

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.5
SUBJECT	Gateway Request: Planning Proposal for 124 Wigram Street, Harris Park
REFERENCE	F2024/00282 - D09311117
APPLICANT/S	Think Planners
OWNERS	Charles Street Nominees Pty. Ltd.
REPORT OF	Project Officer-Land Use

CSP THEME: Innovative

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE

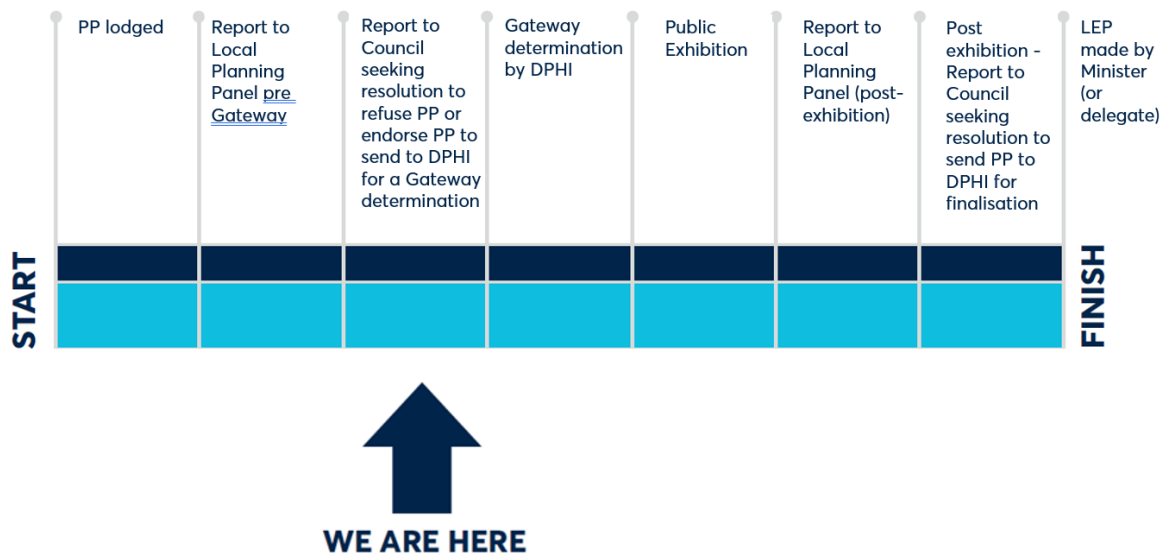
To seek Council's approval of a Planning Proposal for land at 124 Wigram Street, Harris Park to be forwarded to the Department of Planning, Housing and Infrastructure for the purpose of seeking a Gateway Determination.

RECOMMENDATION

- (a) That Council approve for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI) the Planning Proposal for land at 124 Wigram Street, Harris Park at Attachment 1 which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) Height of Building Map in relation to the subject site from 72 metres to a maximum building height of 103 metres (118.45 metres including the design excellence bonus).
- (b) That Council request the DPHI to include a condition in the Gateway Determination requiring the preparation of an updated local flood study prior to any public exhibition of the Planning Proposal to reflect the draft Parramatta River Flood Study 2023 study.
- (c) That Council request the DPHI to provide Council with the authorisation to exercise its plan-making delegations for this Planning Proposal.
- (d) That Council note the Local Planning Panel's advice to Council (refer to Attachment 2) is consistent with the Council Officer's recommendation in this report.
- (e) 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 amendment process.

PLANNING PROPOSAL TIMELINE

Planning Proposal Timeline

**SUMMARY**

1. This report seeks the endorsement by Council of a Planning Proposal for land at 124 Wigram Street, Harris Park for the purposes of seeking a Gateway Determination from the DPHI.
2. The Planning Proposal seeks to amend Parramatta Local Environmental Plan 2023 (PLEP 2023) to increase the height control from 72 metres (82.8 metres including bonuses) to a maximum height of 103 metres (118.45 metres including bonuses) to facilitate development of the site for high density commercial or mixed-use development.

