

**Purpose:** To request that the Independent Planning Commission review the Gateway determination, taking into account information provided by the proponent, and provide advice regarding the merit of the review request.

<b>Dept. Ref. No:</b>	PP_2017_COPAR_012_00
<b>LGA</b>	City of Parramatta
<b>LEP to be Amended:</b>	Parramatta LEP 2011
<b>Address/ Location:</b>	55 Aird Street, Parramatta
<b>Proposal:</b>	To amend the floor space ratio and height of building controls on the subject site.
<b>Review request made by:</b>	<input type="checkbox"/> The council <input checked="" type="checkbox"/> A proponent
<b>Reason for review:</b>	<input type="checkbox"/> A determination has been made that the planning proposal should not proceed.
	<input type="checkbox"/> A determination has been made that the planning proposal should be resubmitted to the Gateway.
	<input checked="" type="checkbox"/> A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or Council thinks should be reconsidered.

## Background information

<b>Details of the planning proposal</b>	<p>The proposal sought to amend Parramatta LEP 2011 to:</p> <ul style="list-style-type: none"> <li>remove the maximum indicated height on the height of buildings map;</li> <li>require clause 7.6 (Airspace Operations) to apply to the site;</li> <li>increase the maximum floor space ratio (FSR) from 4.2:1 to 10:1;</li> <li>remove the application of the FSR sliding scale in clause 7.2 of the Parramatta LEP 2011;</li> <li>access additional bonus FSRs by demonstrating compliance with design excellence (existing clause 7.10 in the Parramatta LEP 2011);</li> <li>access additional bonus FSR by demonstrating compliance with Council's proposed high-performance buildings policy via a site-specific clause;</li> <li>apply a site-specific provision ensuring a commercial FSR of 1:1 is included in the base FSR of 10:1, with any commercial FSR above 1:1 excluded from the FSR calculation, allowing an additional commercial FSR of 3:1; and</li> <li>include a maximum car parking rate.</li> </ul> <p>The planning proposal, as submitted to the Department, is provided in <b>Attachment G</b>.</p>
<b>Reason for Gateway determination</b>	<p>The Gateway (<b>Attachment C</b>) determined that the planning proposal should proceed subject to several conditions, including:</p> <ul style="list-style-type: none"> <li>provide a maximum height of building control and remove reference to clause 7.6 of the Parramatta LEP 2011 (Airspace Control);</li> <li>amend the FSR map to provide a maximum mapped FSR of 10:1;</li> <li>ensure the sliding scale provisions of clause 7.2 of the Parramatta LEP 2011 apply to the site (to reduce the maximum FSR to 6:1);</li> </ul>

	<ul style="list-style-type: none"> <li>• require a minimum commercial floor space of 1:1 (to be included as part of the 10:1 FSR) and remove the reference to commercial floor space incentives over an FSR of 1:1;</li> <li>• remove the reference to high-performance building incentives; and</li> <li>• revise the urban design report to reflect the requirements of the Gateway determination and the reduced car parking rates that are required to be applied to the site in accordance with City of Parramatta Council's endorsed strategic transport study.</li> </ul> <p>The Gateway determination recommended a FSR of 10:1 on the basis that the sliding-scale provisions of the Parramatta LEP 2011 were retained on the site, resulting in an FSR of 6:1 on the subject site (6.9:1 with design excellence). This was considered to provide an appropriate urban design outcome that accounted for the size of the site (658m<sup>2</sup>), but also enabled a planning framework that could adapt over time if the site was amalgamated with adjoining properties.</p> <p>The Gateway determination also required the removal of floor space bonuses that were not considered suitable to be applied given the size of the site and the underlying intent of these policies, which aimed to increase A-grade commercial floor space in the Parramatta CBD. The size of the site means it is not possible to achieve the required floorplate to deliver A-grade commercial floorspace. The Gateway determination report is provided at <b>Attachment D</b>.</p>
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### Council views

