

MINUTES OF THE LOCAL PLANNING PANEL HELD IN THE LEVEL 10 BOARDROOM, 126 CHURCH STREET, PARRAMATTA ON WEDNESDAY, 16 JUNE 2021 AT 3:30PM

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PRESENT

Mary-Lynne Taylor (Chair), Paul Berkemeier, Richard Thorp, Ian Gilbertson

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Chairperson, acknowledged the Burramattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

WEBCASTING ANNOUNCEMENT

The Chairperson advised that this public meeting is being recorded. The recording will be archived and made available on Council's website.

APOLOGIES

There were no apologies made to this Local Planning Panel.

DECLARATIONS OF INTEREST

There were no declarations of interest made to this Local Planning Panel.

INNOVATIVE

6.1	SUBJECT	Gateway Request: Planning Proposal for land at 24 Parkes Street, 26 – 30 Parkes Street and 114 – 116 Harris Street, Harris Park
	REFERENCE	RZ/5/2016 - D07559679
	REPORT OF	Project Officer Land Use

The Panel considered the matter listed at Item 6.1 and attachments to Item 6.1.

**PUBLIC FORUM**

- Adam Byrnes, on behalf of Think Planners, spoke in support of the recommendation at Item 6.1.

**DETERMINATION**

The Parramatta Local Planning Panel recommends the following to Council:

- (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.
- (e) **That** the Planning Proposal and DCP are concurrently exhibited.
- (f) **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.
- (g) **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).
- (h) **Further, 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.

The Panel decision was unanimous.

The meeting terminated at 5:17 pm.

A handwritten signature in black ink, appearing to read "Mr. [unclear] [unclear]". The signature is fluid and cursive.

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Chairperson

**INNOVATIVE**

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<b>ITEM NUMBER</b>	6.1
<b>SUBJECT</b>	PUBLIC MEETING: Gateway Request: Planning Proposal for land at 24 Parkes Street, 26 – 30 Parkes Street and 114 – 116 Harris Street, Harris Park
<b>REFERENCE</b>	RZ/5/2016 - D07559679
<b>REPORT OF</b>	Project Officer Land Use
<b>LAND OWNERS:</b>	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
<b>APPLICANT:</b>	Think Planners Pty Ltd

**DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL: NIL****PURPOSE:**

To seek the Local Planning Panel's advice on a Planning Proposal for 24 Parkes Street, 26 – 30 Parkes Street and 114 – 116 Harris Street, Harris Park, for the purposes of seeking a Gateway Determination from the Department of Planning, Industry and Environment. This report also deals with the preparation of a site-specific Development Control Plan for these sites.

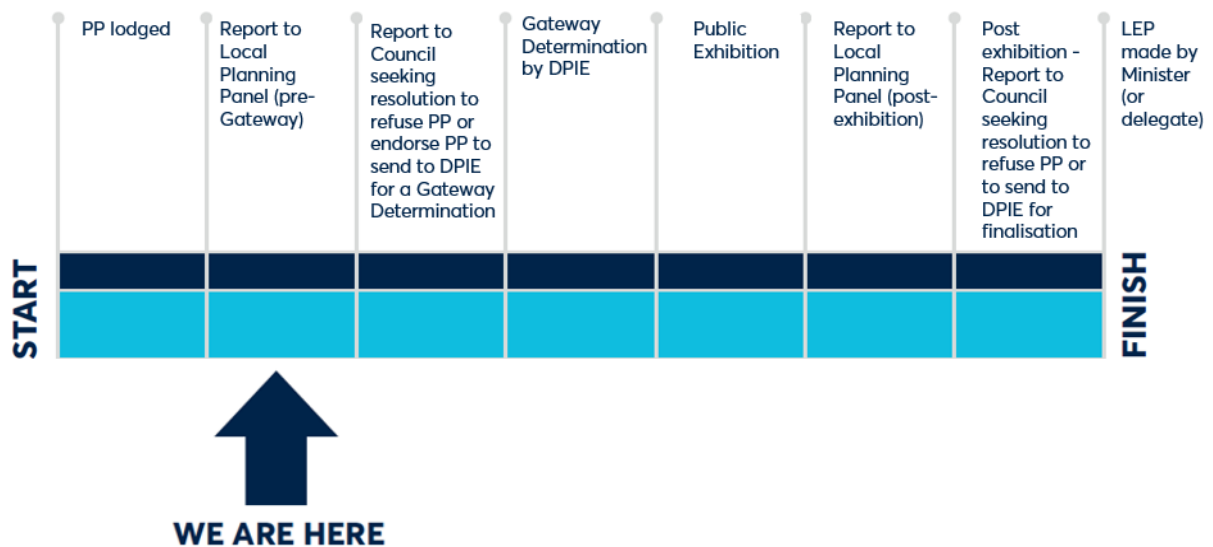
**RECOMMENDATION**

That the Local Planning Panel consider the following Council officer recommendation in the Panel's advice to Council:

- (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.
- (e) **That** the Planning Proposal and DCP are concurrently exhibited.
- (f) **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.
- (g) **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).
- (h) **Further, 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.

