

INNOVATIVE

ITEM NUMBER	6.1
SUBJECT	Pre-Gateway - Planning Proposal for 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site)
REFERENCE	RZ/3/2017 - D06671968
REPORT OF	Project Officer-Land Use Planning
LAND OWNER	PIC Royal Investments Pty. Ltd.
APPLICANT	Think Planners

NOTE: This report was deferred from the Parramatta Local Planning Panel Meeting held on 19 February 2019 (Item 6.1).

PURPOSE:

To seek the Local Planning Panel's (LPP) endorsement of a Planning Proposal at 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site) for the purposes of seeking a Gateway Determination from the Department of Planning and Environment. 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 applicant's Planning Proposal included at **Attachment 1** and **Attachment 2** for land at 135 George Street and 118 Harris Street, Parramatta which seeks to increase the maximum height of buildings control from 54 metres to 166 metres and increase the floor space ratio from 4:1 to 13.5:1, subject to the following amendments:
- Floor space ratio – reduction in the total floor space ratio from the applicant's proposed 13.5:1 to 12:1 including the design excellence bonus and the high performing buildings bonus, to be consistent with the CBD Planning Proposal previously endorsed by Council;
 - Car parking – inclusion of a site-specific LEP clause that applies the maximum car parking rates previously endorsed by Council as part of the CBD Planning Proposal;
 - Overshadowing – inclusion of shadow diagrams showing the cumulative impact of the proposal and that of the proposed developments at 142-154 Macquarie Street and 184-188 George Street on public open spaces adjoining the CBD when compared with the existing controls; consistent with the Gateway determination of 13 December 2018 for the CBD Planning Proposal.
- (b) **That** the reference design be amended by the applicant to reflect the changes in (a) above prior to the Planning Proposal being forwarded to the Department of Planning and Environment for a Gateway determination. The shadow diagrams referred to in (a) above should be based on this reference design.

- (c) **That** an appropriate height control be identified by Council Officers upon receipt of the revised reference design referred to in (b) above and included in the Planning Proposal document forwarded to the Department, noting that the proposed height control may be reduced to address cumulative overshadowing impacts on public open space.
- (d) **That** the Planning Proposal, as amended in accordance with resolution (a),(b) and (c) above, be forwarded to the Department requesting a Gateway determination.
- (e) **That** a draft site-specific development control plan (DCP) be prepared and reported to Council for endorsement prior to its public exhibition.
- (f) **That** the applicant be invited to negotiate a 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.
- (g) **That** Council advises the Department of Planning and Environment that the Chief Executive Officer will not be exercising the plan-making delegations for this Planning Proposal.
- (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.

INFORMATION REQUESTED BY THE PANEL

1. The Panel considered this matter previously 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.”
2. The information requested by the Panel has been provided within **Attachment 4**. A package of information was also sent to the Panel members one week before the Panel’s meeting.

SITE DESCRIPTION

3. The subject site is located at 135 George Street and 118 Harris Street, Parramatta and has a legal description of Lot 135 DP 748984 and Lot 4 DP 388895 (Refer to **Figure 1**). The site has an area of 3,135 square metres. The site contains the Albion Hotel.
4. The site adjoins another development site to the west known as the Cumberland Media site. To the north is the Parramatta River foreshore, to the east is the Robin Thomas Reserve and to the south is the Rowland Hassall school.



Figure 1: Site Location (site shown outlined in red)

CURRENT PLANNING CONTROLS

5. Under the Parramatta Local Environmental Plan 2011 (PLEP 2011) the site is subject to the following controls:
 - a. Land use zoning is B4 Mixed Use.
 - b. Height of Buildings is 54 metres.
 - c. Floor Space Ratio (FSR) is 4:1.
 - d. The site is not listed as an item of heritage significance and is not within a Heritage Conservation Area.
 - e. The site is across the road from Robin Thomas Reserve which is listed on the State Heritage Register as an “Ancient Aboriginal and Early Colonial Landscape” and is listed under Schedule 5 of Parramatta LEP 2011 as being of local heritage significance as an archaeological site.
 - f. To the north there are several heritage items of local significance within the Parramatta River foreshore area:
 - the Gasworks bridge;
 - the Queens Wharf Reserve and stonewall and potential archaeological site; and
 - an item of state heritage significance being the HMAS Parramatta Shipwreck and memorial.

BACKGROUND

6. 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.
7. The 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.
8. The Gateway determination contained conditions to be met prior to exhibition including a requirement for shadow diagrams demonstrating the cumulative impact of the proposal and that of the adjoining site at 142-154 Macquarie Street (Cumberland Media site) and 184-188 George Street.
9. Figure 2 below shows an extract from the then applicant's Urban Design report indicating a cross-section from the reference design as viewed from Harris Street looking west.

