

EXTRACT FROM MINUTES

**Parramatta Local Planning Panel
Tuesday, 20 February 2024
3.30pm**

**Level 3, PHIVE
Parramatta Square, Parramatta**

PANEL MEMBERS

Stephen O'Connor (Chairperson)
Alison McCabe (Expert Member)
Michael Masson (Expert Member)
Ian Gilbertson (Community Member)

STAFF MEMBERS

Development Assessment Manager – Claire Stephens, Team Leader,
Development Assessment - Sara Smith, Team Leader, Development
Assessment - Jonathan Cleary, Team Leader, Development Assessment
- Sara Smith, Development Assessment Officer - Cade Tracy, Group
Manager Major Projects and Precincts - David Birds, Project Officer Land
Use - Felicity Roberts.

1. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

The Chairperson, acknowledged the Burramattagal people of The Dharug Nation as the traditional land owners of land in Parramatta and paid respect to their ancient culture and to their elders past, present and emerging.

2. WEBCASTING ANNOUNCEMENT

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

3. APOLOGIES

There were no apologies made to this Local Planning Panel.

4. DECLARATIONS OF INTEREST

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

4A. PUBLIC SPEAKERS

The meeting commenced at 3.30 pm. The Chair invited registered speakers to address the Parramatta Local Planning Panel ('the Panel') on the item listed below:

Speaker	Item number	Title
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Adam Byrnes (Think Planners)	Item 6.1	Gateway Request: Planning Proposal for land at 124 Wigram Street, Harris Park
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6. REPORTS – PLANNING PROPOSALS

6.1 SUBJECT Gateway Request: Planning Proposal for land at 124 Wigram Street, Harris Park

APPLICANT/S Think Planners

OWNERS Charles Street Nominees Pty Ltd

REPORT OF Project Officer-Land Use

PANEL DECISION

(a) That the Local Planning Panel recommends 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.

VOTING
Unanimous

The meeting terminated at 4.30 pm.

PLANNING PROPOSAL

ITEM NUMBER	6.1
SUBJECT	Gateway Request: Planning Proposal for land at 124 Wigram Street, Harris Park
REFERENCE	RZ/3/2019 -
APPLICANT/S	Think Planners
OWNERS	Charles Street Nominees Pty Ltd
REPORT OF	Project Officer-Land Use

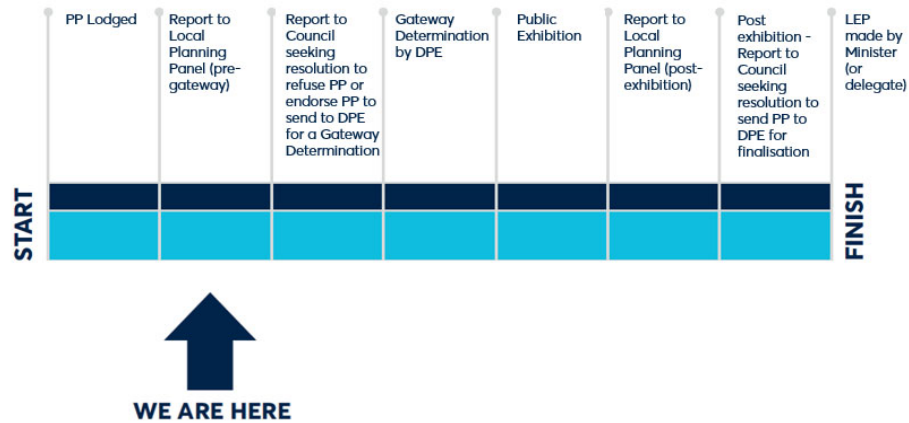
DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil**PURPOSE**

To seek the Local Planning Panel advice on a Planning Proposal for land at 124 Wigram Street, Harris Park for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI).

RECOMMENDATION

That the Local Planning Panel consider the following Council Officer recommendation in its advice to Council:

- (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 (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).
- (b) That Council request that the DPHI address the flood matters detailed in this report by a condition on the Gateway Determination.
- (c) That Council request the DPHI to provide Council with authorisation to exercise its plan-making delegations for this Planning Proposal.
- (d) That Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that arise during the plan-making process.

PLANNING PROPOSAL TIMELINE**Planning Proposal Timeline****SUMMARY**

1. This report seeks the advice of the Local Planning Panel on 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 to a maximum height of 103 metres 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.