**PLANNING PROPOSAL  
TIMELINE**



**EXECUTIVE SUMMARY**

1. Council is currently considering three separate Planning Proposals as follows (and as illustrated in Figure 1):
  1. 24 Parkes St (RZ/5/2016) – preliminary proposal lodged 28 April 2016 and formal updated proposal lodged 16 August 2018
  2. 26-30 Parkes St (RZ/10/2016) – lodged 20 May 2016
  3. 114-116 Harris St (RZ9/2018) – lodged 27 August 2018



**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. Planning consultants, ‘Think Planners’, is the Applicant for all three Planning Proposals and represents the different landowners of all three sites.
3. The background to these three Planning Proposals extends over a period of approximately five years with extensive consultation with Council officers during that time. During this time Council officers have raised a number of issues with the three planning proposals, with main issues are summarised as follows:
  - The need to satisfactorily resolve setbacks for the sites and particularly on the western boundary of 26–30 Parkes Street. This was necessary to ensure that the adjoining site to the west at 24 Parkes Street does not suffer from site isolation and that there is adequate space between buildings.
  - Possible overshadowing impacts on the nearby conservation areas of Harris Park West, and Experiment Farm, and also Experiment Farm Cottage contained on the State Heritage Register. To establish the magnitude of possible overshadowing impacts, Council officers have undertaken extensive analysis as part of the Parramatta CBD Planning Proposal.
  - Prior to recent detailed consultation and discussion with the Applicant that took place in 2020, Council officers had formed the view that site consolidation would be the best means through which to secure good built form and urban design outcomes and avoid site isolation of 24 Parkes Street.
4. Despite Council officers’ preference for site amalgamation to occur, after consideration, Council officers reached the conclusion that 114–118 Harris

Street could be reported as a stand-alone Planning Proposal. This was because the site could be developed without amalgamation and still achieve acceptable urban design and planning outcomes. 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).

5. For reasons described further in this report, Council officers came to the final position in September 2020 that site amalgamation was not the best outcome in this scenario. 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 site 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.
6. 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 Applicant.
7. It is acknowledged that a major variation from the Parramatta CBD Planning Proposal framework contemplated throughout the assessment process for all three of these Planning Proposals has been an exemption from the FSR sliding scale contained in the Parramatta CBD Planning Proposal. This has been on the basis that a superior urban form is **not** achieved through amalgamation of these three sites. As noted above, Officers agreed to this position in September 2020. Because the FSR sliding-scale is largely a policy lever encouraging site amalgamation, and these sites have been determined to not produce a better outcome by amalgamating, Council Officers support an exemption from the FSR sliding scale for all three sites in this instance. This is considered in further detail in this report.
8. 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, is likely to be acceptable on this site.
9. 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.

## TIMELINE OF ASSESSMENT HISTORY

10. The three Planning Proposals for the sites 24 Parkes Street, 26 – 30 Parkes Street and 114 – 118 Harris Street have been the subject of analysis over the past five years. This analysis is summarised in the “Timeline of Assessment History” table provided at **Attachment 2**.

## SITE DESCRIPTION

11. A description of the subject sites, shown in **Figure 1**, is outlined as follows:
  - Site 1: 24 Parkes Street, site area 1,663 m<sup>2</sup>, legal description SP 5758
  - Site 2: 26–30 Parkes Street, site area 1,506 m<sup>2</sup>, 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 m<sup>2</sup>, legal description: SP 35413 (114 Harris Street) and SP 53257 (116 Harris Street).
12. The sites are on the southeastern edge of the Parramatta CBD. To the east of the sites is 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.
13. The immediate locality is characterised by a mix of uses and built form. To the west of the sites 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.

## CURRENT PLANNING CONTROLS

14. 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.
15. 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.

