

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE CLOISTER FUNCTION ROOMS, ST PATRICK'S CATHEDRAL 1 MARIST PLACE, PARRAMATTA ON MONDAY, 11 FEBRUARY 2019 AT 6.30PM

PRESENT

The Lord Mayor, Councillor Andrew Wilson and Councillors Benjamin Barrak (*arrived at 6.42pm*), Phil Bradley, Donna Davis, Robert Dwyer, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Paul Han, Steven Issa, Andrew Jefferies (*arrived at 6.50pm*), Sameer Pandey, Bill Tyrrell, Lorraine Wearne and Martin Zaiter.

1. ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor Andrew Wilson, acknowledged the Burramattagal people of The Darug Nation as the traditional custodians of this land, and paid respect to their ancient culture and their elders past and present.

13.4 SUBJECT Gateway Request – Planning Proposal – 18 – 40
Anderson Street, Parramatta

REFERENCE RZ/4/2018 - D06585010

REPORT OF Project Officer- Land Use Planning

1879 RESOLVED (Issa/Tyrrell)

(a) **That** Council note the recommendation of the Local Planning Panel dated 18 December 2018 in relation to this matter as detailed below, but with minor inconsequential changes relating to the format of site-specific provisions and a requirement for all documents to be publicly exhibited concurrently, noting that the Panel's recommendation is consistent with the Council Officer's recommendation to support the proposal.

(b) **That** Council endorse the Planning Proposal at 18 – 40 Anderson Street, Parramatta (included as **Attachment 2**) for the purposes of a Gateway Determination, which seeks the following amendments to Parramatta Local Environmental Plan (LEP) 2011 in relation to the subject site:

- Rezone the site from B5 Business Development to B3 Commercial Core;
- Amend the maximum building height in the Height of Buildings Map from 14 metres to part 120 metres and part 0 metres;
- Amend the maximum floor space ratio (FSR) on the Floor Space Ratio Map from 4:1 to 6:1;
- Amend Schedule 1 Additional Permitted Uses to add residential accommodation' and 'serviced apartments' as additional permitted uses and include a provision limiting those additional permitted uses to a maximum FSR of 3:1 (and up to

- 3.9:1 FSR with design excellence) and subject to a minimum FSR of 3:1 being provided as non-residential floor space;
- Add site-specific controls that provide for the following:
 - Requirement to demonstrate Jubilee Park is not overshadowed by development of the site;
 - Reduced car parking rates in line with the Parramatta CBD Strategic Transport Study; and
 - High performing building bonus and Dual Piping.
- (c) **That** the Planning Proposal be forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination, noting that prior to public exhibition:
- issues relating to flood mitigation and risk assessment to be dealt with and if necessary the Planning Proposal will be amended; and
 - a revised reference design will be finalised that addresses flood mitigation and urban design issues discussed in this report.
- (d) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to its public exhibition.
- (e) **That** the applicant be invited to negotiate a potential Planning Agreement for the subject site and that delegated authority be given to the Chief Executive Officer to negotiate a Planning Agreement with the landowner in relation to the Planning Proposal on behalf of Council. The outcome of negotiations shall be reported back to Council prior to the draft Planning Agreement being placed on public exhibition.
- (f) **That** the Planning Proposal, site-specific DCP and draft Planning Agreement be placed on public exhibition concurrently.
- (g) **That** Council advises the Department of Planning and Environment that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (h) **Further, that** Council grant delegated 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.

NOTE:

The Lord Mayor left the meeting at 8.43pm and returned at 8.47pm during consideration of Item 13.5.

The Lord Mayor stood down from the Chair and the Lord Deputy Mayor assumed the Chair presiding as Chairperson in the Lord Mayor's absence.

INNOVATIVE

ITEM NUMBER	13.4
SUBJECT	Gateway Request – Planning Proposal – 18 – 40 Anderson Street, Parramatta
REFERENCE	RZ/4/2018 - D06585010
REPORT OF	Project Officer- Land Use Planning

PURPOSE:

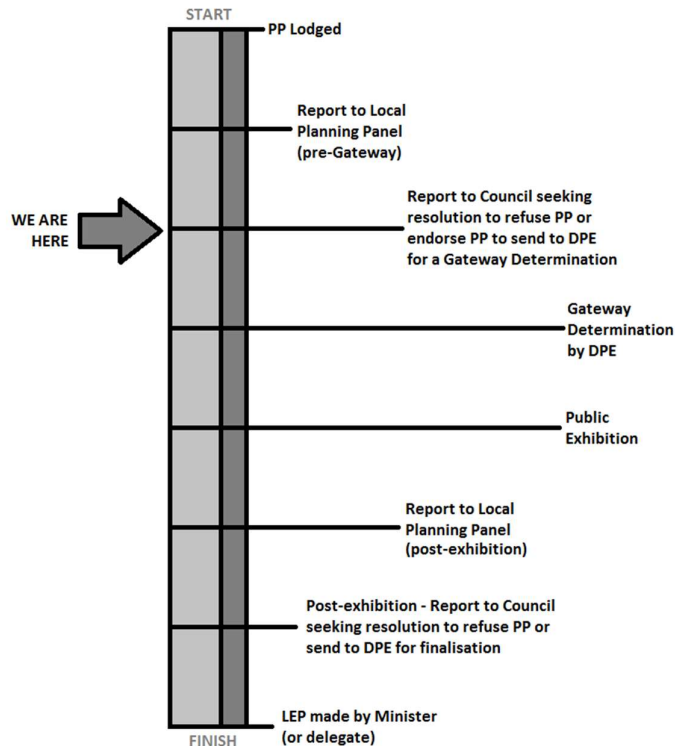
This report seeks Council's endorsement of a Planning Proposal at 18 – 40 Anderson Street, Parramatta for the purposes of seeking a Gateway determination from the Department of Planning and Environment. The report also seeks endorsement to proceed with the preparation of a site-specific Development Control Plan and also recommends further discussions regarding a Planning Agreement.

RECOMMENDATION

- (a) **That** Council note the recommendation of the Local Planning Panel dated 18 December 2018 in relation to this matter as detailed below, but with minor inconsequential changes relating to the format of site-specific provisions and a requirement for all documents to be publicly exhibited concurrently, noting that the Panel's recommendation is consistent with the Council Officer's recommendation to support the proposal.
- (b) **That** Council endorse the Planning Proposal at 18 – 40 Anderson Street, Parramatta (included as **Attachment 2**) for the purposes of a Gateway Determination, which seeks the following amendments to Parramatta Local Environmental Plan (LEP) 2011 in relation to the subject site:
- Rezone the site from B5 Business Development to B3 Commercial Core;
 - Amend the maximum building height in the Height of Buildings Map from 14 metres to part 120 metres and part 0 metres;
 - Amend the maximum floor space ratio (FSR) on the Floor Space Ratio Map from 4:1 to 6:1;
 - Amend Schedule 1 Additional Permitted Uses to add 'residential accommodation' and 'serviced apartments' as additional permitted uses and include a provision limiting those additional permitted uses to a maximum FSR of 3:1 (and up to 3.9:1 FSR with design excellence) and subject to a minimum FSR of 3:1 being provided as non-residential floor space;
 - Add site-specific controls that provide for the following:
 - Requirement to demonstrate Jubilee Park is not overshadowed by development of the site;
 - Reduced car parking rates in line with the Parramatta CBD Strategic Transport Study; and

- High performing building bonus and Dual Piping.
- (c) **That** the Planning Proposal be forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination, noting that prior to public exhibition:
 - issues relating to flood mitigation and risk assessment to be dealt with and if necessary the Planning Proposal will be amended; and
 - a revised reference design will be finalised that addresses flood mitigation and urban design issues discussed in this report.
- (d) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to its public exhibition.
- (e) **That** the applicant be invited to negotiate a potential Planning Agreement for the subject site and that delegated authority be given to the Chief Executive Officer to negotiate a Planning Agreement with the landowner in relation to the Planning Proposal on behalf of Council. The outcome of negotiations shall be reported back to Council prior to the draft Planning Agreement being placed on public exhibition.
- (f) **That** the Planning Proposal, site-specific DCP and draft Planning Agreement be placed on public exhibition concurrently.
- (g) **That** Council advises the Department of Planning and Environment that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (h) **Further, that** Council grant delegated 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



BACKGROUND

1. This summary report is supported by a detailed assessment report provided at **Attachment 1** (including overshadowing diagrams included at **Attachment 3**) that was provided to the Local Planning Panel at its meeting on 18 December 2018. The Panel supported Council officer's recommendations.
2. A number of minor inconsequential changes have been made to the recommendations of the Local Planning Panel:
 - The format of site-specific provisions has been changed to reflect that site-specific controls related to overshadowing of Jubilee Park, reduced car parking rates and the high performing building bonus and dual piping should be included in a different part of the LEP than Schedule 1 of the LEP, which relates to additional permitted uses.
 - An additional recommendation (f) has been added requiring the Planning Proposal, draft site-specific DCP and the draft Planning Agreement to be publicly exhibited concurrently.

