ECONOMY AND DEVELOPMENT

ITEM NUMBER	8.13
SUBJECT	Planning proposal for land at 160-182 Church Street, Parramatta (Aspire Parramatta)
REFERENCE	F2012/03460 - D02713885
REPORT OF	Group Manager Outcomes and Development

PURPOSE:

To present to Council the outcome of the public exhibition of the planning proposal for 160-182 Church Street, Parramatta and to seek endorsement to forward a revised planning proposal to the Department of Planning and Infrastructure for assessment and re-exhibition.

RECOMMENDATION

a) **That** Council receives and notes the submissions made during the public exhibition of the initial planning proposal.

b) **That** Council endorses the revised planning proposal at **Attachment 1** and forwards the revised planning proposal to the Department of Planning and Infrastructure for assessment.

c) **That** Council adopts the recommendations made in the independent assessment.

d) **Further, that** Council recommends to the Department of Planning and Infrastructure that the revised planning proposal be placed on public exhibition for a minimum of 14 days and that consultation is undertaken with Bankstown Airport Ltd, Civil Aviation Safety Authority and Airservices Australia.

BACKGROUND

1. In July 2012 Council announced Grimshaw Architects as the winner of the design competition for the land at 160-182 Church Street within Parramatta Square. Grimshaw's winning scheme proposed a 65-storey (approximately 230-240 metres) twisting mixed use residential tower with commercial spaces at the lower levels.

2. Grimshaw has been subsequently retained by Council to develop the scheme further and prepare documentation for the lodgement of a Development Application. During further design of the scheme it has become apparent that greater diversity in the built form is required along Darcy Street. Developing Darcy Street to the current allowable design excellence height limits of 220 metres presents a monolithic block feature on the skyline which is very wide and presents an obstruction to the visual connectivity between north and south Parramatta at the City's centre. In order to mitigate this effect, Grimshaw's urban design analysis proposes that the blocks be divided up to allow light and views through the form and to introduce variety and interest in the skyline

profile by adjusting the height parameters across the three sites fronting Darcy Street.

3. In addition to this, the proposal seeks to provide a publicly accessible viewing experience centre at the top of the building. The facility will remain in Council's ownership and will provide a unique public experience within what will be an iconic building in Sydney. The building height is proposed to be increased to permit greater opportunities to access key views from the public viewing platform over the Sydney Metropolitan Area including clear views to Goat Island which has been identified as the focal point for its historical importance in the development and settlement of Sydney. As such, a planning proposal has been prepared which seeks to increase the permitted maximum height on the site.

4. A key feature of the competition winning development is the central atrium spaces which provide both community interaction in the form of communal open space and also sustainability benefits in terms of passive cross ventilation of the building. The provision of communal atrium spaces every six levels within the building is intended to create a series of 'vertical villages' which promote greater social interaction amongst residents. These spaces will require automated louvres. This leads to the technical 'enclosure' of these spaces.

5. The competition winning scheme included open balconies for the residential apartments within the tower. Upon further wind modelling and exploration of the useability of these spaces, it has been determined that the 'winter gardens' option with louvres is likely to be the preferred option. This leads to the technical 'enclosure' of these spaces.

6. Given the technical 'enclosure' of the communal open space and winter gardens and the definition of Gross Floor Area (GFA) in the Parramatta City Centre LEP 2007, these spaces would be included in the site's floor space calculations. The inclusion of these spaces in the GFA calculation will exceed the maximum permitted on the site. As such, the planning proposal also seeks to address and allow for the potential enclosure of these spaces.

THE INITIAL PLANNING PROPOSAL

7. Council at its meeting on 17 December 2012 considered a planning proposal prepared by JBA Urban Planning Consultants on behalf of Council's Property Development Group and an independent assessment prepared by City Plan Services on behalf of Council's City Strategy Unit.

8. The planning proposal sought to:

   a. increase the height from 200m (220m with design excellence) to 280m; and
   b. allow a maximum GFA of 70,000 square metres (excluding any floor space used only for private balconies, communal open space or common circulation spaces); and to permit a further 25,000 square metres for the purposes of communal and private open space and common circulation areas.

