



Planning,
Industry &
Environment

IRF21/3301

Gateway determination report – PP-2021-5178

Amendment to the application of the floor space ratio sliding scale in the Parramatta Local Environmental Plan 2011 24 and 26 – 30 Parkes Street, and 114 – 116 Harris Street, Harris Park

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Contents

1	Planning proposal	1
1.1	Overview	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Current planning controls	2
1.5	Site description and surrounding area	2
1.6	Mapping	5
1.7	Background	5
2	Need for the planning proposal	6
3	Strategic assessment	6
3.1	District Plan	6
3.2	Local	7
3.3	Local planning panel (LPP) recommendation	8
3.4	Section 9.1 Ministerial Directions	9
3.5	State environmental planning policies (SEPPs)	10
4	Site-specific assessment	12
4.1	Environmental	12
4.2	Social and economic	14
4.3	Infrastructure	14
5	Assessment summary	14
6	Recommendation	15

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	City of Parramatta Council
PPA	City of Parramatta Council
NAME	Amendment to the application of the floor space ratio sliding scale in the Parramatta Local Environmental Plan 2011 (640 homes, 0 jobs)
NUMBER	PP-2021-5178
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2011
ADDRESS	24 and 26 – 30 Parkes Street, and 114 – 116 Harris Street, Harris Park 2150
DESCRIPTION	SP 578, Lot 1 DP 599236, Lot 3 DP 599799, SP 16744, SP 35413 and SP 53257
RECEIVED	12/08/2021
FILE NO.	IRF21/3301
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to seek an exemption to the floor space ratio sliding scale for the land at 24, 26 – 30 Parkes Street and 114 – 116 Harris Street, Harris Park. The proposal seeks to facilitate the sites' redevelopment for three mixed use towers that are intended to be lodged for approval under separate Development Applications.

1.3 Explanation of provisions

The planning proposal seeks to amend the Parramatta LEP (PLEP) 2011 to include a site-specific provision that provides an exemption to the FSR sliding scale for land on 24, 26 – 30 Parkes Street and 114 – 116 Harris Street.

The sliding scale seeks to reduce the permitted FSR relative to a site's size, when under 1800m². This ensures that the resultant built form is suitable in cases of smaller lots which have less ability to address impacts within the site boundary. The sliding scale also encourages amalgamation of lots in order to achieve a size where the full FSR can be achieved.

The exemption would allow each site to individually achieve the maximum FSR of 10:1 plus bonuses which is proposed through the Parramatta CBD Planning Proposal, which is yet to be finalised.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Current planning controls

The planning proposal seeks to amend PLEP 2011, however, the built form outcomes have been designed to reflect the proposed controls contained within the Parramatta CBD Planning Proposal. **Table 2** below outlines the current controls for the site under the PLEP 2011 and the Parramatta CBD Planning Proposal as submitted for finalisation. It is noted that the Parramatta CBD PP is, at the time of assessment, still being finalised.

Table 2 Current PLEP 2011 Planning Controls

Control	Current PLEP 2011	Parramatta CBD PP
Land zoning	B4 Mixed Use	B4 Mixed Use
FSR	4:1	Base 4:1, Incentive 10:1 (11.5:1 with 15 % design excellence bonus).
HOB	54m	Base 54m, however, the maximum possible height achievable is controlled by a sun access plane to protect Experiment Farm and airspace controls.
Land acquisition	Site subject to road widening of 3 metres in the current Land Reservation Acquisition (LRA) maps on the Parkes Street frontage of 26 – 30 Parkes Street.	No change.

While the site is not identified as an item of local heritage significance, it is notably near the State significant listed Experiment Farm and the locally significant Experiment Farm Heritage Conservation Area.

1.5 Site description and surrounding area

The subject site is comprised of several sites on 24 and 26 – 30 Parkes Street, Parramatta, and 114 – 116 Harris Street, Harris Park (**Figure 1**). The site is located on the edge of the Parramatta city centre, bound by Parkes Street to the south and Harris Street to the east.