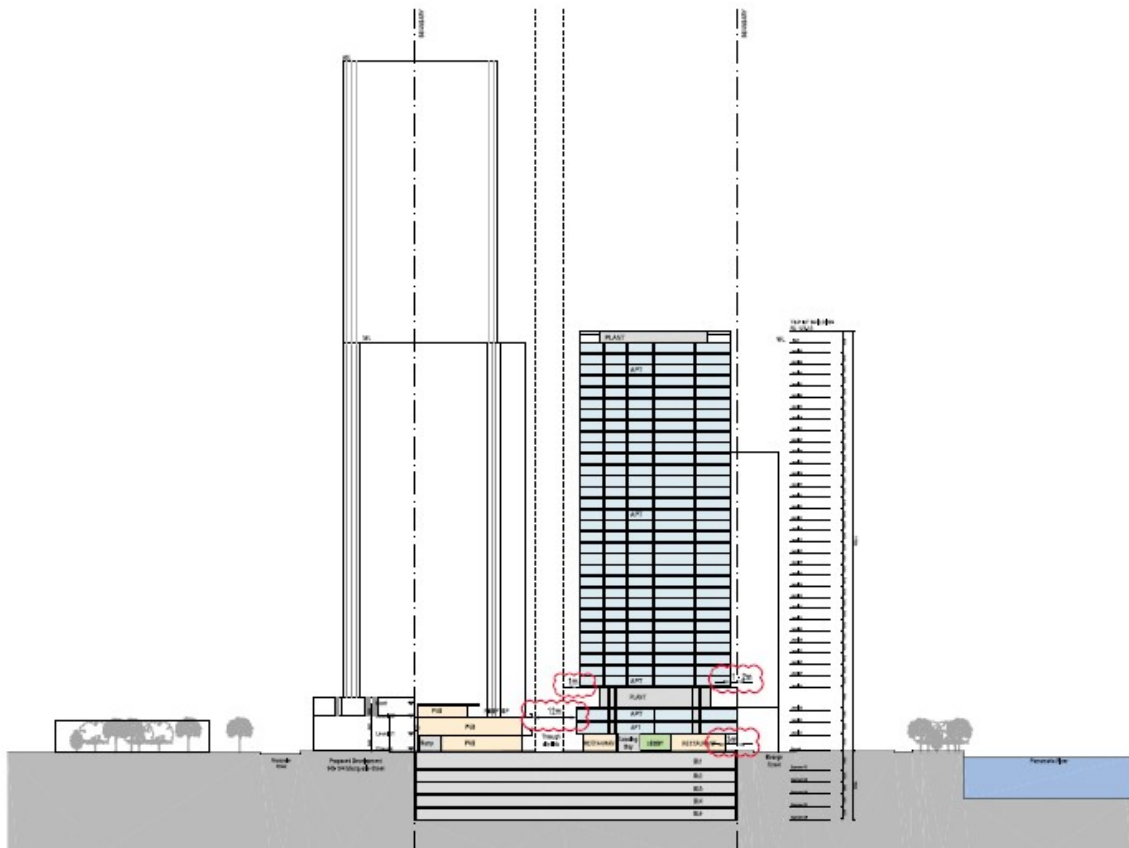


Figure 2: Cross section of previous Planning Proposal viewed from Harris Street towards to the west. The 2 towers to the south relate to the Cumberland Media site. (Source: previous Planning Proposal RZ/7/2015)

10. The site was subsequently sold with the current owner exchanging contracts and lodging the subject Planning Proposal in March 2017. The Planning Proposal sought the following amendments to the Parramatta LEP 2011:
 - a. Increase in the height control from 54 metres to 150 metres; and
 - b. Increase in the FSR from 4:1 to 13.14:1.

11. The sale of the land settled in September 2017. In November 2017, the current owner submitted a revised Planning Proposal which sought the following amendments to the Parramatta LEP 2011:
 - a. Increase in the height control from 54 metres to 180 metres; and
 - b. Increase in the FSR from 4:1 to 14.96:1.
12. Council Officers raised concerns with the revised Planning Proposal particularly citing the excessive height and the poor quality of the built form outcome with regard to urban design and the public domain.
13. A meeting was held with the applicant and in August and October 2018 they submitted a revised Planning Proposal and 3D model. This latest version is seeking the following amendment to the Parramatta LEP 2011:
 - a. Increase in the height control from 54 metres to 166 metres; and
 - b. Increase in the FSR from 4:1 to 13.5:1.
14. The Gateway determination for the original Planning Proposal was extended on 21 September 2016 and again on 18 April 2018. The Department of Planning and Environment advised that the April 2018 would be the last extension issued. As such, the original Planning Proposal (RZ/7/2015) did not proceed to exhibition noting the transfer of ownership, the lodgment of the new Planning Proposal and the lapsing of the Gateway determination with no option for an extension.
15. This was acknowledged in the report to Council dated 10 December 2018 regarding the Land Use Planning work program. Council resolved to determine that the Planning Proposal (RZ/7/2015) is no longer active and be omitted from future land use work program updates.

