

ECONOMY AND DEVELOPMENT

ITEM NUMBER	7.9
SUBJECT	Planning Proposal for land at 8-12 Victoria Road and 2A Villiers Street, Parramatta
REFERENCE	RZ/9/2013 - D03232823
REPORT OF	Project Officer- Land Use Planning

PURPOSE:

To seek Council's endorsement of a planning proposal to amend the Parramatta City Centre Local Environmental Plan 2007 to allow for an increase in maximum floor space ratio and maximum building height for the purpose of forwarding it to the Department of Planning and Environment for consideration under the Gateway process. Council's endorsement is also sought for a site specific Development Control Plan (DCP) for public exhibition purposes.

RECOMMENDATION

- a) **That** the planning proposal at **Attachment 1** to amend the Parramatta City Centre LEP 2007 to increase the maximum floor space ratio from 2:1 to 3.65:1 and to increase the maximum building height from 24m to 49m (16 storeys) be endorsed and forwarded for Gateway determination by the Department of Planning and Environment in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- b) **That** the site specific DCP at **Attachment 2** being an amendment to the Parramatta DCP 2011, be endorsed and publicly exhibited simultaneously with the planning proposal.
- c) **That** Council advises the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.
- d) **That** the applicant be requested to update the urban design and heritage analysis for public exhibition purposes to reflect the planning proposal at **Attachment 1**.
- e) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.

THE SUBJECT SITE AND SURROUNDINGS

1. The site is located at 8–12 Victoria Road and 2A Villiers Street, Parramatta. The site is made up of three allotments of land with an area of approximately 3648 m². Refer to **Figure 1**.
2. Existing site development comprises three office buildings 5, 3 and 2 storeys in height with ground level and basement parking occupied by the Catholic Diocese of Parramatta.



Figure 1 Aerial of the site

3. The site is surrounded by a mix of building types and uses. The subject site's block, bounded by Victoria Road, Villiers Street, Ross Street and Church Street generally contains commercial buildings with a McDonald's restaurant fronting Church Street. Land opposite the site on Villiers Street is occupied by Our Lady of Mercy College. Prince Alfred Square is located opposite the site to the south along the Victoria Road frontage. St Patrick's Cathedral is located to the south west of the site with frontages to both Marist Place and Victoria Road.

CURRENT PLANNING CONTROLS

4. The subject site is zoned B4 Mixed Use under the Parramatta City Centre Local Environmental Plan 2007 (PCC LEP 2007). Surrounding land to the north and east is also zoned B4 Mixed Use, whilst adjacent land to the west, under the Parramatta Local Environmental Plan 2011, is zoned R2 Low Density Residential.
5. The maximum building height permitted for the subject site and surrounding land to the north and west is 24m. The permitted height for land at the corner of Church Street and Victoria Road is 34m and the permitted height for land at the corner of Albert Street and Church Street is 40m. Land opposite the site to the west is subject to a permitted height limit of 9.2 m. Refer to **Figure 2**.



Figure 2: Height of Buildings Map Extract

6. The maximum floor space ratio (FSR) permitted for the subject site is 2:1. Adjacent land to the east and generally along Church Street has a permitted FSR of 3:1 and land at the corner of Victoria Road/Church Street and Albert Street/Church Street has an FSR of 4:1. Refer to **Figure 3**.



Figure 3: Floor Space Ratio Map extract

7. The site is surrounded by heritage items on three sides – to the south, north west and north east. Prince Alfred Square and St Patrick's Cathedral, Presbytery and precinct are listed of local significance in the Parramatta City Centre LEP 2007. The Presbytery is included on the State Heritage Register.

The Convent of Our Lady of Mercy is listed of local significance in Parramatta LEP 2011. Refer to **Figure 4**.



Figure 4: Heritage Map Extract

8. Parramatta Development Control Plan 2011 (DCP 2011) provides for the following:
 - A maximum street wall height of 14m with a setback of 4m to the upper levels.
 - The protection of identified views from Old Government House to the Old Kings School Building and from Parramatta Park to the distant hills.