East of the site exists the mid-sized Robin Thomas Reserve (**Figure 2**). This reserve is one of the few open spaces in the city centre and contributes to the character and amenity of the area. To the south of the site, across Parkes Street, are apartment buildings that are estimated to date from the 1970s and 1980s. Immediately adjoining the northern site boundary is Clay Cliff Creek, an open concrete channel. To the site's west is a recently completed and occupied residential tower at 22 Parkes Street and a recently approved planning proposal at 14 – 20 Parkes Street, Parramatta.



Figure 1 Aerial photograph of the site (source: Planning Portal)



Figure 2 Aerial photograph showing the site's context (source: SIXMaps)

Table 3 Description of the site

Site	Lot description	Existing land use	Site area
24 Parkes Street, Parramatta	Lot 9 SP5758	Vacant three-storey apartment building (Figure 3)	1,663m ²
26 – 30 Parkes Street, Parramatta	Lot 1 DP 599236 Lot 3 DP 599799 SP 16744	Empty lot (Figure 3)	1,506 m ²
114 – 116 Harris Street, Harris Park	SP 35413 SP 53257	A hair salon and driving school (Figure 4)	1,776 m ²



Figure 3 Street view of subject site 24 and 26 – 30 Parkes Street (source: Google 2021)



Figure 4 Street view of subject site 114 – 116 Harris Street (source: Google 2021)

1.6 Mapping

The planning proposal includes mapping showing the existing controls which apply to the site under the current PLEP 2011. As the planning proposal is seeking to amend a control under the PLEP 2011 in the form of a site-specific written clause, the preparation of site-specific maps was not provided nor required in this instance.

1.7 Background

The background of the planning proposal spans five years. Prior to the lodgement of the subject planning proposal, three individual planning proposals for each respective site were lodged with Council. These proposals sought to increase the development standards and remove the applications of the FSR sliding scale control. The FSR sliding scale seeks to apply a lower FSR than what can be achieved under the mapped maximum on sites with an area of less than 1,800m². It is an important policy lever to ensure good built form outcomes are achieved on smaller sites and ultimately encourage amalgamation. **Table 4** identifies the previous proposals and their desired amendments.

Table 4 Previous planning proposals for the subject sites

Site	Date of lodgement	Proposal
24 Parkes Street, Parramatta	August 2018	Sought to amend the PLEP 2011 by: <ul style="list-style-type: none"> deleting the maximum height of building under the incentive Height of Building Map; exempting the site from the FSR sliding scale; and adopting a maximum FSR of 12.5:1.
26-30 Parkes Street, Parramatta	August 2018	Sought to amend the PLEP 2011 by: <ul style="list-style-type: none"> deleting the maximum height of building under the Incentive Height of Building Map; and adopting a maximum FSR of 14.2:1.
114-116 Harris Street, Parramatta	August 2018	Sought to amend the PLEP 2011 by: <ul style="list-style-type: none"> deleting the maximum height of building under the Incentive Height of Building Map; exempting the site from the FSR sliding scale; and adopting a maximum FSR of 14.5:1.
	July 2020	Sought to amend the PLEP 2011 by: <ul style="list-style-type: none"> Increasing the maximum HOB from 54 metres to 126 metres Increasing the maximum FSR from 4:1 to 10:1 Including controls to deal with management of flooding including, but not limited to, provisions for safe refuge and ensure the building is capable of withstanding and does not obstruct flood flows Amending the Special Areas Provisions Map to identify the site and add site-specific controls

Council has noted that they have previously been engaged in negotiations for amalgamation of the sites rather than seeking an exemption of the FSR sliding scale. In early 2021, Council came to an agreement that a superior built form outcome would not be achieved through amalgamation, as opposed to allowing an exemption of the FSR sliding scale and developing the sites individually.

Subsequently, in July 2021, Council resolved that they would no longer support the planning proposal for 114-116 Harris Street, Parramatta. Instead, it was resolved a new planning proposal would be submitted to the Department applying to the three sites which sought an exemption of the FSR sliding scale control to achieve the full FSR and bonuses identified for the site in the Parramatta CBD PP. On 16 August 2021, the Department amended the Gateway determination for 114-116 Harris Street so that it does not proceed in response to Council's request.