ISSUES/OPTIONS/CONSEQUENCES

3. Key issues identified in the assessment report are outlined in the following subsections.

Urban design

4. City staff have a number of issues with the applicant's urban design concept, the most significant being as follows:
 - Building separation – There is minimal separation between the two high rise towers proposed in the applicant's development concept (refer to **Figure 9** in the assessment report) which is not supported and may not meet Apartment Design Guidelines. An alternative “one tower” scenario with one taller tower and a shorter 6 to 8 storey street wall building around a courtyard would result in improved separation, amenity and views. A “two tower” scenario, with one tower up to 120 metres in height and the second shorter tower may also be considered, as shown in **Figure 10** in the assessment report.
 - Public domain activation – The issue of activation to the public domain is a matter to be addressed. Early versions of the development concept include a raised platform to deal with flooding issues that would limit opportunities for activation of the street and the adjoining open space. The possibility of creating an overland flow corridor on the southern part of the site and extending along the edge of Jubilee Park will enhance opportunities for activation.
5. It is proposed that a site-specific DCP be prepared to resolve the urban design issues to ensure an appropriate built form and massing, landscaping and retention of trees. It will also ensure an appropriate interface and activation with the public domain, including Jubilee Park.

Land use issues

6. The B3 Commercial Core land use zone proposed for the site does not permit residential accommodation. Residential and serviced apartments are proposed as additional permitted uses as part of this planning proposal. These additional permitted uses, together with a 50 percent split of residential (to an FSR of 3:1 with an additional 0.9:1 bonus for design excellence) and non-residential (to an FSR of 3:1 floor space) as recommended for this Planning Proposal is considered acceptable as:
 - The proposal will not impact on the ability of the Parramatta CBD to meet its employment targets and will play a key strategic role in providing for future jobs in the CBD. The development proposal as revised will result in 423 Full Time Equivalent (FTE) jobs compared to the original proposal of 105 FTE jobs.
 - The site is surrounded on three sides by sites zoned B4 Mixed Use that reduce the attractiveness of the site for A-Grade commercial floor space.
 - The site is generally acceptable for residential development as flood issues at the site are capable of being resolved, in principle. It is noted that flooding was a key reason for not including the site in the B4 Mixed Use Zone during the CBD Planning Proposal preparation. Appropriately designed residential accommodation on the site will provide a better interface for adjoining open space and residential uses than a wholly commercial development.

Flooding

7. The site currently experiences flooding from Clay Cliff Creek and overland flows and is located within a High Hydraulic Flood Hazard area. Originally, the applicant proposed to manage the flood risk by allowing flood waters to pass through the middle of the site. City staff raised concerns with this concept and considered that the overland flow paths within and through the development site would be hazardous and therefore unsafe.
8. In response to City staff suggestions, the applicant is considering options that create an overland flow corridor across the site from Anderson Street, south of the proposed buildings on the site into Jubilee Park together with widening and naturalising the existing drainage channel extending along the edge of Jubilee Park.
9. City staff consider that, in principle, the revised concept has the potential to address the flood risk issue in a manner that minimises flood risk to future occupiers of the site and the broader community. Nevertheless, there are some concerns about the details of the concept that can be resolved with the progression of the Planning Proposal and a site-specific DCP. The Planning Proposal is considered to be capable of being consistent with Section 4.3 Flood Prone Land of the Section 9.1 Ministerial Directions, which requires provisions to ensure consistency with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and that LEP provisions are commensurate with flood hazard.

Planning Agreement

10. Since this Planning Proposal provides for proposed residential accommodation on the site it is expected that a Planning Agreement will be negotiated on the basis of the Council endorsed value sharing rate for the Parramatta CBD, namely \$150/m² of residential floorspace.
11. In order to progress a Planning Agreement, City staff require delegation from Council to negotiate a Planning Agreement in association with this Planning Proposal.

CONCLUSION

12. This Planning Proposal is generally consistent with the CBD Planning Proposal endorsed by Council and is considered to provide a balanced approach to the development of the site that ensures a contribution to Council's employment and housing targets in a way that better integrates with surrounding development and the opportunities and constraints of the site.
13. Subject to the recommendations of this report, it is recommended Council support the Planning Proposal. There are some flooding and urban design issues that need to be resolved before the Planning Proposal can be publicly exhibited to ensure the development can proceed in a form generally envisaged in the applicant's proposal.

NEXT STEPS

14. Council officers recommend that Council:

- endorse the Planning Proposal for the purposes of a Gateway determination;
- prepare a site-specific DCP; and
- invite the applicant to commence negotiations for a Planning Agreement associated with the Planning Proposal.

15. Pending Council endorsement, the next step would be to send the Planning Proposal to the Department of Planning and Environment with a request for a Gateway Determination.

Paul Kennedy
Project Officer Land Use Planning

Jonathon Carle
Service Manager Land Use Planning

Jennifer Concato
Acting Director Strategic Outcomes and Development

ATTACHMENTS:

1	Assessment report	23 Pages
2	Planning proposal	46 Pages
3	Overshadowing diagrams	1 Page

REFERENCE MATERIAL

Attachment 1 Assessment Report

INNOVATIVE

ITEM NUMBER	6.1
SUBJECT	Gateway request – Planning Proposal – 18 – 40 Anderson Street, Parramatta
REFERENCE	RZ/4/2018 - D06537300
REPORT OF	Project Officer- Land Use Planning
LAND OWNER:	Australia and New Zealand International Investment Group Pty Ltd
APPLICANT:	Landream

PURPOSE:

To seek the Local Planning Panel's (LPP) endorsement of a Planning Proposal at 18 – 40 Anderson Street for the purposes of seeking a Gateway Determination from the Department of Planning and Environment. The Planning Proposal seeks to:

- rezone the site from B5 Business Development to B3 Commercial Core;
- increase the maximum height;
- increase the floor space ratio; and
- add a number of site-specific provisions.

The report also deals with the preparation of a site-specific Development Control Plan to support this Planning Proposal and recommends further discussions regarding a Planning Agreement.

RECOMMENDATION

That the Local Planning Panel recommend to Council:

- (a) **That** Council endorse the Planning Proposal at 18 – 40 Anderson Street, Parramatta (included as **Attachment 1**) for the purposes of a Gateway Determination, which seeks the following amendments to Parramatta Local Environmental Plan (LEP) 2011 in relation to the subject site:
- Rezone the site from B5 Business Development to B3 Commercial Core; Amend the maximum building height in the Height of Buildings Map from 14 metres to part 120 metres and part 0 metres;
 - Amend the maximum floor space ratio (FSR) on the Floor Space Ratio Map from 4:1 to 6:1;
 - Add a site-specific clause under Schedule 1 Additional Permitted Uses which addresses the following:
 - Add 'residential accommodation' and 'serviced apartments' as additional permitted uses and include a provision limiting

- those additional permitted uses to a maximum FSR of 3:1 (and up to 3.9:1 FSR with design excellence) and subject to a minimum FSR of 3:1 being provided as non-residential floor space;
- Requirement to demonstrate Jubilee Park is not overshadowed by development of the site;
 - Reduced car parking rates in line with the Parramatta CBD Strategic Transport Study; and
 - High performing building bonus and Dual Piping.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination, noting that prior to public exhibition:
- issues relating to flood mitigation will be dealt with and if necessary the Planning Proposal will be amended; and
 - a revised reference design will be finalised that addresses flood mitigation and urban design issues discussed in this report.
- (c) **That** a site-specific development control plan (DCP) be prepared and reported to Council prior to its public exhibition.
- (d) **That** the applicant be invited to negotiate a potential Planning Agreement for the subject site and that delegated authority be given to the Chief Executive Officer to negotiate a Planning Agreement with the landowner in relation to the Planning Proposal on behalf of Council. The outcome of negotiations shall be reported back to Council prior to the draft Planning Agreement being placed on public exhibition.
- (e) **That** Council advises the Department of Planning and Environment that the Chief Executive Officer will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (f) **Further, that** Council grant delegated 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.

