

INNOVATIVE

ITEM NUMBER	6.1
SUBJECT	Refusal of the Planning Proposal for land at 168-176 Parramatta Road and 89-90 Cowper Street, Granville
REFERENCE	F2013/01409 -
APPLICANT/S	Planning Ingenuity
OWNERS	JFC Developments Pty Ltd
REPORT OF	Project Officer

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

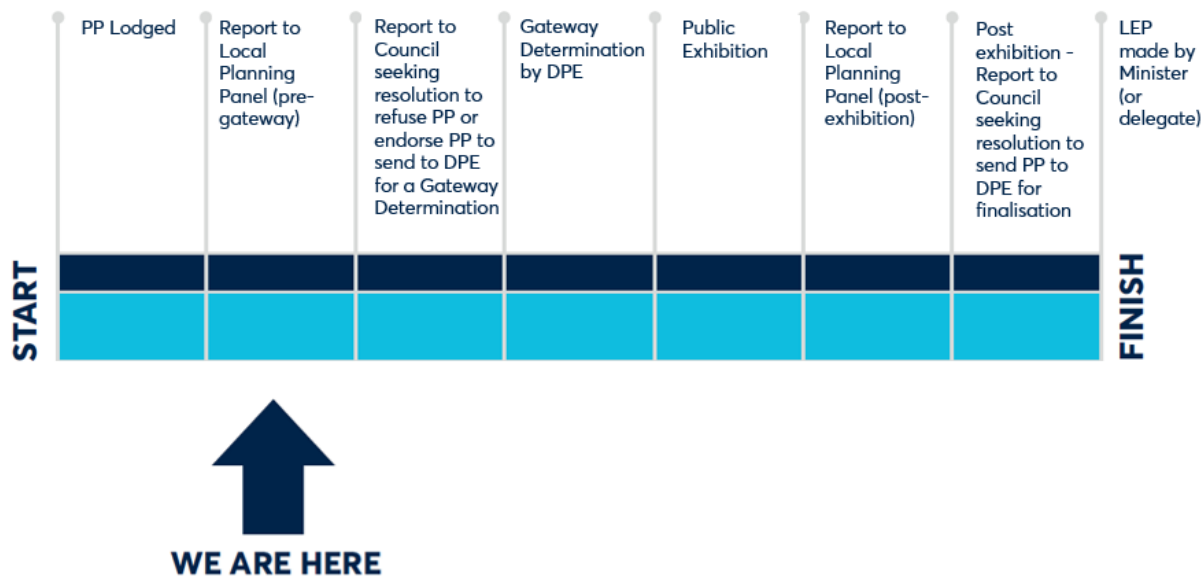
The purpose of the report is to seek the Parramatta Local Planning Panel's advice to Council on a recommendation to refuse a Planning Proposal at 168-176 Parramatta Road and 89-90 Cowper Street, Granville.

RECOMMENDATION

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

- (a) **That** Council refuse the Parramatta Planning Proposal at 168-176 Parramatta Road and 89-90 Cowper Street, Granville for the following reasons:
- i. The Planning Proposal is inconsistent with the height of development envisaged by the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), which sets the strategic planning framework for the precinct.
 - ii. The Planning Proposal is premature given that an implementation plan is required to be prepared and adopted by Council, now that the precinct-wide traffic study is complete, to ensure road network upgrades and other infrastructure requirements are agreed, funding sources secured and able to be delivered consistent with the PRCUTS.
- (b) **Further, that** the applicant be advised of Council's decision.

PLANNING PROPOSAL TIMELINE



OVERVIEW OF THE PLANNING PROPOSAL

- On 16 March 2015, a Planning Proposal was lodged with Council by Planning Ingenuity to amend the planning controls applicable to 168-176 Parramatta Road and 89-90 Cowper Street, Granville, under the *Parramatta Local Environment Plan 2011*. An aerial view of the subject site, outlined in yellow, is shown in **Figure 1**. An overview of the existing and proposed controls for the Planning Proposal, as well as those proposed under the PRCUTS are detailed in **Table 1**. The Applicant's Planning Proposal as originally submitted is provided at **Attachment 1**.
- The subject site is located on the southern side of Parramatta Road, with the rear site boundary adjoining the western rail line. The site comprises five (5) allotments with a total site area of approximately 4,888m². The site contains buildings used for a variety of industrial and commercial uses.