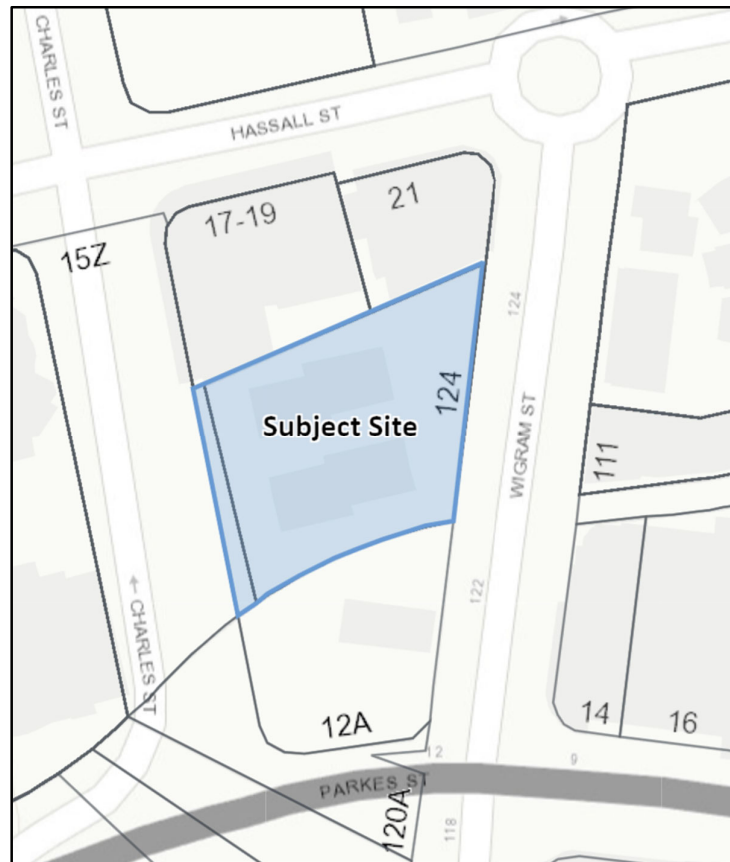


Figure 1: Site location (City of Parramatta GIS)

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 Parramatta City Centre within close proximity to employment opportunities, educational establishments, recreational activities, and public transportation. This includes Westfield Parramatta, Arthur Phillip High

School, Parramatta Public School, Macarthur Girls High School, the Parramatta Transport Interchange, Harris Park Railway Station, and Parramatta Ferry Wharf.

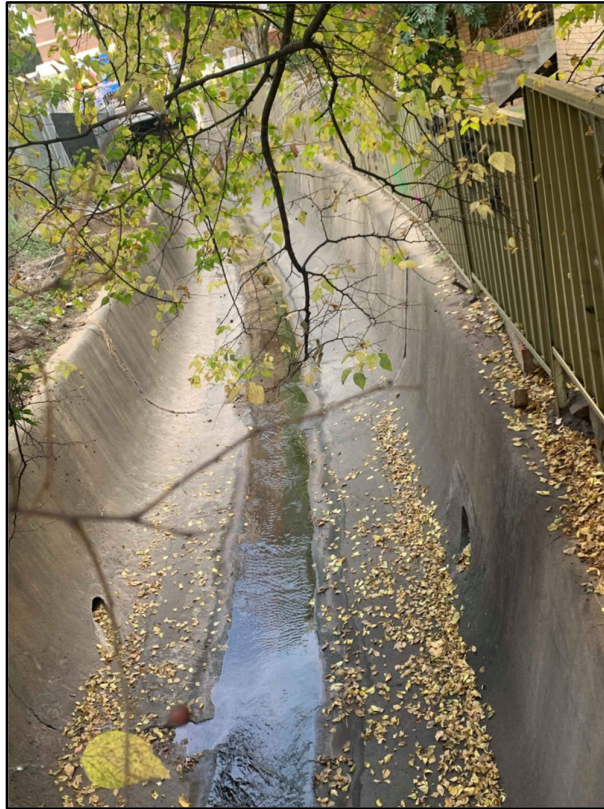


Figure 2: Clay Cliff Creek (Source: Think Planners - Planning Proposal January 2024)



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. As a result, the applicant was advised to commence the preparation of a Design Competition brief noting that the Parramatta CBD Planning Proposal was likely to provide the controls they were seeking.
10. The applicant submitted a draft Design Competition brief in December 2021 but this was not progressed due to non-compliance with the setbacks within the draft Development Control Plan (DCP) for the Parramatta CBD Planning Proposal area.
11. 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. The changes to PLEP 2011 took effect on 14 October 2022.
12. 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.
13. 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 setbacks were resolved and the consequent development yield was known. At that time, the applicant's reference design indicated that a proposal that complied with the DCP setbacks for the CBD would only be able to achieve an FSR of 7.57:1.
14. 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.

