117 of the *Environmental Planning and Assessment Act 1979*. Direction 7.3 'Parramatta Road Corridor Urban Transformation Strategy' was brought into force on 19 December 2016. The Direction includes what a relevant planning authority must do if this

Direction applies, and states that a Planning Proposal subject to this Direction must:

*(c) be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines.*

24. However, the Direction does permit a Planning Proposal to be inconsistent with the PRCUTS and the terms of the Direction if it satisfies a number of conditions stipulated by the Direction. This relates to the level of significance of the variation, and its justification on planning and urban design merit.
25. Part (5) of the Direction relates to a Planning Proposal's consistency with the Direction and is included below:

*A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the planning proposal is:*

*(a) consistent with the Out of Sequence Checklist in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November 2016), or*

*(b) justified by a study (prepared in support of the planning proposal) that clearly demonstrates better outcomes are delivered than identified in the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and Parramatta Road Corridor Implementation Plan 2016-2023 (November 2016) having regard to the vision and objectives, or*

*(c) of minor significance.*

### **Recommendations of the Parramatta Road Corridor Urban Transformation Strategy**

26. The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) as discussed above under the heading 'Strategic Planning Framework' seeks to revitalise Parramatta Road and deliver additional housing within the Granville Precinct. The PRCUTS projects that Granville will accommodate 19% of the residential growth in the Corridor over 30 years (to 2050).
27. One of the strategic initiatives to address this target under the PRCUTS is to:
  - a. Extend the existing B4 Mixed Use zone to the majority of the precinct across both sides of Parramatta Road (as seen in **Figure 7**)
  - b. Apply an FSR of 6:1 (subject to a sliding scale) similar to the way density is currently managed under the PLEP 2011
  - c. Apply a height of 80m (approximately 25 storeys) to address the current mismatch between the 52m height and 6:1 FSR controls within the PLEP 2011.
28. As discussed above within this report, the assessment of recent DAs has revealed that the existing height control does not permit the delivery of an FSR of 6:1 on the B4 Mixed Use sites, and the yield that is resulting is delivering lower, bulkier buildings that create an undesirable and uniform built form

outcome. PRCUTS recommends increasing the height control to 80 metres to allow future development to comprise a podium structure of 3-4 storeys and tower forms. Taller and more slender towers will generate faster moving shadows and allow more sunlight around the buildings.

29. The subject Planning Proposal at 34-42 East Street, Granville (i.e. Block C of DA/738/2014) responds to the PRCUTS by seeking additional height to achieve the already permitted FSR of 6:1 in a taller built form than what is currently permitted in the existing development approval.
30. A summary of the sought changes to the PLEP 2011 under the Planning Proposal and the recommendations of the PRCUTS are summarised in **Table 3:**

	<b>PRCUTS</b>	<b>Planning Proposal</b>
<b>Zoning</b>	B4 Mixed Use	B4 Mixed Use
<b>Height</b>	80m subject to sliding scale	82m no sliding scale
<b>FSR</b>	6:1 subject to sliding scale	6:1 no sliding scale

**Table 3** – Comparison of PRCUTS and the Planning Proposal

### Land Use Zone

31. The Planning Proposal retains the existing B4 Mixed Use zoning that was introduced under the Parramatta LEP 2011 and which is recommended for retention under the PRCUTS.