BACKGROUND

9. In October 2013, a planning proposal was submitted to Council on behalf of the Catholic Diocese of Parramatta by The Planning Group NSW Pty Ltd (TPG) to amend the height limit for the subject site from 24m to 43.5m and to amend the FSR limit from 2:1 to 4.8:1. Following consideration of the planning proposal, Council advised TPG that whilst there may be justification for an increase in height and FSR limits, the proposed form was considered excessive requiring refinement on the bulk and form (floor space) and additional justification.
10. In response to Council staff concerns, a revised planning proposal and concept for the site was submitted to Council in March 2014. In the revised proposal, overall height was reduced from 45m to 34m (excluding lift overrun) and number of storeys was reduced from 14 to 11. Proposed FSR was reduced to 4.6:1. Tower massing was redistributed towards the north western

portion of the site, to minimise shadow impacts on Prince Alfred Square and reduce potential for overwhelming scale as viewed from Victoria Road and the Square.

11. Whilst it was accepted that TPG and the Catholic Diocese had made significant efforts to appropriately address concerns raised by Council staff there were nevertheless still some concerns as to the overall bulk of the development (floor space). The opinion of Council's Design Excellence Advisory Panel was sought.
12. Key comments from the Panel were as follows:
 - The situation of the site overlooking the highly valued Prince Alfred Square requires that any redevelopment achieve design excellence through the design excellence competition process.
 - The ideal outcome for redevelopment of the site is that there should be no shadow impact on Prince Alfred Square. Therefore there is support for a built form with lower street edges, and a higher built form to the north.
 - However, some shadow impact may be acceptable, as long as it is a 'moving shadow' cast by a taller slender form and all parts of the Square receive adequate sun for a certain amount of time each day.
 - A built form which enhances form and materiality of the Cathedral is a sound design objective to be enhanced by a design competition.
13. Council staff requested that further design analysis (including and testing floor plate feasibility testing) against SEPP 65 and the Residential Flat Design Code be undertaken. In April 2014, TPG submitted indicative development floor plates and advised that the building could support the proposed FSR and was capable of being finessed with detailed architectural design to achieve reasonable compliance with SEPP 65 considerations. The mass modelling provided for an FSR of 4.5:1.
14. The applicant emphasised on behalf of the landowner, the Catholic Diocese of Parramatta, that an FSR of 4.5:1 was necessary to ensure the economic feasibility of site redevelopment and to achieve a yield of 180 apartments. The Catholic Diocese of Parramatta is also seeking to relocate diocese office functions to a church precinct to be located at the northern end of the Old Kings School Site. The Diocese is concerned to ensure that both projects remain feasible without using the funds from its charitable works to finance the development projects.
15. Council staff reviewed the information provided but did not consider that it provided adequate built form justification for an even slightly reduced FSR of 4.5:1. The proposal did not comply with a number of provisions of Parramatta DCP 2011 and testing was not considered to demonstrate compliance of floor plate feasibility against SEPP 65 and the Residential Flat Design Code requirements. Council staff advised on 3 June 2014 that on the basis of the urban design analysis and also the recommendations of Council's Design Excellence Advisory Panel it would support a maximum FSR of 3.5:1 and a maximum height of 49m (15 storeys).

- 16 The applicant advised on 8 July 2014 that it was willing to put forward a final FSR of 4.0:1 for the site. Council staff consider this figure acceptable, but only if it is achieved following a design competition. Therefore, Council staff are prepared to support an increase in FSR of 3.65:1 for the site. With a 10% increase of the maximum FSR following a design competition, an FSR of 4.0:1 could be achieved. It is considered that a FSR greater than this would result in excessive bulk and form in a sensitive location (surrounded by heritage items and opposite Prince Alfred Square).

THE PROPOSAL

17. The planning proposal supported by Council staff is to:

- increase the maximum FSR of the site from 2:1 to 3.65:1;
- increase the maximum building height for a small area (refer to **Figure 5**) in the north west corner of the site from 24m to 49m (15 storeys); and
- retain the maximum building height of 24m for the greater portion of the site.