15. 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

16. Under the provisions of the PLEP 2023, the following planning controls apply to the subject site:
- Land Use zoning: MU1 Mixed Use.
 - Maximum Height of Buildings: 72 metres (mapped), 82.8 metres (including 15% design excellence bonus).
 - Floor Space Ratio: 10:1 (mapped), 11.5:1 (including 15% design excellence bonus).
 - 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.
17. 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).
18. 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.

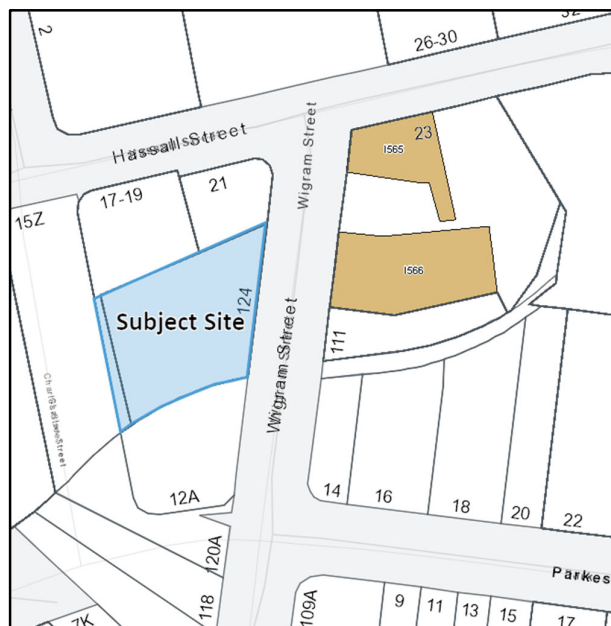


Figure 4: Heritage items within proximity of subject site (shown in brown shading)



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

DESCRIPTION OF PLANNING PROPOSAL

19. The Planning Proposal seeks to amend the PLEP 2023 for the subject site by increasing the height control within the Height of Buildings Map as described in **Table 1** below.

Table 1: Existing and proposed height controls

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

20. **Figures 6 and 7** show indicative mixed use and commercial buildings that could be achieved under the proposed height (See also Reference Designs at **Attachments 2 and 3**). **Figure 8** shows an indicative building under the existing height controls of the PLEP 2023.

