

INNOVATIVE

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| ITEM NUMBER | 17.2 |
| SUBJECT | FOR APPROVAL: Gateway Request: Planning Proposal for land at 24 and 26 to 30 Parkes Street, Harris Park |
| REFERENCE | F2021/00521 - D07610024 |
| REPORT OF | Project Officer Land Use |
| LAND OWNER | 24 Parkes Street – SH Parkes International Pty Ltd and The Owners Strata Plan 5758 26 – 30 Parkes Street – Guang Tian Group Pty Ltd, Parkes Street NSW Pty Ltd, The Owners Strata Plan 16744 and GL Finance 114 – 116 Harris Street – Caydon Harris Street Pty Ltd, The Owners Strata Plans 35413/53257, Harris Street Developments Pty Ltd, Ms Zhao Zhang and Ms Emily Hickson |
| APPLICANT | Think Planners Pty Ltd |

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil**PURPOSE**

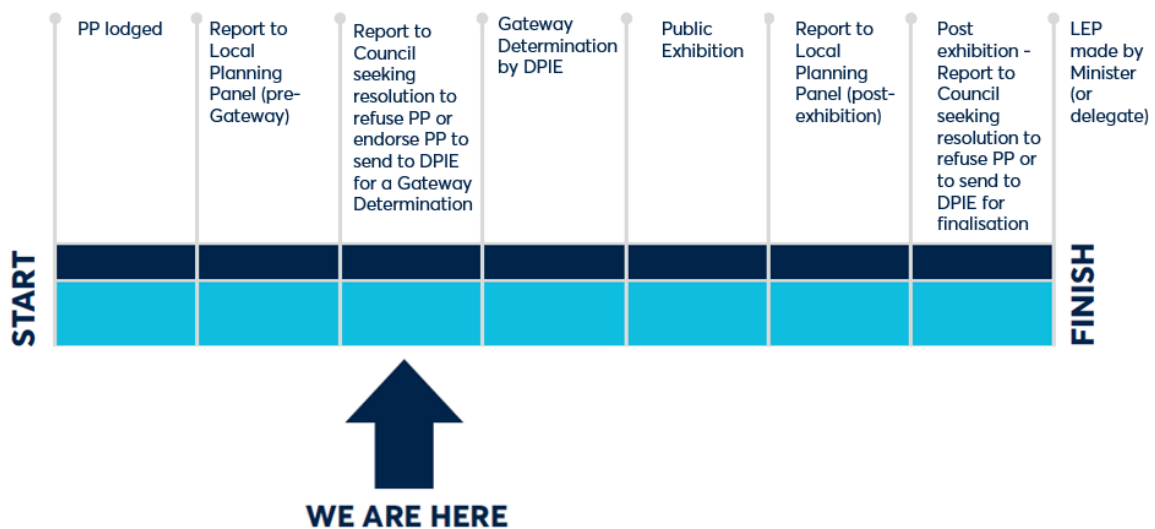
The purpose of this report is for Council to consider a Planning Proposal for land at 24 Parkes Street, 26 – 30 Parkes Street and 114-118 Harris Street, Harris Park. This report recommends forwarding the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) with a request for a Gateway Determination.

RECOMMENDATION

- (a) **That** Council endorse for the purposes of seeking a Gateway Determination under the *Environmental Planning and Assessment Act 1979* from the Department of Planning, Industry and Environment (DPIE), a Planning Proposal for land at 24 Parkes Street, 26 – 30 Parkes Street and 114 – 116 Harris Street, Harris Park which seeks an exemption from the FSR sliding scale requirements of *Parramatta Local Environmental Plan 2011* in relation to the subject sites.
- (b) **That** the Planning Proposal at **Attachment 1** be forwarded to the DPIE to request the issuing of a Gateway Determination, after being amended as follows:
 - i. Remove references pertaining to an exemption from the site size requirements for High Performing Buildings.
 - ii. Reformat and re-edit to reflect Council's assessment into Council's Planning Proposal template.
- (c) **That** a draft site-specific Development Control Plan (DCP) for the subject sites be prepared and reported back to Council prior to its public exhibition. The draft DCP should address, at a minimum:
 - i. Built form and massing;

