

**Parramatta LEP 2011 - 122 Wigram Street, Harris Park**

Proposal Title : **Parramatta LEP 2011 - 122 Wigram Street, Harris Park**

Proposal Summary : **The proposal seeks to increase the maximum FSR to 10:1 (with an appropriate funding mechanism) and increase the maximum building height to 77m (plus design competition bonus) for land at 122 Wigram Street, Harris Park.**

PP Number : **PP\_2016\_PARRA\_006\_00**      Dop File No : **16/03817**

**Proposal Details**

Date Planning Proposal Received : **26-Feb-2016**      LGA covered : **Parramatta**

Region : **Metro(Parra)**      RPA : **Parramatta City Council**

State Electorate : **PARRAMATTA**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street : **122 Wigram Street**

Suburb : **Harris Park**      City : **Sydney**      Postcode : **2150**

Land Parcel : **Lot 1 DP623527**

**DoP Planning Officer Contact Details**

Contact Name : **Lillian Charlesworth**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

Contact Name : **Terry Doran**

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**Land Release Data**

Growth Centre :      Release Area Name :

Regional / Sub      Consistent with Strategy :

Regional Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 145  
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No  
meetings or  
communications with  
registered lobbyists? :

If Yes, comment : The Lobbyist Contact Register was checked on 2 March 2016 and indicated no contact with lobbyists regarding this planning proposal.

**Supporting notes**

Internal Supporting Notes : The site has an area of 907 square metres and currently comprises of vacant land. The proposal has the potential to establish 146 residential dwellings, retail and commercial services.

External Supporting Notes :

**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to amend the Parramatta Local Environmental Plan 2011 to increase the permissible density of mixed use development on land at 122 Wigram Street, Harris Park.

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? Yes

Comment : **PROPOSAL**

The planning proposal seeks to apply the following planning controls to land at 122 Wigram Street, Harris Park:

- increase the maximum FSR from 4:1 to 10:1 (plus design excellence bonus and subject to an appropriate infrastructure funding mechanism);
- increase the maximum building height from 72m to 77m; and

(Note: the Council resolution indicates a "height up to 88m", although this is taken to mean the maximum potential building height as the planning proposal indicates a maximum height of 77m plus 15% design competition bonus, which would result in a maximum potential building height of 88.5m)

- insert a new site specific clause in Part 7 to allow the consent authority to grant consent to development on land to which this clause applies with a maximum floor space ratio of 10:1 (excluding any design excellence bonus granted pursuant to Clause 7.10).

**DEPARTMENT COMMENT**

The increase in FSR to 10:1 is not supported. Based on the detailed assessment and

evidence presented in the Council report dated 23 November 2015 it is recommended that the FSR should be reduced to 8:1 plus design excellence. The small lot size and the need for transition to heritage conservation areas are factors that the FSR sought in the planning proposal is inappropriate. These issues are addressed under the assessment criteria in this report.

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

**3.1 Residential Zones**

\* May need the Director General's agreement

**3.4 Integrating Land Use and Transport**

**4.1 Acid Sulfate Soils**

**4.3 Flood Prone Land**

**6.3 Site Specific Provisions**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**

**SEPP No 55—Remediation of Land**

**SEPP No 65—Design Quality of Residential Flat Development**

e) List any other matters that need to be considered :

### SECTION 117 DIRECTIONS

**Based on the information in the planning proposal this proposal is consistent with all the s117 directions except as follows.**

#### 4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared.

This inconsistency is considered to be justified on the basis of minor significance, given that:

(a) the affection is by class 4 acid sulfate soils; and

(b) the matter will be further considered at development application stage under clause 6.1 of Parramatta Local Environmental Plan 2011.

#### 4.3 Flood Prone Land

Portions of the site are within the 1:20 and 1:100 year floodplain and the entire site would be inundated in the event of a probable maximum flood.

Parramatta City Council have approved a Flood Impact Assessment Report with a current development application for the site. Although, the most current development application relied on a flood impact report that was provided with a previous development application lodged in 2010. This flood impact report was written in August 2009, and is required to be updated to reflect the nature of the current planning proposal.

The planning proposal and supporting documents indicate that this Direction is satisfied provided that flooding matters are adequately addressed at development application stage. This Direction applies to the planning proposal stage and therefore flooding matters must be adequately addressed prior to public exhibition. A suitable Gateway condition is recommended.

Further, consultation must be undertaken with NSW State Emergency Service.

#### 6.3 Site Specific Provisions

This Direction seeks to prevent specific development details and controls being included on a site by site basis in a local environmental plan. This Direction does apply as this proposal seeks to include a site specific clause enable a maximum FSR of 10:1 via exemption from clause 7.2 Floor Space Ratio.