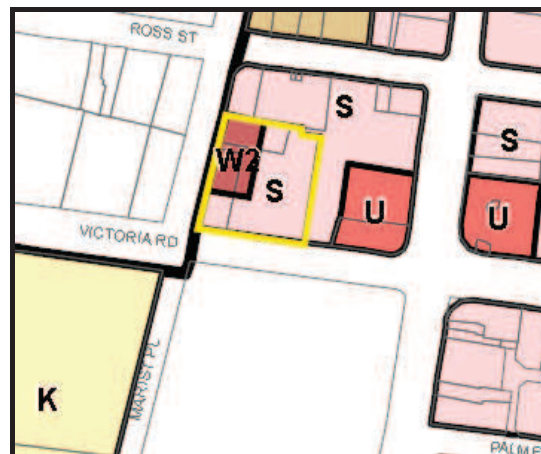


Figure 5: Height of Buildings Map Extract - W2: 49m, S: 24 m

18. A site specific DCP, which will be an addition to Part 4 Special Precincts of the Parramatta DCP 2011, has been prepared and submitted to Council for endorsement (refer to Attachment 2). It is proposed that it be exhibited at the same time as the planning proposal. The site specific DCP deals with building form and massing and traffic and access.
19. The site specific DCP provides that building form is to incorporate a podium with a street wall height of 14m with a setback of 4m to the upper levels and a tower to a height of 49m in the north western corner of the site. Design controls are illustrated in Figure 6 of this report and in greater detail in **Attachment 2**.

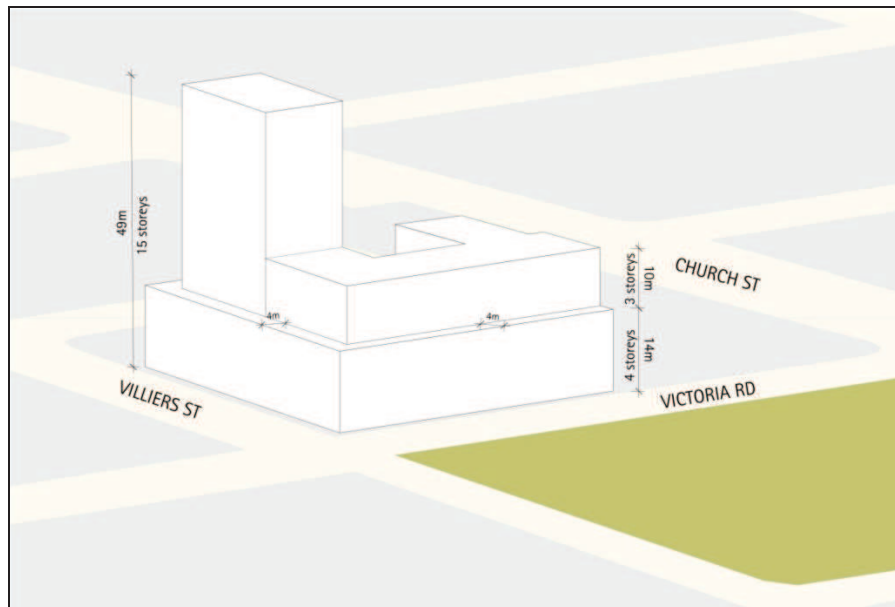


Figure 6 – Building Form Design Controls

20. The planning proposal is supported by urban design and heritage impact studies commissioned by the applicant at different stages in developing the planning proposal. These studies do not wholly reflect the planning proposal recommended by Council staff and will need to be updated.

ISSUES

Land Use Planning and Urban Design

21. The planning proposal is considered acceptable for the following reasons:
- (i) The proposal will allow the provision of more commercial/retail and housing on the site within the city centre. The opportunity will be provided to take advantage of nearby public transport facilities and will result in enhanced economic development and employment opportunities. In addition, the proposal will help to establish a vibrant mixed-use precinct in the area to the north of Parramatta River and help to balance the current concentration of development at the southern end of the city.
 - (ii) The FSR of 3.65:1 is appropriate in ensuring the viable development potential for the subject site that will contribute to the future regeneration of the city centre and specifically the north Church Street precinct. The resulting building mass should be responsive and sensitive to the site's proximity to items of heritage significance as well as achieving an excellent design outcome. An FSR of 3.65:1 is reasonably consistent with the FSRs along north Church Street of 3:1 and 4:1.
 - (iii) The application of a proposed height of 49m for the site is appropriate as it will be confined to the north western part of the site, is subject to a site specific DCP and is based on a detailed design analysis. The proposed height is sympathetic and responsive to the site's heritage context and should cause no significant adverse amenity impacts. A height of 49m is

consistent with the maximum permitted height of 40m for land at the corner of Albert and Church Streets.