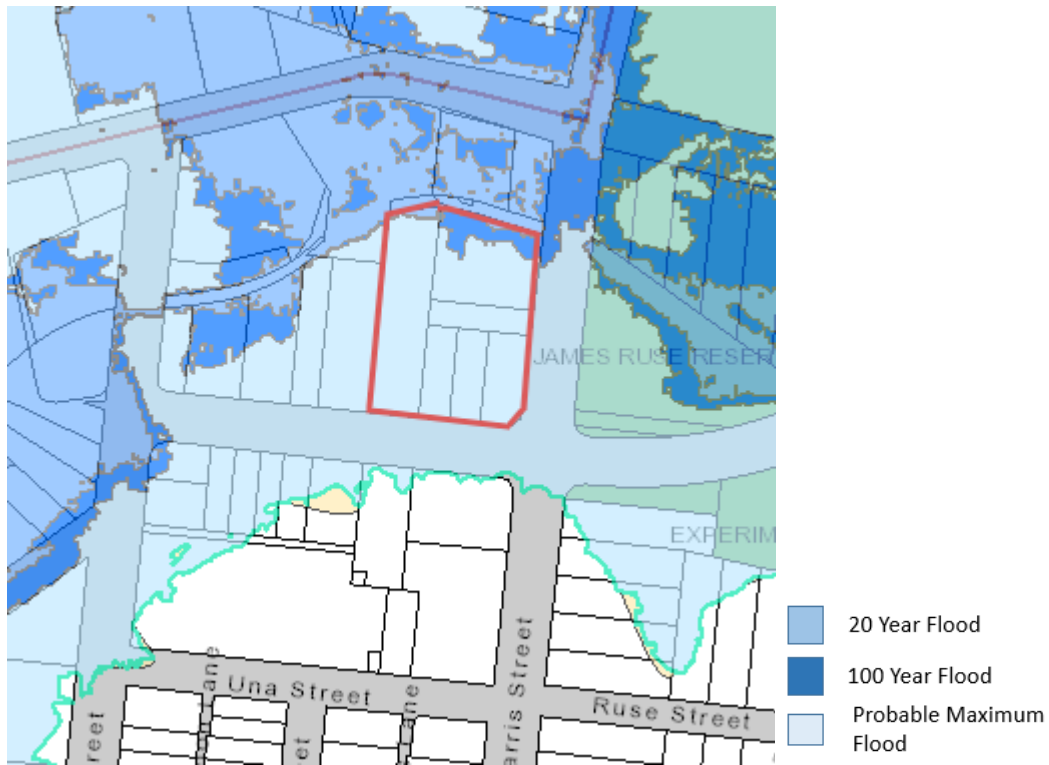




**Figure 2:** Heritage properties in relation to subject sites (Sites shown outlined in thick red)

### Flooding

16. 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 site 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**

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

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

	<b>Current LRA</b>	<b>CBD PP LRA</b>
Parkes Street	3 m – Local Road Widening (B4) for 26 –	3 m – Local Road Widening (B4) for 26 –

	30 Parkes Street and nil for 24 Parkes Street	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

18. 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.

### DESCRIPTION OF THIS PLANNING PROPOSAL

19. 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.
20. The Applicant's Planning Proposal is supported by reference designs included at **Attachment 3**.
21. 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.

### ASSESSMENT OF THE SUBJECT PLANNING PROPOSAL

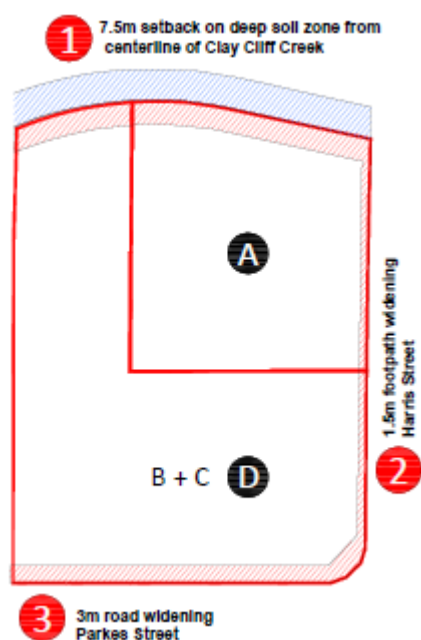
#### FSR Sliding Scale / Amalgamation Issues

22. The Parramatta CBD Planning Proposal supports an FSR of 10:1 for these three sites (subject to the FSR sliding scale) or 11.5:1 with design excellence.
23. 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. This also means that they are not eligible for further bonuses, such as the High Performing Buildings bonus.
24. The FSR allowed under the FSR sliding scale for the three sites is shown in **Table 2** below.

**Table 2: Allowable FSR under CBD PP sliding scale**

Site	Site area	Allowed FSR
24 Parkes Street	1,663 m <sup>2</sup>	9.155:1 (10.52:1 with design excellence)
26-30 Parkes Street	1,506 m <sup>2</sup>	8.53:1 (9.81:1 with design excellence)
114 – 116 Harris Street	1,776 m <sup>2</sup>	9.88:1 (11.362:1 with design excellence)

25. The key issue has been whether Council should impose controls that encourage amalgamation of the sites by applying the FSR sliding scale controls contained in the Parramatta CBD Planning Proposal.
26. Throughout the first several years of the assessment process for the three original site-specific planning proposals, Council officers considered that amalgamation was the best option. Through evolving discussions with the Applicant, Council officers offered the Applicant the opportunity to clearly demonstrate that amalgamation resulted in a poorer urban design outcome than if the sites were to develop separately. In other words, the Applicant was asked to show how developing separately would produce a *better* design outcome than amalgamation was needed to be resolved in order to support not applying the FSR sliding scale in this particular case.
27. Council staff tested a number of options for amalgamation, including the following:
- i. **Option 1:** 24 and 26 – 30 Parkes Street combined and 114 – 116 Harris Street developed separately. Refer **Figures 5, 6 and 7**.
  - ii. **Option 2:** the sites reconfigured so that the front parts of 24 and 26 – 30 Parkes Street are developed and the rear parts of 24 and 114 – 118 Harris Street are developed. Refer **Figures 8, 9 and 10**.