2 Need for the planning proposal

The planning proposal is a result of owner-initiated requests seeking an exemption from the FSR sliding scale across the three sites. The proposal is not the result of a site-specific study or report, but was triggered by supplementary urban design analysis undertaken by Council to demonstrate the built form outcome that could be achieved through site amalgamation in comparison to not applying the FSR sliding scale and enabling individual site development. Council concluded in this analysis that amalgamation of all three sites did not achieve a superior urban design outcome. As such, seeking an exemption of the FSR sliding scale via a planning proposal allows the individual development of each site and careful arrangement of the building envelopes.

It is noted that the proposal also responds to the Parramatta CBD Planning Proposal and anticipates that the development standards, and therefore development potential, exhibited for the sites will be adopted, noting that the CBD PP does contain a sliding scale that would apply to each site. The Department is currently completing its finalisation assessment of the CBD PP and as such the final development standards are not yet determined.

While a planning proposal is the only mechanism to exempt the land from the sliding scale provisions. The Council analysis and the proponent's submission respond to two options, amalgamation or development alone at the full potential proposed through the CBD PP with the exemption of the sliding scale. The proposal does not adequately consider the alternative of developing under the FSR resulting from the application of the sliding scale. The comparison of this scenario would assist in demonstrating the need for the planning proposal and enable a comparison of built form outcomes, including compliance with the Apartment Design Guide.

3 Strategic assessment

3.1 District Plan

The Central City District plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal is generally consistent with the priorities for infrastructure and collaboration, productivity and liveability as outlined in the District Plan. As such, the Department is satisfied the planning proposal gives effect to the District Plan in accordance with Section 3.8 of *Environmental Planning and Assessment Act 1979*. **Table 5** provides an assessment of the planning proposal against the relevant directions.

Table 5 District Plan assessment

District Plan Priorities	Justification
PP C1: Planning for a city supported by infrastructure	The proposal seeks to redevelop the site to deliver additional mixed-use density on a site highly supported by infrastructure and public transport. Specifically, the site is located less than 600 metres from the Parramatta Train Station, less than 200 metres from a proposed light rail stop, and in the vicinity of multiple bus stops which provide services to surrounding centres.
PP C3: Provide services and social infrastructure to meet people's changing needs	The proposal will result in three towers that will allow for road widening adjacent to the site. The proposal also identifies an area of new publicly accessible open space to be provided on the site, however there is not proposed mechanism to deliver this and would likely be determined through a future development application.
PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposal seeks to deliver approximately 640 new residential apartments in a location highly serviced by public transport with good accessibility to jobs and services in the Parramatta CBD, Sydney CBD and other employment lands. However, due to the urban design and reduced setbacks that are required to achieve the maximum FSR, there is potential for the development to deliver housing with poor amenity misaligning with the broader objective of achieving liveability.
PP C6: Creating and renewing great places and local centres, and respecting the District's heritage	The proposal would facilitate development which would contribute to enhancing the Parramatta CBD as a place to live, work and play. The redevelopment of the site for housing and employment opportunities would benefit from the amenity of Robin Thomas Reserve and contribute to activating development adjacent to the park. However, the proposal would potentially result in the overshadowing to the heritage curtilage of Experiment Farm, potentially impacting the heritage setting of the item.
PP C9: Delivering integrated land use and transport planning and a 30-minute city	The proposal seeks to provide new dwellings near existing public transport links, future transport links and will contribute to create a 30-minute city. The proposal will enable residents to walk or cycle within Parramatta CBD and access jobs in the CBD and Westmead.

3.2 Local

The proposal is generally consistent with the following local plans and endorsed strategies. **Table 6** provides an assessment against the relevant local strategies.