Figure 1: Aerial view of the subject site at 168-176 Parramatta Road and 89-90 Cowper Street, Granville

	Parramatta Local Environment Plan 2011	Applicant's Planning Proposal dated 6 March 2015	Applicant's preferred Planning Proposal dated 23 June 2016	PRCUTS (no identified design excellence bonuses)
Zoning	Part B6 Enterprise Corridor and part B4 Mixed Use	Rezone the entire site to comprise B4 Mixed Use	Rezone the entire site to comprise B4 Mixed Use	B4 Mixed Use
Maximum HOB	Part 21m (R1) (6 storeys) and part 52m (Y1 – Area 1) (16 storeys) – application of Clause 4.3 2A	110m (35 storeys) including a 15% bonus subject to Design Excellence	125m (36 storeys) including a 15% bonus subject to Design Excellence	80m (25 storeys)
Maximum Floor Space Ratio (FSR)	Part 3:1 (V1) and part 6:1 (AA1 – Area 1) – application of Clause 4.4 2A	6:1 including a 15% bonus subject to Design Excellence	6:1 including a 15% bonus subject to Design Excellence	6:1

Table 1: Existing and proposed controls applying to the site at 168-176 Parramatta Road and 89-90 Cowper Street, Granville

EXISTING PLANNING CONTROLS UNDER PARRAMATTA LOCAL ENVIRONMENT PLAN 2011

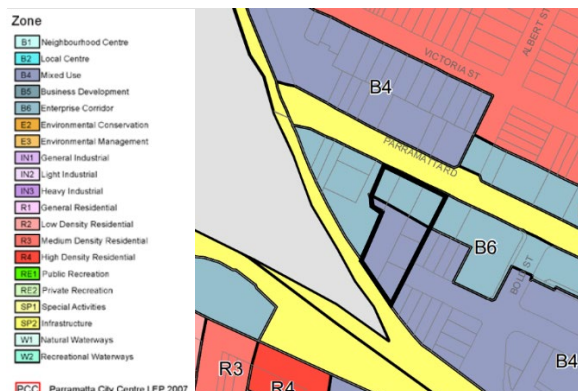


Figure 2: Existing Land Use Zoning

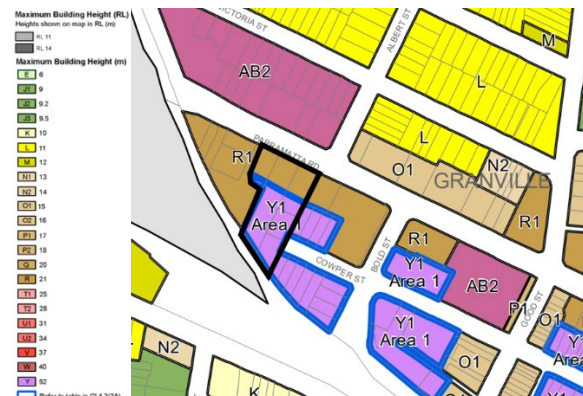


Figure 3: Existing Height of Buildings



Figure 4: Existing FSR

- The Planning Proposal would result in a consistent zoning, maximum building height, and FSR for the entire site on which the developer will seek to construct a mixed-use development under a future Development Application. The indicative built form submitted with the revised Planning Proposal in 2016 illustrates a part 5 and part 2 storey podium fronting Parramatta Road to accommodate commercial and retail uses on the ground and first floor, and residential development on the 3 upper levels of the podium. A 36 storey residential tower (with ground floor commercial uses) is illustrated towards the rear of the site (refer to **Figure 5** and **Figure 6**).



Figure 5 and 6: Applicant's preferred scheme dated 23 June 2016

COUNCIL OFFICER ASSESSMENT

4. The Applicant's preferred scheme submitted on 23 June 2016 proposes rezoning of the entire site to B4 Mixed Use with 6:1 FSR (zoning and FSR consistent with the PRCUTS) and height of 125m (36 storeys). The proposed height is inconsistent with the PRCUTS, which specifies a maximum height of 80m at 25 storeys.
5. As outlined in the Planning and Design Guidelines that accompanies the PRCUTS, the recommended planning controls were developed having regard to the natural and built context, providing appropriate bulk, scale and density relative to the street and surrounding buildings, and to enhance the public domain. Although the final controls will be determined by a future planning proposal (be it Council-led or Proponent-initiated), the recommended planning controls in the PRCUTS provide an important strategic direction that is the result of extensive research and analysis.
6. The proposed building height at 125m represents a 64% variation to the recommended building height of 80m as identified in the PRCUTS. Council officers do not support this height as it would undermine the strategic planning framework undertaken as part of the PRCUTS. Further, noting the context of the site, which is adjacent to a local heritage item (refer to **Figure 5**), the proposed building height will result in adverse visual amenity impacts upon the item and public domain that is not in accordance with the objectives of the accompanying Planning and Design Guidelines.