### Maximum Height of Building

32. The Planning Proposal seeks a height of 82m, which is a slight variation from the final recommendations of the Parramatta Road Corridor Urban Transformation Strategy as seen in **Table 3**. In order to achieve a height of 82m the site will need to be removed from “Area 1” within the PLEP 2011 so it is not subject to the sliding scale prescribed under Clause 4.3(2A).
33. Council Staff are generally supportive of this variation as it is considered minor and does not increase the permitted yield on the site but allows for a more optimal design outcome. Council in its submission in response to the Draft PRCUTS asserted their support of greater height within Granville in order to deliver taller, slender towers to increase building separation, improve solar access, air circulation, and amenity.
34. Increasing the height on the subject site will provide a variation in the tower forms and massing along East Street. As seen in **Table 1** and **Figure 6** the majority of the East Street has already been approved for development under the constricted height control, which has resulted in shorter and bulkier tower floorplates. The increase in height will provide variation in the massing and streetscape and result in a better built form outcome along East Street. **Figure 10** is an extract from the Urban Design Report that accompanies the Planning Proposal (**Appendix 1 of Attachment 1**). This compares the approved DA scheme for the subject site with the indicative massing to result from the Planning Proposal, and shows how an increase in height on the subject site (i.e. the building in yellow) will deliver a tower with a smaller floorplate, improve solar access, provide variation to the building heights along East Street to break up the built form, and result in an improved urban design outcome.





Figure 1 – Approved DA North Elevation

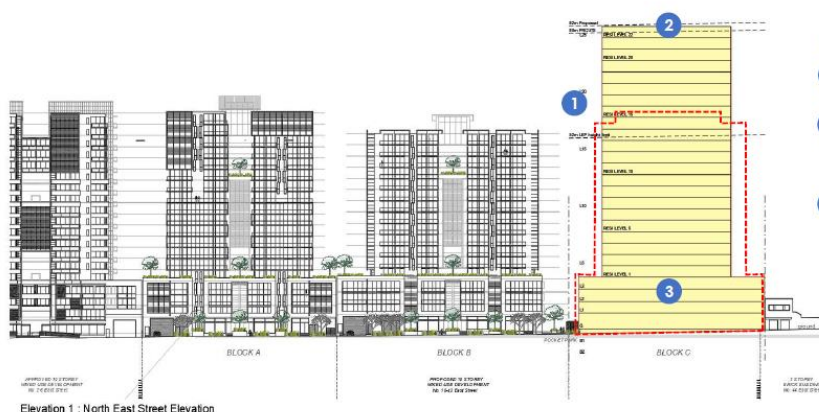


Figure 2 – Proposed additional height building envelope

**Figure 10** – Extract from Urban Design Report showing approved DA and Planning Proposal scheme

35. Furthermore, the applicable S117 Ministerial Direction enables Council's to permit variations under certain circumstances. It is considered that the 2m variation to the recommended height of 80m within the PRCUTS is of minor significance and has demonstrated to deliver a better outcome through the Urban Design Report that accompanies the Planning Proposal. Therefore, the Planning Proposal satisfies the parameters that Council can consider a variation to the PRCUTS under Part (5)(c) of the S117 Direction (which is outlined above).

### Maximum Floor Space Ratio

36. The Planning Proposal seeks to retain the 6:1 FSR that can be achieved on the subject site under the PLEP 2011, and which is recommended under the PRCUTS.

37. As discussed above, the subject site formed part of a larger site that was approved for a mixed use development as part of DA/738/2014. The previous DA sought approval for three towers (Block A, B and C) across a consolidated site of 6,855m<sup>2</sup>. Under the PLEP 2011, a site of this size is permitted to achieve a maximum FSR of 6:1. However due to the height control, the DA was approved for a three tower development with a total FSR of 5.54:1 – 0.46:1 less than permitted under the PLEP 2011 (see **Table 1**).

38. The site subject to the Planning Proposal relates to Block C of the previous development consent. If the land that forms Block C is looked at in isolation of the larger site (i.e. combined area of A, B and C), under the existing approval, achieves an FSR of 4.9:1. The Planning Proposal seeks to increase the height control on the subject site to enable an FSR of 6:1 to be achieved.