PLANNING PROPOSAL

16. The subject Planning Proposal (**Attachment 1** and **Attachment 2**) is summarised below in comparison to the previously endorsed Planning Proposal (now lapsed) and to the draft controls endorsed by Council under the CBD Planning Proposal.

Table 1 – Comparison Existing Policy Positions and Planning Proposal Applications

Control	Existing (PLEP 2011)	Parramatta CBD Planning Proposal – draft proposed controls	Previous lapsed Planning Proposal	Applicant's Planning Proposal
Height	54m (approximately 14 storeys)	No height control, however, subject to Clause 7.6 Airspace Operations.	102 m	166 m
FSR	4:1	under the CBD PP which permits additional FSR up to a maximum of 3:1 if certain criteria are met. The CBD PP mandates that a minimum 1:1 commercial floor space must be provided on this site but permits	8.47:1 (including Design Excellence)	13.5:1 (including Design Excellence)

Control	Existing (PLEP 2011)	Parramatta CBD Planning Proposal – draft proposed controls	Previous lapsed Planning Proposal	Applicant's Planning Proposal
		commercial floor space beyond the 1:1 to be excluded from FSR calculations if certain criteria are met.		
Site-specific provision			Total FSR can only be reached if that development includes a standalone pub	

17. In relation to height, the Gateway condition j(ii) for the Parramatta CBD Planning Proposal issued on 13 December 2018 requires further assessment of overshadowing impacts of the controls on public open spaces surrounding the CBD when compared with the existing controls. This work may have implications for the height that can ultimately be achieved on the site. This matter is discussed further in a later section of this report entitled “Consistency with the Parramatta CBD Planning Proposal and Gateway Determination”.
18. After discussions with Council Officers, the applicant advised in writing dated 16 January 2019 that they accept the Council Officer's recommendation for a total FSR of 12:1, including design excellence and high performing building bonuses, and are prepared to amend the Planning Proposal prior to seeking a Gateway determination.
19. The applicant's Planning Proposal includes the following documentation:
 - a. Planning Proposal (**Attachment 1**);
 - b. Addendum to Planning Proposal (**Attachment 2**);
 - c. Urban Design Report (**Attachment 3**);
 - d. Urban Design Peer Review;
 - e. Wind Report;
 - f. Traffic and Transport Report;
 - g. Landscape Plans; and
 - h. Heritage Report.

Applicant's proposed development concept

20. The applicant's urban design report (**Attachment 3**) includes a reference design that indicates a possible development that could be built with a total FSR of 13.5:1 and a height of 166 metres. An extract is shown in Figure 3 below.
21. The reference design proposes:
- a. A 51-storey (166 metre high) tower (Building A) comprising:
 - 8 levels of basement car parking (shared with Building B) containing 507 car parking spaces;
 - 2 levels of podium containing commercial floor space;
 - 49 levels of tower containing commercial and residential floor space. The residential consists of 488 apartments.
 - b. An 8-storey (28 metres high) building (Building B) comprising:
 - 8 levels of basement car parking, (shared with Building A) containing 507 car parking spaces;
 - 4 levels of commercial floor space; and
 - 4 levels of residential floor space containing 17 apartments.
 - c. The two buildings combined provide 3,620 square metres of commercial floor space and 38,710 square metres of residential floor space.