SITE DESCRIPTION

3. The subject site is located at 124 Wigram Street, Harris Park and has a legal property description of Strata Plan 19939 and part of Strata Plan 80813 (see **Figure 1**). The site includes a narrow section of land fronting Charles Street that is currently part of the adjoining site to the north at 17-19 Hassall Street. The total site area is approximately 1,559 sqm.

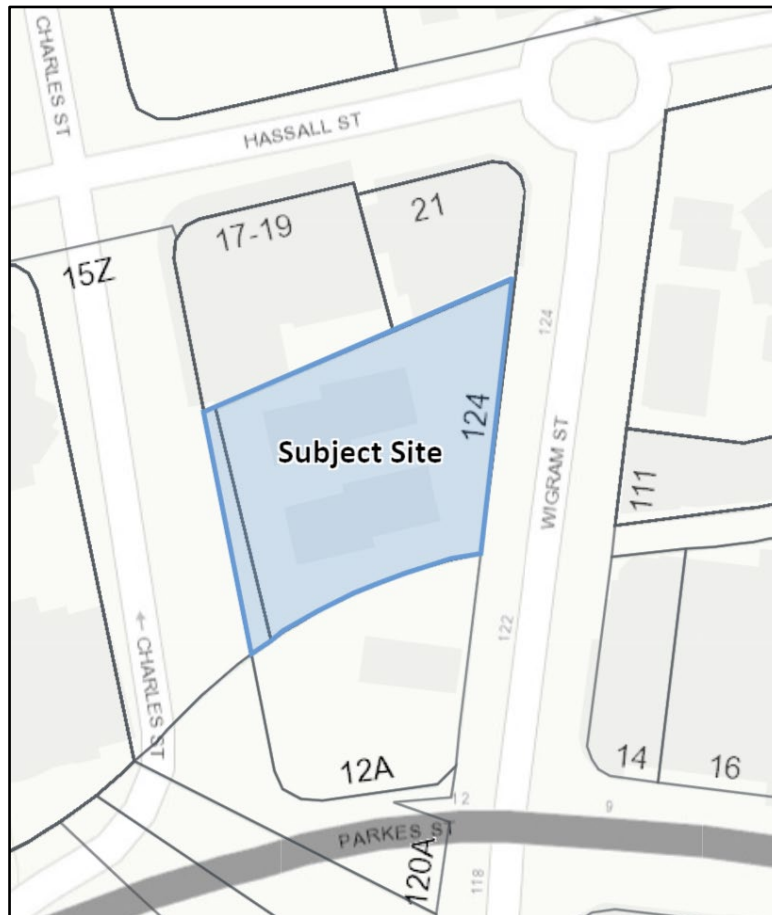


Figure 1: Site location (City of Parramatta GIS)

4. The narrow section of land fronting Charles Street is subject to a development consent (DA/342/2001) for a boundary adjustment between 17-19 Hassall Street and 124 Wigram Street, Harris Park. The consent permits the incorporation of this land within the site boundaries for 124 Wigram Street.
5. While the site address is Harris Park, it is located on the south-eastern edge of the subject area for the recently completed Parramatta CBD Planning Proposal. The site is currently developed with two, three-storey residential flat buildings estimated to have been built in the late 1970s/early 1980s.
6. Clay Cliff Creek runs along the southern boundary of the site and is a fully lined concrete channel for this part of the creek (see **Figure 2** below). Immediately to the south of the site on the other side of the concrete channel, at 12a Parkes Street, is a recently constructed 24 storey residential apartment building marketed as “Charlie Parker”. To the west of the site on Charles Street is a bus layover used by bus services queuing for the Parramatta interchange (see **Figure 3** below). To the north of the site, 17-19 and 21 Hassall Street both contain 9 storey apartment buildings. The land on the northern side of Hassall Street at 2-4 Charles Street is zoned for development to a maximum building height of approximately 50 storeys (166.75 metres).
7. The site is located south-east of the Parramatta CBD within close proximity to employment opportunities, educational establishments, recreational activities, and public transportation.