- ii. Building setbacks;
 - iii. Flooding;
 - iv. Traffic and parking issues; and
 - v. Road widening.
- (d) **That** the Planning Proposal and DCP are concurrently exhibited.
- (e) **That** Council advises the DPIE that the Chief Executive Officer (CEO) will be exercising the plan-making delegations for this Planning Proposal as authorised by Council.
- (f) **That** Council write to DPIE to advise that Council no longer supports the progression of the existing site-specific Planning Proposal for 114-118 Harris Street (which has already received a Gateway determination).
- (g) **That** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the Planning Proposal and/or DCP processes.
- (h) **Further, that** Council note that the Parramatta Local Planning Panel’s advice to Council (**Attachment 2**) is consistent with the recommendations of this report.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION AND SURROUNDING CONTEXT

1. A description of the subject sites, shown in **Figure 1**, is outlined as follows:
 - Site 1: 24 Parkes Street, site area 1,663 m², legal description SP 5758
 - Site 2: 26–30 Parkes Street, site area 1,506 m², legal description: Lot 1, DP 599236 (26 Parkes Street), Lot 3, DP 599799 (28 Parkes Street) and SP 16744 (30 Parkes Street)
 - Site 3: 114 – 116 Harris Street, site area 1,776 m², legal description: SP 35413 (114 Harris Street) and SP 53257 (116 Harris Street).



Figure 1: Sites related to Planning Proposal at the corner of Parkes St and Harris St, Harris Park (1: 24 Parkes Street; 2: 26–30 Parkes Street; 3: 114–116 Harris Street)

2. The sites are on the southeastern edge of the Parramatta CBD. To the east of the site is the Robin Thomas Reserve, which is one of the few city centre open space areas and contributes to the character and amenity of the area. Clay Cliff Creek (an open channel) adjoins the northern boundary of the site.
3. The immediate locality is characterised by a mix of uses and built form. To the west of the site is generally aged building stock that is currently undergoing a transition in character because of development approvals under construction and the recent Planning Proposal at 14 – 20 Parkes Street, Harris Park.

BACKGROUND

4. Council is currently considering three separate Planning Proposals as follows (and as illustrated in Figure 1):
 - a) 24 Parkes St (RZ/5/2016) – preliminary proposal lodged 28 April 2016 and formal updated proposal lodged 16 August 2018
 - b) 26-30 Parkes St (RZ/10/2016) – lodged 20 May 2016
 - c) 114-116 Harris St (RZ9/2018) – lodged 27 August 2018
5. The background to these three Planning Proposals extends over a period of approximately five years with extensive consultation with Council officers. The consultation and analysis by Council officers is summarised in the “Timeline of Assessment History” table provided at **Attachment 3**.
6. During this time Council staff have raised a number of issues concerning development of the sites; the main issues relate to application of sliding scale, resolution of setbacks and site isolation particularly for 24 Parkes Street. The progress of these Planning Proposals was also impacted by conditions of the Parramatta CBD Planning Proposal Gateway Determination requiring an

analysis of the overshadowing impacts on nearby heritage properties including Experiment Farm. Prior to recent consultation with the applicant in 2020, Council staff have been of the view that site consolidation is the best means to secure optimal built form and urban design outcomes and avoid site isolation.

7. Despite Council officers preference for site amalgamation, Council officers have reached the conclusion that 114–118 Harris Street could be reported as a stand-alone Planning Proposal as this site could be developed to achieve acceptable urban design and planning outcomes without amalgamation. After being reported to the Local Planning Panel on 16 June 2020, Council on 13 July 2020 endorsed the Planning Proposal for 114-118 Harris Street for the purposes of seeking a Gateway Determination. On 29 September 2020 a Gateway determination was received from the Department of Planning, Industry and Environment (DPIE).
8. In September 2020, Council officers came to the final position that a superior urban form is not achieved through amalgamation of the three sites. Following this conclusion, Council officers and the Applicant worked together extensively in late 2020 and early 2021 to resolve and agree a built form approach to the sites that did not apply the FSR sliding-scale. Officers are now comfortable that any detailed urban design issues can be resolved at the stage of preparing a DCP for the sites and need not impede the progress of developing LEP controls.
9. Council officers now question the continued utility of advancing the three existing, separate site-specific Planning Proposals insofar as they are consistent with the CBD Planning Proposal. This is because these site-specific Planning Proposals are relatively early in their process, and the timeframe for finalising the Parramatta CBD Planning Proposal is by 30 September 2021. Having regard to the steps that the three site-specific Planning Proposals have yet to complete, it is unlikely that they would be finalised by that date. Therefore, Council officers do not recommend these Planning Proposals are progressed as part of a site-specific consideration. Council officers also see an administrative efficiency in progressing a single combined Planning Proposal, as opposed to three individual processes. This approach is supported by the Applicants.
10. While officers acknowledge that the 114-116 Harris Street Planning Proposal was originally advanced without this exemption, the further urban design work that has continued on all three sites has shown that a Parramatta CBD Planning Proposal compliant FSR, without application of the FSR sliding scale to each site, is likely to be acceptable on this site.
11. Therefore, this report recommends that the processes for the three existing Planning Proposals are ended in favour of advancing a single, combined Planning Proposal dealing with a single issue – that is, an exemption from the FSR sliding scale.