<b>Date Council advised of request:</b>	Council was advised of the request to review the Gateway determination on 8 February 2018.
<b>Date of council response:</b>	Council provided a response on 19 March 2018, 24 April 2018 and 30 July 2018.
<b>Council response:</b>	<p>Council resolved on 12 March 2018 that it “supports the conditions imposed by the Gateway determination for 55 Aird Street issued on 28 November 2017”. Council further resolved that the Council officer report form its submission to the Gateway determination review. The Council officer report and resolution are provided at <b>Attachments E1 and E2</b>.</p> <p>The Department has since been advised that Council has reconsidered its position on the planning proposal.</p> <p>On 9 April 2018, Council resolved (in accordance with the rescission motion) to support an FSR of 4.2:1 (being the current LEP control), to not support the Gateway determination issued on 28 November 2017, and to withdraw the planning proposal from Gateway determination (<b>Attachment E3, E4 and E5</b>).</p>

### Proponent justification

<b>Details of justification:</b>	<p>The proponent sought the Gateway determination review on 5 February 2018. The request is accompanied by a submission that:</p> <ul style="list-style-type: none"> <li>• provides further analysis of the merits of allowing a base FSR of 10:1 on the site taking into account urban design outcomes;</li> <li>• requests that the site be exempt from the sliding-scale provisions, or apply the sliding-scale provisions proposed under the Parramatta CBD planning proposal, which provides for an FSR out-clause provided certain merit conditions are met;</li> <li>• requests that the bonus floor space for high-performance buildings and additional commercial floor space be reinstated;</li> <li>• discusses a loss in economies of scale to develop the site when an FSR of 6.9:1 is imposed; and</li> <li>• identifies the limited opportunities for site amalgamation to occur given the fragmented ownership of adjoining properties.</li> </ul>
<b>Material provided in support of application/proposal:</b>	The proponent has provided a letter outlining the reasons for the Gateway review, and economic advice ( <b>Attachment F</b> ).

## Assessment summary

<b>Department's assessment:</b>	<p>The Department's position is that the Gateway determination should remain unchanged. The Department continues to hold the view that the FSR sliding scale should apply to the subject site and that a mapped FSR of 10:1, with the application of the existing sliding-scale provisions in the Parramatta LEP 2011, is the most appropriate outcome for the site.</p> <p>While the Department recognises that site amalgamation is not always possible, a planning framework has been put in place to enable a higher FSR should site amalgamation occur. The Department did not support the urban design outcome submitted by the proponent that proposed an FSR of 15:1 on the site. This position was also supported in the original Council officer report, which is provided in the appendices to Council's report at <b>Attachment E1</b>.</p> <p>The Department agreed with the Council officer report, which included urban design testing and analysis and indicated that in order to achieve the proposed tower form, 'zero lot side setbacks are required and 120m high blank walls are utilised in order to respond to building separation and privacy requirements.' This was considered an undesirable outcome for the site.</p> <p>The main difference between the Council officer recommendation and the Gateway determination was that the Department recommended a mapped outcome of 10:1, with the application of the existing sliding-scale provisions, in recognition of the potential to deliver a different urban design outcome should site amalgamation occur.</p> <p>The additional FSR bonuses sought by the proponent were not supported. The additional commercial floor space and high-performance buildings incentives that are proposed within the Parramatta CBD planning proposal and are intended to apply to large sites more than 1800m<sup>2</sup> to encourage the provision of A-grade commercial floor space in the Parramatta CBD and enable improved urban design and environmental outcomes.</p> <p>The Parramatta CBD planning proposal cites the need to provide floorplates of at least 1300m<sup>2</sup> to satisfy the provision of A Grade commercial floorspace, with most tenants requiring a floorplate over 1500m<sup>2</sup>. Further, the 3:1 FSR bonus for opportunity sites in the Parramatta CBD is only proposed on sites greater than 1800m<sup>2</sup> with a 40m frontage. The subject site is not capable of meeting these minimum requirements without amalgamating with surrounding properties.</p> <p>As these proposed policy outcomes are still being considered by the Department as part of the Parramatta CBD planning proposal, it was considered inappropriate to pre-empt any future determination the Department may make.</p>
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## RECOMMENDATION

**Reason for review: A determination has been made that the planning proposal should proceed subject to conditions.**

<b>Recommendation:</b>	<input type="checkbox"/>	The planning proposal should not proceed past Gateway.
	<input type="checkbox"/>	<input type="checkbox"/> no amendments are suggested to original determination. <input type="checkbox"/> amendments are suggested to the original determination.
	<input type="checkbox"/>	The planning proposal should proceed past Gateway in accordance with the original Determination.

**Any additional comments:**



15/05/2018

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