BACKGROUND

1. On 9 May 2018, Landream lodged a Planning Proposal seeking to amend the Parramatta LEP 2011 to implement the CBD Planning Proposal recommendations for the site subject (which is to rezone the site to B3 Commercial Core and impose an FSR of 6:1) to residential development and serviced apartments also being permitted on the site as additional permitted uses which is not proposed in the CBD Planning Proposal.
2. On 13 August 2018, feedback from the City of Parramatta staff assessment of the Planning Proposal was provided at a meeting with the applicant. City staff detailed concerns relating to impact on flooding, built form and urban design and the proportion of residential floor space in the development.
3. On 3 September 2018, the applicant presented revised options for City staff review relating in particular to flood mitigation measures and the proportion of residential

floor space. Since then, City staff have continued to investigate options for resolving issues in consultation with the applicant in order to progress the Planning Proposal.

SITE DESCRIPTION

4. The subject site is located at 18 – 40 Anderson Street, Parramatta. The legal description of the site is Lot 20, DP 792518. The site area is 8075m². The site currently contains the seven-storey Holiday Inn Hotel, including 181 rooms, ground floor restaurant and bar, corporate function rooms, and other facilities. The site is shown in **Figure 1**. Photos of the site are shown in **Figures 2 and 3**.

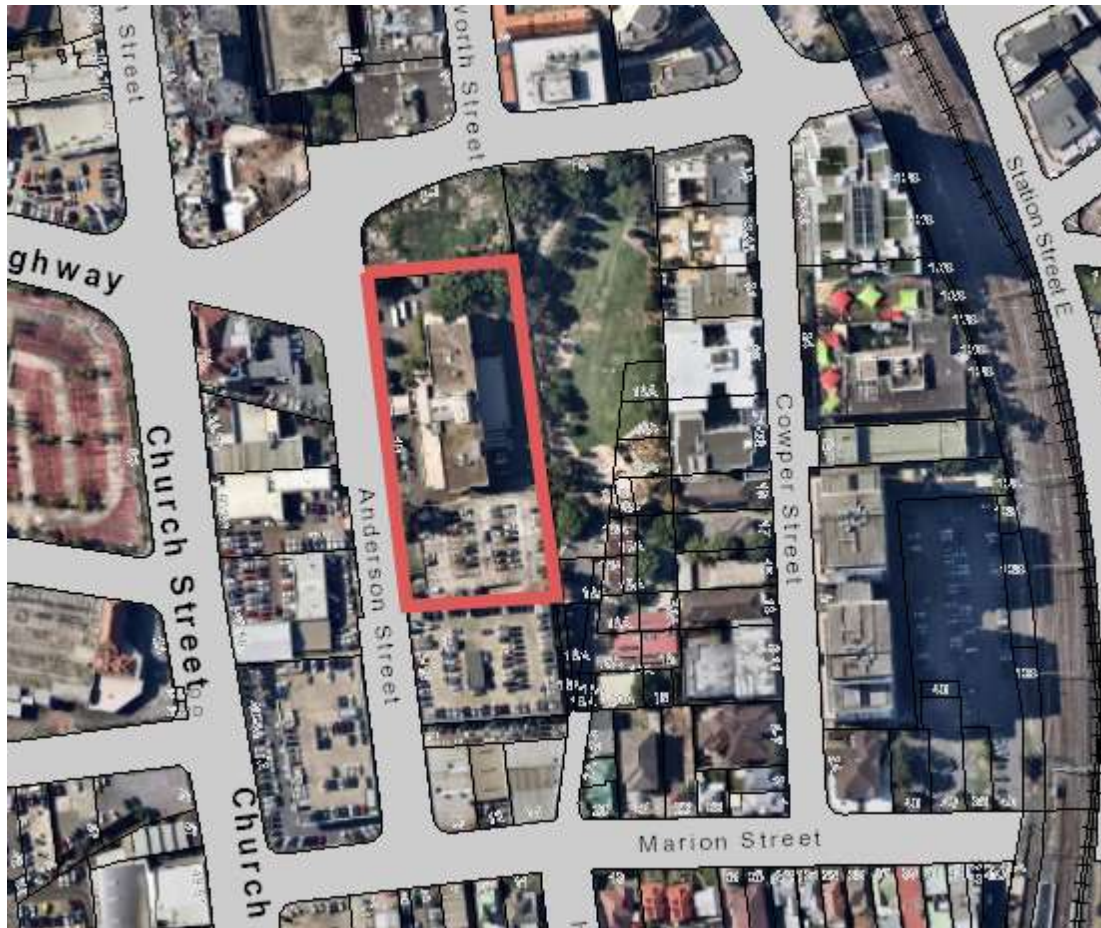


Figure 1 – Site Location Map (site shown outlined in red)



Figure 2: Site seen from Anderson Street (looking west)



Figure 3: Site seen from Parkes Street (looking south)

5. Immediately surrounding development comprises:

- To the north: 5–7 Parkes Street, which was recently approved for a 24 storey mixed use development (DA 730/2016);
- To the south: a two storey, car repair facility with rooftop parking at 6 – 19 Anderson Street. Further to the south, are more repair shops and related facilities;
- To the east: Jubilee Park; and
- To the west: the two storey PJ Gallagher's Irish pub and multiple car dealership/repair shops along Church Street.

CURRENT PLANNING CONTROLS

6. The site is subject to Parramatta LEP 2011 and the following current key provisions apply to the site:

- zoning: B5 Business Development;
- maximum Height of Buildings (HOB): 18 metres;
- maximum Floor Space Ratio (FSR): 4:1; and
- sun access controls.



Figure 4: Existing zoning showing the B5 Business Development Zone over the site and over land to the south and west (site shown outlined in red)



Figure 5: Existing FSR showing the 4:1 FSR control which applies to the site (site shown outlined in red)



Figure 6: Existing height controls showing the 18m height control which applies to the site (site shown outlined in red)

7. Clause 7.4 of Parramatta LEP 2011 provides that the consent authority must take into consideration the relevant sun access plane controls specified in section 4.3.3 of the Parramatta DCP 2011. The DCP provides that all new development is to comply with the sun access plane for Jubilee Park on June 22 between 12 noon and 2pm, measured at 20 metres above surveyed ground level.

.Flooding

8. The site is subject to high hazard flooding, and is affected by the probable maximum flood (PMF) event, as well as the 1:100 and 1:20 year flood. Flood maps are shown in **Figures 7 and 8**.

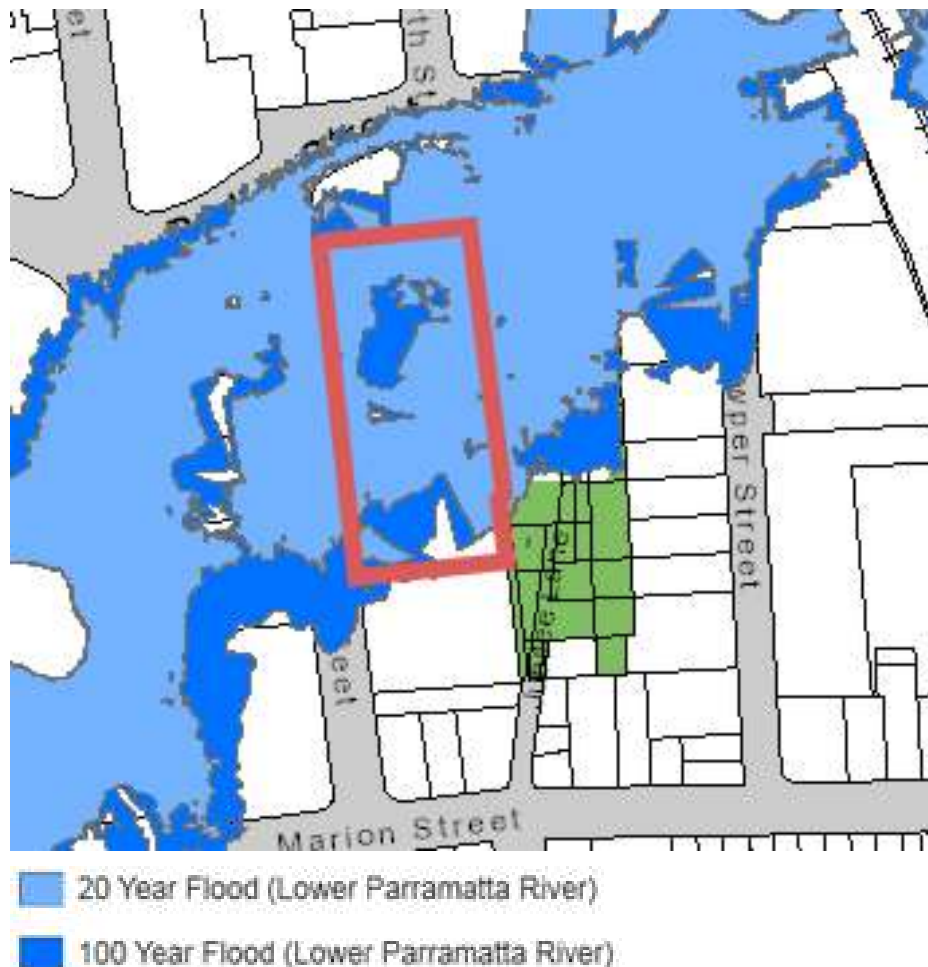


Figure 7 – Flooding (1:20 and 1:100 year flood) (site shown outlined in red)