**Figure 5: Site reconfiguration into two lots**

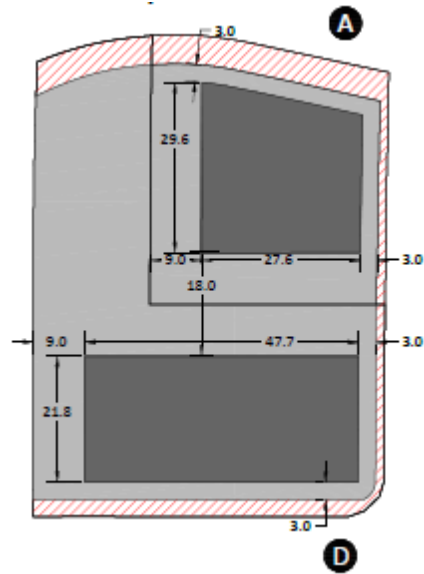


Figure 6: Site plan

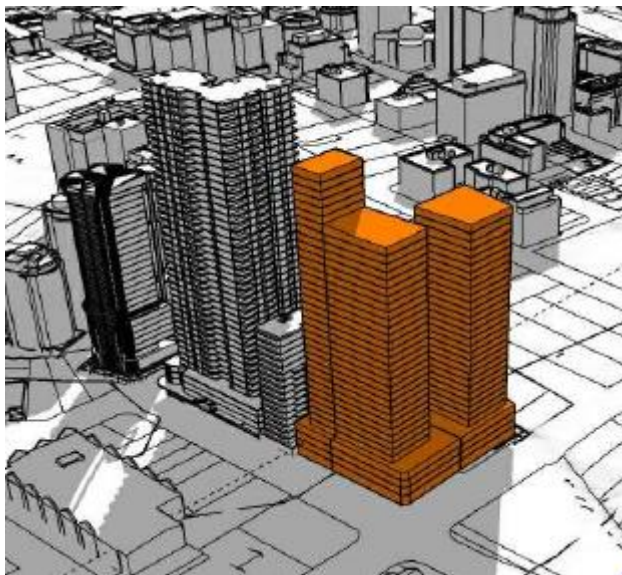


Figure 7 : Concept diagram of building massing

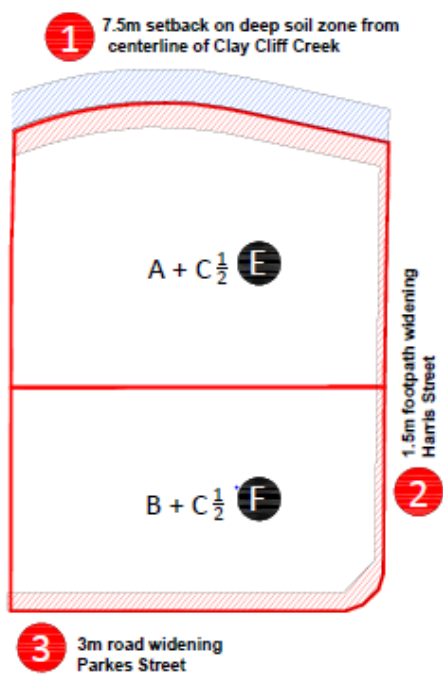
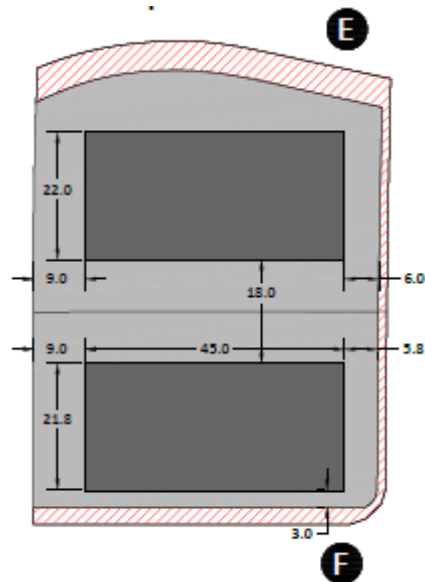


Figure 8: Site reconfiguration into two lots



**Figure 9:** Site Plan



**Figure 10:** Diagram of built form massing

28. With both options shown in the above figures, the end result is long, bulky buildings that dominate the streetscape. This outcome is not consistent with Council's policy direction for tall slender towers in the Parramatta CBD.
29. Therefore, Council officers are satisfied that a better urban design outcome can be achieved if the sites develop separately (urban design testing showing built form outcomes of sites developing on their own is shown later in this report). 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**