39. Whilst the Planning Proposal will result in more floor space being achieved on the subject site, this additional floor space will not result in the larger consolidated development site considered under DA/738/2014 (i.e. Block A, B and C which has an area of 6,855m<sup>2</sup>) exceeding the maximum permitted FSR of 6:1. The Planning Proposal will increase the total FSR generated on the broader site considered under DA/738/2014 from 5.54:1 to 5:8:1.
40. Under the provisions of the PLEP 2011, if the site is considered in isolation under the current sliding scale requirements of Clause 4.4(2A), the land is only eligible for an FSR of 3.5:1. In order for the site to legally achieve an FSR of 6:1 in isolation from the larger site subject to the DA, the land needs to be removed from "Area 1" within the PLEP 2011 so it is not subject to the sliding scale prescribed under Clause 4.4(2A).
41. Due to the DA history of the site and its previous consolidation in a larger site with a total land area of 6,855m<sup>2</sup>, the Planning Proposal's request to be removed from "Area 1" and the application of the sliding scale is considered acceptable because the overall increase on the broader development site is less than 6:1 as discussed in Paragraph 39.
42. The circumstances of this particular Planning Proposal will prevent a precedent being set for other sites within 'Area 1', which do not have a land size large enough to achieve the maximum FSR of 6:1 within the B4 Mixed Use Zone, lodging a Planning Proposal to seek removal from 'Area 1' to obtain 6:1. The fact that the land was consolidated within a larger site (i.e. 6,855m<sup>2</sup>) and has an existing DA consent for its redevelopment make this a unique set of circumstances. Council Officers' assessment concludes that the Planning Proposal will result in a better built form outcome on the subject site than what would be delivered under the existing DA approval. This warrants the Planning Proposal's consideration and progression.
43. It would be unlikely for Council Officers in the future to consider a Planning Proposal for an increase in height for a site that:
- a. does not achieve the land size that permits an FSR of 6:1; and
  - b. has not already been subject to a site consolidation and DA assessment process, resulting in an existing DA consent.
44. Therefore enabling the Planning Proposal at 34-42 East Street to progress with an increase in height to enable the previously considered FSR of 6:1 to be achieved will not set a precedent for Granville.
45. Furthermore, the Planning Proposal seeks to introduce a Site Specific Clause to exclude wintergardens (enclosed balconies) from the calculation of the future development's gross floor area calculation. This is considered acceptable given the site's location adjacent to the railway line and the need to manage the amenity constraints. Council has previously endorsed a similar clause for another Planning Proposal for land located on a major arterial road which was constrained by noise from heavy traffic. The context and location of the site at East Street warrant a similar clause to manage amenity for its future residents.

## **Design Excellence**

46. The PRCUTS requires a Design Excellence process to be run for “sites with an inherent scale impact (greater than 1,500m<sup>2</sup> or proposals that exceed four storeys in height)”. The Planning Proposal is greater than 1500m<sup>2</sup> and therefore it is required to demonstrate design excellence.

47. The PRCUTS does not specify one specific mechanism for the delivery of design excellence. However it does pose the following requirements:

*Design excellence needs to be clear, transparent, provide certainty, and timely. Mechanisms to deliver design excellence might include:*

- *independent and expert design review and panels*
- *competitive selection processes*
- *accountability and monitoring*
- *clear relationships to other entities including adjacent councils regarding their panel selections, shared panellists, or specialist panels.*

48. It is on record that Council Officers deem a design excellence competition process is the most appropriate mechanism to achieve design excellence. However, due to the circumstances of this proposal, and the existing approved design and consent, it was conceded that as part of the approval history of this site the relevant applicant has already gone through one design excellence process (i.e. Design Excellence Advisory Panel (DEAP)). The DEAP review because of the inconsistency between the height and FSR controls involved various iterations and reviews of the design. It is acknowledged where the DEAP process involves significant redesigns there is added cost to the applicant. In this case the cost was as a result of a problem with the controls, not necessarily any poor design process by the applicant or their consultants. Given these circumstance the applicant has requested that Council Officers consider an alternative process to the Design Competition, which is Council Officers' usual preference.