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>Council's Local Strategic Planning Statement <i>City Plan 2036</i> (LSPS) sets out a 20-year land use planning vision for the City of Parramatta LGA. The LSPS balances the need for housing and economic growth while protecting and enhancing housing diversity, heritage and local character.</p> <p>The proposal is generally consistent with the priorities and actions, which seek to build the productivity and liveability of the Parramatta CBD. Specifically, the proposal will facilitate the growth of commercial and housing opportunities in the GOP growth area (priority 4). Although the proposal will deliver a mix of housing to support the changing needs of the community, the urban design and reduced setbacks of the proposal will deliver housing of reduced amenity, misaligning with priority 7. Despite this, the delivery of a mixed-use development would support the Parramatta CBD in becoming increasingly competitive and productive (priority 11).</p>
Parramatta 2038 Community Strategic Plan	<p>Parramatta 2038 is a long-term Community Strategic Plan for the City of Parramatta and is linked to the long-term future of Sydney.</p> <p>The proposal is considered to generally support the Plan's vision by delivering mixed-use towers near key transport nodes and community facilities and contributing to dwelling targets for NSW.</p>
Parramatta CBD Planning Proposal	<p>The Parramatta CBD Planning Proposal was adopted by Council for submission to the Department for finalisation in June 2021. The CBD PP is the outcome of detailed review of the current planning framework and identifies the need for intensification of commercial and residential development in the Parramatta City Centre. The CBD PP seeks to increase height and density in the Parramatta CBD, including for the subject sites.</p> <p>The proposal seeks an exemption to a key concept in the CBD of the sliding scale, for the reasons outlined within this report. This exemption would allow the sites to access the maximum FSR and anticipates that this would be the incentive FSR of 10:1 and 15% design excellence bonus identified in the final CBD PP submitted to the Department. As noted previously, the CBD PP is currently being assessed and at the time of writing had not yet been determined.</p>

3.3 Local planning panel (LPP) recommendation

The planning proposal was referred to the Parramatta Local Planning Panel on 16 June 2021 (**Attachment B**). The Panel resolved to endorse the planning proposal and recommended Council amend the proposal by removing references to an exemption from the site size requirements for High Performing Buildings (HPB) bonus. Additionally, the Panel recommended that a draft site-specific Development Control Plan (DCP) be prepared for the proposal and be reported back to Council.