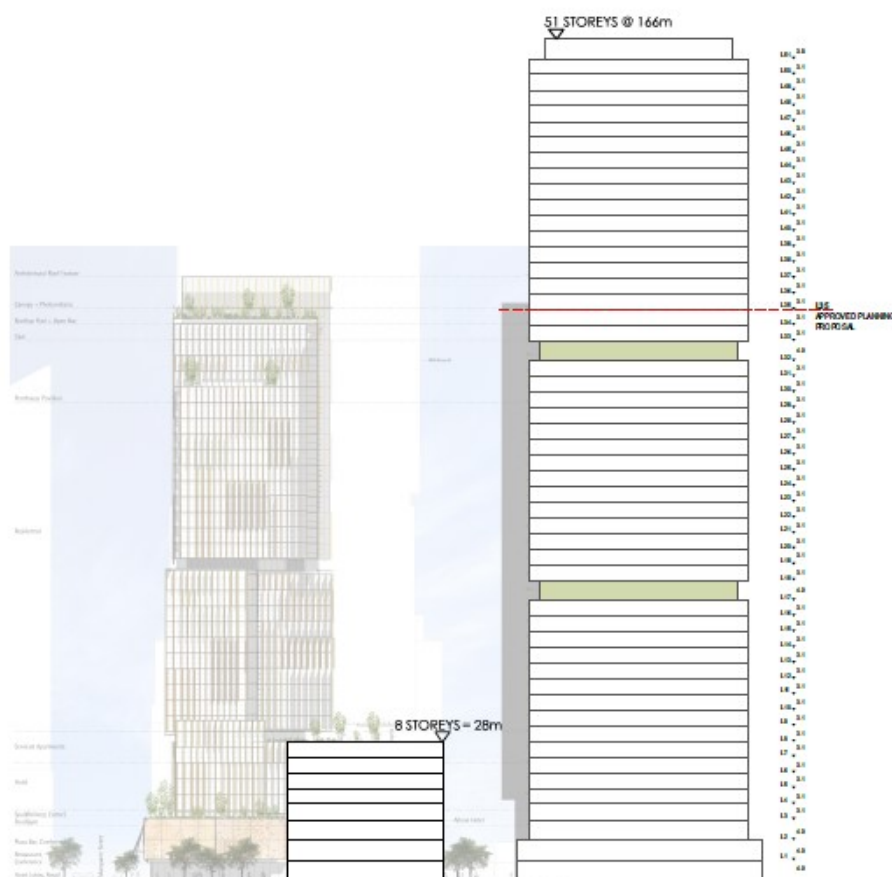


Figure 3: Applicant's reference design. Viewed from Harris Street towards the west. (Source: Applicant's Urban Design Report)

ISSUES

Implications of Parramatta Light Rail and road widening

22. The site is near the route for the Parramatta Light Rail (PLR). Figure 4 below indicates the route in relation to the subject site. As the route is on the opposite side of Harris Street, land acquisition on the site is not required specifically for the PLR.
23. However, consultation with the Roads and Maritime Services (RMS) as part of the Parramatta CBD Planning Proposal has identified a potential need for a seven metre wide land acquisition area on the subject site to facilitate the duplication of the Gasworks Bridge. The location of the PLR route on the eastern side of Harris Street means that the subject site is the only available location for this road widening.
24. The proposed road widening is to be identified on a draft Land Reservation Acquisition Map to be prepared for the Parramatta CBD Planning Proposal.
25. The applicant's revised Planning Proposal now reflects the seven metre road widening and shows the development as being clear of this road widening area. The applicant has responded to the road widening by shifting the podium and the tower to the west. The floor space ratio has been calculated based on the current area of the site, including the road widening, so floor space can be transferred from the road widening area on the site.