49. Council Officers consider it appropriate given the circumstances described above to grant a concession in this case. The process agreed with the applicant, is the Council will require the applicant to prepare a design by a registered architect that goes through the Design Excellence Advisory Panel, and should the panel not consider the scheme to exhibit design excellence then the applicant will be required to go through the Design Excellence Competition process. Such a requirement is recommended to be embedded within a Site Specific DCP, which also has a specific criteria that the panel must consider when assessing the building design for the subject site. The criteria will present specific considerations relating to the public domain requirements and built form controls (discussed below under the title 'Site Specific DCP'). This is to ensure a superior built form outcome is achieved on the subject site. Specific design measures which are yet to be resolved are discussed within the section of the report titled 'Site Specific DCP'.

## HERITAGE

50. The subject site is not a heritage item in its own right. However as shown in **Figure 5**, the site is in the vicinity of two heritage listed items. Heritage Item - 106 at 19 East Street is a representative example of a modest late Victorian house. Heritage Item – 107 at 21-23 East Street includes Victorian semi-detached houses and both contribute to the character of the streetscape.



51. Granville is undergoing renewal under the existing planning controls, and will continue as a result of the recommendations of the PRCUTS. As seen in **Figure 6** a number of developments have been approved around the subject site, and it has been accepted that there will be some impact on the heritage items. Specifically in relation to this Planning Proposal, the Heritage Items are separated by East Street and the impact on the items is not considered to be any more detrimental compared to the impact generated by the existing DA consent.

52. In addition, the Granville War Memorial is located to the south of the subject site. The scale of the proposed development will cause some overshadowing of the item. However, given the nature of the item and the fact the proposal will generate a taller and more slender tower than what is currently approved under the existing DA, which will cast a faster moving shadow, it is considered acceptable.

## TRAFFIC MANAGEMENT

53. The Planning Proposal seeks to apply the car parking and bicycle parking rates within the PRCUTS. The PRCUTS provide maximum parking rates compared to the minimum current parking rates within the Parramatta DCP 2011. Council's Traffic Management Team are satisfied with the proposal providing parking at the rates specified within the PRCUTS (**Table 4**).

Table 3.2 Maximum Car Parking Rates

CATEGORY	RESIDENTIAL (MAXIMUM SPACES PER DWELLING)					OTHER (MAXIMUM SPACES/M² GFA)		
	Studio	1 bed	2 bed	3 bed	Visitor	Commercial	Retail	Industrial
Camperdown Precinct and Frame Area Leichhardt Precinct and Frame Area Taverners Hill Precinct and Frame Area	0	0.3	0.7	1	0	150	100	150
Kings Bay Precinct and Frame Area Burwood Precinct and Frame Area Homebush Precinct only Granville Precinct Only	0.3	0.5	0.9	1.2	0.1	100	70	120
Auburn Precinct Homebush Frame Area Granville Frame Area	0.6	0.9	1.2	1.5	0.2	70	50	100

**Table 4 – Maximum Parking Rates from PRCUTS**

54. The site is not near or affected by any road-widening proposals at this point in time. However, the PRCUTS states that:

*“prior to any rezoning commencing, a Precinct-wide traffic study and supporting modelling is required to be completed which considers the recommended land use 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”.*

55. The Planning Proposal is broadly consistent with the PRCUTS. However to assist with the efficient progression of the Planning Proposal through the Gateway process Roads and Maritime Services (RMS) were engaged with to explain the nature of the proposal and the fact that the permitted FSR (i.e. density) on the subject site is not proposed to be changed under the Planning Proposal. Rather the proposal seeks to increase the height broadly consistent with the PRCUTS to change the distribution of the existing permitted FSR on the subject site to deliver a more appropriate built form outcome.