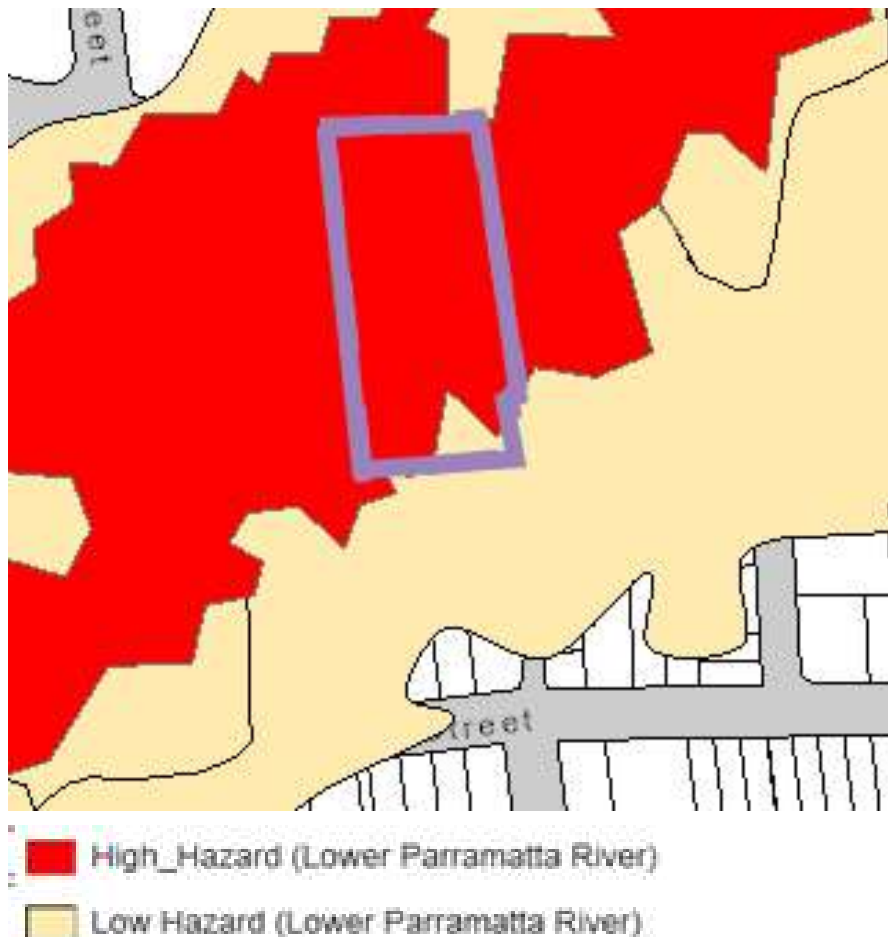


Figure 8 – Flooding (High Hazard Flood Zone) (site shown outlined in red)

THE PLANNING PROPOSAL

9. The original Planning Proposal sought to amend Parramatta LEP 2011 as follows:

- rezone the site from B5 Business Development to B3 Commercial Core;
- increase the maximum floor space ratio (FSR) control from 4:1 to 6:1;
- increase the maximum building height control from 18 metres to 95 metres and part 0 metres; and
- add residential accommodation and serviced apartments as additional permitted uses, subject to limiting them to a maximum FSR of 4.5:1.

10. The original proposed development concept for the Planning Proposal included the following:

- Two high rise buildings on the western side of the site and two lower rise forms on the eastern side;
- A new park and green link on the southern part of the site. It is envisaged that the new park on the southern part of the site would in due course be vested in Council as a reserve;

- A five star luxury hotel (240 rooms) with conference and event facilities;
- 25 serviced apartments;
- 289 residential units;
- Ground level cafes, restaurants and bars;
- Office premises comprising 6,000m²; and
- Basement car parking for 255 vehicles over 1.5 levels.

11. The applicant's planning proposal was accompanied by an Urban Design Report including Reference Design drawings, a Traffic Technical Note, Economic Impact Assessment, Preliminary Site Investigation, Civil Infrastructure Report and a Flood Impact Assessment.

12. The proposed design concept in relation to the Jubilee Park and adjoining development is shown in **Figure 9**.

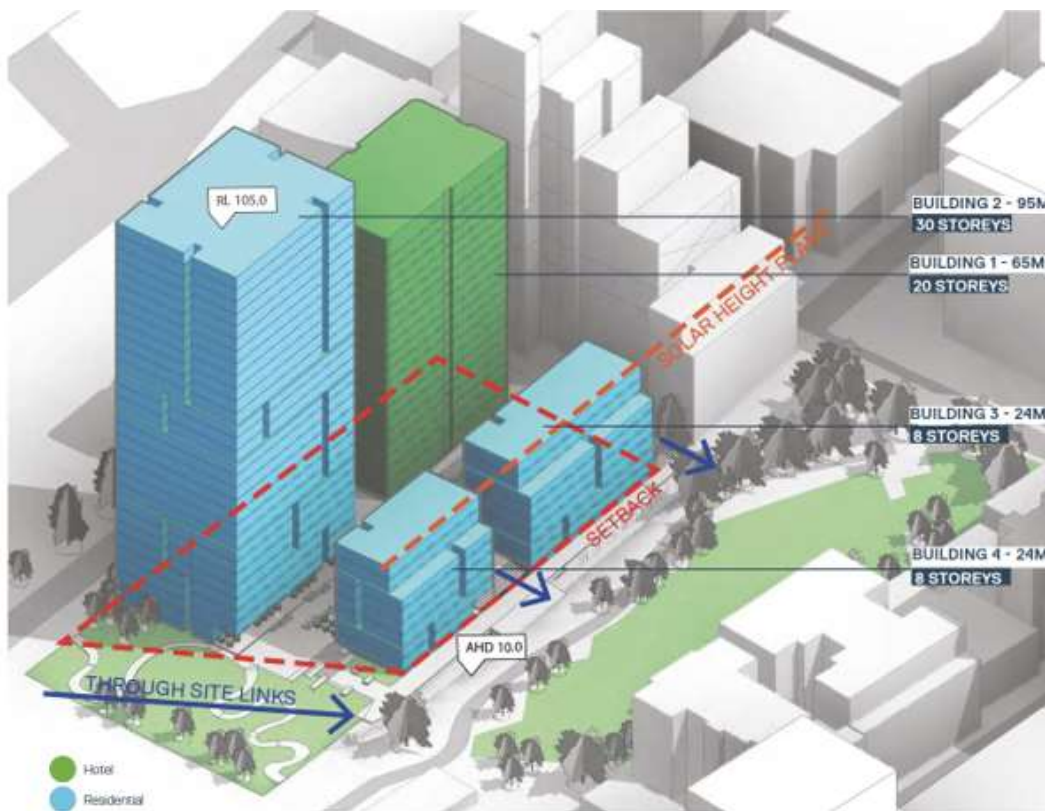


Figure 9: The proposed design concept. A new park and green link is shown on the southern part of the site

