

INNOVATIVE

ITEM NUMBER	13.1
SUBJECT	Pre-Gateway - Planning Proposal for land at 135 George Street and 118 Harris Street, Parramatta
REFERENCE	RZ/3/2017 - D06647880
REPORT OF	Project Officer-Land Use Planning
LAND OWNER:	PIC Royal Investments Pty. Ltd.
APPLICANT:	Think Planners

PURPOSE:

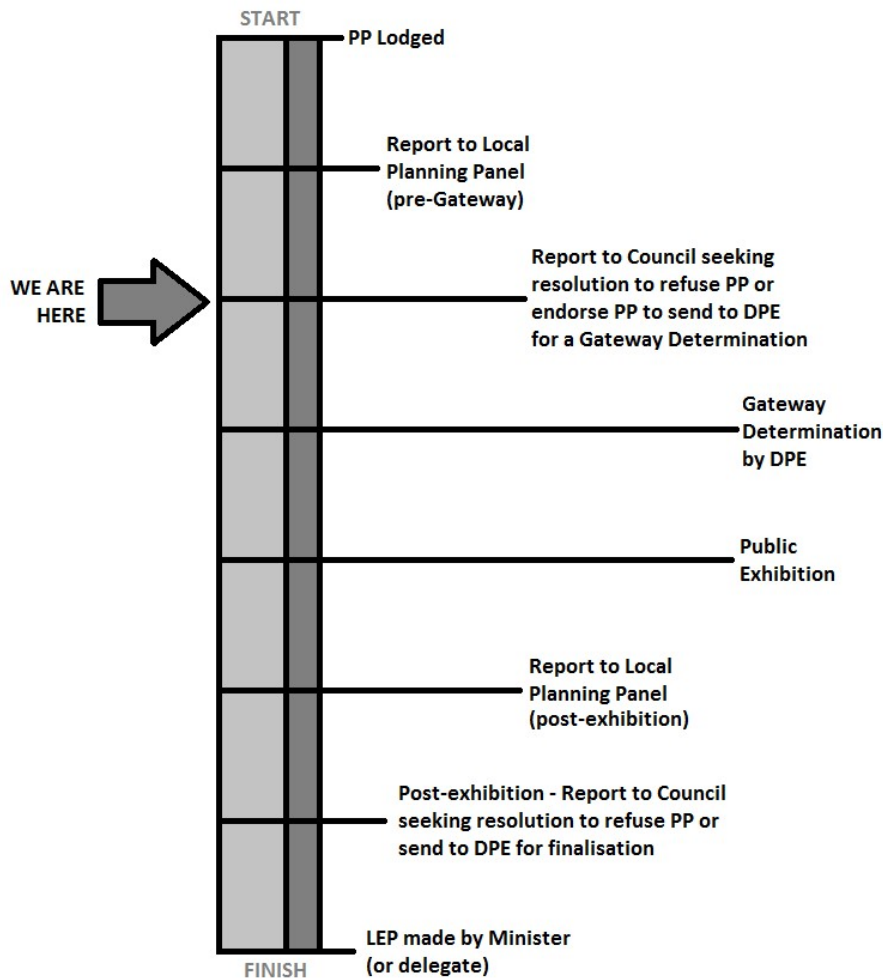
This report seeks Council's endorsement of the recommendation of the Local Planning Panel regarding a Planning Proposal for the land at 135 George Street and 118 Harris Street (Albion Hotel site) which seeks to defer consideration of the Planning Proposal pending analysis of cumulative shadow impacts resulting from the proposal and the adjoining planning proposal.

RECOMMENDATION

That Council note the recommendation of the Local Planning Panel dated 19 March 2019 in relation to this matter as detailed below, noting that the Panel's recommendation is inconsistent with the Council Officer's recommendation to support the proposal subject to amendments and the completion of cumulative shadow analysis prior to seeking a Gateway determination.

- i. The Panel has serious concerns regarding the potential shadowing impacts from the proposed controls, particularly the cumulative impact with the adjoining proposal.
- ii. The Panel considers these concerns should be addressed prior to a decision being made on the planning proposal.
- iii. In these circumstances, the Panel recommends that the shadowing diagrams be prepared so that a decision can be made by Council on what is an acceptable level of shadowing impact.

Planning Proposal Timeline



BACKGROUND

1. This summary report is supported by a detailed assessment report provided at **Attachment 1**. The applicant's Planning Proposal (refer to **Attachments 2 and 3**) seeks to amend the PLEP 2011 by:
 - a. Increasing the Floor Space Ratio (FSR) on the Floor Space Ratio Map from 4:1 to 13.5:1 (including design excellence bonus); and
 - b. Increasing the Height of Buildings (HOB) on the Height of Buildings Map from 54 metres to 166 metres.
2. The applicant's Planning Proposal is supported by a reference design included within the Urban Design Report at **Attachment 4**.
3. The site was subject to a Planning Proposal that was lodged in April 2015 when the site was under a previous ownership (RZ/7/2015). The Planning Proposal was endorsed by Council at its Meeting on 27 July 2015 and subsequently received a Gateway determination on 19 October 2015.
4. This previous Planning Proposal sought to increase the height control from 54 metres to 102 metres and increase the floor space ratio (FSR) from 4:1 to

- 8.47:1 incorporating all bonuses including a requirement that the site incorporate a standalone pub.
5. The Gateway determination for the previous Planning Proposal was extended twice by the Department of Planning but has since lapsed. The Department has indicated that they will not issue any further extensions and note that the site was sold and is subject to this new Planning Proposal.