In response to the Panel's advice, Council removed the request for the HPB bonus from the proposal and affirmed they would prepare a site specific DCP to address relevant issues, including built form and massing, setbacks, flooding, traffic, parking and road widening.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 – Business and Industrial Zones	Yes	The proposal is consistent with Direction 1.1, as it does not seek to rezone the site and proposes to deliver a development encompassing retail and commercial uses.
Direction 2.3 – Heritage Conservation	No	<p>The site does not contain a heritage item nor is it within a Heritage Conservation Area. The site is north west of the State significant Experiment Farm Cottage and Enviro (I00768) heritage item and archaeological site (A00768) and locally significant Experiment Farm Heritage Conservation Area.</p> <p>A key concept of the Parramatta CBD PP is the introduction of sun access planes to prevent overshadowing of heritage items and open space within defined times. A sun access plan for Experiment Farm is proposed for a defined area, preventing overshadowing between 10am and 2pm on 21 June.</p> <p>The urban design and overshadowing modelling prepared in support of the proposal demonstrates no overshadowing would result on the Experiment Farm Cottage. However, overshadowing would result on the western boundary of the curtilage of Experiment Farm Cottage and heritage conservation area at 2pm on the 21st of June. While the CBD PP provisions would ensure overshadowing of the protected area would not occur, urban design massing demonstrates the tightly tuned built form of the proposed schemes seeking to push development to the limit of controls.</p> <p>Although the Parramatta CBD Planning Proposal contains provisions to protect the solar access of Experiment Farm Cottage from 10am to 2pm, no provisions apply to the protection of the broader curtilage area from overshadowing impacts. The Department is currently assessing the Parramatta CBD Planning Proposal and will consider the appropriateness of built form controls and solar access provisions. It is noted that Heritage NSW raised concerns with the potential for taller towers in the CBD to overshadow various heritage items.</p> <p>The Department considers that the proposal is inconsistent with the aims of this Direction and should remain unresolved.</p>
Direction 3.1 - Residential Zones	Yes	The proposal is consistent with Direction 3.1, as it seeks to deliver a significant uplift of housing, with a variety of choice in a highly accessible location supported by existing infrastructure and services.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 3.4 – Integrating Land Use and Transport	Yes	The proposal is consistent with Direction 3.4 as the proposal will provide new dwellings in proximity to existing public transport links, promote active transport to and from work and services whilst increasing the density on an under-utilised site.
Direction 4.1 – Acid Sulfate Soils	No	The site is within an area mapped as Class 4 Acid Sulfate Soils, therefore requiring an acid sulfate soils study to support a planning proposal where intensification is proposed. Parramatta LEP 2011 includes provisions which requires the consideration of acid sulfate soils at the development application stage. Given that no study has been prepared, the proposal is inconsistent with the direction. However, this inconsistency is considered of minor significance as any environmental risk can be appropriately considered and mitigated at the development application stage.
Direction 4.3 – Flooding	No	<p>The proposal is inconsistent with Direction 4.3, as it is proposing uplift on flood prone land.</p> <p>The site is located within the Clay Cliff Creek floodplain, the site is flood prone, subject to the 1:100 year flood level, indicating the possibility overland floods in a high rainfall event. A flood impact assessment (Attachment G) confirms the site is generally suitable for residential development and can be developed with a minimum floor level to comply with flood planning requirements.</p> <p>Council notes flood related impacts resulting from the development will be addressed at the DA stage.</p> <p>The Department notes that the proposal is relying on the controls of the Parramatta CBD Planning Proposal, which has not yet been endorsed. For the proposal to be consistent with this direction, the proposal must align with the safe areas of refuge controls proposed within the CBD planning proposal.</p> <p>It is recommended that this direction remain unresolved.</p>
Direction 6.3 – Site Specific Provisions	No	The proposal is inconsistent with Direction 6.3, as it is introducing a site-specific provision for the three sites which exempts the parcels of land from the FSR sliding scale. It is considered that there is insufficient justification to support the need for this exemption. It is recommended that this direction remain unresolved.

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, except for SEPP 65 – Design quality of residential flat developments.

SEPP 65 – Design quality of residential flat developments

This policy provides principles to ensure that residential apartments are of high-quality design and maximise amenity both internally and externally for occupants. The SEPP is supported by an

Apartment Design Guide (ADG) which provides further guidance on how to achieve the principles of the SEPP. Minimum separation between towers, solar access and cross ventilation are all key principles of the SEPP and ADG.

A concept reference design and urban design modelling (**Attachment D**) has been prepared in support of the proposal, and proposes the following setbacks under Council's preferred scheme:

- 3-metre tower setback to the east and west side boundaries for 24 Parkes Street.
- 6-metre tower setback to the west boundary for 26-30 Parkes Street and 114-116 Harris Street.