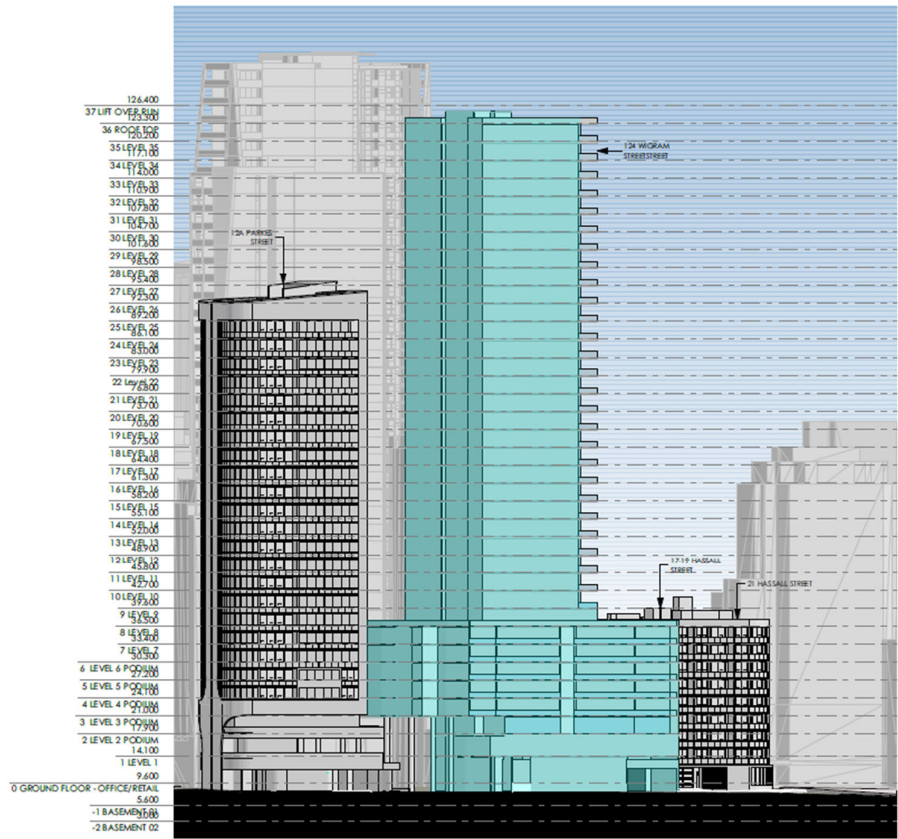


Figure 6: Proposed Mixed Use Building (Source: Applicant's Reference Design – Residential)

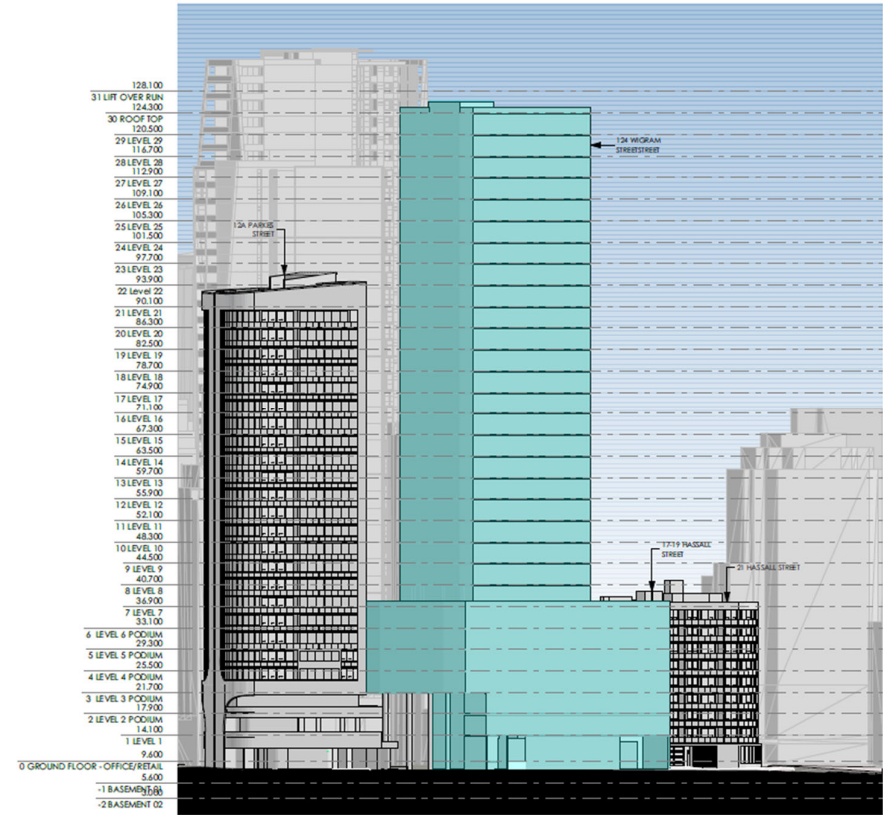


Figure 7: Proposed Commercial Building (Source: Applicant's Reference Design – Commercial)