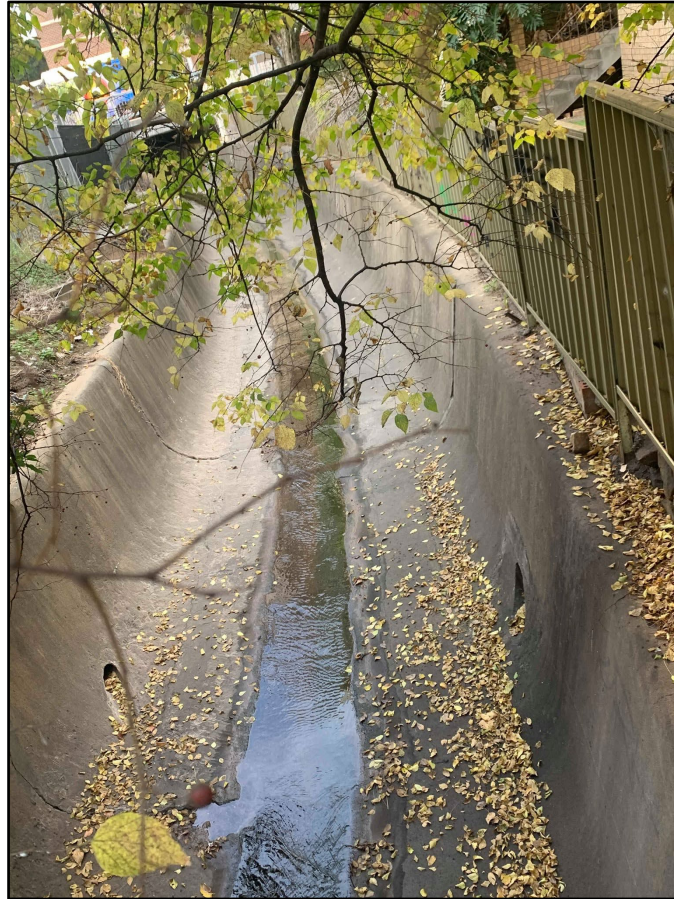


Figure 2: Clay Cliff Creek (Source: Think Planners - Planning Proposal January 2024)



Figure 3: Site aerial (Source: City of Parramatta GIS)

BACKGROUND

8. In September 2019, Think Planners lodged a Planning Proposal with the City of Parramatta Council for land at 124 Wigram Street, Harris Park seeking to increase the density of development permitted within the MU1 Mixed Use zoning of the site (then B4 Mixed Use). The Planning Proposal sought to increase the floor space ratio (FSR) from 6:1 to 11.5:1 (including the 15% design excellence bonus). It also sought to remove the height control of 72 metres within the Incentive Height of Building Map.
9. Council Officers raised several concerns with the reference design submitted with the Planning Proposal and an assessment of the Proposal indicated that the site would receive similar controls under the Parramatta CBD Planning Proposal which was proposing to identify the site with a mapped FSR of 10:1.
10. On 6 May 2022 Amendment 56 to Parramatta Local Environmental Plan 2011 (PLEP 2011) was notified which confirmed the changes to be brought into effect under the Parramatta CBD Planning Proposal which confirmed the mapped FSR of 10:1 for the site (subject to sliding scale provisions). The changes to PLEP 2011 took effect on 14 October 2022.
11. State Environmental Planning Policy (Parramatta CBD) (No. 2) 2022 was notified on 16 December 2022 which made further amendments to PLEP 2011 by permitting development on certain sites in the Parramatta CBD (including the subject site) to exceed the permitted FSR by 5% provided that the building meets certain criteria, including that it is used for commercial purposes only.
12. Council wrote to the applicant on 21 March 2023 requesting they withdraw the Planning Proposal on the grounds that Amendment 56 had delivered the density being sought. The applicant subsequently advised that they preferred not to withdraw the Planning Proposal until the setback controls for the site were resolved. At that time, the applicant's reference design indicated that a proposal that complied with the recently endorsed DCP setbacks for the CBD would only be able to achieve an FSR of 7.57:1.
13. On 30 March 2023, the applicant submitted a draft site-specific DCP seeking to vary the setbacks. The Council Officer assessment confirmed that the current height control of 72 metres (82.8m including design excellence bonus) does not provide the scope to achieve the permissible FSR of 11.5:1. However, variation of the DCP setbacks to overcome this issue was not considered acceptable due to the impacts on surrounding development, noting the nature of residential development to the north and south of the site. In this regard, it was considered preferable to increase the permissible height control. Council Officers conducted urban design analysis of the building heights in the locality and the cumulative impacts of increasing the height control on the subject site and identified a total height of 119 metres as being acceptable for the site.
14. In December 2023, the applicant submitted a revised Planning Proposal seeking to increase the height control to permit a total height of 103 metres (118.45 metres including the design excellence bonus).