10. The independent assessment recommended the Council support the planning proposal and forwards it to the Department of Planning and Infrastructure for Gateway determination subject to recommendations.

11. Council at its meeting on 17 December 2012 resolved:

(a) ***That*** *Council endorse the planning proposal at Attachment 1 with the first four recommendations in section 8 of Attachment 2 and forwards the amended planning proposal to the Department of Planning and Infrastructure for Gateway determination.*

(b) ***Further, that*** *subject to Gateway determination the planning proposal be publicly exhibited and a report be put to Council following the public exhibition to consider any submissions.*

GATEWAY DETERMINATION & PUBLIC EXHIBITION OF INITIAL PLANNING PROPOSAL

12. A Gateway determination was issued by the Department of Planning and Infrastructure on 25 January 2013. The Gateway determination authorised the planning proposal to proceed with conditions to consult with a number of public authorities.

13. The planning proposal was publicly exhibited from 27 February to 29 March 2013. Details of the exhibition were placed in the local newspaper, Council's website, Council's Administration Building, Parramatta Central Library, and forwarded to approximately 3,500 land owners generally within the area bounded by George Street, O'Connell Street, Bobart Street, Glebe Street, Early Street, Marion Street Railway Line, Kendall Street and Charles Street.

14. The following public authorities were invited to comment on the planning proposal:

    i. Transport for NSW
    ii. Transport NSW (Roads and Maritime Services)
    iii. Transport for NSW (RailCorp)
    iv. Sydney Water
    v. Office of Environment and Heritage
    vi. Endeavour Energy
    vii. Holroyd City Council
    viii. UrbanGrowth NSW

15. The exhibition resulted in three (3) written submissions. The Department of Defence made no comment. The Roads and Maritime Services (RMS) and Endeavour Energy raised no objection. Endeavour Energy does make the comment that early discussion should be held between it and Council pertaining to the provision of electrical services. This will be initiated by Council as the development plans progress. The RMS does encourage Council to consider applying lower parking rates to this proposal given its close proximity to mass transit. The development application assessment will determine the appropriate car parking numbers for the proposal.

REVISED PLANNING PROPOSAL

16. A revised planning proposal has been prepared in response to design development and analysis that seeks an increase in both the height and floor space of the proposed tower. The revised planning proposal has been based

on the initial planning proposal and was prepared by JBA Urban Planning Consultants on behalf of Council's Property Development Group. The revised planning proposal is provided at **Attachment 1**. A summary of the revised planning proposal and its justification is provided below.

17. This proposed revision is based on both market feedback and feasibility testing, which has determined the right 'product' mix for the site that will be attractive for a prospective developer to build and deliver the building. This includes the location of the experience centre and the penthouse units, with increased height and outlook as well as providing a necessary threshold and quantum of residential apartments.

18. The revised planning proposal seeks the following:

    i. height limit of 306 metres;

    ii. traditional floor space counted as GFA (70,000m^2)(i.e. increase of 20,000m^2) (refer to paragraph 19);

    iii. in addition to the above: private open space in the form of winter gardens (5,000m^2)(no increase from that exhibited); and

    iv. in addition to the above: central communal circulation and atrium spaces (20,000m^2)(no increase from that exhibited).

19. Whilst it would appear on first glance that the revised planning proposal has not increased 'traditional' GFA from the exhibited planning proposal (which stated 70,000m^2 of traditional GFA), due to the erroneous inclusion of communal spaces as part of the 'traditional GFA' in the initially exhibited version as outlined on Page 5, the traditional GFA exhibited should have been 50,000m^2. Hence, the amended proposal does include an increase in traditional GFA from 50,000m^2 to 70,000m^2.

20. Although not purely a planning consideration, the product offer and feasibility of the project is crucial to the redevelopment of Parramatta Square, which has suffered over a decade in delays for a complex number of reasons since the adoption the 2003 Civic Place master plan. The proposed increase in height and GFA therefore has relevance when considering the objects of the EP&A Act in terms of achieving the *orderly and economic use and development of land.* The Aspire project is one of the first projects within Parramatta Square and is expected to act as a catalyst and provide confidence for future stages to progress.