THE LOCAL PLANNING PANEL'S DETERMINATION

6. As per the Ministerial direction issued on 27 September 2018, Council is required to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice before Council considers whether or not to forward it to the Department of Planning and Environment for a Gateway Determination.
7. The Local Planning Panel considered the matter at its meeting on 19 February 2019 and resolved as follows: *"That the matter be deferred to allow for a briefing paper to be prepared and issued to the Panel about the broader CBD Planning Proposal strategy for transitioning building heights, including building heights on the subject site."*
8. The information requested above was provided to the Panel as an attachment to the Panel report and is also included in this subject report as **Attachment 5**. The matter was reconsidered by the Panel on 19 March 2019 where the Panel resolved as follows:

"The Panel has serious concerns regarding the potential shadowing impacts from the proposed controls, particularly the cumulative impact with the adjoining proposal."

The Panel considers these concerns should be addressed prior to a decision being made on this planning proposal.

In these circumstances, the Panel recommends that the shadowing diagrams be prepared so that a decision can be made by Council on what is an acceptable level of shadowing impact."

ISSUES/OPTIONS/CONSEQUENCES

9. The Planning Proposal submitted by the applicant seeking an FSR of 13.5:1 including bonuses is not supported by staff as it is inconsistent with the Parramatta CBD Planning Proposal which seeks an FSR of 12:1 including all bonuses for the subject site. Further, Council's Urban Design team has raised concerns regarding the ability of the site to accommodate the FSR of 13.5:1 without compromising the urban design and public domain outcomes.
10. In light of these concerns, Council Officers recommended to the Local Planning Panel that they recommend Council endorse a Planning Proposal subject to a lower FSR of 12:1 including Design Excellence and the High Performing Buildings bonuses as well as maximum car parking rates consistent with the CBD Planning Proposal. It was also recommended that a site-specific DCP be prepared addressing building setbacks and the relationship with the adjoining Cumberland Industries site.
11. With regard to the Planning Panel's recommendation, their concern regarding cumulative overshadowing is noted and the Department has raised similar

concerns as reflected in the Gateway conditions for the CBD Planning Proposal. Gateway condition 1(j)(ii) requires Council to: *“provide further assessment of the overshadowing impact of the proposed controls on public open spaces surrounding the CBD compared to the existing controls.”*

12. The issue of overshadowing and the CBD Planning Proposal Gateway conditions are discussed in the Council Officer’s report within paragraphs 31 to 43 (**see Attachment 1**). The Council Officer’s recommendation includes a provision that shadow diagrams be prepared as part of the CBD Planning Proposal, that address this requirement and that they be submitted to the Department with Council’s request for a site-specific Gateway determination when the issue is resolved. This further assessment is currently underway as part of Council’s response to the Gateway conditions. As such, it is considered unnecessary to defer the site-specific planning proposal.
13. Should Council endorse the site-specific Planning Proposal with amendments recommended by Council Officers, it would be subject to the completion of the overshadowing analysis prior to being forwarded to the Department to seek a Gateway determination. This would enable the assessment to be consistent with the approach for the CBD Planning Proposal.
14. This approach as described above and recommended by Council Officers was not supported by the Local Planning Panel at its meeting on 19 March 2019.

CONSULTATION & TIMING

15. Should Council resolve to defer consideration of the Planning Proposal pending the completion of the shadow analysis, the matter will be reported back to Council once the shadow analysis required for the CBD Planning Proposal is finalised and endorsed by Council so that the Planning Proposal can be reconsidered at that time.
16. Alternatively, should Council resolve at this point or after further completion of the shadow analysis to proceed with the Planning Proposal, it will be forwarded to the Department of Planning and Environment for Gateway determination.
17. If a Gateway determination is received which authorises the exhibition of the Planning Proposal, the matter of a site-specific DCP and a draft Planning Agreement will be reported to Council for endorsement. If endorsed, the Planning Proposal, site-specific DCP and draft Planning Agreement will be placed on public exhibition. A report on the outcomes of the public exhibition will be provided to Council after the exhibition, addressing any objections received.

FINANCIAL IMPLICATION FOR COUNCIL

18. Should Council resolve to endorse the Planning Proposal, it is recommended that the applicant be invited to negotiate a draft Planning Agreement for the subject site. This may include the dedication of land, works-in-kind and/or a monetary contribution. The result of any negotiations will be reported back to Council prior to exhibition of the Planning Proposal.

Felicity Roberts
Project Officer Land Use Planning

Jonathon Carle
Land Use Planning Manager

Jennifer Concato
Acting Executive Director City Strategy and Development

ATTACHMENTS:

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| 1 | Report considered by Local Planning Panel on 19 March 2019 | 17 Pages |
| 2 | Applicant's Planning Proposal | 33 Pages |
| 3 | Addendum to Applicant's Planning Proposal | 9 Pages |
| 4 | Applicant's Urban Design Report | 62 Pages |
| 5 | Further information requested by the Local Planning Panel | 5 Pages |

REFERENCE MATERIAL