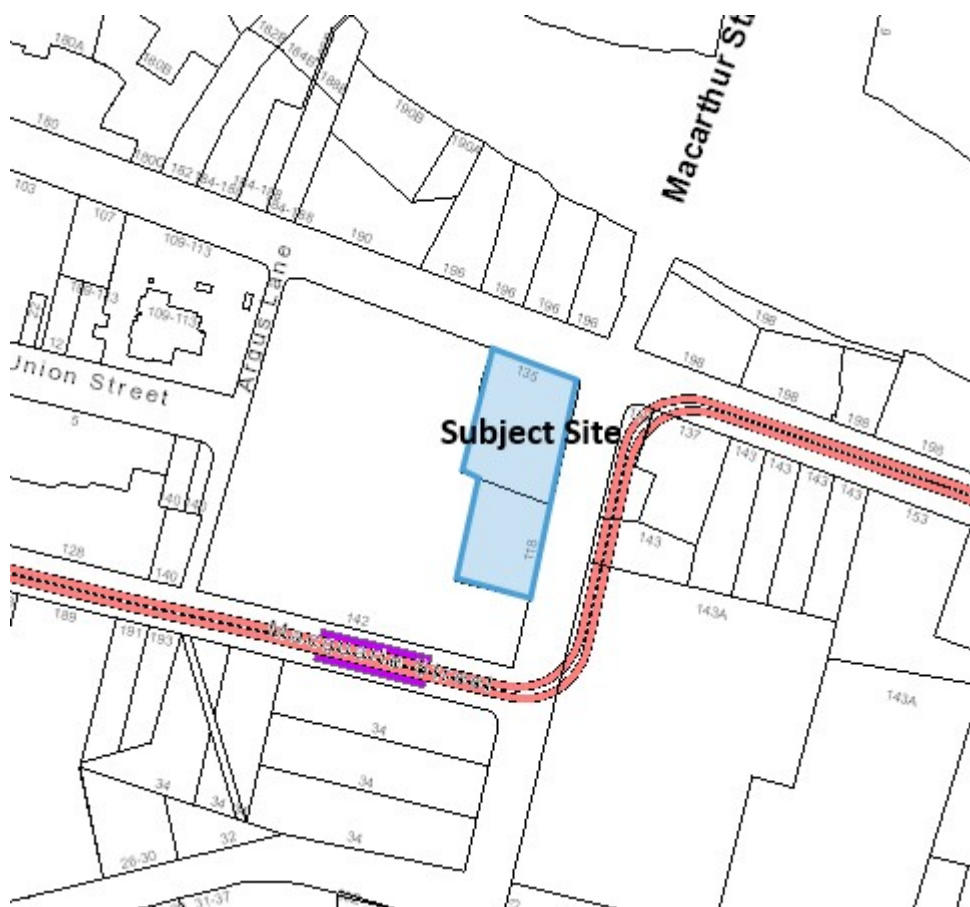


Figure 4: Proposed route of the Parramatta Light Rail in relation to the subject site. The platform location is shown coloured purple. (Source: Council's GIS).

Cumberland Industries site

26. The adjoining site at 142-154 Macquarie Street (known as the Cumberland Industries site) is also subject to a Planning Proposal (RZ/15/2015). The Planning Proposal has received a Gateway Determination and has been publicly exhibited. It has also been subject to a Design Competition with a preferred design being awarded Design Excellence. The Planning Proposal seeks to amend the Parramatta LEP 2011 as follows:
- Increase the height of buildings control from 54 metres to 180 metres; and
 - Increase the FSR from 4:1 to 8:1, including Design Excellence.
27. A Planning Agreement and a Development Control Plan (DCP) have been exhibited in relation to the adjoining site. However, since the exhibition, Transport for NSW advised that road widening is required along Macquarie Street to facilitate Parramatta Light Rail. It is anticipated that the Planning Proposal, Planning Agreement and DCP will require exhibition to reflect changes necessitated by the PLR road widening.
28. The applicants for both the Cumberland Industries site and the Albion Hotel site have worked collaboratively to take a whole-of-block approach to their redevelopments. Figure 5 below indicates the broader block plan reflecting the ground floor plan.



Figure 5: Ground floor plan indicating relationship with Cumberland Industries site. (Source: Applicant's Urban Design Report)

29. Critical to the success of the whole block is the new pedestrian links and the new shared zone running through both sites which extends Union Street to the west. The area between Building B25 on the adjoining site and the tower at the northern end of the subject site, shown with no shading in Figure 5, is proposed public domain.
30. Figure 6 below shows the entire block when viewed from George Street looking south. The indicative tower for the subject site is outlined in red. The previously endorsed Planning Proposal which has since lapsed is shown hatched.