CURRENT PLANNING CONTROLS

15. Under the provisions of the PLEP 2023, the following planning controls apply to the subject site:
 - a. Land Use zoning: MU1 Mixed Use.
 - b. Maximum Height of Buildings: 72 metres (mapped), 82.8 metres (including 15% design excellence bonus).
 - c. Floor Space Ratio: 10:1 (mapped), 11.5:1 (including 15% design excellence bonus).
 - d. Sliding scale provisions under Clause 7.3(2): these provisions apply to sites with a site area below 1,800 sqm and reduce the permissible FSR for the subject site to 8.795:1 (10.295:1 including design excellence bonus). However, there is provision for sites identified as being isolated to be exempt from the sliding scale provisions.
16. The site is not heritage listed. There are two items of local heritage significance located within proximity of the site being 23-25 Hassall Street and 113-115 Wigram Street (Refer to **Figure 4** below).
17. The Harris Park West Heritage Conservation Area is located to the south of the site (Refer to **Figure 5** below) and the Heritage Conservation Area for Experiment Farm Cottage is located to the south-east.

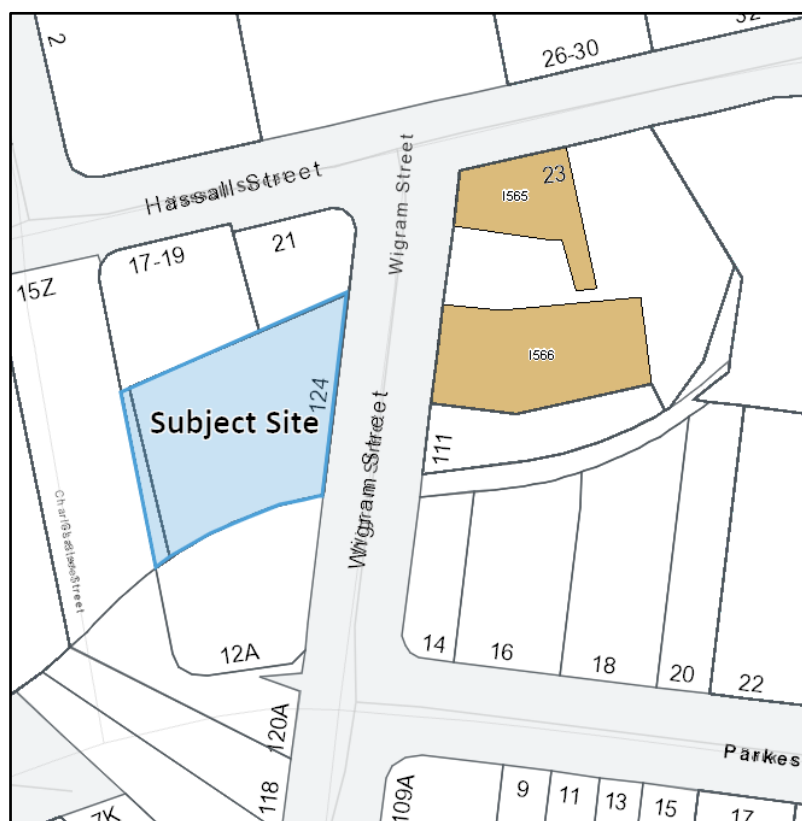


Figure 4: Heritage items within proximity of subject site (shown in brown shading)