- (iv) Mid-winter shadow diagrams included at **Attachment 3** demonstrate that overshadowing of Prince Alfred Square is minimised with a fast moving shadow from the tower and a shorter shadow across Victoria Road from the lower street portion of the building form. Overshadowing caused by the lower street building form is no greater than the built form permissible under the existing Parramatta City Centre LEP, with and Parramatta DCP 2011 controls whilst the overshadowing from the tower is slightly greater. Diagrams further demonstrate that overshadowing will be confined to the northern strip of the Square and is considered acceptable.
 - (v) A detailed views analysis commissioned by the proponent concludes that potential optimal development as provided for by the planning proposal will be visible from historic views identified in the Parramatta DCP 2011. However, the heritage impacts of this visibility are seen as being minor and acceptable for the following reasons:
 - The view to the former Kings School does not extend to St Patrick's Cathedral or to the subject site.
 - Development will not remove the panorama of the hills.
22. Development exceeding a height of 55m or 13 storeys under clause 22B of the Parramatta City Centre LEP 2007 would require an architectural design competition which would allow a 10% increase to the maximum FSR and height. The proposed controls for the site would trigger the requirement for a design competition. Consequently, maximum building height of the tower element could be increased to approximately 53.9m or possibly 17 storeys (including lift overrun and roof) and FSR could be increased to 4:1.
23. A site specific DCP is considered appropriate in that it would provide for building form controls that are sympathetic to the site's context.
24. The planning proposal addresses all relevant matters outlined by the Department of Planning and Environment's guidelines to preparing a planning proposal, including compliance with all relevant State Environmental Planning Policies and consistency with applicable Ministerial Directions (s.117 directions). Refer to Attachment 1 for details.

Transport and Traffic

25. Council's Transport Planning and Traffic Services Team has requested the provision of a 1m boundary setback along Villiers Street to allow the road lanes of substandard width in Villiers Street to be widened. The setback would be achieved by the landowner dedicating land to Council as a condition of DA consent. The site specific DCP included at **Attachment 2** also provides for this boundary setback.

PLANNING AGREEMENT

26. A planning agreement can be made under section 93F of the Environmental Planning and Assessment Act 1979 and is a voluntary agreement between Council and the developer, under which the developer is required to dedicate land free of cost, pay a monetary contribution or provide other material public benefit, or any combination of these, to be used towards a public purpose. An additional public benefit beyond section 94A development contributions is encouraged with a planning proposal given the significant private benefits gained in up zoning land and/or increasing density.
27. Council staff encouraged the applicant to initiate a Voluntary Planning Agreement (VPA) early in the planning proposal process. The Catholic Diocese of Parramatta has advised that it will not enter into a VPA with Council because of its pastoral commitments.
28. Nevertheless, the applicant is proposing to include a number of elements of public benefit in the redevelopment of the site. These include a boundary setback on Villiers Street to allow the road lanes of substandard width in Villiers Street to be widened and to provide a building setback on the eastern boundary to allow for the establishment of a through site link between Victoria Road and Ross Street. These provisions have been included in the site specific DCP and should be the condition of approval of any development application.

PLAN-MAKING DELEGATIONS

29. New delegations were announced by the (then) Minister for Planning and Infrastructure in October 2012, allowing councils to make LEPs of local significance. On 26 November 2012 Council resolved to accept the delegation for plan making functions. Council also resolved that these functions be delegated to the Chief Executive Officer.
30. Should Council resolve to proceed with this planning proposal, Council will be able to exercise its plan-making delegations. This means that after the planning proposal has been to Gateway, undergone public exhibition and adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office in the drafting of the LEP amendment. When the planning proposal is submitted to Gateway, Council advises the DP&E that it will be exercising its delegation.

PROCESS-NEXT STEPS

31. The planning proposal and the supporting technical documents will be submitted to the DP&E for Gateway determination should Council resolve to support and proceed with this proposal.
32. Upon receipt of the Gateway determination the planning proposal together with the site specific DCP will be placed on public exhibition. It is proposed that in accordance with the DP&Es '*A guide to preparing local environmental plans*' that the planning proposal undergo a 28 day public exhibition period. This period will include consultation with relevant public authorities. It is noted that confirmation of the public exhibition period and requirements for the planning proposal will be subject to the Gateway determination being issued by the DP&E.