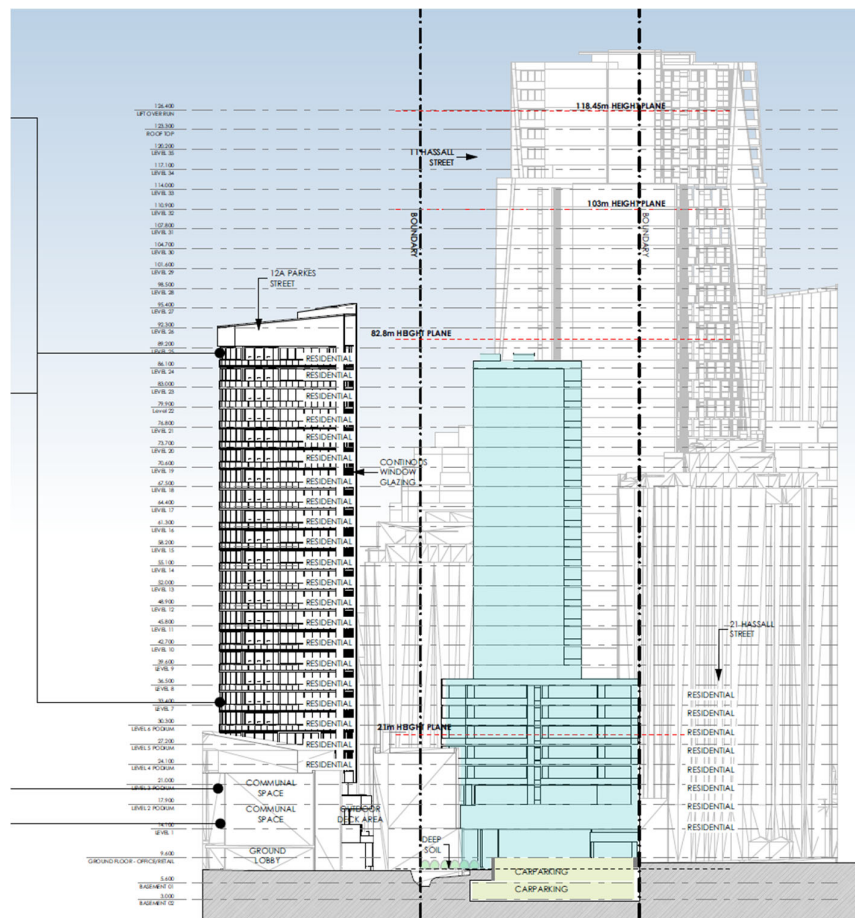


Figure 8: Building Achieved under Existing Height Controls (Source: PTI Architecture on behalf of applicant)

21. The Planning Proposal is accompanied by the following supporting documentation submitted by the applicant:
 - a. Planning Proposal document prepared by Think Planners (see **Attachment 1**);
 - b. Reference Designs prepared by PTI Architecture for both a commercial and a mixed use scheme (see **Attachments 2 and 3** respectively);
 - c. Statement of Heritage Impact prepared by Cracknel and Lonergan (see **Attachment 4**); and
 - d. Letter from Mance Arraj Engineers in response to flooding concerns raised by Council (see **Attachment 5**).
22. **Table 2** below provides the floor areas and indicative dwelling count outlined in the Reference Designs 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 DA 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

PLANNING PROPOSAL ASSESSMENT

23. 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.
24. More recently, the Minister for Planning has written to all councils and planning panels asking them to *'prioritise the delivery of housing when assessing development applications and rezoning schemes, so that the entire planning system is geared to addressing the housing shortfall'*. The Minister further asks that *'...council teams prioritise the opportunity to deliver homes as part of merit considerations where, on balance, dwelling numbers may warrant a scale or built form that is different to or greater than the outcome originally anticipated'*.
25. The Minister has further advised that updated region and cities plans are being prepared by the Greater Cities Commission, and that in the meantime a strategic merit assessment should be applied to Planning Proposals which will be used to confirm if the Proposal can satisfy relevant regional, district, and local strategies.
26. The following sections detail Council Officer assessment of the Planning Proposal based on strategic merit and site-specific planning issues.

Strategic Merit

27. Council Officers agree that 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, Local Housing Strategy and Parramatta CBD Planning Strategy. This alignment is discussed below.
28. The Planning Proposal detailed in **Attachment 1** provides a full assessment of the Proposal's consistency against relevant State Planning Policies and Ministerial Directions under Clause 9.1 of the Environmental Planning and Assessment Act 1979. Ministerial Direction 4.1 Flooding is of specific relevance to the site and is discussed below.