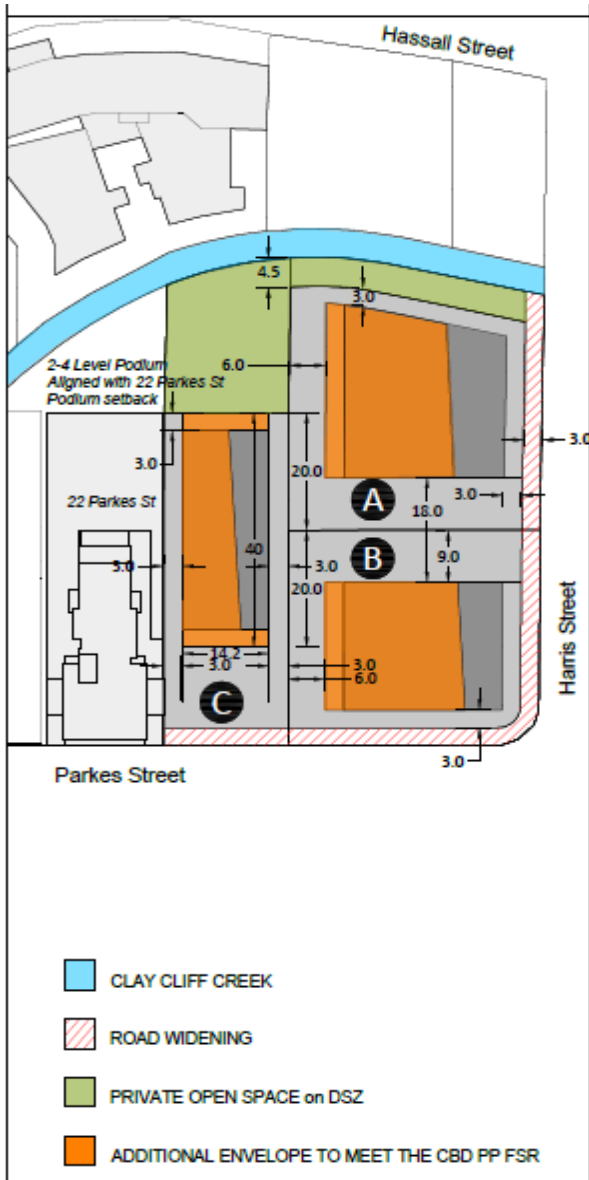
30. Council officers have advised the Applicant that they do not support application of the High Performing Buildings (HPB) bonus, as the sites do not meet the site area requirements of 1,800sqm. Officers are particularly concerned about setting a precedent for other sites under this threshold.

31. However, through submission of the recent combined single Planning Proposal document (**Attachment 1**), the Applicant seeks reconsideration of this matter for the following reasons:
- i. The three sites are affected by the solar access protection plane to Experiment Farm and therefore the final GFA applicable to the three sites will be generated through an envelope built form analysis. If there is any capacity for GFA in addition to 11.5:1 within the defined envelopes, then it is appropriate that the high performing building bonus provision is made available.
  - ii. The bonus provisions lead to environmental benefits that extend the life of the building and, given the absence of urban design impacts, it is entirely appropriate and environmentally responsible to apply the HPB bonus to the site.
32. If permitted, an exception to the HPB bonus provisions would allow a design for the sites with an FSR of 10:1 plus design excellence (15% bonus FSR), together with high performing building bonus (5% bonus FSR) to achieve a total overall FSR of 12:1. This compares to the FSR of 11.5:1, which is being recommended for the subject Planning Proposal.
33. Following reconsideration of the issues raised by the Applicant, Council officers do not support the application of this HPB bonus via an exemption to the site size requirements for the following reasons:
- i. Allowing the HPB bonus without meeting the site size criteria would set an unacceptable precedent that site size requirements of the CBD Planning Proposal are negotiable. This could have unintended cumulative impacts and also undermine the FSR sliding scale provisions (as developers could achieve additional FSR without having to amalgamate). Promotion of amalgamation via the FSR sliding scale mechanism is a critical objective that underpins the achievement of the broader objective of the Parramatta CBD Planning Proposal.
  - ii. Council officers do not consider that there would be significant capacity for FSR in addition to 11.5:1, particularly given the effect of the solar access plane to Experiment Farm. Any additional “room” left under the sun access plane is ideally dedicated to trying to improve setbacks, as discussed in the next point below.
  - iii. During the urban design analysis process to justify an exemption from the FSR sliding scale, Council officers have made substantial compromises on setbacks. Keeping the FSR at 11.5:1 raises the possibility that there could be some relaxing of the very tight setbacks, resulting in poorer amenity for building occupants and public domain outcomes.
  - iv. Council officers are comfortable that the urban design work shows that buildings exempted from the FSR sliding-scale can be configured to not impact on Experiment Farm, as per the Parramatta CBD Planning Proposal. Council officers are concerned that any further concessions given beyond the FSR sliding-scale exemption will have adverse impacts on this important Heritage item.