21. From an urban design perspective, the tower will have an immediate and perceivable impact on the Parramatta CBD skyline by virtue of its sheer scale. This will occur irrespective of whether the height of the tower is 306 metres or 280 metres (as per the initial planning proposal), with the difference between the two schemes not readily perceivable to a casual observer.

22. The actual increase in traditional floor space is not solely a product of the height increase but can be attributed to a number of factors including lowering of floor to floor heights and reducing balcony widths.

23. The proposal has some impacts on the Jubilee Park sun access plane. Justification for this additional overshadowing has been provided and concludes that the extent of overshadowing is acceptable on the basis that:

    i. The time extent of additional overshadowing is limited to a short timeframe during the lunch time period (1.30pm to 2pm only in the lunch time period on the worst day of the year scenario – June 21);

    ii. The impact is on areas of unencumbered grass and a sufficient quantum of grassed space is still unshaded and available for lunch time enjoyment during the lunch time period in mid-winter;

    iii. The extent of overshadowing is reduced at other times during the winter months, with no impacts on Jubilee Park occurring as a result of Aspire at the equinox;

    iv. The Aspire project facilitates one third of the Parramatta Square public domain and plaza which will provide a central active public open space in the heart of the CBD.

ASSESSMENT OF REVISED PLANNING PROPOSAL

24. An independent assessment of the revised planning proposal has been prepared by City Plan Services on behalf of Council's City Strategy Unit and is provided at **Attachment 2**. A summary of the assessment and its recommendations is provided below.

General

25. The initial planning proposal was a direct result of the noncompliance of the winning Aspire Tower design with the relevant height and FSR controls for the subject site. Without an increase to the height and floor space controls governing to the site (as per the PCCLEP 2007), the opportunity to construct what could be an iconic statement building for Parramatta CBD could be lost. The revised planning proposal is a further extension of this. Whilst the initial planning proposal was framed to support the design that resulted from the architectural design competition for the site, the revised planning proposal derives from the need to provide controls which allow for a purported "viable" development on the site.

Building height

26. A building height of 306m will represent a significant escalation in height over the existing Parramatta skyline. However as stated in the planning proposal, Parramatta is, or should be, a city in transition.

27. At 306m, the Aspire Tower would dominate the adjacent buildings, even when built to their full height limit (200m), this additional 26m may not have a significant impact on the height differential in the wider viewing context. By its very definition, a "landmark" building (a structure that signals the importance of a place (in this case Parramatta's role as Sydney's second CBD) should be clearly distinguishable in the cityscape.

Floor space ratio

28. It was argued in the initial planning proposal that the need for the changes in how the floor space was measured was the result of a need to secure the delivery of these amenity spaces rather than the result of a significant increase in activity generating floor space. For this reason and as before, there are no real concerns with regard to the additional increase in floor space on the site.

Airspace protection

29. The visual impact of the height increase is not the only factor to consider in terms of the height increase on the site. The protection of airspace of surrounding airports is a critical component of maintaining a safe environment for both the current and future traffic types and levels, and consequently it is often necessary to restrict some types of development and land uses in the vicinity of airports.

30. The Bankstown Airport Master Plan 2005 identifies a prescribed airspace to ensure that Bankstown Airport is not adversely affected by the building of structures in the area (including Parramatta) used by arriving and departing aircraft. To ensure that the revised planning proposal does not have an adverse impact on the Bankstown Airport Airspace, it is necessary that the revised planning proposal be referred to Bankstown Airport Ltd, who can carry out a Safety Assessment.

Overshadowing

31. Given that the extent of additional overshadowing is limited to winter at which time, approximately 29.6% of the park between 1.30pm and 2pm and up to 75% at other times will remain unaffected by overshadowing and that during the equinoxes and summer, when demand for outdoor use of the park is more likely to be greater, there will be no additional increase in overshadowing as a result of the revised planning proposal, it would appear that weighing the economic, environmental and social impacts of the revised planning proposal, that the intermittent degree of overshadowing of Jubilee Park can be justified.