CURRENT PLANNING CONTROLS

12. The sites are subject to Parramatta LEP 2011 and the following key provisions apply to the sites:
 - i. zoning: B4 Mixed Use;

- ii. maximum Height of Buildings (HOB): 54 metres;
- iii. maximum Floor Space Ratio (FSR): 4:1.

13. The sites are not listed as heritage items. However, they are in close proximity to a number of heritage items and conservation areas as listed below and illustrated at **Figure 2**.

- 100768: Experiment Farm Cottage and Environs (State Significance);
- A00768: Experiment Farm Archaeological Site (State Significance);
- Experiment Farm Conservation Area.



Figure 2: Heritage properties in relation to subject sites
(Sites shown outlined in thick red)

Flooding

14. The northern margin of 24 Parkes Street and 114 – 116 Harris Street adjacent to Clay Cliff Creek is subject to high hazard flooding as well as the 1:100 and 1:20 year flood. The greater parts of all three sites are affected by the probable maximum flood (PMF) event and are classified as low-risk. Flood maps are shown in **Figures 3** and **4**.

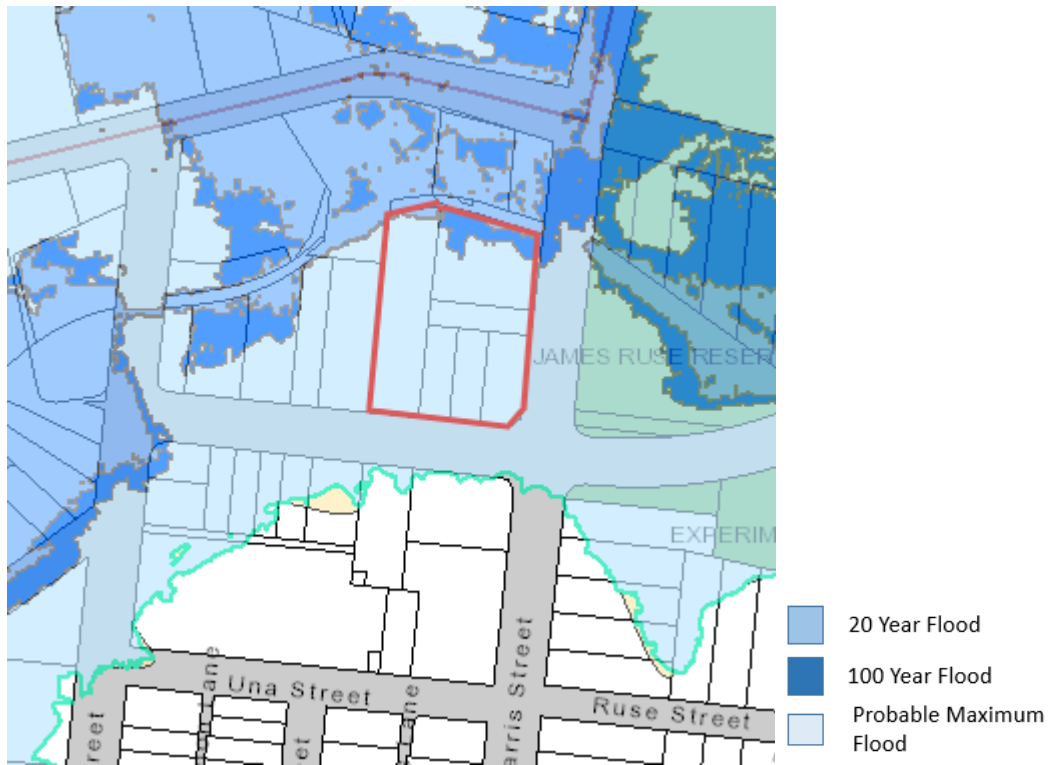


Figure 3: Flooding (1:20 and 1:100 year flood)
(Sites shown outlined in red)



Figure 4: Flooding Hazard Levels
(Sites shown outlined in red)

ROAD WIDENING

- The Parkes Street and Harris Street frontages are subject to road widening requirements as detailed in **Table 1**.