CONSISTENCY WITH PARRAMATTA CBD PLANNING PROPOSAL

13. Council adopted the CBD Planning Proposal on 11 April 2016. In general terms, the CBD Planning Proposal seeks to increase heights and FSR's in the Parramatta CBD, subject to the provision of community infrastructure and other requirements. The CBD Planning Proposal remains Council's most recently endorsed policy position on density increases in the Parramatta CBD. Council is awaiting a Gateway Determination on the CBD Planning Proposal from the Department of Planning and Environment.
14. Under the CBD Planning Proposal, the following key planning controls are identified for the site at 18 – 40 Anderson Street:
- a. Zoning: A zoning of B3 Commercial Core is proposed.
 - b. Height of Buildings: The proposed "Base" HOB and "Incentive" HOB controls for this site are:
 - part 80 metres for the greater part of the site.
 - part 0 metres for the southern part of the site where the open space is proposed.
 - Subject to the proposed draft LEP provisions under Clause 7.4 Sun Access Protection. Draft Clause 7.4 Sun Access Protection provides that development of land identified on the Sun Access Protection Map (including the subject site) cannot cause increased overshadowing of Jubilee Park (identified on the Sun Access Protection Map) between 12pm and 2pm on 21 June of any year.
 - c. Floor Space Ratio: The total maximum FSR achievable for this site proposed under the CBD Planning Proposal is 6.9:1 (including 15 percent bonus for Design Excellence), comprising:
 - i. The "Base" and "Incentive" FSR control proposed for this site is 6:1 in the draft CBD Planning Proposal maps. It is noted that base and incentive FSR are the same for all B3 Commercial Zoning as no community infrastructure is required for this type of development.
 - ii. 15 percent bonus of the Incentive FSR (that is 0.9:1 in this case), provided that a Design Excellence process has been undertaken in accordance with the Parramatta LEP 2011.
 - d. High Performing Buildings and Dual Water Systems: Office premises with a gross floor area (GFA) greater than 10,000 m² are required to meet certain standards regarding energy and water targets. In addition, the construction of a new building requires both potable water pipes and recycled water pipes for the purposes of all available internal and external water uses. Compliance with these provisions will be required and should be reflected in a design competition brief to achieve Design Excellence.
15. In summary, the Planning Proposal for the subject site seeks to amend the core planning controls of FSR and HOB. The FSR proposed is consistent with the with the Parramatta CBD Planning Proposal but a variation is being sought in relation to the height as described in **Table 1**.

Table 1: Planning Proposal comparison to CBD Planning Proposal

Scenario	Land-Use	FSR	HOB
Current Controls	B5 Business Development	4:1	18m
CBD Planning Proposal Controls	B3 Commercial Core Residential not permitted Serviced Apartment not permitted in B3 zone.	6:1	Base and Incentive are part 80m and 0m and requirement to comply with Sun Access Protection provision
Site-specific Planning Proposal controls	B3 Commercial Core And site-specific clause to allow residential and serviced apartments	6.7:1	Part 120m and 0m and compliance with Sun Access Protection provision

ISSUES

Built form and urban design

The Council's Urban Design team has reviewed the applicant's urban design report and reference design drawings and has made the following comments:-.

Building separation

- The building separation of the proposed towers in the original design is 12 metres (See Figure 9)– two towers have been located with minimal separation to achieve an FSR 6:1 – this is not supported and may not meet Apartment Design Guidelines. A scenario with one taller tower and 6-8 storey street wall buildings around a courtyard will result in improved separation, amenity and views. An alternative scenario with two towers, one up to 120 metres in height and the second tower fronting Anderson Street of a lesser height may also be considered. Preliminary modelling prepared by the Urban Design Team suggest that a 120m tower can be located on site whilst still protecting Jubilee Park from overshadowing. The site-specific provision to be included in the Planning Proposal regarding overshadowing of Jubilee Park will reinforce the solar access protection. The two tower scenario is shown in **Figure 10**

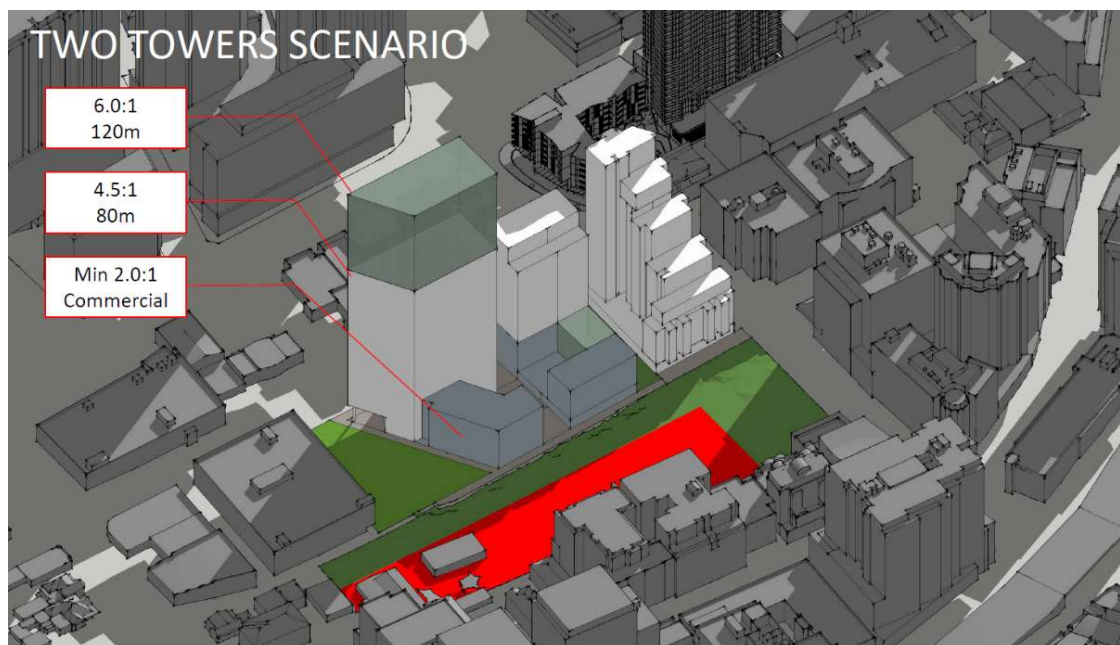


Figure 10: Two tower scenario (prepared by City of Parramatta)

Dedication of public domain

17. The applicant's proposed provision of a new park and green link on the southern part of the site is not fully consistent with the CBD Planning Proposal. The background analysis that provides the justification for the CBD Planning Proposal includes an Auto Alley Public Domain Plan which identified the need for part of the site to be utilised as an open space corridor. The original application put forward by the applicant proposed open space with a basement located under the space. The recommendation to move forward with this Planning Proposal will be conditional upon the Draft DCP and any VPA providing for an open space corridor that is consistent with the CBD Planning Proposal, that is, the Auto Alley Framework Public Domain Plan.

Retention of existing trees

18. Existing Fig trees and Canary Island Palms on Anderson Street should be retained.

Proposed "Lanes" within the development footprint

19. The inter-building spaces proposed within the proposed development footprint (outside of the land and lane dedications) have been labelled as streets by the applicant. If these elements are publicly accessible the spaces should be designed to appear public, including clear entry points, active uses, high-quality landscaping and good lighting.

Building edges fronting public domain

20. Council's Urban Design Team have noted the issue of activation to the public domain as a matter to be addressed. Early versions of the proposal included raised platforms to deal with flooding issues. Raising the development onto a platform would limit opportunities for activation of the street and the adjoining open space. The opportunity to extend the flood channel across part of this site and concentrate flood waters adjoining this channel and its extension means there are opportunities for better quality activation of the street, the open space areas to the east and the proposed open space to be provided at the southern end of this site. There is also a laneway proposed to run along the eastern end of the site which should be activated.
21. The land uses and the design of the building along the street and fronting the existing and proposed open space will be dealt with as part of the Draft DCP preparation to ensure that activation of all these critical public domain areas is maximised.

Site-specific development control plan

22. It is recommended that a site-specific DCP be prepared to resolve the urban design concerns and comments to ensure an appropriate built form and massing, landscaping and retention of trees and interface with Jubilee Park.
23. To help ensure that the configuration of open space on the southern part of the site matches that in the Auto Alley Framework, the area with a 0 metre building height limit on the proposed Height of Buildings Map in the Planning Proposal reflects that of the Framework.

Land use issues

24. The site is considered suitable for mixed-use development, given it is near employment, housing, transport, entertainment, recreational and social services and amenities within the CBD.
25. The proposed land uses, including offices, retail and hotel are permissible with consent in the B3 Commercial Core zone. However, the additional permitted uses sought, residential accommodation, is not permitted within the B3 Zone. Whilst, the applicant has sought that 'service apartments' should be an additional permitted use they are a type of 'tourist and visitor accommodation' that is currently permitted in Parramatta LEP 2011 in the B3 Zone but will be prohibited in the B3 zone under the CBD Planning Proposal.