Public benefit

32. The increase in the permissible height and gross floor area on the site was predicated on the provision of a significant public benefit being a “visitor experience centre” and viewing platform/facility with a minimum area of 1,500m^2 which would offer the best views from the development to the community. Under the revised planning proposal, the size of this publicly accessible viewing platform, experience centre and function rooms are to remain as per the initial planning proposal (1,500m^2). However, as a result of the proposed increase in height, the proposed public viewing facility will be at a greater height thereby potentially offering more expansive views of the Greater Sydney area.

33. Having regard to the conclusions of the overshadowing studies by JBA Planning which concludes, that the degree of additional overshadowing will be confined to a half hour in winter and will reduce, though not remove, all available unshaded areas at lunchtime, it is considered that the

overshadowing of Jubilee Park is a reasonable "trade-off" for the public benefit to be gained by a publicly accessible viewing facility and the active open space generated by the development.

34. However, the issue of overshadowing of other public areas and the living areas and private amenity spaces of private properties affected by the Aspire Tower must also be considered. The potential reduction of solar access, if any, to not only public spaces, but also existing dwellings must be weighed against the public benefit to be gained from the Aspire Tower and it must be determined if the potential reduction in individual residential amenity is in the public interest.

Recommendations

35. The independent assessment recommends the revised planning proposal be supported and referred to the DP&I for Gateway determination subject to the following recommendations provided in summary below (refer to **Attachment 2** for full recommendations):

i. Where the development application for the Aspire Tower as submitted to Council does not address the issues outlined in (a) to (c) below, additional studies should be undertaken as part of the revised planning proposal process to assess the potential impacts arising from the revised planning proposal, and such studies should be placed on public exhibition with the revised planning proposal.

a) Further analysis is required to determine the land uses affected and whether they are sensitive uses.

b) The visual impact, if any, that the Aspire Tower (as permitted by the revised planning proposal) would have on the World Heritage listed Old Government House in Parramatta Park. [***Council staff comment:*** *As workshopped with Councillors on 5 March 2013, the study of: Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values, has not identified land east of Marsden Street as an area of high sensitivity. Therefore, future development on this site will not have a significant impact on the World and National heritage listed values of Old Government House and Domain.]*

c) The impact of the additional height and floor space on traffic generation and traffic management in the area. This traffic study should also have particular regard to any traffic management issues that would arise from the development of the public visitor / tourist facility on the site.

ii. The Council's decision to support the revised planning proposal should be the result of the positive impacts of the Aspire Tower outweighing the potential negative impacts (i.e. overshadowing) arising from the development.

iii. It is recommended that the revised planning proposal be placed on public exhibition for a minimum of 14 days, or as otherwise required by the Department of Planning and Infrastructure. Consultation should be

undertaken with Bankstown Airport Ltd, Civil Aviation Safety Authority, and Airservices Australia.

iv. It is recommended that the Relevant Planning Authority make provisions to ensure that the increase in height does not set a precedent for wide scale height increases across the CBD. This will protect the status of this site as a 'landmark' building site and ensure that future development in Parramatta City Centre is deferential to the site in terms of relative height.

NEXT STEPS

36. Should Council endorse the revised planning proposal it will be forwarded to the Department of Planning and Infrastructure for assessment. It is best planning practice for amendments made after a planning proposal to be re-exhibited. In accordance with the DP&I's *'A guide to preparing local environmental plans',* the revised planning proposal should undergo a 14 day public exhibition period given that the initial planning proposal underwent a 28 day public exhibition.

37. A report will be put to Council following the re-exhibition of the revised planning proposal to consider any submissions before the revised planning proposal is forwarded to the Department of Planning and Infrastructure with a request to make the LEP amendment.

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ATTACHMENTS:

1	Planning Proposal	34 Pages
2	Independent Assessment Report	25 Pages

REFERENCE MATERIAL