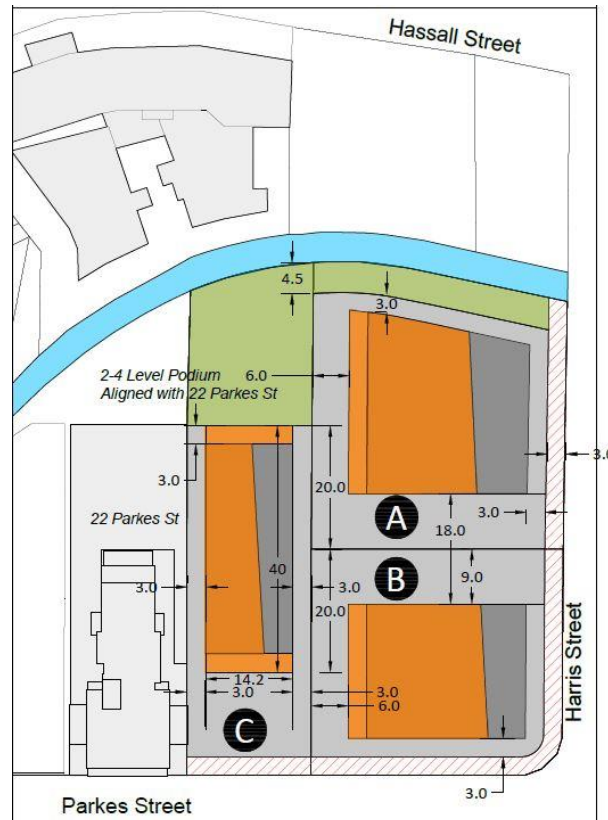


Figure 4 Proposed setbacks for the site (source: Council's Urban Design Modelling)

To achieve the site's redevelopment while not creating overshadowing to the Experiment Farm protected area, the built form requires reduced building heights when compared to other areas. This places greater pressure on restrictions to setbacks to maximise floor space. Additionally, Council also noted to achieve the provision of a 3-metre road widening on both Parkes and Harris Street, some concessions to setbacks and design controls have been accepted within this scheme.

Although Council has identified that a site specific DCP is to be prepared for the site prior to public exhibition and further compliance testing would be undertaken at the DA stage, the Department considers that the proposed tower setbacks would likely prevent the achievement of the solar access requirements of SEPP 65 and the ADG. The Department notes that setbacks must also be considered in the context of development occurring on adjoining sites and must not prevent their ability to achieve SEPP 65 compliance.

As such, the Department considers that the proposal has the potential to generate a development outcome that gives rise to inconsistencies with the SEPP. This demonstrates that the density being proposed is too great as it requires compromises to future residents' amenity through reduced setbacks, in order to be accommodated on site.

4 Site-specific assessment

4.1 Environmental

Table 8 provides an assessment of the potential environmental impacts associated with the planning proposal.

Table 8 Environmental Impacts Assessment

Environmental Impacts	Assessment																				
Urban design and built form	<p>Urban design modelling (Attachment D) and concept design schemes (Attachment F) have been prepared in support of the proposal, which assumes the achievement of the full mapped FSR and allowed bonuses proposed within the Parramatta CBD Planning Proposal. Table 10 identifies the existing FSR, the FSR proposed under the CBD PP and the allowable FSR under the CBD PP when factoring the sliding scale.</p> <p>Table 9 site area and allowable FSR</p> <table border="1"> <thead> <tr> <th>Site</th> <th>Site area</th> <th>Existing FSR</th> <th>Proposed maximum FSR (CBD PP)</th> <th>Allowable FSR under sliding scale (CBD PP)</th> </tr> </thead> <tbody> <tr> <td>24 Parkes Street</td> <td>1,663m²</td> <td>4:1</td> <td>10:1 (11.5:1 with design excellence)</td> <td>9.155:1 (10.52:1 with design excellence)</td> </tr> <tr> <td>26-30 Parkes Street</td> <td>1,506m²</td> <td>4:1</td> <td>10:1 (11.5:1 with design excellence)</td> <td>8.53:1 (9.81:1 with design excellence)</td> </tr> <tr> <td>114-116 Harris Street</td> <td>1,776m²</td> <td>4:1</td> <td>10:1 (11.5:1 with design excellence)</td> <td>9.88:1 (11.362:1 with design excellence)</td> </tr> </tbody> </table> <p>Council notes that they undertook urban design analysis and concluded that a superior built form outcome is not achieved through the amalgamation of the three sites to support the proposed controls of the CBD Planning Proposal. The Department notes that no urban design modelling was provided to demonstrate the built form outcome utilising the sliding scale mechanism for the sites unamalgamated. Given the lack of urban design information provided on this, the Department cannot determine whether a superior built form outcome is provided through removing the requirement for the FSR sliding scale.</p> <p>As discussed in section 3.5, the proposal suggests reduced setbacks between the proposed towers and the surrounding sites to allow for the achievement the maximum allowable FSR on the site whilst applying an appropriate height which reduces overshadowing to Experiment Farm. This impacts the ability of the proposed development and the developments of adjoining sites to achieve the requirements of SEPP 65 in terms of solar access and visual privacy, delivering housing of poor amenity. Further, the reduced tower setbacks and maximisation of the potential allowable FSR deteriorates the ability for good design and human scale to be achieved within the public domain.</p>	Site	Site area	Existing FSR	Proposed maximum FSR (CBD PP)	Allowable FSR under sliding scale (CBD PP)	24 Parkes Street	1,663m ²	4:1	10:1 (11.5:1 with design excellence)	9.155:1 (10.52:1 with design excellence)	26-30 Parkes Street	1,506m ²	4:1	10:1 (11.5:1 with design excellence)	8.53:1 (9.81:1 with design excellence)	114-116 Harris Street	1,776m ²	4:1	10:1 (11.5:1 with design excellence)	9.88:1 (11.362:1 with design excellence)
Site	Site area	Existing FSR	Proposed maximum FSR (CBD PP)	Allowable FSR under sliding scale (CBD PP)																	
24 Parkes Street	1,663m ²	4:1	10:1 (11.5:1 with design excellence)	9.155:1 (10.52:1 with design excellence)																	
26-30 Parkes Street	1,506m ²	4:1	10:1 (11.5:1 with design excellence)	8.53:1 (9.81:1 with design excellence)																	
114-116 Harris Street	1,776m ²	4:1	10:1 (11.5:1 with design excellence)	9.88:1 (11.362:1 with design excellence)																	