CHRONOLOGY

7. Following lodgment of the Planning Proposal in March 2015, the Planning Proposal was referred to the relevant sections of Council for comment (including Place Services, Urban Design, Traffic Management, Contamination Management, Transport and Heritage).
8. On 23 July 2015, Council officers advised the Applicant of options to be considered in progressing the Planning Proposal. These options were prompted by advice issued by the Department of Planning and Environment (DPE) in relation to another Planning Proposal active at the time in the vicinity of the subject site where DPE recommended the Applicant withdraw to await release of the Draft Parramatta Road Urban Renewal Strategy (draft Strategy).

The three options provided to the Applicant are outlined below:

- i. That Council officers pause assessment of the Planning Proposal to await the release of the draft Strategy noting that it would provide recommended planning controls for the Granville North Precinct, including the subject site. Council officers presented this option to the proponent with the intention to understand how the Planning Proposal might align with the draft Strategy.
 - ii. That Council officers report the Planning Proposal to the LPP that sought an FSR of 6:1 and height of 110m (approx. 35 storeys) (excluding the additional 15% bonus available under the proposed Design Excellence clause).
 - iii. That the Applicant amend the Planning Proposal to seek a lower height and FSR. This was requested noting the draft Strategy was yet to be released and noting DPE's recommendation to withdraw an adjoining PP with a similar proposed FSR and height.
9. Further to the three options outlined above, the Applicant was informed that should they opt to progress assessment of either their existing scheme or an amended scheme with lower height and FSR, additional information would be required to address Council officer referral comments relating to Urban Design, Traffic Management and Public Benefit/infrastructure considerations.
10. On 24 July 2015, the Applicant advised they would pursue Option 1, requesting that Council officers pause assessment of the Planning Proposal to await the release of the draft Strategy.
11. Council officers subsequently paused the assessment and on 18 September 2015, the draft Strategy was made publicly available. Council officers acknowledged the differences between the draft Strategy and the Planning Proposal, and requested an update from the Applicant on 21 September 2015, regarding their intentions to proceed with the Planning Proposal.
12. On 9 November 2015, the Applicant advised Council that they wished to keep the Planning Proposal on hold, pending Council's submission on the draft Strategy.

13. On 16 February 2016, Council officers provided the Applicant with a copy of Council's submission on the draft Strategy and requested for the Applicant to provide an update on their intentions to proceed with the Planning Proposal.
14. On 23 June 2016, the Applicant provided a revised Urban Design Report containing additional information to progress assessment of the Planning Proposal. The revised Urban Design Report included three further scenarios for Council officer's consideration (scenario 3 preferred by the Applicant). The three options are outlined below:

	Scenario 1	Scenario 2	Scenario 3 (Applicant Preferred)
No. of Towers	2 towers	1 tower	1 tower
No. of storeys	25 storeys	31 storeys	36 storeys (approximately 125m)
Maximum Tower Footprint	959sqm	1438sqm	959sqm
FSR	6:1	6:1	6:1

Table 2: Overview of three Urban Design Scenarios as outlined in the revised Urban Design Report, received by Council officers on 23 June 2016

15. The revised Urban Design Report was referred internally to Council's Urban Design team for consideration. On 5 September 2016, Council officers issued formal comments to the Applicant, noting that the Applicant's preferred scenario (Scenario 3) did not comply with the recommended height within the draft Strategy. Notwithstanding, Council officers requested further information to assist with the assessment of Scenario 3 and its compliance with the Apartment Design Guide and other recommendations of the draft Strategy's Urban Design Guidelines.
16. The final Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), prepared by UrbanGrowth NSW, was released in November 2016, including supporting documentation. The accompanying Parramatta Road Corridor Infrastructure Schedule recognises the infrastructure required to support population growth identified in the PRCUTS including transport, open space and community facilities. The PRCUTS stated the following: *Prior to any rezoning commencing, a precinct-wide traffic study and supporting modelling is required to be completed which considers the recommended land use and densities, as well as future Westconnex conditions, and identifies the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the Precinct.*
17. On 23 February 2017, Council officers notified the Applicant of the requirement for a precinct-wide traffic study and supporting modelling to be submitted prior to any rezoning commencing. Council officers noted that a precinct-wide traffic study in Granville with supporting modelling was required to manage the cumulative impact of the proposed growth envisaged under the PRCUTS. The study would identify any potential road and intersection improvements required to support this growth, and furthermore identify any land required to deliver these improvements.