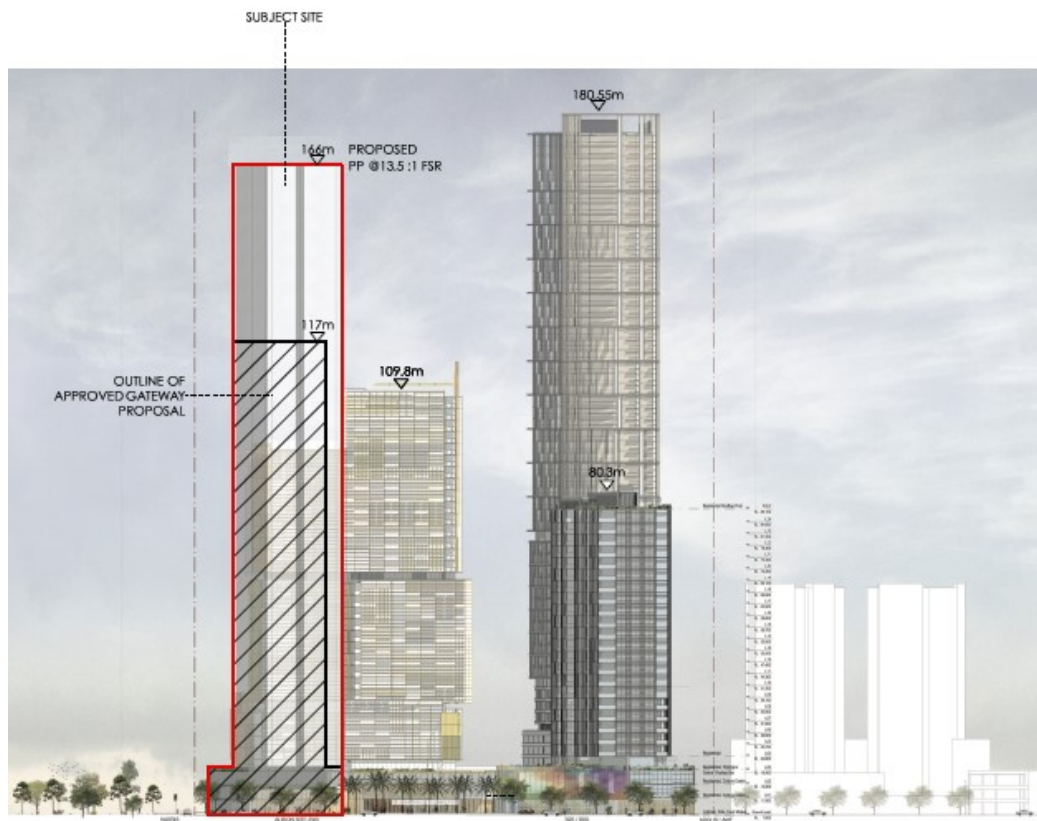


Figure 6: Planning Proposal for the Albion Hotel site in context with Planning Proposal for the adjoining site - Cumberland Industries site (Source: Applicant's Urban Design report).

Consistency with the Parramatta CBD Planning Proposal and Gateway Determination

31. Under the Parramatta CBD Planning Proposal, the permissible density would be determined primarily by the following provisions:
- Incentive FSR of 10:1;
 - Design Excellence Bonus of 1.5:1; and
 - High Performing Buildings Bonus of 0.5:1.
 - The site could benefit from the Opportunity Sites Floor Space provisions which allow for additional FSR, up to a maximum of 3:1, if it meets specified criteria.
 - The CBD Planning Proposal mandates that a minimum 1:1 commercial floor space must be provided on this site but permits floor space beyond the 1:1 to be excluded from FSR calculations if certain criteria are met.

32. The maximum FSR achievable under the CBD Planning Proposal is complex. The Department of Planning and Environment issued the Gateway Determination for the CBD Planning Proposal on 14 December 2018. The Gateway Determination includes conditions which may have implications for the planning controls on the subject site. These are extracted from the Gateway determination and addressed individually below:

“1(i) (vi) review the proposed opportunity sites having regard to site depth, site isolation and impacts on heritage areas and historic streetscapes. Opportunity sites should be removed from the planning proposal where the additional bulk and scale could have an adverse impact on the amenity of surrounding localities and areas of heritage significance; and

33. Under the Parramatta CBD Planning Proposal, the site is identified within the Opportunity Sites area. This map is related to Clause 7.16 which prescribes criteria to be met in order to use the Opportunity Site provisions. Subject to meeting this criteria, sites can develop at a FSR of up to 15:1 (including all bonuses).
34. At its meeting on 10 September 2018, Council resolved to amend the Opportunity Site provisions so that in addition to the existing requirements, that is a street frontage of 40 metres and site area of 1800 square metres, new minimum site depth criteria of 35 metres for corner sites and 40 metres for all other sites is also applied.
35. The subject site is made up of two lots and together their frontage to Harris Street exceeds 40 metres and they exceed 1,800 square metres. However, part of the property is 37 metres deep and the remainder is only 30 metres deep, as shown in Figure 7, when measured from Harris Street so the site does not comply with the 35 metres depth requirement for corner lots. In addition, the 7 metre wide road widening required by the RMS, means the area a building can be placed on the site is reduced to 30 metres and 23 metres in depth respectively. As such, the site does not meet the recently adopted Opportunity Site criteria.

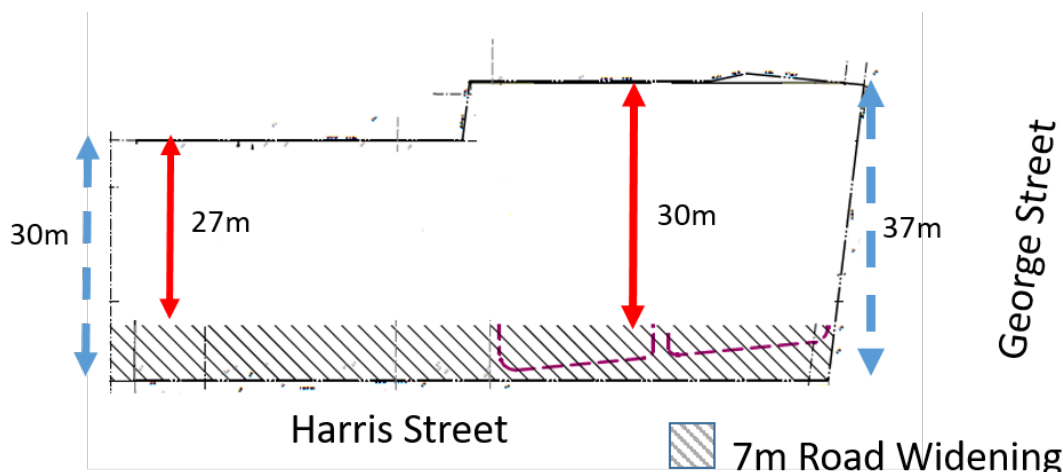


Figure 7: Site depth dimensions

36. The Gateway determination issued by the Department for the CBD Planning Proposal on 13 December 2018 (refer to condition 1(i)(vi) above) requires Council to review the draft Opportunity Sites controls and remove such provisions where the impacts from the resultant additional bulk and scale could have an adverse impact on the amenity of surrounding localities and areas of heritage significance.