This proposal is inconsistent with this Direction. This inconsistency is considered to be justified on the basis that the site specific clause as part of this planning proposal is of minor significance.

#### 7.1 Implementation of A Plan for Growing Sydney

This Direction has been revoked and therefore all references to this Direction and earlier versions of the metropolitan strategy should be removed from the planning proposal prior to public exhibition.

#### STATE ENVIRONMENTAL PLANNING POLICIES

Based on the information in the planning proposal this proposal is consistent with all state environmental planning policies.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

#### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **No flood prone land map has been provided. A flood prone land map needs to be provided.**

**The description for figure 4.2.1 on page 21 and figure 4.2.2 on page 22 do not match the figures that follow. The descriptions should be relocated to align with the relevant figure.**

**All other maps are adequate for public exhibition purposes.**

#### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intend that the planning proposal be advertised in the local newspaper, displayed on Council's website, and written notification provided to adjoining owners.**

#### Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

#### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

#### Proposal Assessment

##### Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The principal LEP was made in October 2011.**

##### Assessment Criteria

Need for planning proposal : **The planning proposal is required to implement the Council's plan to provide dwellings in an area that is well provided with public transport access points, and closer to employment opportunities.**

Consistency with strategic planning framework :

#### **A PLAN FOR GROWING SYDNEY**

This Direction does apply to the planning proposal as the land is within the Parramatta local government area (LGA). This planning proposal is consistent with the plan as it will contribute to the achieving dwelling targets for the subregion and Greater Parramatta. It will also enable more residential floor space on a site that is in close proximity to existing transport infrastructure and employment opportunities. The planning proposal will contribute to mixed-use development by activating employment uses on the site, resulting in a strengthening of the Parramatta Commercial Core.

#### **PARRAMATTA 2038 COMMUNITY STRATEGIC PLAN**

The planning proposal supports the community strategic plan as it will help achieve the goals outlined in the plan by facilitating an integrated mixed-use development in close proximity to public transport.

#### **PARRAMATTA CBD PLANNING STRATEGY**

The planning proposal is not located within the commercial core of the Parramatta CBD but is consistent with the strategy in that it will allow for redevelopment of the site for mixed residential and commercial building with a building more commensurate with Sydney's second CBD.

#### **NSW LONG TERM TRANSPORT PLAN 2012**

The planning proposal is consistent with the Transport Plan by locating both residential and employment generating uses close to an existing railway station, promoting the use of public transport and reducing reliance on private motor vehicles.

The planning proposal is consistent with all relevant regional and local strategies. Both Parramatta CBD Planning Strategy and A Plan for Growing support the Parramatta CBD as a commercial core. Business agglomerations are considered to be beneficial to maintaining a commercial core, and supports the outer core as a more suitable residential area.

Environmental social economic impacts :

#### **FLOOR SPACE RATIO**

A maximum FSR of 6:1 currently applies to the site, although the achievable FSR is 4:1 due to the FSR sliding scale at clause 7.2 which restricts the FSR for sites below 1,800sq.m. (the site area is 907sq.m.). The proposal would require an exemption from the sliding scale provisions in order to achieve the maximum FSR proposed.

The CBD planning proposal intends to continue to apply a sliding scale to development within the CBD, although this has yet to be assessed and endorsed by the Department. The sliding scale seeks to ensure that development scale is relative to site constraints, supports good design outcomes and the minimises impacts on the redevelopment potential of adjoining sites. It is recommended that the FSR for this site specific proposal be amended prior to finalisation to ensure consistency with FSR controls within the CBD planning proposal. It should be noted that the Department will undertake a detailed assessment of the proposed CBD planning proposal prior to exhibition which may result in amendments to the suite of FSR controls proposed.

A suitable Gateway condition is therefore recommended to ensure that the planning proposal does not result in an FSR that is greater than that which would be achieved under the FSR sliding scale proposed within the CBD planning proposal.

#### **URBAN DESIGN AND BUILT FORM**

An Urban Design Study has been prepared by A Plus Design Group (June 2015). Future development on the site will be subject to an Architectural Design Competition and Development Application.

#### **HERITAGE & ABORIGINAL ARCHAEOLOGY**

The site is not a heritage item and has not been required to provide a supporting heritage study. The site is in close proximity to three items of local heritage significance. Future development on the site will need to ensure minimal impact on scale, views and amenity in relation to heritage items.

The site is in proximity to the Harris Park Heritage Conservation Area and requires a lower FSR of 8:1 to ensure a suitable built form transition, as per the Heritage Study undertaken by Urbis for the CBD planning proposal. It is recommended that the maximum FSR be lowered to address this issue.