Table 1: Requirements of Land Reservation Acquisition (LRA) maps

| | Current LRA | CBD PP LRA |
|---------------|---|---|
| Parkes Street | 3 m – Local Road Widening (B4) for 26 – 30 Parkes Street and nil for 24 Parkes Street | 3 m – Local Road Widening (B4) for 26 – 30 Parkes Street and nil for 24 Parkes Street |
| Harris Street | nil | 3.5m – Local Road Widening (B4) for 26 – 30 Parkes Street and 114 – 116 Harris Street |

16. It should be noted that whilst the current and CBD PP LRA maps show no road widening for 24 Parkes Street, Council's Traffic Planning unit has requested widening ranging from 0 to 3 metres in width for the frontage of this site.
17. A summary of the current and Parramatta CBD PP controls is included at **Attachment 4**.

DESCRIPTION OF THIS PLANNING PROPOSAL

18. The Planning Proposal prepared by the applicant and included at **Attachment 1** seeks amendments to Parramatta LEP 2011 (PLEP 2011) to include site specific provisions, as follows:
- i. an exemption from the FSR sliding scale that would allow each site to achieve an FSR of 10:1 plus 15% design excellence (ie. totaling 11.5:1).
 - ii. an opportunity for each site to benefit from High Performing Buildings bonus FSR of 5% (despite each site not complying with the minimum site size requirement of 1,800 sqm). This would take the overall FSR to 12:1.
19. The Planning Proposal seeks to redevelop the sites as three multi-storey mixed-use apartment buildings. The buildings provide for basement car parking, up to 4 levels of podium for retail and commercial uses and upper level towers for apartments.

SUMMARY OF COUNCIL OFFICER ASSESSMENT

20. Council officers' assessment of this matter is summarised below in **Table 2**. Please refer to the report to the Local Planning Panel (**Attachment 2**) for further details of the assessment.

Table 2: Summary of Council Officer Assessment

| Sliding Scale/Amalgamation Issues |
|--|
| All three sites are below 1,800 sqm in area, and would therefore trigger the FSR sliding scale provisions of clause 7.2 of the Parramatta CBD Planning Proposal. However, Council officers are satisfied that an acceptable urban design outcome can be achieved if the sites develop separately. Consequently, amalgamation should not be encouraged in this case, and it is therefore acceptable to exempt the sites from compliance with the FSR sliding scale. |
| Application of High Performing Building Bonus |
| The applicant is seeking the high performing building 5% bonus. However, the sites do not meet the criteria to be eligible as the site areas are less than the required 1,800 m ² . Council officers do not support the application of this bonus because it would set an |

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| unacceptable precedent that site size requirements of CBD Planning Proposal are negotiable. |
| Built form and urban design |
| After extensive consultation and negotiation, the Applicant and Council staff have reached a compromise on proposed built form outcomes. This work has supported the conclusion that the sites can benefit from the full FSR under the Parramatta CBD Planning Proposal, and further, this work is also proposed to support development of a future draft DCP for these sites. |
| Heritage |
| Whilst the subject site does not contain any heritage items future development must ensure that solar access to Experiment Farm is protected. Council officers are satisfied from the latest reference designs for the three sites (included in Attachment 2) that development can comply with the requirements of the Parramatta CBD Planning Proposal for solar access to Experiment Farm. However, further refinement and detail will need to be provided during the Design Excellence process and later at the Development Application stage to ensure that compliance with the solar access controls is achieved. |
| Flooding |
| A small portion of the sites are subject to high hazard flooding and are affected by the 100-year Average Recurrence Interval (ARI). Nevertheless, the sites are generally suitable for residential development from a flood risk perspective subject to compliance with the controls of the Parramatta CBD Planning Proposal. These controls require safe areas for refuge and ensure the building is capable of withstanding and does not obstruct flood flows. |
| Other Statutory Considerations |
| The proposal has been assessed against the statutory considerations including relevant local and regional strategies and planning policies and relevant Ministerial directions. Details of the assessment of these matters is included in the attached Planning Proposal. |

21. In conclusion, based on the assessment summarised above, Council officers recommend progression of this Planning Proposal.
22. Council officers also recommend that Council advise DPIE that the CEO will be exercising the plan-making delegations for this Planning Proposal.