1(j)(ii.) provide further assessment of the overshadowing impact of the proposed controls on public open spaces surrounding the CBD compared to the existing controls;

37. The shadow diagrams submitted by the applicant in the Urban Design Report indicate that the development will overshadow Robin Thomas Reserve in the afternoon in mid-winter, as shown in Figures 8 and 9 below.



Figure 8: Shadows cast by the development at 1pm on 21 June based on FSR of 13.5:1 and Height of 166 metres (Source: Applicant's Urban Design Report)



Figure 9: Shadows cast by the development at 2pm on 21 June based on FSR of 13.5:1 and Height of 166 metres (Source: Applicant's Urban Design Report)

38. Figure 8 shows the shadow cast at 1pm and Figure 8 shows the shadow cast at 2pm. These diagrams reflect a development with an FSR of 13.5:1 and a tower height of 166 metres. The shadows cast by the previous, now lapsed, Planning Proposal are shown by the broken pale blue line. The previous Planning Proposal had an FSR of 8.47:1 and height of 102 metres. The diagrams don't show a shadow cast by the existing controls.
39. The shadows cast by the adjoining Cumberland Industries site are also shown in grey. This is important as the Gateway determination for the CBD Planning Proposal requires an assessment of the cumulative shadowing impacts from the CBD Planning Proposal. The Gateway determination for the lapsed Planning Proposal on this site included a condition that the Planning Proposal include comprehensive shadow diagrams showing cumulative effects from the subject site and from nearby developments at 142-154 Macquarie Street and 184-188 George Street.
40. From Figures 8 and 9, it is evident that the proposal has the potential to significantly impact on solar access to Robin Thomas Reserve, particularly when considering cumulative impacts from nearby developments. However, Figures 8 and 9 reflect a higher FSR than Council Officers recommend be supported. Should Council resolve to endorse the Planning Proposal, it is recommended that cumulative shadow diagrams be prepared showing the shadows cast in order to satisfy condition 1(j)(ii) of the Gateway determination for the CBD Planning Proposal which reads:-

"1(j)(iii) incorporate an assessment of the potential overshadowing impacts on Experiment Farm that may result from the proposed planning controls (outside the proposed sun access plane of 10am-2pm);"

41. The Department have indicated a preference with other site-specific Planning Proposals for the identification of a numerical height control rather than no height control. As such, it is recommended that a revised reference design be submitted which reflects an FSR consistent with the CBD Planning Proposal and that this design be used to identify a numerical height control.
42. The shadow diagrams indicate that development on the subject site will cause minimal overshadowing to Experiment Farm Reserve. However, the cumulative shadow diagrams requested above will enable this to be confirmed.
43. The difference between the applicant's proposed FSR of 13.5:1 and 12:1 could under the CBD Planning Proposal be considered as commercial floor space under the provisions proposed to promote commercial floor space for certain mapped sites that are zoned B4 Mixed Use. Council Officers consider, given the issues raised by both the Department and Council's Urban Design team regarding urban design and overshadowing impacts, that it would be premature to apply this control that allows unlimited additional commercial floor space to this site ahead of the CBD Planning Proposal issues being resolved.

Urban Design

44. Comments from Council's Urban Design team are summarised below:
 - a. It is noted that the site previously underwent a master planning exercise in conjunction with the adjoining Cumberland Industries site. The previous Planning Proposal for the site reflected this block-wide approach to planning. The densities were formulated from this approach and the overall scheme of tower heights and building massing on the site were considered on a broader block basis.
 - b. This process resulted in the identification of a shared zone, two pedestrian paths and a public domain. There is a risk that increasing the density, height and changing setbacks on the subject site compromises the urban design and public domain outcomes envisaged by this block-wide approach.
 - c. In particular, the nil western tower setback is of concern as it creates a sheer tower without relief that will impact negatively on the proposed public domain on the Cumberland Industries site. However, it is noted that the 7 metre road widening on Harris Street has made it difficult for the site to accommodate setbacks on the western side, and as such, some concessions are considered reasonable. The planning proposal recommended for endorsement is based on a reference design with a 3 metre tower setback to George St.
45. To pursue Council's adopted policy position concessions need to be given to the setbacks that might otherwise be sought for urban design reasons. In making this recommendation, Officers have taken into account the CBD Planning Proposal controls and the fact that the road widening on this site, which may provide significant benefits to the greater CBD, has a significant impact on the development options for this site. This also warrants special consideration being given on the issue of setbacks.
46. To determine how the setbacks issues above will be resolved it is recommended that a site-specific Development Control Plan (DCP) be prepared which addresses setbacks and the relationship with the Cumberland industries site.