#### **TRANSPORT AND ACCESSIBILITY ASSESSMENT**

A Traffic and Transport Assessment has been prepared by Traffic (November 2014). This assessment is basing its research on a proposal of a 16 storey building which will comprise a total of 91 residential units and 170 square metres GFA of commercial area. Despite this, the planning proposal is proposing a 23-25 storey building comprising of 145 dwellings and 80 square metres GFA of commercial area. The Traffic and Transport Assessment must be updated prior to exhibition to reflect the results based on the current planning proposal.

The Council has advised that broader traffic modelling is currently being undertaken to support the Parramatta CBD planning proposal that has recently been lodged with the Department for Gateway determination. It is recommended that this site specific planning proposal should progress to exhibition, however, the proposal should be reviewed prior to finalisation, having regard to the results of the broader traffic modelling when it is completed. This review should include confirmation of the appropriate FSR and the cumulative impacts of the increased FSR across the CBD.

Further, consultation must be undertaken with Roads and Maritime Services.

#### **OVERSHADOWING**

Shadow analysis shows that no additional overshadowing to the pocket park south of Parkes Street during midwinter compared to the 8 storey approved DA when measured in mid-winter.

#### **FUNDING MECHANISM**

The proposal seeks an FSR of 10:1 (plus design excellence bonus) on the basis of the proposal being subject to "an appropriate funding mechanism" as indicated in Item 7.7 of Economy (Minute No.16282). The Minute refers to proposed controls to be included in the Parramatta CBD planning proposal. It indicates that bonus FSR's can be achieved by contributing/sharing 10% of the land value of the uplift with the community for the provision of infrastructure.

The Parramatta CBD planning proposal intends that a bonus FSR's will be available should proponents enter into a Voluntary Planning Agreement (VPA) that incorporates a nominated contribution for community infrastructure. In the case of this site specific proposal, the Council resolution cannot be implemented as it requires a VPA to utilise the only FSR control and therefore the VPA becomes non-voluntary.

It is therefore recommended that the funding mechanism requirement be removed from the proposal and that a maximum FSR of 8:1 (plus design competition bonus) apply as per the findings of the Heritage Study for the Parramatta CBD planning proposal.

#### **ECONOMIC IMPACTS**

A Voluntary Planning Agreement/ contributions framework addressing contribution towards community, recreation and physical services will be developed between the proponent and Council. A formal letter of offer has been provided and Council officers will shortly commence its assessment. It is intended that any VPA be exhibited concurrently with the planning proposal in accordance with Council's VPA policy.

The proposal will activate employment uses on the site and revitalise a currently vacant site within the city centre. 80 square metres of commercial space will be provided within the development in close proximity to existing public transport.

#### **SOCIAL IMPACTS**

This planning proposal will facilitate a supply of housing in an appropriate location which

is considered to help ameliorate this undersupply and as such will result in an improved social outcome. This proposal will offer a dwelling supply in close proximity to employment opportunities. Further investigations will be undertaken as part of the preparation of the DA material to determine whether any upgrade of existing public facilities is required.

#### CUMULATIVE IMPACTS

There are seven (7) planning proposals for CBD sites currently awaiting Gateway determination that will preceed Council's CBD planning proposal, which has only recently been lodged with the Department for Gateway determination.

As the six (6) proposals are likely to collectively generate a significant cumulative impact in terms of infrastructure requirements (including transport, health, social services, education and recreation) and aviation safety, it is recommended that these be simultaneously exhibited and forwarded to public agencies for comment.

#### Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**  
Period :

Timeframe to make **12 months** Delegation : **RPA**  
LEP :

Public Authority **Department of Education and Communities**  
Consultation - 56(2)(d) **Office of Environment and Heritage**  
: **Transport for NSW - Sydney Trains**  
**Transport for NSW - Roads and Maritime Services**  
**State Emergency Service**  
**Sydney Water**  
**Telstra**  
**Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

**Other - provide details below**

If Other, provide reasons :

#### Flood Impact Assessment Report:

**An updated Flood Impact Assessment Report must be provided basing its results off the density of the current planning proposal.**

#### Traffic and Transport Assessment:

**An updated Traffic and Transport Assessment must be provided, basing its results off the density of the current planning proposal.**

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

## Documents

| Document File Name                                     | DocumentType Name        | Is Public |
|--------------------------------------------------------|--------------------------|-----------|
| Cover Letter.pdf                                       | Proposal Covering Letter | Yes       |
| PLANNING PROPOSAL- 122 Wigram Street (Part 1).pdf      | Proposal                 | Yes       |
| PLANNING PROPOSAL- 122 Wigram Street (Part 2).pdf      | Proposal                 | Yes       |
| PLANNING PROPOSAL- 122 Wigram Street (Part 3).pdf      | Proposal                 | Yes       |
| PLANNING PROPOSAL- 122 Wigram Street (Part 4).pdf      | Proposal                 | Yes       |
| Council Resolution 14 Dec 2015 - 122 Wigram Street.pdf | Proposal                 | Yes       |

## Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.3 Site Specific Provisions

Additional Information : **SECTION 117 DIRECTIONS**

It is considered that any inconsistency with Section 117 Directions 4.1 Acid Sulphate Soils, and 6.3 Site Specific Provisions are of minor significance.