## Urban design

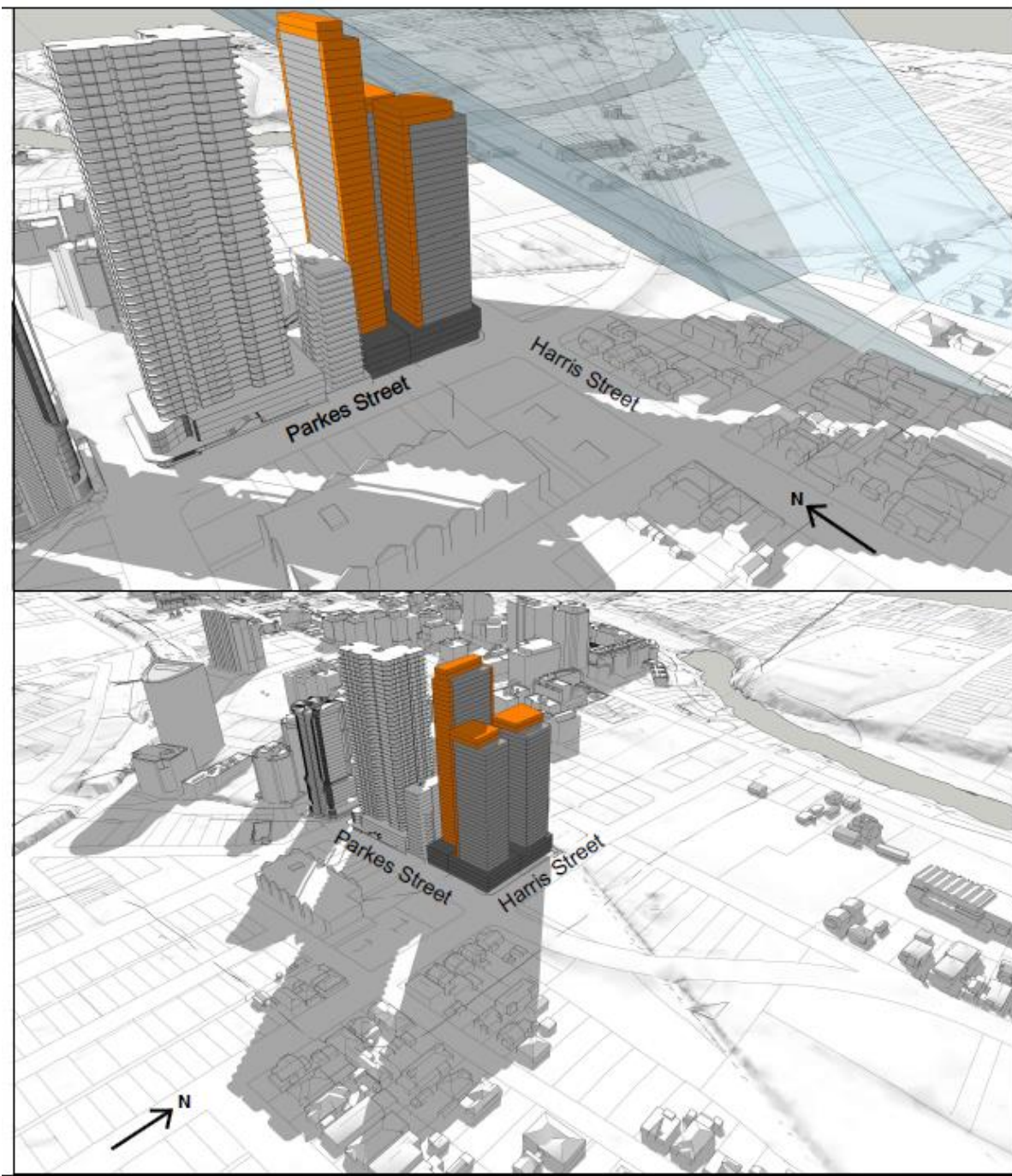
34. After extensive consultation and negotiation, the Applicant and Council staff have reached a compromise on proposed built form outcomes. This work has supported the conclusion that the sites can benefit from the full FSR under the Parramatta CBD Planning Proposal, and further, this work is also proposed to support development of a future draft DCP for these sites.
35. Key factors driving the formulation of design outcomes sought by Council staff were:
- **Solar access:** No overshadowing of Experiment Farm between 10am and 2pm midwinter, consistent with the Parramatta CBD Planning Proposal. The Experiment Farm solar access plane cannot be compromised, which is a constraint on the buildings being made taller.
  - **Setbacks:** The starting point for setbacks are provisions of Council's DCP and the Apartment Design Guide (ADG) for NSW that aim to resolve amenity solar and privacy issues. Minimum setbacks that Council officers accept are shown in **Figure 11**.
  - **Building length:** The design outcome depends on an elongated building form for the site of 24 Parkes Street, and it is considered appropriate to cap this building length at 36m to prevent visual and other impacts of very long building walls.
36. Balanced against these urban design drivers is a key challenge to enable the three sites of 24 Parkes Street, 26 – 30 Parkes Street and 114 – 116 Harris Street to realise the maximum development potential under the Parramatta CBD Planning Proposal, whilst also responding to the unique site conditions and to ensure an acceptable urban design outcome. Unique site conditions include the provision for road widening of approximately 3 metres on both the Parkes and Harris Street frontages of the sites. This is considered a pragmatic approach, wherein it is appropriate to provide some concession on setbacks and design controls in order to secure the Applicant's willingness to provide an easement for road widening.
37. **Figures 11 and 12** prepared by Council officers allows the maximum development potential to be achieved under the Parramatta CBD Planning Proposal for the three subject sites whilst also ensuring acceptable urban design outcomes. The figures also show the building setbacks and built form massing supported by Council officers.