Percentage of non-residential and residential space

26. In the Planning Proposal originally lodged by the applicant the proportion of residential space was 69 percent of the total floor space and non-residential floor space was 31 percent. In the revised proposal, non-residential space has been increased to 43 percent of the total floor space and residential space has been reduced to 57 percent.

27. Original, revised and recommended residential and non-residential floor space proportions are summarised in Table 2.

Table 2: Proportion of residential and non-residential floor space

	Original proposal	Revised proposal	Recommendation
Residential FSR	4.15:1 (69%)	3.81:1 (57%)	3:1 (+0.9:1 design excellence) (50%)
Non-residential FSR	1.85:1 (31%)	2.89:1 (43%)	3:1 (50%)
Total	6.0:1 (100%)	6.7:1 (100%)	6:1 (+0.9:1 design excellence) (100%)

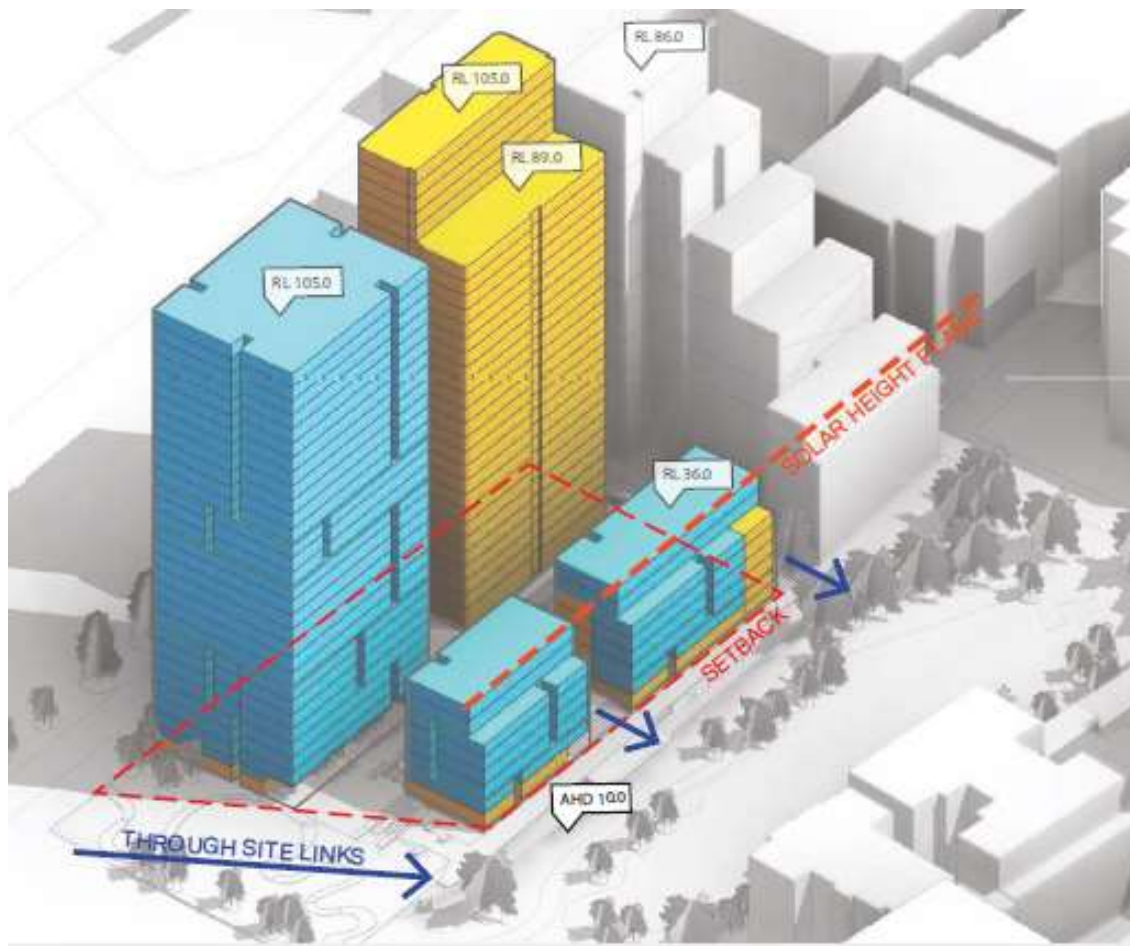


Figure 11: Revised development concept submitted by applicant. Blue represents residential floor space and yellow represents non-residential floor space

28. In considering floor space proportions consideration should be given to the reasons for applying a B3 Commercial Core Zone, rather than a B4 Mixed Use Zone to the site. Based on the reporting of the Auto Alley Planning Framework review, a B3 Commercial Core Zone for the subject site was proposed, given its proximity to the B3 zoned land along Church Street, high hydraulic hazard flood conditions, and the contribution a commercial development on the site would make to increasing jobs in the city, given the large size of the site.

29. Regarding the hydraulic flood conditions for the site, a report to Council of 8 September 2014 stated:

Further consideration of Option 2D (to rezone the site from B5 business development to B4 Mixed Use) has raised concerns about permitting residential uses, particularly at the densities proposed on the Holiday Inn site in a High Hydraulic Hazard area. Such a proposal would substantially increase the number of people (and their cars) at high risk of harm from flood waters and debris, despite the actual habitable floors being situated above potential flood waters. In residential developments, the behaviour of people in a flood event is known to be highly unpredictable (eg. they may try to rescue their cars or leave or access the building through flood waters).

Theoretically, a commercial building would place fewer people at risk because such buildings tend to be occupied for only half the day, they are required to have evacuation procedures in place and people would be less compelled to access the building in the event of a flood.

30. A report, 'Achieving A Grade Office Space within the Parramatta CBD' prepared by Urbis in 2015 to support the draft Parramatta CBD Planning Proposal recommended that development in the Auto Alley precinct continue to encourage non-residential land uses. This particular site is suitable in size and geometry to facilitate a large floor-plate commercial building (or buildings) exceeding 1,300 – 1,500 m², to provide A Grade office space – without the need to amalgamate with adjoining sites.
31. Theoretical modelling of yields on this site as part of the Parramatta CBD planning proposal could result in up to 1,100 jobs being accommodated in a B3 Commercial Core-type office development where the yield was maximised to 6:1 on the draft Base and Incentive FSR Maps. However, the imposition of the existing sun access protection plane to Jubilee Park constrains the development yield in terms of potential building height. The commercial floorplates required to achieve this theoretical target cannot be achieved within the solar access constraints. The 1,100 jobs *theoretically* accommodated on the site from the yield modelling is consequently an optimistic scenario.
32. The applicant's original proposal indicated 105 Full Time Equivalent (FTE) jobs with "flow on jobs" calculated to increase by 600 FTE jobs. The economic analysis supporting the applicant's revised development concept models potentially 423 ongoing FTE jobs on the site, with potentially 440 "flow-on" FTE jobs being created from the ongoing economic activity of the proposal. Overall taking into account on site and flow on jobs the proposal would provide for 863 FTE jobs.
33. The site's appeal to provide A-Grade office space and attract A-Grade tenants may be limited if the mixed use or residential buildings do not exhibit a "commercial aesthetic". In particular, it is noted that:
- This site will have B4 Mixed Use Zoned land to the immediate north and south of the site under the draft Parramatta CBD Planning Proposal (as

currently endorsed by Council); and the site to the north (5 - 7 Parkes Street) already has development approval for a residential flat building.

- Additionally, existing mixed-use residential development to the east of the site across Jubilee Park is clearly of residential character and design, which may, detract from the site's appeal to a larger corporate tenant, and image.

34. The Parramatta CBD PP makes provision for jobs growth as described in Table3 below. The CBD Planning Proposal will provide capacity to meet this target to 2026 and additional growth beyond it as it provides for a total jobs capacity of approx. 48000 jobs. The jobs potentially lost as a result of the residential being permitted on this site will not impact on Council's ability to meet its targets to 2036 nor to provide for additional growth post 2036.