Greater Sydney Region Plan and Central City District Plan

29. The Greater Sydney Region Plan: A Metropolis of Three Cities aims to create a city sustained by a well-developed infrastructure. Under Direction 1-Infrastructure Collaboration: A city supported by infrastructure, Objectives 1, 2, 3, and 4 underscore the critical role of adequate infrastructure in fostering resilient communities and aligning with foreseen infrastructure needs of the forecasted growth. The Plan advocates for an integrated planning approach, ensuring the strategic provision of essential services, optimal infrastructure placement, and the creation of employment opportunities.
30. The Planning Proposal is in alignment with these objectives, capitalising on the subject site's strategic proximity to the Parramatta CBD, facilitating convenient access to an array of public transport options, including trains, buses, and ferries, with the added benefit of an upcoming metro line and light rail service. Anticipating a 30-minute connection to the Sydney CBD via the prospective metro line, this integration fits with the existing infrastructure. The proposed consolidation of population around an existing metropolitan centre with numerous public transit options is strategically optimised, effectively supporting the forecasted growth, in accordance with Objective 4.
31. The Central City District Plan (CCDP) identifies priorities for a Productive, Liveable and Sustainable City. Planning Priorities C5 and C7 of the plan are relevant to this Proposal which relate to the provision of *“housing supply, choice and affordability with access to jobs, services and public transport”* and *“growing a stronger and more competitive Greater Parramatta”*. The mixed use scheme (**Attachment 3**) aims to increase housing supply in Parramatta CBD, contributing to economic growth by generating jobs, services, and entertainment options. Emphasising economic outcomes, the scheme also assists by incorporating street level employment spaces, promoting a live-work environment with a potential for individuals to reside and work in the same place. Further, the scheme also helps address the current housing crisis, by offering new housing in a highly liveable location.
32. The Greater Parramatta to Olympic Peninsula (GPOP) is a substantial corridor that envisages economic and housing growth within the Central River City and support establishing Parramatta CBD as a central city in Greater Sydney covering an area of about 6,000 hectares. Advocating the 30-minute approach adopted in the Greater Sydney Region Plan, the mixed-use scheme of the Proposal draws on the transportation connections within the corridor and would deliver dwellings within the Parramatta CBD potentially accommodating a diverse range of residents.

Local Strategies

33. The Local Strategic Planning Statement (LSPS) and the Local Housing Strategy (LHS) identify Parramatta CBD as a Metropolitan Centre, a growing district with an increasing range of jobs and services. The LSPS and LHS anticipate an additional 7,180 dwellings and 34,500 jobs by 2036 in the precinct. The Planning Proposal would contribute towards meeting these targets through the provision of additional employment floorspace, and additional dwellings if the mixed use scheme is pursued.

34. The Parramatta Community Strategic Plan is a 25-year plan with strategic objectives for the local government area. It seeks to formalise ideas that will shape and transform the area by 2038 and provide a pathway to manage growth and liveability, whilst providing additional jobs for residents. The Planning Proposal is consistent with this, facilitating jobs through commercial floorspace and an activated street frontage. The mixed use scheme is consistent with the Plan as it would result in jobs and housing concentrated in an area close to public transport infrastructure.

Site-Specific Merit

Urban Design

35. Reference designs supporting the Planning Proposal for both commercial and mixed-use schemes (**Attachments 2 and 3**) have been reviewed by Council officers. The review has focused on the impact on immediate and surrounding areas and confirms that a built form on the subject site can comfortably achieve the existing mapped FSR and proposed total mapped building height of 103 metres (118.45 metres including the design excellence bonus).
36. Clause 7.3 of the PLEP 2023 provides a FSR sliding scale control for development in the Parramatta CBD including the site. The intent of this clause is to ensure appropriate built form outcomes for smaller sites. Clause 7.3(4) provides that the sliding scale does not apply to sites that meet certain criteria and relates isolated sites. Any assessment of a development application for the development of 124 Wigram Street would need to consider the criteria when determining whether the site can be considered isolated and exempt from the FSR sliding scale. It could be argued that the subject site may meet the criteria for an isolated site due to the location of Clay Cliff Creek on the southern boundary and the nature of development on the two sites immediately to the north. In this regard, both 17-19 Hassall Street and 21 Hassall Street contain recently built residential apartment buildings of 7 storeys and 9 storeys respectively. Both are under strata title with multiple owners. While this does not prohibit redevelopment of these sites it makes it less likely that they will be redeveloped in the foreseeable future.
37. The solar access impacts on the Harris Park West HCA were considered by Council Officers as the primary basis for identifying the maximum acceptable height for the site. The analysis modelled the likely shadows cast from both existing buildings and likely future development permitted under the existing height controls that currently apply to surrounding sites (See **Attachment 6**).
38. The maximum height that could be achieved on the site while causing only minimal overshadowing on the Harris Park West HCA was calculated at a total of 119 metres. This equates to a mapped height control of 103 metres which permits a total height of 118.45 metres when including the 15 per cent Design Excellence bonus. This height creates minimal overshadowing to the Harris Park West HCA and the shadow length is consistent with shadows from taller towers to the north.
39. To achieve the proposed maximum height, a design excellence competition will need to be undertaken. Design excellence competitions aim to enable the selection of the highest quality architectural and urban design solution for a development site. This will provide an opportunity to further improve on and refine

one of the built forms shown in the reference designs submitted to support the Planning Proposal, prior to submission of a development application. The final built form will also be subject to further assessment at the development application stage.