**Figure 11:** Site plan for Development Concept supported by Council staff

Note: That whilst the LRA Map shows road widening for 3.5 m on Harris Street and the above plan shows 3m this is because only 3m is effectively required from the applicant's land.



**Figure 12:** Diagrams of built form massing supported by Council staff

38. As indicated above the final design outcome includes compromises which Council officers consider are not ideal, but are ultimately acceptable. These include the following:
- The 3m tower setbacks to the east and west side boundaries for 24 Parkes Street.
  - The 6m tower setbacks to the west boundary for 26 – 30 Parkes Street and 114 – 116 Harris Street.
39. Council officers have accepted the above setbacks as a significant compromise because of the size of the sites and the lack of support for them to be amalgamated. The preference of Council officers would be for the 6m setbacks for 26–30 Parkes Street and 114–116 Harris Street to be increased to 9m and

for the 3m setback for 24 Parkes Street to be increased where possible. Visual and noise privacy issues are of concern and the applicant will need to demonstrate in the preparation of a site-specific DCP and at DA stage that these effects can be ameliorated.

40. Whilst the built form outcome is not ideal and a number of matters are still to be clarified and agreed upon, Council officers are comfortable that these detailed matters can be resolved at the DCP stage. A draft DCP reflecting the outcome of these further discussions on built form and setbacks will be reported to Council for endorsement so it can be exhibited with the Planning Proposal.

### **Heritage – Experiment Farm**

41. The subject sites are not heritage listed or within a conservation area. However, the sites are opposite the Experiment Farm Cottage and Environs State Heritage listing (refer to paragraph 14 and **Figure 2** of this report). It should be noted that Experiment Farm Cottage is included on the State Heritage Register. The sites will also likely be visible from nearby conservation areas of Harris Park West, Experiment Farm and (potentially) Elizabeth Farm area.
42. In June 2016, Council's Heritage Adviser commenting on an early concept scheme for 24 Parkes Street, and making similar comments for 26–30 Parkes Street, raised concern that the proposed increase in height and massing for the subject sites would potentially lead to development protruding dramatically on the skyline, which may act as an intrusive element in views from significant heritage items and conservation areas and have detrimental overshadowing impacts.
43. Council staff at that time considered that the issue of heritage impacts could be resolved by the heritage assessments prepared as part of the Parramatta CBD Planning Proposal which reviewed (at a high level) the impact and issues associated with the scale of density and height increases proposed across the CBD. The report (prepared by Urbis) concluded that subject to appropriate planning controls and treatments (for example, protection of solar access, appropriate setbacks, design principles, etc) that the increased densities and heights could be accommodated satisfactorily with respect to heritage.
44. Subsequent to this initial report, a further report (prepared by Hector Abrahams) focusing on the interface of proposed development with areas and items of heritage significance was commissioned by Council. This study (June 2017) sought no additional overshadowing of the building and garden of Experiment Farm Cottage as defined by a diagram included in the study. The Hector Abrahams study was reported to Council on 10 July 2017. Council in part supported the recommendation of Hector Abrahams relating to solar access and agreed to update the Parramatta CBD Planning Proposal to protect solar access to Experiment Farm between 10 AM and 2 PM midwinter. The report to Council stated that protecting solar access into late afternoon would have significant adverse impacts on development yields in the Parramatta CBD with properties as far away as in O'Connell Street affected. Council also redefined the Experiment Farm Protected Area to exclude 14 Alice Street as it does not form part of the statutory heritage listing for Experiment Farm and its curtilage. In addition, Council imposed reduced height limits in the vicinity of the subject sites to help protect the Harris Park West Conservation Area.

45. More recently on 18 February 2021, Council's Heritage Advisory Committee was briefed on the three Planning Proposals at the corner of Parkes and Harris Streets. The Committee raised concerns at the expected significant shadowing impacts of the proposals on the neighbouring heritage properties. The Committee emphasised that a protected heritage item encompasses the full curtilage in addition to the built property. In conclusion, the Committee stated that they were not in favour of the presented Planning Proposals for this corner.
46. It is acknowledged that the area of Experiment Farm protected under the CBD Planning Proposal (**Figure 13**) does not coincide with the boundary of the item in the State Heritage Register (**Figure 14**) and with the curtilage for the item Experiment Farm and Environs in Parramatta LEP 2011 (**Figure 2** of this report). The Committee's concern that the full curtilage of Experiment Farm is not protected is acknowledged. Nevertheless, Experiment Farm is protected to the extent recommended by Hector Abrahams and Council in the Parramatta CBD Planning Proposal provisions.