The Department considers the FSR sliding scale an important mechanism in ensuring positive built form outcomes can be achieved on smaller sites within the CBD. The incentivisation of a greater FSR through amalgamation provides a larger building envelope for the FSR to be achieved, placing less pressure on setbacks and ultimately the built form outcome. While these sites are not proposed to be amalgamated, the setting aside of the sliding scale control is not appropriate as this would allow for FSR maximisation on sites that have difficulty accommodating such densities.

As noted, the proposal assumes the CBD PP will be finalised as adopted by Council. The Department notes that it is still assessing the CBD PP and areas of transition, such as the subject site's location, are challenging. Should the Department make any changes to the provisions of the CBD PP, the justification for this proposal achieving a superior built form may no longer hold.

For these reasons, the proposal is not recommended to be supported to proceed

Overshadowing

An overshadowing analysis (**Attachment**) has been prepared by Council in support of the proposal. The analysis shows that through the application of the full FSR and bonuses identified for the site in the CBD PP, a small amount of overshadowing would result on the western boundary of the Experiment Farm protected area at 2pm mid-winter (**Figure 5**).

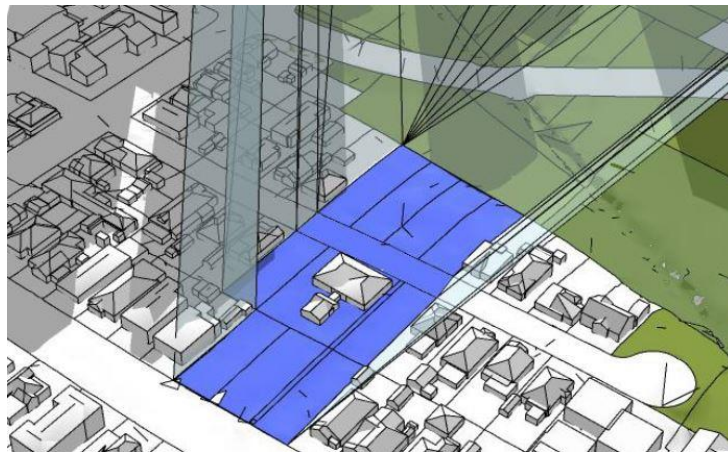


Figure 5 Overshadowing to Experiment Farm at 2pm mid-winter with protected area shown in blue (Source: Council)

Given that the overshadowing is occurring in the protected area of the State significant item, the Department considers the proposal may result in an unacceptable impact to the item and its heritage setting. While the CBD PP includes provisions to prohibit such overshadowing, this would put further pressure on setbacks in order to accommodate the full FSR while removing any overshadowing. As setbacks are reduced, the built form will become bulkier, moving further from the vision of tall slender towers on which the CBD PP is predicated. A bulkier built form presents greater challenges in allowing solar access to penetrate, and may result in greater overshadowing of the heritage conservation area.