	Current (as at 2011)	Target (additional)	2036 Target (Total)
Jobs	49,000	27,000	76,000

Table 3 – Employment Target - CBD Planning Proposal

35. Therefore, the provision in the development concept for non-residential floor space of 43 percent and residential space of 57 percent is considered acceptable as:

- The proposal will not impact on the ability of the Parramatta CBD to meet its employment targets;
- The site is generally acceptable for residential development in that flood issues for the site are capable of being resolved in principle. It is noted that flooding was a major reason for not including the site in the B4 Mixed Use Zone during the CBD PP preparation; and
- The development proposed for the site will increase jobs in the CBD. The development proposal as revised will result in 423 FTE jobs compared to the original proposal of 105 FTE jobs.

36. To promote the retention of commercial uses on this site it is recommended that site be rezoned B3 Commercial Core zoning. This is appropriate as:

- the site will continue to play a role in the provision of jobs, which is a key strategic objective under the Central Sydney Planning Strategy. The applicant in their proposal details their intention to redevelop the hotel to a five-star hotel with associated facilities and office space on the site. The site will effectively need to provide for commercial floor space no less than 3:1 before any residential development can be approved on the site. This is how this site will continue to play a key strategic jobs in providing for future jobs in the CBD.
- The proposed requirement to provide at least 3:1 is in excess of the minimum 1:1 commercial floor space required for B4 Mixed Use zoned sites under the CBD planning proposal.

37. However, given the progress made on managing flood waters on this site, it is also capable of assisting Council to achieve relevant housing targets (21,615 for the Parramatta LGA 0-5 years) . For this reason a clause will be inserted allowing both residential and serviced apartments as permitted uses on this site. The maximum FSR of the residential to be permitted on site will effectively be 3.9:1 (comprising the remaining 3:1 under the mapped FSR and the 0.9:1 design excellence bonus floor space). Allowing the residential / serviced apartments uses will assist in achieving density in the CBD and activating the CBD which are also underlying objectives of the CBD Planning Proposal and Central City District Plan.
38. This mix of uses proposed as part of the subject planning proposal recognises the history of this site and provides a balanced approach when looking at the sites contribution to achieving strategic housing and job targets. It is considered that given the circumstances that a unique approach can be taken so that this site contributes to both housing and job targets for the following reasons:
- The site is surrounded on three sides by B4 mixed use sites that minimise the attractiveness of the site for A-Grade commercial floor space. The applicant proposal to consider a 5-star hotel and some office is an appropriate way to encourage provision of jobs on the site that also considers the site's context;
 - Residential uses on the site were only excluded due to the flooding impacts which after further analysis can be addressed in a manner that manages the flood risk in a manner that means residential development may be appropriate; and
 - Appropriately designed residential accommodation on the site will provide better interface for adjoining open space and residential uses than a wholly commercial development.

Serviced Apartments

39. Serviced apartments are proposed to be prohibited under the CBD Planning Proposal but are currently permitted in the B3 Commercial zone, under Parramatta LEP 2011.
40. In the short term the inclusion of a clause that permits serviced apartments on this site will have no impact if the Planning Proposal comes into force under the current B3 Commercial Core zoning where serviced apartment are permitted. However, it is proposed to include this clause in the current LEP so that it can be transitioned into the LEP when the CBD Planning Proposal is finalised. Retaining serviced apartments as a permitted use on this site even after the CBD Planning Proposal is finalised is supported for the reasons detailed in the previous section.

High Performing Building Provisions

41. Council resolved on 10 September 2018 to apply the High Performing building provisions to the parts of the CBD proposed where a 6:1 FSR is proposed under the CBD Planning Proposal. The High Performing Building provision as described above provides a bonus FSR of 0.5:1 where certain targets for water and energy use are achieved. Associated clauses in the CBD Planning Proposal mandate dual piping in developments.
42. The applicant did not request as part of their application the high performing building bonus be applied to their site. However, to be consistent with the Council resolved position on the CBD Planning Proposal these clauses should be applied to this site.
43. The additional flexibility provided by allowing additional height on this site opens up the opportunity for this development to achieve the 0.5:1 high performing building bonus within an envelope that still satisfies solar access requirements but the built form outcome will move away from the model preferred by Council's Urban designers who would prefer one taller tower surrounded by a series of smaller towers. The addition of this bonus will mean the second tower fronting Anderson Street will be taller to accommodate the additional floorspace.

Height of building

44. The applicant's reference design proposes an indicative height of 95 metres. While the CBD Planning Proposal removes maximum building height for most sites in the CBD, this site is subject to a base and incentive height of 80 metres as this was the height considered appropriate when the assessment of this site for commercial purposes was undertaken as part of the CBD Planning Proposal preparation. It is also one of a number of sites in the CBD that is required to comply with solar access requirements to Jubilee Park between 12pm and 2pm in midwinter. Overshadowing diagrams submitted with the Planning Proposal (included as **Attachment 2** to this report) show that the proposed reference design will not cause additional overshadowing of Jubilee Park between 12pm and 2pm in midwinter. As demonstrated the shadow of the proposed buildings are outside Jubilee Park at 2pm in midwinter. It is proposed to add a site-specific provision to Parramatta LEP 2011 to ensure that Jubilee Park is not overshadowed in midwinter by development of the site. There are existing controls that protect Jubilee Park. The issue of overshadowing is referenced in the current LEP but the controls are detailed in the current Parramatta DCP 2011. Under the CBD Planning Proposal these provisions are strengthened by specifying the controls within the proposed LEP clause. It is intended to apply this new strengthen protection to this site under this site-specific planning proposal.
45. The applicant's reference scheme has no unacceptable overshadowing impacts on other surrounding properties, which are generally commercial in nature. During 10am to 1pm at midwinter, the scheme's shadow is generally contained within the commercial area defined by Church Street to the west, Marion Street to the south and Jubilee Lane to the east. Between 2pm and 3pm, the shadow affects a row of single-storey dwelling houses on the south side of Marion Street. However, these

and therefore unsafe. It was recommended that creating an overland flow corridor across the site south of the proposed buildings from Anderson Street into Jubilee Park together with widening and naturalising of the existing channel extending along the edge of Jubilee Park should be explored in consultation with Sydney Water.

49. In response, the applicant prepared two options, Option 1 and Option 2, based on opening the existing concrete channel in the southern section of the site and naturalising the open channel that runs on the boundary of the site and adjacent to Jubilee Park. These scenarios are detailed as follows:

1. Option 1 - based on the widening and naturalising the existing channel from Anderson Street down to the headwall adjacent to the north east corner of the subject property to a 12 metre wide channel. It introduces a vegetated bench and replaces the concrete side walls with rock walls.
2. Option 2 - comprising a similar configuration to Option 1 except the concrete channel is retained from Anderson Street down to the headwall adjacent to the north east corner of the subject property. Under this scenario the northern zone adjacent channel is also graded to the channel at around 2 percent slope.

Option 1 and 2, which are both options that respond to Council staff preferred option, are shown in **Figures 13 and 14**.