**Figure 13**– Solar area protected under CBD PP and reflecting Hector Abrahams heritage interface study recommendation



**Figure 14** – State Heritage register – heritage curtilage/listing

47. Council officers are satisfied from the latest reference designs for the three sites 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.

### Aboriginal heritage

48. From advice provided by the Office of Environment and Heritage for a nearby site-specific planning proposal site 14 – 20 Parkes Street, parts of the subject sites adjoining Clay Cliff Creek site may be of Aboriginal significance and contain Aboriginal sites. It is noted that Council's Parramatta Aboriginal Cultural Heritage Study Review 2014, identifies the sites as having Low Aboriginal Sensitivity. However, this matter and the possible need for an Aboriginal Cultural Heritage Assessment can be considered during assessment of a future Development Application.

### Flooding

49. Council's Senior Catchment and Development Engineer has concluded from a review of the Applicant's flood studies that the site is generally suitable for residential development from a flood risk perspective. The Planning Proposal is considered to be capable of being consistent with Section 4.3 Flood Prone Land of the Section 9.1 Ministerial Direction 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.

50. In addition, in line with the approach adopted for site-specific Planning Proposals at 197 Church Street and 14 – 20 Parkes Street controls can be incorporated in the site-specific DCP to address flood management.
51. It is noted that nearby site-specific Planning Proposals at 12A Parkes Street and 14 – 20 Parkes Street were finalised with provisions relating to floodplain risk management. Whilst this situation is acknowledged it is not considered that these provisions need to be included in the subject site-specific Planning Proposal because the Parramatta CBD Planning Proposal will cover the issue of floodplain risk management and it is anticipated it will be finalised well ahead of this planning proposal being made.

### **Summary of Assessment**

52. Following detailed urban design analysis over a significant period, the redevelopment of these sites without amalgamation results in acceptable urban design and planning outcomes. As per the recommendation of this report, advancing a single Planning Proposal that exempts these sites from the FSR sliding scale is supportable.

### **SITE-SPECIFIC DEVELOPMENT CONTROL PLAN**

53. 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.

### **PLANNING AGREEMENT**

54. Council has separately been recommended to endorse the Parramatta CBD Planning Proposal and preparation of a new S7.12 Development Contributions Plan with a levy rate set higher than the current 3% levy rate. Therefore, on this basis it is not proposed to require the negotiation of a Planning Agreement for the subject sites during the assessment of the site-specific Planning Proposal due to the following:
  - i. The road widenings are already provided for in the LRA maps of the current Parramatta LEP 2011 and also in the Parramatta CBD Planning Proposal, and the Applicant has indicated they are amenable to providing this through an easement in order to maintain benefit of the FSR from that land. This matter can be addressed at DA stage.
  - ii. As noted in paragraph 18 of this report, whilst the current and Parramatta CBD Planning Proposal 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. This matter can also be addressed at the DA stage.
  - iii. The monetary contribution that would have formerly been delivered through a Planning Agreement to support Community Infrastructure in the CBD is no longer required, as Council is separately recommended to pursue a new S7.12 Development Contributions Plan with a higher rate instead. The report presented to Council on the CBD Planning Proposal recommends that the amended S7.12 Development Contributions Plan

should seek to secure the same level of infrastructure funding that would have been achieved under the formerly proposed value sharing framework contained in the exhibited draft CBD Planning Proposal.

### **EXISTING PLANNING PROPOSAL AT 114-116 HARRIS ST**

55. The existing Planning Proposal for 114 – 116 Harris Street is generally consistent with the Parramatta CBD Planning Proposal and is considered no longer necessary by Council officers. It will be replaced by the subject Planning Proposal that deals with one issue, being the point of difference with the Parramatta CBD Planning Proposal – the exemption from compliance with FSR sliding scale. Consequently, Council is recommended to withdraw its support for the existing Planning Proposal at 114 – 116 Harris Street.

### **NEXT STEPS**

56. 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.
57. 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*.

### **PLAN-MAKING DELEGATIONS**

58. Revised 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 has resolved that these functions be delegated to the CEO.
59. Should Council resolve to endorse the Planning Proposal to proceed, it is recommended that Council request that it exercise its plan-making delegations. This means that once the Planning Proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being notified on the NSW Legislation website.

### **FINANCIAL IMPLICATION FOR COUNCIL**

60. 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 can be secured at the Development Application stage through suitable conditions and development contribution requirements.

Paul Kennedy  
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Roy Laria  
**Land Use Planning Manager**

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David Birds  
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**ATTACHMENTS:**

- |   |                                |          |
|---|--------------------------------|----------|
| 1 | Planning Proposal              | 33 Pages |
| 2 | Timeline of Assessment History | 2 Pages  |
| 3 | Reference Designs              | 68 Pages |

**REFERENCE MATERIAL**