The Department considers that the potential for overshadowing demonstrates that the site has reduced capability to accommodate the density proposed in the planning proposal.

Traffic and transport

A traffic impact assessment (**Attachment H**) has been prepared in support of the proposal. The study reports the planning proposal is projected to generate up to 185 vehicle trips in the AM peak and 159 vehicle trips in the PM peak in total across the three sites which would substantially increase the demand on the local road network. As such, the study recommends changes to the cycle times and phase sequences of traffic signals to improve the operation of nearby intersections despite increased traffic generation resulting from the planning proposal.

The site is located within 200 metres of a proposed light rail stop, 600 metres from Parramatta Train Station and 850 metres walking distance of Harris Park Station. The study asserts that the access to light rail, new bus services, pedestrian paths and cycleways are expected to reduce reliance on car travel in the CBD.

Council notes that the maximum parking requirements for the proposed developments will be subject to the CBD PP which has been adopted by Council for Parramatta CBD, but not yet finalised.

4.2 Social and economic

It is unlikely that the proposal would result in negative economic impacts given that the sites zoning will not be changed, and it will provide increased housing and jobs in a highly accessible location providing some social benefit. Further, it is anticipated that the proposal may deliver public domain improvements, incorporating a new public open space. However, the potential inconsistency with SEPP 65 and the ADG, through reduced setbacks, and the impact of this on the amenity of the housing and broader public domain will reduce the liveability of the area, potentially creating a negative social impact.

4.3 Infrastructure

The Department considers that the intensification of the site would result in an increased demand on both local and state infrastructure and services. Council notes that a voluntary planning agreement is not required for this proposal due to the endorsement of a new section S7.12 Development Contributions Plan which accompanies the CBD PP. Council notes that following the finalisation of the CBD PP and the S7.12 plan and once the proposal reaches the DA stage, the required monetary contribution and land dedication for road widening will be realised. The Parramatta CBD PP also considers the need for increased infrastructure and this will be considered further as part of this process.

5 Assessment summary

It is recommended that the planning proposal not be supported. Whilst the planning proposal is generally consistent with the relevant strategic and local plans, the planning proposal has not demonstrated site-specific merit that the proposed amendment to the Parramatta LEP 2011 is appropriate to proceed.

The proposal has not demonstrated site-specific merit, as:

- the planning proposal remains inconsistent with the following Section 9.1 Ministerial directions, which require further resolution to comply:
 - Direction 2.3 Heritage Conservation
 - Direction 4.3 Flooding
 - Direction 6.3 Site Specific Provisions

- the planning proposal is inconsistent with the following State Environmental Planning Policies:
 - SEPP 65 Design Quality of Residential Flat Buildings

In addition, the following information has not been provided by Council or is inadequate to support the progression of the planning proposal:

- The planning proposal does not contain sufficient detail to accurately assess the range of built form impacts, including privacy and noise impacts as a result of removing the FSR sliding scale control.
- The planning proposal does not contain sufficient detail to accurately assess whether the removal of the FSR sliding scale control provides a superior built form outcome as opposed to not amalgamating the site and retaining the control.
- The planning proposal does not provide adequate commentary on the impact on the State Significant Experiment Farm Cottage.

The Department considers that the sliding scale provisions provide both an incentive for amalgamation but also ensures FSR is appropriate for the lot size. While the proposal argues that amalgamation does not achieve a better outcome, it has not demonstrated that the FSR resulting from the proposed amendment is appropriate for these lots.

6 Recommendation

It is recommended that the delegate of the Minister for Planning and Public Spaces determines that the proposal should not proceed, for the reasons outlined within this report.

Whilst the planning proposal demonstrates general strategic alignment with relevant State and Local plans, the planning proposal does not demonstrate site-specific merit and is not accompanied by adequate information to support the progression of the planning proposal.



6 October 2021

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