Figure 5: Heritage Conservation Areas to the south of subject site (shown in red hatching)

DESCRIPTION OF PLANNING PROPOSAL

18. The Planning Proposal seeks to amend the PLEP 2023 for the subject site by increasing the height control on the Height of Buildings Map as described in **Table 1** below. The intention of the Planning Proposal is to enable the currently permitted floor space ratio for the site to be accommodated in a manner that accords with relevant DCP controls.

Table 1: Existing and proposed height controls

Control	Current control	Proposed control
Height of Buildings (Mapped)	72m (21 storeys mixed use)	103m (32 storeys)
Height of Buildings (Total including 15% Design Excellence bonus)	82.8m (24 storeys mixed use)	118.45m (36 storeys mixed use)

19. **Table 2** below provides the floor areas and indicative dwelling count outlined in the Reference Designs submitted with the Planning Proposal under the proposed height control included in the Planning Proposal. The actual quantum of development provided will be subject to a design excellence competition and assessment at the Development Application stage.

Table 2: Floor Area and Dwelling Count Comparison Between Schemes

Scheme	Floor Area	Mix	FSR
Planning Proposal Reference Design - Mixed Use Scheme	17,243.5sqm*	163 dwellings 1,556 sqm commercial	11.06:1**
Planning Proposal Reference Design - Commercial Scheme	16,656.9sqm*	16,656.9 sqm commercial	10.68:1**

*Subject to a design excellence competition and assessment at DA stage

**Subject to compliance with isolated site requirements and assessment at DA stage

20. The Proposal is accompanied by reference designs for both a mixed use scheme and a commercial scheme. The applicant has verbally indicated a preference to develop the site with a mixed use building. An image from the mixed use reference design is provided in **Figure 6** below. Refer to **Attachments 3 and 4** respectively for reference designs prepared by PTI Architecture for both a commercial and a mixed use scheme.