18. On 27 February 2017, an updated Urban Design Report, in conjunction with updated reference scheme and a Planning Proposal Cover Letter outlining the Applicant's willingness to enter into a Voluntary Planning Agreement to support the Planning Proposal was received. The Applicant's most recent updated Urban Design Report is provided at **Attachment 2** and updated reference scheme at **Attachment 3** (note: the updated Urban Design Report contained additional information following finalisation of the PRCUTS and the Applicant's preferred scenario remained unchanged). The Applicant's preferred scenario outlined in the updated Urban Design Report remained inconsistent with the recommended height outlined within the draft Strategy.
19. The Planning Proposal remained inactive from September 2017 until April 2022, primarily due to the preparation of a precinct-wide traffic and transport study (prepared by consultants on behalf of DPE, City of Parramatta and Cumberland Councils) that was required to ensure the proposed land use changes contained within the Auburn-Granville section of the PRCUTS can be achieved.
20. On 17 February 2022, the DPE provided Council officers with the *Granville and Auburn Transport Study (2022)* prepared by GTA Consultants / Stantech (Stantech study), and on 8 April 2022 the *Phase 2 Rapid Intersection Assessment – Traffic Intervention Development Report (2022)* prepared by Turnbull Engineering (Turnbull study). The Stantech study focused primarily on public transport and active transport initiatives and the Turnbull study focused on four intersection interventions for Granville. Council officers are currently reviewing the studies in light of identified infrastructure requirements.
21. On 19 April 2022, Council officers notified the Applicant that the completed precinct-wide traffic study was in the process of being reviewed by officers. The Applicant was advised that progressing the Planning Proposal is not recommended until the implications of the precinct-wide traffic study are fully understood and Council's implementation plan is finalised to enable the feasible delivery of the required infrastructure to ensure the proposed land use changes contained within the PRCUTS can be achieved. As the Planning Proposal had remained inactive since September 2017, and due to the lack of an implementation plan, Council officers requested that the Applicant withdraw the Planning Proposal and advised that should it not be withdrawn it would be reported to the Local Planning Panel seeking refusal.
22. On 10 May 2022, the Applicant requested that Council officers defer reporting the Planning Proposal for at least one month to provide an opportunity for them to consider implications of the final precinct-wide traffic study. However, no further information has been submitted by the Applicant to this point nor have they indicated that they wish to withdraw the Planning Proposal.
23. On 13 May 2022, Council officers advised the Applicant that notwithstanding finalisation of the traffic study, Council officers are not in a position to recommend that the land use changes proposed in PRCUTS commence for this site or the precinct until Council prepares an implementation plan to ensure road network upgrades and other required infrastructure are agreed and are able to be delivered and funded. This work has yet to be undertaken and Council officers are in the process of determining the scope of this exercise.

CONCLUSION

24. Based upon the Planning Proposal's inconsistency with the PRCUTS with regards to recommended building height, and the need for an implementation plan to be undertaken to determine how the PRCUTS Strategy can be feasibly delivered, it is recommended that the Planning Proposal be refused. If a Planning Proposal is not capable of being finalised within a reasonable timeframe, it is appropriate that it be withdrawn, or the assessment process be concluded. In the case of this Planning Proposal, it is considered that a further delay of potentially up to 12 months is required for the completion of an implementation plan that would enable a proper assessment to the Planning Proposal to proceed. Therefore, it is appropriate that this current Planning Proposal be determined.
25. The implementation plan will also address whether identified changes to the planning controls in the PRCUTS can be delivered via a Council-led Precinct wide rezoning or via proponent initiated site-specific planning proposals. This will provide the Applicant and any other property owner in the Precinct more certainty as to how the PRCUTS will ultimately be realised.

FINANCIAL IMPLICATIONS FOR COUNCIL

26. There are no direct financial implications for Council as a result of the recommendations in this report.

Grace Haydon
Project Officer

Michael Rogers
Land Use Planning Manager

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

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|----------|---|-------------|
| 1 | Attachment 1 - The Applicant's Planning Proposal as originally submitted on 16 March 2015 | 40
Pages |
| 2 | Attachment 2 - The Applicant's updated Urban Design Report submitted on 27 February 2017 | 47
Pages |
| 3 | Attachment 3 - The Applicant's updated Reference Scheme submitted on 27 Feb 2017 | 13
Pages |

REFERENCE MATERIAL