56. Early engagement was considered appropriate due to previous discussions had with RMS relating to the management of traffic within Granville in light of the additional dwellings planned for within the PRCUTS and the absence of the Precinct Wide Traffic Study. As explained above, this proposal is considered appropriate to proceed in the study's absence as the FSR is not proposed to be changed. The engagement was to explain the background and intent of the proposal early in the planning process given the PRCUTS specifies that a traffic study needs to be completed before the PRCUTS can be implemented in Granville.
57. The RMS raised concern about a precedent being set by allowing a Planning Proposal to proceed prior to the completion of the Precinct Wide Traffic Study. However as discussed earlier in this report under the heading 'Floor Space Ration', the circumstances of this proposal (i.e. previous lot consolidation and DA history) are such that Council Officers do not consider that allowing this Planning Proposal to proceed will set a significant precedent.
58. Should the Planning Proposal receive a Gateway determination, another referral will be sent to RMS as part of any future public exhibition required under Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*. Therefore, RMS will be provided with another opportunity to comment on the proposal during the statutory exhibition of the planning proposal should a Gateway determination be issued.

## FLOODING

59. The subject site is identified in **Figure 11** below and is not located in mainstream flood prone land.



**Figure 11 – Flood Prone Land**

60. The localised flooding within the vicinity of the site was assessed as part of the assessment process of the previous approved development application. Council's Catchment Management Engineer confirmed that the flood planning matters were understood and previously addressed as part of the previous

DA, and therefore any future flood requirements would be assessed in detail as part of any future DA for the subject site.

61. However it was also raised that whilst the subject site is not within flood prone land, it is subject to high hazard floodwaters from localised/overland flooding.
62. Whilst the Planning Proposal is not changing the existing permitted FSR (and thus gross floor area) compared to what is currently permitted on the site under the PLEP 2011, the increase in height will enable future developments to achieve the full FSR of 6:1 that is permitted on the site.
63. The future DA on the site to result from the Planning Proposal will result in an increase in population compared to what has previously been approved under the exiting DA (738/2014/A). Any increase in population increases the risk of people being exposed to high hazard floodwaters from overland flow in East Street and also to the rear of the buildings. It is considered that evacuation is not feasible and a 'shelter in place' strategy should be pursued in the future. However, Council's Engineer was satisfied that this could be addressed as part of the future DA assessment process and Design Excellence Advisory Panel process, with the appropriate flood mitigation measures being explored at this point in time. Furthermore, a Site Specific Development Control Plan is recommended to be prepared to embed any specific design requirements for the flood planning / shelter in place strategy.

## **SITE SPECIFIC DEVELOPMENT CONTROL PLAN**

64. Following Council Officers' assessment, it is recommended that a Site Specific DCP be prepared broadly based on the concept reference design provided with the Planning Proposal. This includes the proposed setbacks and the maximum tower floor plate. It is recommended that Council Officers continue to work with the applicant to refine the concept design and address the design considerations included below:

### **Ground level and public domain**

65. Further refinement of the proposed street edge is required to deliver the seamless connection between the footpath and the street front retail edge in response to the flood planning levels.
66. Given the relatively limited amount of retail and commercial on this site it is recommended that the loading area is located on the street (subject to traffic review) and the proposed loading bay be provided in a location to service a larger more viable retail area.
67. An alternate street edge condition be considered between the western boundary and the driveway where:
- a raised area 2.4m wide along the retail frontage provides movement and spill over dining opportunity
  - a 1.6m wide strip along the footpath dedicated for landscape and access stairs/ ramps to Council's satisfaction.
  - the ground condition of the corner retail should be consistent with that proposed – seamless with the footpath and adjacent pocket park.



68. Awnings are not to exceed 2.4m from face of building to allow the smaller trees within the 1.6m zone to grow unhindered.
69. The driveway is to have a threshold at the flood planning level to limit entry of flood waters into basement.
70. The substation is to be relocated within the building footprint away from key frontages visible from street. A suitable location needs to be explored addressing fire rating and access based on discussions with the energy provider. Officers identify that locating it at the first floor level may be suitable and it could be accessed from street/pocket park.

### **Car Park Screening**

71. The car park screen indicates a depth which allows relief and play of light and shade which should be included in the DCP and a minimum 600mm articulation depth should be provided.