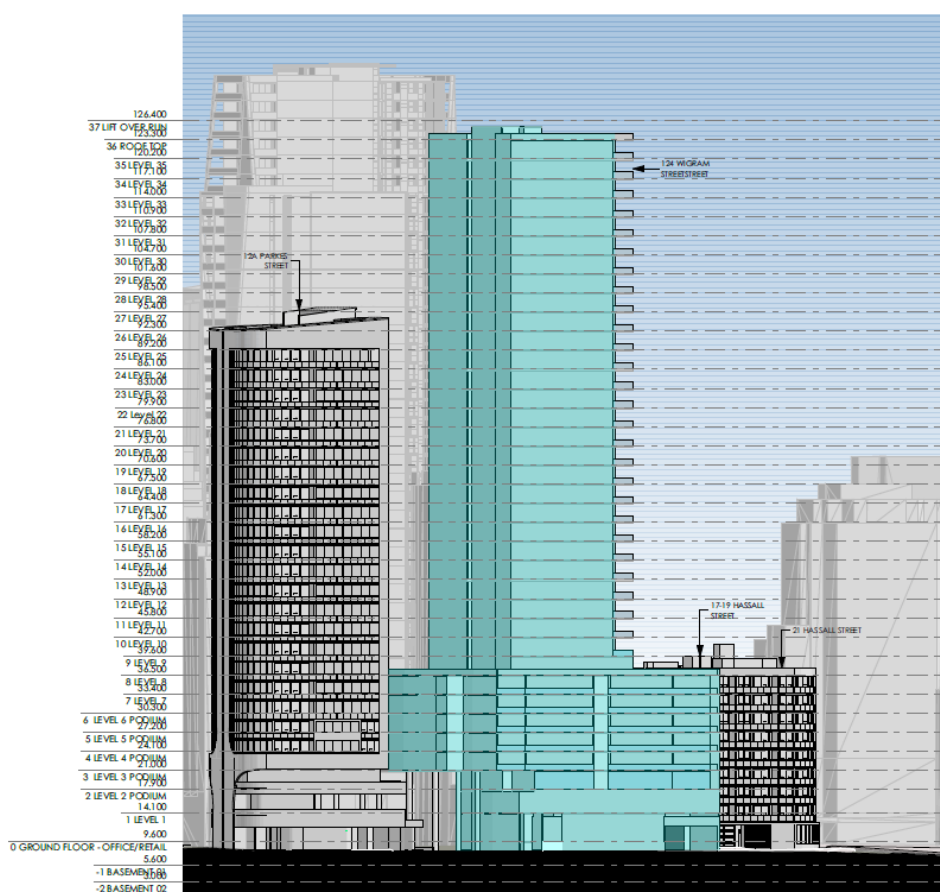


Figure 6: Proposed Mixed Use Building (Source: Applicant's Reference Design – Residential)

21. The Planning Proposal is also accompanied by a Statement of Heritage Impact prepared by Cracknel and Lonergan (see **Attachment 5**) and a letter from Mance Arraj Engineers in response to flooding concerns raised by Council (see **Attachment 6**).

SUMMARY OF COUNCIL OFFICER ASSESSMENT

22. The NSW Government Local Environmental Plan Making Guideline 2022 provides that for a Planning Proposal to proceed through Gateway determination, the Minister (or their delegate) must be satisfied that the Proposal has strategic and site-specific merit and that identified potential impacts can be readily addressed during the subsequent plan making stages.
23. With regard to strategic merit, the Planning Proposal is aligned with key state policies including the Greater Sydney Region Plan and the Central City District Plan; and key local policies including the Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and Parramatta CBD Planning Strategy. The Planning Proposal will increase the supply of employment generating commercial floorspace, and additional dwellings should a mixed use development be pursued. It will assist in meeting the dwelling targets within the LSPS and LHS and align with the 30 minute city advocated in the Greater Sydney Region Plan as it would result in jobs and housing concentrated in an area close to public transport infrastructure. This alignment is discussed further in the Local Planning Panel (LPP) report at **Attachment 2**.
24. The site-specific merit of the Planning Proposal is assessed in detail by Council Officers in the LPP report at **Attachment 2**. A key issue for consideration has been the urban design impacts of the proposed change in height which seeks to increase the building height to better align with the floor space ratio (FSR) established by the Parramatta CBD Planning Proposal.
25. Urban design analysis carried out by Council staff has examined the potential impacts on immediate and surrounding areas and confirmed that a built form on the subject site can comfortably achieve the existing mapped FSR (including relevant bonuses) within the proposed building height with a minimal increase in overshadowing of the nearby Harris Park West Heritage Conservation Area as shown in the shadow analysis at **Attachment 7**. In that respect it should be noted that no objection has been raised to any heritage impacts of the proposal by Council's Heritage Advisory Committee and that Council's Senior Heritage Specialist does not raise any objections to the proposal.
26. Another important issue arising during assessment is the management of flood risk due to the sensitive location of the site adjoining Clay Cliff Creek. Whilst the proposal is seeking an increase in building height, which in itself would not change the existing quantum of floorspace that is permissible on the site, and the reference design submitted demonstrates compliance with relevant Council requirements prior to the recently exhibited draft Parramatta River Flood Study 2023, Council's Senior Catchment Engineer considers an updated flood study should be submitted to address the findings of the 2023 Study as the Planning Proposal is based on earlier work, as it was lodged well in advance of the publication of the 2023 Study.
27. It is considered unreasonable to delay progressing the Planning Proposal pending the preparation of a local flood study. Instead it is recommended that in seeking a Gateway determination, Council request that the DPHI considers including a Gateway condition which requires the preparation of an updated local flood study which addresses flood risk associated with the proposal, in the context of Local Planning Direction 4.1 Flooding, the draft Parramatta River Flood Study 2023 and the Flood Risk Management Manual 2023.