40. Another key consideration for the site and resulting urban design is flooding. As discussed below, a local flooding study is required to give better definition to the extent of high hazard and floodway flooding across the site and its interaction with a new building footprint design that meets Council's criteria. This will help to inform any future design competition and development application on the site.

Transport

41. The site is considered suitable for high density commercial or mixed use development including residential due to its accessibility to transport and employment opportunities in the Parramatta CBD. The site is located not only within the Parramatta CBD but also within 400m walking distance to Parramatta Train Station. Due to its CBD location, the site is also highly accessible to existing bus services, pedestrian pathways, and cycleways.
42. The site is also within close proximity to Stage 1 of the Parramatta Light Rail, with a proposed light rail stop to be located at the corner of Harris and Macquarie Streets approximately 350 metres walking distance from the site. Stage 1 will connect Westmead to Carlingford via the Parramatta CBD and Camellia and is expected to open in 2024. The light rail is planned to be serviced from 5am to 1am, 7 days a week with services approximately every 7.5 minutes from 7am to 7pm weekdays.
43. Sydney Metro West is a proposed underground railway project that connects Westmead and the Sydney CBD via Parramatta. The subject site is within 700m walking distance of a new metro station to be located in the Parramatta City Centre.
44. The proximity of the site to existing and future major transport infrastructure makes the site an ideal location for higher density residential and commercial development. Development of the site is also likely to contribute to mode shift away from private vehicles and towards public and active transport.

Traffic, Parking and Access

45. Traffic impacts for the current floor area permitted on the site were assessed as part of the Parramatta CBD Planning Proposal. As no change to the floor space ratio is proposed, traffic impacts were not required to be further assessed as part of this Planning Proposal. Further assessment of traffic impacts will occur at the development application stage.
46. Parking and vehicular access will be required to comply with the provisions of the PLEP 2023 and Council's Development Control Plan for the CBD in any future development application. Vehicular access will also be considered in any design excellence competition.

Heritage

47. A Statement of Heritage Impact (SoHI) supports the Planning Proposal and is included at **Attachment 4**. The statement details that there are no heritage items located on the site. However, there are heritage listed items within proximity of the site as demonstrated in **Figures 4 and 5** above. The site is also within walking distance of a cluster of heritage items and the Harris Park West and the Experiment Farm HCAs to the south.
48. The SoHI concludes that the Proposal will not adversely impact the heritage items or the HCAs, does not compromise their heritage significance and that the proposed works should not be restricted on the grounds of heritage. This position is supported by Council's Senior Heritage Specialist.
49. The previous proposal was discussed at the Heritage Advisory Committee meeting on 27 November 2019. The Committee at that time expressed concern at the impact of the Proposal on heritage items opposite the site in Wigram Street.
50. The current Proposal was considered by Council's Heritage Advisory Committee on 8 February 2024. Some members of the Committee considered the additional height would not impact the significance of the heritage items. Other Committee members did not support the principle of variations to the newly finalised Parramatta CBD Planning Proposal more broadly. Council Officers at the meeting noted that the subject Planning Proposal was lodged with Council in 2019 well in advance of the finalisation of the Parramatta CBD Planning Proposal and is seeking to increase height in order to better align with the floor space ratio established by the Parramatta CBD Planning Proposal.

Infrastructure, Social and Economic Impacts

51. The delivery of either scheme within the Parramatta CBD will achieve a positive social outcome being well serviced by existing infrastructure. People will be able access necessary transport, education services, open space, health services, community services, employment, and recreation facilities.
52. Council's Community Infrastructure Strategy supports the City of Parramatta's growth by identifying priorities for future community infrastructure and informing planning, funding, delivering, and negotiating for community infrastructure. Council also has a Development Contributions Plan for identified infrastructure for the CBD. Both will be considered as part of any future development application for the site and required contributions towards additional infrastructure will become conditions of any development consent.
53. As discussed above in the strategic merit section, the Proposal will also facilitate development that will assist in the emergence of Parramatta as Sydney's Central City which will in turn contribute to continued economic growth.

Flooding

54. The Planning Proposal and associated reference design as originally lodged, addressed the Upper Parramatta River Flood Study 2005. Since lodgment,

Council has prepared and exhibited the draft Parramatta River Flood Study 2023. While this draft Study has yet to be endorsed by Council, it is prudent for Council to assess the Planning Proposal against this updated Study due to the sensitive nature of the site which is at risk of severe flooding from Clay Cliff Creek.