### **Podium**

72. There is a lack of communal open space in the proposal. The DCP should require the development to:
- provide communal open space on the podium accessible off the lift core on the western edge (allowing a larger area – 9m wide).
  - accommodate an undercover communal facility within the tower footprint adjacent to the open to sky communal open space.
73. In addition to the above specific urban design considerations, it is recommended that:
- a. the alternative design excellence process be adopted as explained above in this report titled 'Design Excellence' and the urban design considerations raised above be included in the design excellence criteria that the DEAP must consider when assessing the future DA.
  - b. the maximum car parking rates within the PRCUTS be adopted as discussed under the heading title 'Traffic'.
  - c. any flooding design considerations and requirements be inserted as discussed above under the heading titled 'Flooding'.

### **AMENDED PLANNING PROPOSAL**

74. The applicant's proposed changes to the PLEP 2011 are outlined above under the heading 'Applicant Lodged Planning Proposal'. Council Officers have amended the Planning Proposal to clarify the full extent and nature of the sought change to the PLEP 2011. Furthermore, one of the clauses sought by the applicant (discussed in more detail below) is not legally required as the EP&A Act 1979 currently permits the action sought by the proposal.
75. In accordance with staff's assessment and recommendations, the Planning Proposal has been updated to seek the following changes to the PLEP 2011:
- Increase the Maximum Height of Building control from 52m to 82m, and remove the site's inclusion from 'Area 1' on the Height of Building Map to

remove the application of the sliding scale provision under Clause 4.3(2A) of the PLEP 2011.

- Retain the existing 6:1 Maximum Floor Space Ratio control, however 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 PLEP 2011.
- Introduce a Site Specific Clause to exclude wintergardens (enclosed balconies) in the south-eastern corner of the site from the calculation of the future development's gross floor area calculation to manage amenity constraints from the railway line.

76. The applicant's request to introduce a savings provisions for the site to allow a Development Application to be assessed concurrently with the Planning Proposal has been removed from the Planning Proposal. Under Clause 72J of the *Environmental Planning and Assessment Act 1979*, a development application can be lodged and assessed by Council in relation to land subject to a planning proposal, however cannot be approved until the amendment to the relevant LEP is gazetted. Therefore, the inclusion of 'savings provision' to allow the concurrent assessment is not required under the Planning Proposal and has been removed.

77. However the preparation and lodgement of a DA for land subject to a Planning Proposal pre-Gateway poses risk to the landowner as there is no certainty that the proposed controls sought under the Planning Proposal will be realised and gazetted.

78. The Planning Proposal was also translated into Council's standard Planning Proposal template and can be found in **Attachment 1**.

## PLAN-MAKING DELEGATIONS

79. New delegations were announced by the then Minister for Planning and Infrastructure 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.

80. Should Council resolve to proceed with this Planning Proposal, Council will be able to exercise its plan-making delegations. This means that after the Planning Proposal has been to Gateway, undergone public exhibition and adopted by Council, Council Officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. A recommendation of this report is that when the Planning Proposal is submitted to Gateway, it should advise the Department of Planning and Environment that Council will be exercising its delegation.

## CONCLUSION AND NEXT STEPS

81. It is recommended that Council endorse the Planning Proposal provided at **Attachment 1** for it to be forwarded to the Department of Planning and Environment for Gateway determination.

82. A Site Specific DCP is recommended to be prepared for the subject site to control the built form configuration and apportionment of FSR, secure building

setbacks, design the public domain and access arrangements, apply the PRCUTS car parking rates, and introduce the alternative design excellence process. The preparation of the DCP will also address the urban design matters that require further investigation and refinement to ensure an appropriate built form and public domain is delivered on the subject site. This will be reported to Council prior to its exhibition.

83. Should a Gateway determination be received, the Planning Proposal and Site Specific DCP will be placed on public exhibition concurrently and the outcomes of the exhibition will be reported to Council.

Sonia Jacenko  
**Project Officer - Land Use Planning**

Robert Cologna  
**Service Manager Land Use Planning**

Sue Weatherley  
**Director Strategic Outcomes and Development**

**ATTACHMENTS:**

- 1 Planning Proposal 74 Pages

**REFERENCE MATERIAL**