LOCAL PLANNING PANEL'S ADVICE

23. The LPP considered this matter at its meeting of 16 June 2021, and issued advice to Council in accordance with the officer recommendation.

PLANNING AGREEMENT

24. It is not proposed to require negotiation of a Planning Agreement for the subject sites. As part of Council's consideration of the CBD Planning Proposal on (23 June 2021) Council resolved to pursue a new S7.12 Development Contributions Plan with a higher rate instead of the community infrastructure policy framework that previously saw Council pursue Planning Agreements to support planning proposals seeking increased density in the CBD. Road widenings discussed in paragraphs 13 and 14 of this report can be addressed at DA stage.

DEVELOPMENT CONTROL PLAN

25. It is recommended that a site-specific DCP be prepared that will deal with relevant issues including, but not limited to, built form and massing, setbacks, flooding, traffic and parking and road widening.

NEXT STEPS

26. In summary, Council officers recommend that Council:
- i. progress the Planning Proposal described in this report (meaning that the Applicant's Planning Proposal at **Attachment 1** is amended to reflect the position recommended in this report and is put into Council's format);
 - ii. prepare a site-specific DCP and report this back to Council;
 - iii. exhibit the Planning Proposal and site-specific DCP concurrently;
 - iv. withdraw its support for the existing Planning Proposal at 114-116 Harris Street that has received a Gateway determination; and
 - v. endorse other administrative matters as outlined in the recommendation.
27. Pending Council's endorsement, the next step would be to send the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) with a request for a Gateway Determination under the *Environmental Planning and Assessment Act 1979*.

CONSULTATION & TIMING

28. The following stakeholder consultation has been undertaken in relation to this matter:

| Date | Stakeholder | Stakeholder Comment | Council Officer Response | Responsibility |
|---|--|---|--|----------------|
| Refer to dates in Attachment 3 of report | Applicant | Refer to comments in Attachment 3 of report | Refer to comments in Attachment 3 of report | City Planning |
| 18 February 2021 | Parramatta Heritage Advisory Committee | Refer to comments in paragraph 45 of report to Local Planning Panel at Attachment 2 regarding solar access to Experiment Farm. | Refer to comments in paragraphs 46 and 47 of report to Local Planning Panel at Attachment 2 noting that the solar access provisions of the CBD PP are met in relation to Experiment Farm and that, further refinement and detail will need to be provided during the Design Excellence process and later at the Development Application stage to ensure that compliance with the solar access controls is achieved. | City Planning |

Councillor Consultation

29. To date, consultation has taken place with Councillors on the Planning Proposal for 114 – 116 Harris Street. However, consultation has not taken place on the Planning Proposals for 24 Parkes Street and 26 – 30 Parkes Street. Consultation with Councillors on the combined Planning Proposal for all

three sites will take place as part of the briefing before the matter is reported to Council.

| Date | Councillor | Councillor Comment | Council Officer Response | Responsibility |
|-------------|---|--|---------------------------------|-----------------------|
| 8 July 2020 | Briefing at Cllr workshop on Planning Proposal for 114 – 116 Harris Street, Harris Park | Councillors noted contents of reports for Council meeting on 13 July 2020 (that included report for 114 – 116 Harris Street) and asked a range of clarification questions that were addressed by Council staff | N/A | City Planning |

FINANCIAL IMPLICATION FOR COUNCIL

30. This report does not recommend progression of a Planning Agreement as the equivalent monetary contribution to that which would have been secured under the former CBD Planning Proposal framework, and required road widening dedication, would be secured at the Development Application stage through suitable conditions and development contribution requirements.

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Michael Tzimoulas
Executive Director Corporate Services

David Birds
Acting Executive Director, City Planning & Design

Brett Newman
Chief Executive Officer

ATTACHMENTS:

- | | | |
|---|--|----------|
| 1 | Planning Proposal | 36 Pages |
| 2 | Minute and report for Local Planning Panel | 24 Pages |
| 3 | Timeline of Assessment History | 2 Pages |
| 4 | Comparison of current and CBD PP controls | 1 Page |

REFERENCE MATERIAL