Should the planning proposal proceed, it is recommended the delegate agree that these inconsistencies are of minor significance.

It is recommended that the Traffic and Transport Assessment prepared by Traffix be updated to reflect the outcomes based off the current planning proposal's density.

### DELEGATION OF PLAN MAKING FUNCTIONS

Council has requested that it exercise the Greater Sydney Commission's plan making function for this planning proposal. This request is not supported given the large number of planning proposals recently submitted for Gateway determination within the Parramatta CBD ahead of Council's Parramatta CBD Planning Strategy and associated CBD planning proposal, which have not as yet been lodged with, or endorsed by, the Department.

Accordingly, it is recommended that the delegate NOT agree to delegation to Council.

### RECOMMENDATION

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:

(a) amend the description for figure 4.2.1 on page 21 and figure 4.2.2 on page 22 do not match the figures that follow. The description should be relocated to align with the relevant figure;

(b) include a map showing flood prone land;

(c) provide an updated Traffic and Transport Assessment to reflect the outcomes based on the current planning proposal's density;

(d) delete points numbered 1, 3 and 4 from the Explanation of Provisions and indicate that the proposal seeks a maximum FSR of 8:1 (plus design competition bonus). Note: there is to be no exemption from clause 7.2;



(e) amend the proposed FSR map to indicate a maximum FSR of 8:1; and

(f) delete the paragraph headed Value Sharing/ Funding Mechanism from page 6 and the paragraph headed Design Excellence on page 7.

2. Prior to exhibition, the Flood Impact Assessment Report is to be updated and Council is to be satisfied that sufficient information is available to ensure consistency of the planning proposal with Section 117 Direction 4.3 Flood Prone Land. If applicable, Council is to obtain the agreement of the Department's Secretary regarding any inconsistency with the requirements of Section 117 Direction 4.3 Flood Prone Land.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) Council must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act, as follows:

- Office of Environment and Heritage - Heritage Division
- Office of Environment and Heritage
- Department of Education and Communities
- Transport for NSW - Ferries
- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- State Emergency Service
- Telstra
- Sydney Water
- Endeavour Energy

5. The planning proposal is to be concurrently exhibited and forwarded to public authorities for consultation under a single covering letter, together with the following six other planning proposals that were issued with a Gateway determination on the same day and are identified in the Department's covering letter to Council:

- 295 Church Street, Parramatta (PP\_2016 PARRA 002 00)
- 48 Macquarie Street and 220-230 Church Street, Parramatta (PP\_2016 PARRA 004 00)
- 14-20 Parkes Street, Harris Park (PP\_2016 PARRA 007 00)
- 2-10 Phillip Street, Parramatta (PP\_2016 PARRA 010 00)
- 66 Phillip Street, Parramatta (PP\_2016 PARRA 012 00)
- 180 George Street, Parramatta (PP\_2016 PARRA 016 000)

Each public authority is to be provided with a copy of each of the planning proposals listed above, a copy of the Parramatta CBD Planning Strategy and any relevant supporting material prepared for each proposal and the Strategy, and given at least 28 days to comment on the proposals.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. Prior to submitting the proposal to the Department for finalisation the proposal should be reviewed and amended where necessary:

(a) having regard to the mesoscopic modelling (and consultation with Transport for NSW

and Roads and Maritime Services) undertaken for the Parramatta CBD planning proposal. This review should include confirmation of the appropriate site specific FSR in the context of the cumulative traffic impacts of increased FSR controls across the CBD.

(b) having regard to the FSR controls endorsed by the Gateway determination for the CBD planning proposal. In particular, the maximum FSR is to be no greater than that which would be permitted by the CBD planning proposal, taking into consideration the FSR sliding scale and any "FSR out-clause".

8. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal holds merit as it is consistent with regional, metropolitan and local strategies in terms of facilitating additional housing and employment in an area well served by public transport and infrastructure. This will assist in strengthening Parramatta's role as Sydney's second CBD.

The proposal seeks a significant increase in the floor space ratio which is not sufficiently supported by detailed analysis.

The recommended reduced FSR of 8:1 is based on the evidence provided in the Council report dated 23 November 2015. Which particularly highlights:

- development of the site is limited to relatively small size of the site being 907sqm;
- the need to provide transition to the surrounding conservation areas; and
- the promotion of better design outcomes.

Signature:



Printed Name:

T DORAN

Date:

3/6/16