55. The Planning Proposal is also required to address Local Planning Direction 4.1 Flooding issued by the Minister for Planning under section 9.1(2) of the Environmental Planning and Assessment Act 1979. Planning Proposals are required to demonstrate that they are consistent with the Direction and any inconsistency is required to be justified.
56. In addition, on 10 November 2023, the NSW Government Flood Risk Management Policy, accompanying Manual and Guidelines were gazetted, replacing the previous Floodplain Development Manual. The new Manual is reflected in Council's DCP 2023 and the Guidelines place emphasis on management and reduction of risk and hazard and avoiding the obstruction of floodways and overland flow paths when planning development.
57. In this regard, Council requires that any high hazard/floodway area not be obstructed at ground level and requires a 4 metre clearance above ground to any overhanging structure with an extent of overhang horizontally of less than 4 metres. This is in addition to the 6 metre setback to the centreline of the Clay Cliff Creek channel with no overhang above it. The reference design submitted by the applicant demonstrates compliance with these requirements, however, this is in relation to the flood levels identified under the Upper Parramatta River Flood Study 2005.
58. Council Officers have requested the applicant submit a local Flood Study and revised reference design which reflects the draft Parramatta River Flood Study 2023 and is consistent with the NSW Flood Risk Management Manual and Guidelines and the Parramatta DCP 2023.
59. In response, the applicant has submitted that the Planning Proposal is seeking an increase in building height which has no bearing with the flooding levels on site. The flooding design requirements for the ground floor will not change because of the subject Planning Proposal and in any case, are subject to consideration when a development application is submitted.
60. To support this position, the applicant has submitted a letter from Mance Arraj Engineers (see **Attachment 5**) which provides an opinion summarised as follows:
 - a. While there is a significant increase in the 1% AEP flood level from the previous flood information, the Probable Maximum Flood (PMF) level remains unchanged. As such, the original report submitted to address the Local Planning Direction 4.1 Flooding (referred to by applicant as a Section 117 Direction which was the equivalent reference under previous legislation) is adequate to progress the Planning Proposal given that the proposal provides flood protection to the PMF level identified in the draft Parramatta River Flood Study 2023.
 - b. Flood modelling will be required at development application stage which will determine the alignment of the basement wall. Any such modelling is not expected to identify a significant change in flows at this location as

the culverts at Charles Street and Wigram Street are control structures and flows are diverted by these structures.

61. In response, Council's Senior Catchment Engineer has noted that from the information available in the draft Parramatta River Flood Study 2023, it is clear that there is a much larger area of the site subject to high hazard conditions and the presence of the floodway/main and lateral conveyances compared to that described in the 2005 study. Without a local flooding study, there is much uncertainty regarding the design response required on this site. As such, Council's Senior Catchment Engineer is of a view that it is not considered appropriate to defer consideration of flooding matters until the Design Excellence and development application stage.
62. Since the Planning Proposal was lodged well in advance of the public exhibition of the draft Parramatta River Flood Study 2023, it is considered unreasonable to delay progressing the matter pending the preparation of a local flood study. Instead 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 considers including a Gateway condition which requires the preparation of a local flood study which addresses the concerns raised by Council in this report in the context of Local Planning Direction 4.1 Flooding, the draft Parramatta River Flood Study 2023 and the Flood Risk Management Manual 2023.
63. 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.

Environment

64. The site does not contain any habitat and therefore there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats could be adversely affected because of the Planning Proposal.
65. Other environmental impacts, including sustainability, will be addressed as part of any future development proposal, including a design excellence competition.

PLAN MAKING DELEGATIONS

66. 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

67. 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

68. 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).
69. 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 consider including 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.
70. Following Local Planning Panel consideration of the Proposal, the Planning Proposal will be considered by Council. Should the Proposal be supported by Council it will be forwarded to the DPHI with a request for a Gateway Determination.

Felicity Roberts
Project Officer-Land Use

Naomi L'Oste-Brown
Team Leader Land Use Planning

David Birds
Group Manager, Major Projects and Precincts

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

1	Applicant's Planning Proposal	67 Pages
2	Reference Design - Commercial Scheme	26 Pages
3	Reference Design - Mixed Use Scheme	27 Pages
4	Statement of Heritage Impact	65 Pages
5	Letter from Mance Arraj Engineers regarding flooding	2 Pages
6	Shadow analysis	1 Page

REFERENCE MATERIAL