47. There is also a possibility that the FSR that will ultimately apply to the site under the CBD Planning Proposal change as a result of the further assessment required by the Gateway determination. The Gateway condition j(ii) for the Parramatta CBD Planning Proposal requires further assessment of overshadowing impacts of the draft controls on public open spaces surrounding the CBD when compared with the existing controls. This work may have implications for the built form that can ultimately be achieved on the site and subsequently, the FSR and setbacks.

Heritage

48. As discussed previously, the site is not listed as an item of heritage significance and is not within a Heritage Conservation Area. The site is across the road from Robin Thomas Reserve which is listed on the State Heritage Register as an "Ancient Aboriginal and Early Colonial Landscape" and is listed under Schedule 5 of Parramatta LEP 2011 as being of local heritage significance as an archaeological site.
49. To the north there are several heritage items of local significance within the Parramatta River foreshore area being the Gasworks bridge and the Queens Wharf Reserve and stonewall and potential archaeological site. There is also an item of State heritage significance being the HMAS Parramatta Shipwreck and memorial.
50. Council's Heritage Advisor raised no objection to the proposal and noted that heritage issues can be adequately addressed at the Design Competition and development application stage.

Traffic and Transport

51. Council's Service Manager, Traffic and Transport has raised no objection to the Planning Proposal subject to the development gaining vehicular access from Harris Street and subject to complying with the maximum car parking rates prescribed in relation to the Parramatta CBD Planning Proposal.
52. The development proposes access from Harris Street. The Planning Proposal indicates approximately 507 car parking spaces, however, should Council endorse the Planning Proposal, it is recommended that a site-specific LEP clause be included which applies the maximum car parking rates endorsed as part of the Parramatta CBD Planning Proposal.

Flooding

53. The site is not within the 1 in 100 year Average Recurrence Interval, however, it is within the Probable Maximum Flood (PMF) area. Clause 7.19 within the draft LEP provisions of the Parramatta CBD Planning Proposal requires occupants within buildings within the PMF area to be able to shelter in place above the PMF level or to safely evacuate. This matter can be addressed at the Design Competition and development application stage.

Planning Agreement

54. The applicant has not submitted a letter of offer or intent in relation to the entering of any Planning Agreement with Council for the provision of community infrastructure. Should Council resolve to endorse the Planning Proposal, it is recommended 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.

Use of delegations

55. It is recommended Council resolve not to use its delegations relating to plan-making functions, as provided by the NSW Department of Planning and Environment.
56. The delegations were originally granted to Council in 2012 to prepare and make routine changes to local environmental plans (LEPs) following a Gateway determination. Experience with recent site-specific planning proposals is the Department have not supported Council using delegations for plan-making in Parramatta CBD. In this regard, the Department notes that there are a large number of site-specific Planning Proposals in the CBD and there is a need to ensure that they align with the overall vision for the CBD and deliver a coordinated outcome.

CONSULTATION AND TIMING

57. If the Parramatta Local Planning Panel supports the recommendations of this report, a further report will be prepared for Council to seek adoption of the Panel's recommendation. If Council resolves to proceed with the Planning Proposal, it will be forwarded to the Department of Planning and Environment for a Gateway Determination.
58. If a Gateway Determination is received, the Planning Proposal will be placed on public exhibition along with the draft site-specific DCP and a draft Planning Agreement. A report on the outcomes of the public exhibition will be provided to the Local Planning Panel addressing any objections received. If no objections are received, the matter will be reported directly to Council seeking approval to finalise the Planning Proposal.

FINANCIAL IMPLICATION FOR COUNCIL

59. 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.

CONCLUSION

60. 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. 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.
61. In light of these concerns, it is recommended Council endorse a Planning Proposal subject to a lower FSR of 12:1 including Design Excellence and the High Performing Buildings bonus as well as maximum car parking rates consistent with the CBD Planning Proposal, per recommendation 1(a) of this report. It is also recommended that a site-specific DCP be prepared addressing building setbacks and the relationship with the adjoining Cumberland Industries site.
62. The applicant has been advised of this recommendation and has notified Council in writing that they agree to the amendment of the Planning Proposal as outlined above. However, it should be noted that the further assessment required as part of the conditions of the Gateway determination for the CBD Planning Proposal may result in the identification of a lower FSR and/or height control for this site.

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 Applicant's Planning Proposal | 33 Pages |
| 2 Applicant's addendum to their Planning Proposal | 9 Pages |
| 3 Applicant's Urban Design Report | 62 Pages |
| 4 Further information requested by the Panel | 5 Pages |

REFERENCE MATERIAL