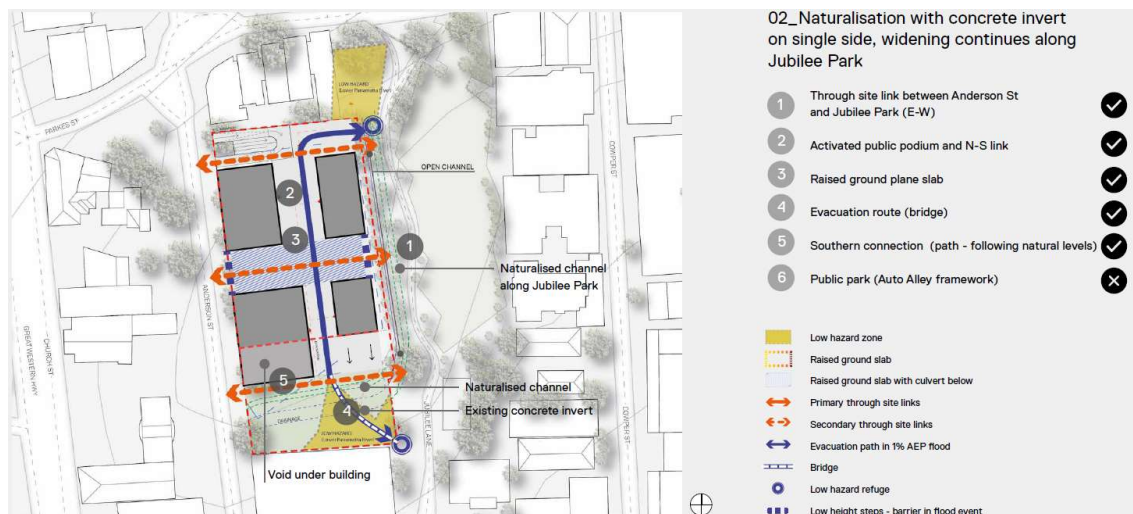


Figure 13: Revised flood mitigation and water management proposal

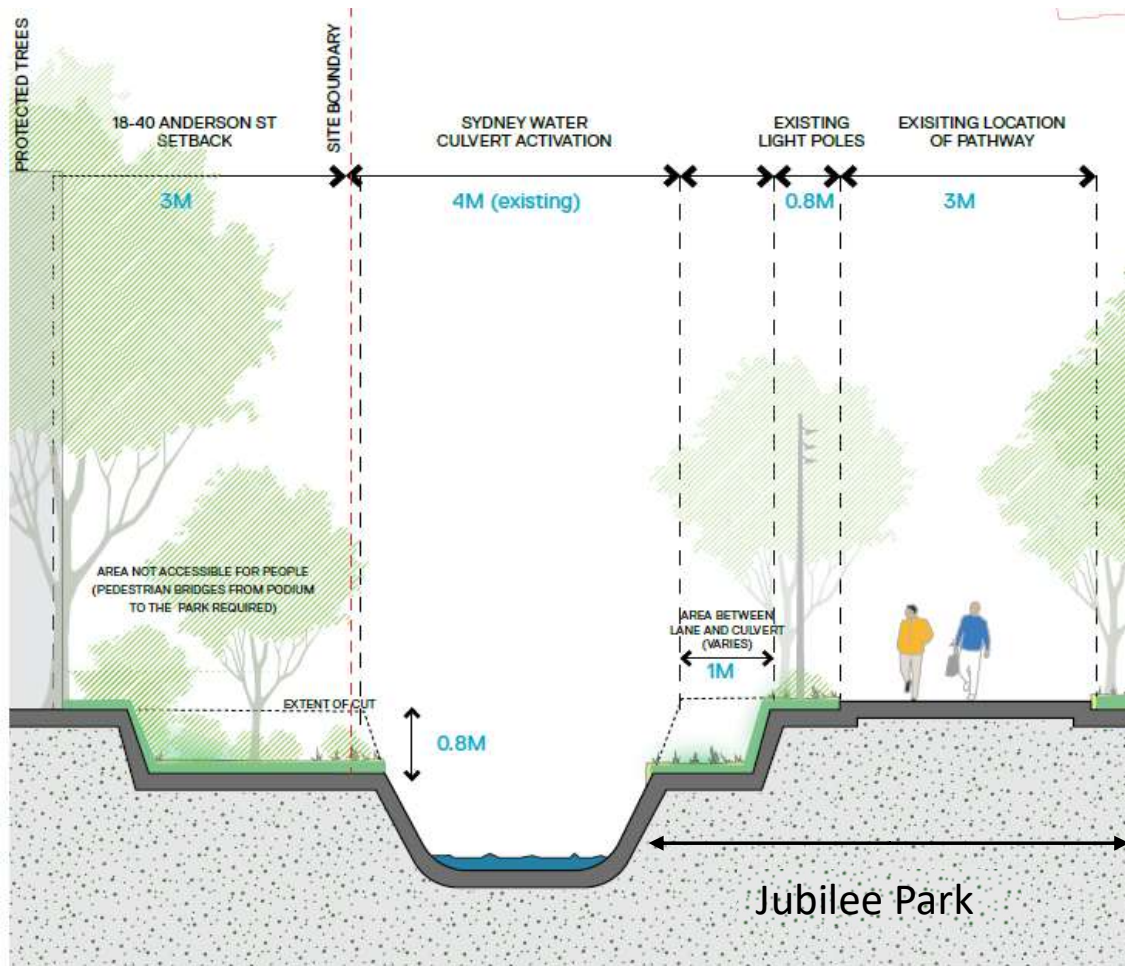


Figure 14: Proposed flood mitigation option showing cross-section of culvert and edge treatment

50. City staff considered that in principle the revised concept has the potential to address the flood risk issue in a manner that minimises flood risk to future occupiers of the site and the broader community. Nevertheless, there are some concerns about the details of the concept that can be resolved with the progression of the Planning Proposal and a site-specific DCP. The proposal to widen the channel into Jubilee by 1m along its western edge (as shown in Fig 14 above) will increase the risk to park users by providing landscaping that attract people to the high hazard, 100 year/floodway zone. City staff also do not support the benching of Jubilee Park as it will reduce the area of contiguous usable open space. The eastern edge of the channel, alongside Jubilee Park, should remain more or less as it is now. Instead, the channel can be widened and deepened on the western side of the culvert within the applicant's site.

51. It is considered that the site is generally suitable for residential development from a flood risk perspective subject to resolution of details of the flood mitigation measures, in consultation with Sydney Water, prior to public exhibition of the Planning Proposal. The Planning Proposal is considered to be capable of being consistent with Section 4.3 Flood Prone Land of the Section 9.1 Ministerial

Directions. This cannot be completely resolved until further drainage work is completed in a draft DCP demonstrating that the drainage pathways can be accommodated, which address key urban design issues. For this reason, the request for a Gateway determination will acknowledge that the Planning Proposal cannot be exhibited until this work is completed.

Traffic and Transport

52. Reduced parking is proposed in line with the Strategic Transport Study for the Parramatta CBD that Council endorsed on 10 April 2017. Council resolved to include reduced parking rates in the CBD Planning Proposal, pending results of the forthcoming detailed (mesoscopic) study. This resolution was in part to allow site-specific Planning Proposals to proceed ahead of the detailed modelling. The rates resolved on 10 April 2017 are summarised as follows:

a. Residential parking rates

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	0.7 spaces/unit
1-bedroom	0.3 spaces/unit
Studio	0.1 spaces/unit

a. Commercial parking rates

If the FSR > 3.5:1

$$M = (G * A) / (50 * T)$$

where:

M = maximum number of parking spaces

G = GFA of all office/business premises in the building (m²)

A = Site Area (m²)

T = Total GFA of all buildings on the site (m²)

53. An issue has arisen about parking rates for hotels. Until the transport studies associated with the CBD Planning Proposal are resolved residential car parking rates rather than commercial rates will be applied to hotels as this better approximates the demand for parking associated with hotel uses than the commercial rate.

CONCLUSION

54. This Planning Proposal is generally consistent with the CBD Planning Proposal endorsed by Council and is considered to provide a balanced approach to the development of the site that ensures a contribution to Council's employment and housing targets in a way that better integrates with surrounding development and the opportunities and constraints of the site.

55. Subject to the recommendations of this report, the Planning Proposal is able to be supported. There are still some flooding and urban design issues that need to be resolved before the Planning Proposal can be publicly exhibited to ensure the development can proceed in the way envisaged in the applicant's proposal.

PLANNING AGREEMENT

56. Since this Planning Proposal provides for proposed residential accommodation on the site it is expected that a Planning Agreement will be negotiated.
57. The Planning Agreement would be based on the endorsed value sharing rates for the Parramatta CBD, namely \$150/m² of residential floor space. In addition, in negotiating a Planning Agreement consideration may be given to the proposed dedication of land for new open space on the southern part of the site.
58. The applicant has not yet submitted a letter of offer. In order to progress a Planning Agreement City staff require delegation from Council to negotiate a Planning Agreement in association with this Planning Proposal. It is recommended that delegated authority be given to the Chief Executive Officer to negotiate a Planning Agreement with the landowner on behalf of Council and that the outcome of negotiations be reported back to Council before its public exhibition. These negotiations are to be undertaken in line with Council's recently endorsed Planning Agreement Policy 2018.

NEXT STEPS

59. Council officers recommend that Council:
- progress the Planning Proposal described in this report, and included at **Attachment 1**;
 - prepare a site-specific DCP;
 - invite the applicant to commence negotiations for a Planning Agreement associated with the Planning Proposal.
 - exhibit the Planning Proposal and site-specific DCP concurrently, and other administrative matters as outlined in the recommendation.
60. Pending Council endorsement, the next step would be to send the Planning Proposal to the Department of Planning and Environment with a request for a Gateway Determination.

Paul Kennedy
Project Officer Land Use Planning

Jonathon Carle
Service Manager Land Use Planning

Jennifer Concato
Manager City Strategy

ATTACHMENTS:

- 1 Planning proposal 46 Pages
- 2 Overshadowing diagrams 1 Page

REFERENCE MATERIAL