28. The LPP report also contains details of the assessment undertaken by Council Officers on the transport, traffic, parking and access, infrastructure, social, economic and other environmental impacts and concludes that the proposal should be submitted for a Gateway Determination.
29. It should be noted that the Planning Proposal is not accompanied by a draft site-specific Development Control Plan (DCP) as this is not considered necessary as the site is subject to the recently approved Parramatta DCP 2023 for the Parramatta City Centre (Part 9). These controls are comprehensive and will ensure the impacts of any development of the site are adequately considered in the assessment of a development application.

PARRAMATTA LOCAL PLANNING PANEL ADVICE

30. The matter was considered by the Parramatta Local Planning Panel at its Meeting on 20 February 2024 (report at **Attachment 2**) and the Panel provided the following recommendation to Council:
 - “1) That Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 124 Wigram Street, Harris Park (Attachment 1) which seeks to amend the Parramatta Local Environmental Plan 2023 (PLEP 2023) by amending the PLEP 2023 Height of Building Map from 72 metres to a maximum building height of 103 metres (118.45 metres including the design excellence bonus).
 - 2) That Council request that the DPHI address the flood matters detailed in this report by a condition on the Gateway Determination so that a full understanding of the flooding constraints on this site are available prior to any public exhibition. The flood study is to inform the built form massing models.
 - 3) That Council request the DPHI to provide Council with authorisation to exercise its plan-making delegations for this Planning Proposal.
 - 4) That Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that arise during the plan-making process.”
31. The Panel's advice to Council is consistent with the Council Officer's recommendation in this report.

PLAN MAKING DELEGATIONS

32. 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 IMPLICATIONS FOR COUNCIL

33. Should Council resolve to proceed with the Planning Proposal, the costs incurred in conducting the public exhibition will be covered by the fees associated with the submission of the Planning Proposal.

CONCLUSION AND NEXT STEPS

34. This report recommends that the Planning Proposal for 124 Wigram Street, Harris Park be submitted to the DPHI for Gateway determination to amend the PLEP 2023 Height of Building Map from 72 metres to a maximum building height of 103 metres (118.45 metres when including the 15% Design Excellence bonus).
35. It is recommended that in seeking a Gateway determination, Council note the status of flooding information available for the site and request that the DPHI include a Gateway condition which requires the Planning Proposal to address Local Planning Direction 4.1 Flooding, in the context of the draft Parramatta River Flood Study 2023 and the Flood Risk Management Manual 2023. The Gateway condition should also include a requirement that the reference design be updated to address these criteria and the flood levels associated with the draft Parramatta River Flood Study 2023.
36. If supported by the DPHI, the Planning Proposal for 124 Wigram Street, Harris Park, will be publicly exhibited for a minimum of 28 days and in accordance with the conditions of the relevant Gateway determination. A further report will be prepared for Council on the outcomes of the public exhibition.

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Naomi L'Oste-Brown
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Executive Director City Planning and Design

John Angilley
Executive Director Finance & Information

Gail Connolly
Chief Executive Officer

ATTACHMENTS:

- 1 Applicant's Planning Proposal

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Pages

2	Minutes and Report from Local Planning Panel Meeting held 20 February 2024	20 Pages
3	Reference Design - Commercial Scheme	26 Pages
4	Reference Design - Mixed Use	27 Pages
5	Statement of Heritage Impact	65 Pages
6	Letter from applicant's flood engineer	2 Pages
7	Shadow Analysis	1 Page

REFERENCE MATERIAL