33. A report on the outcomes of the public exhibition will be put to Council before the LEP and DCP amendment are finalised.

CONCLUSION

34. The planning proposal seeks an increase in FSR from 2:1 to 3.65:1 and maximum building height from 24m to 49m (15 storeys) for a small area in the north western corner of the site. The proposal is considered acceptable given the site's important heritage and park setting and will achieve good planning and urban design outcomes.

Paul Kennedy
Project Officer - Land Use Planning

Jennifer Concato
Land Use Planning Manager

ATTACHMENTS:

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|----------|----------------------------|----------|
| 1 | Planning Proposal | 26 Pages |
| 2 | Site Specific DCP | 5 Pages |
| 3 | Mid-winter shadow diagrams | 1 Page |

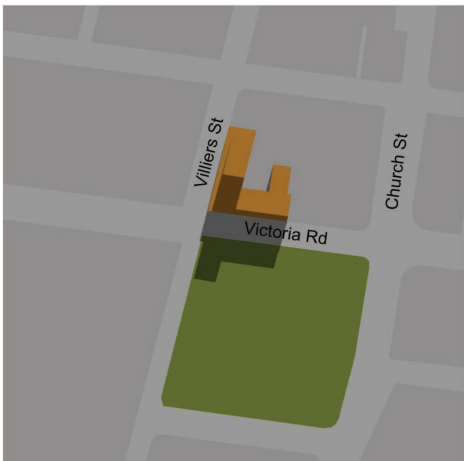
MID-WINTER SHADOW DIAGRAMS



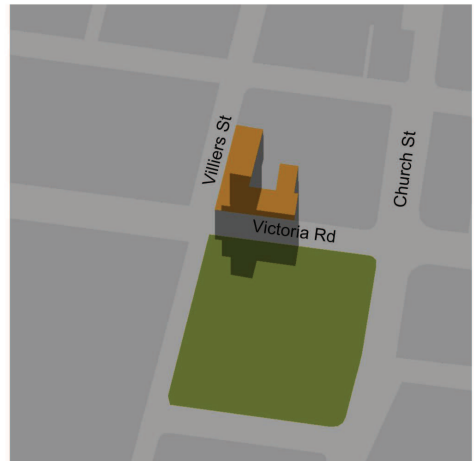
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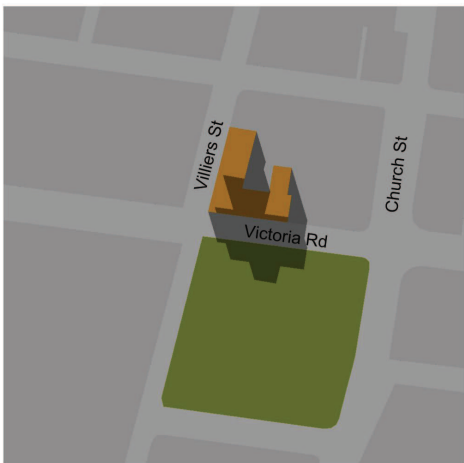
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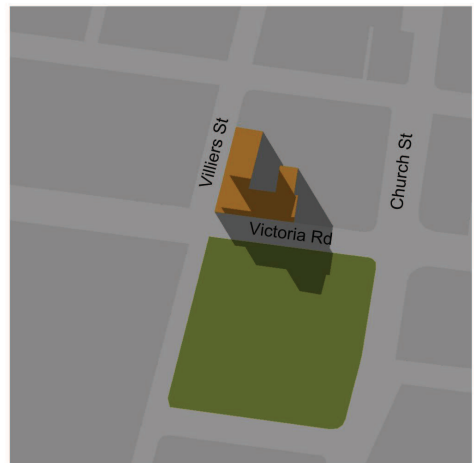
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**Site specific DCP: 8 – 12 Victoria Road and 2A Villiers Street, Parramatta
Amendment to Part 4 of Parramatta Development Control Plan 2011**

1. Delete Figure 4.3.3.7.1 City Centre Special Areas and insert the following:

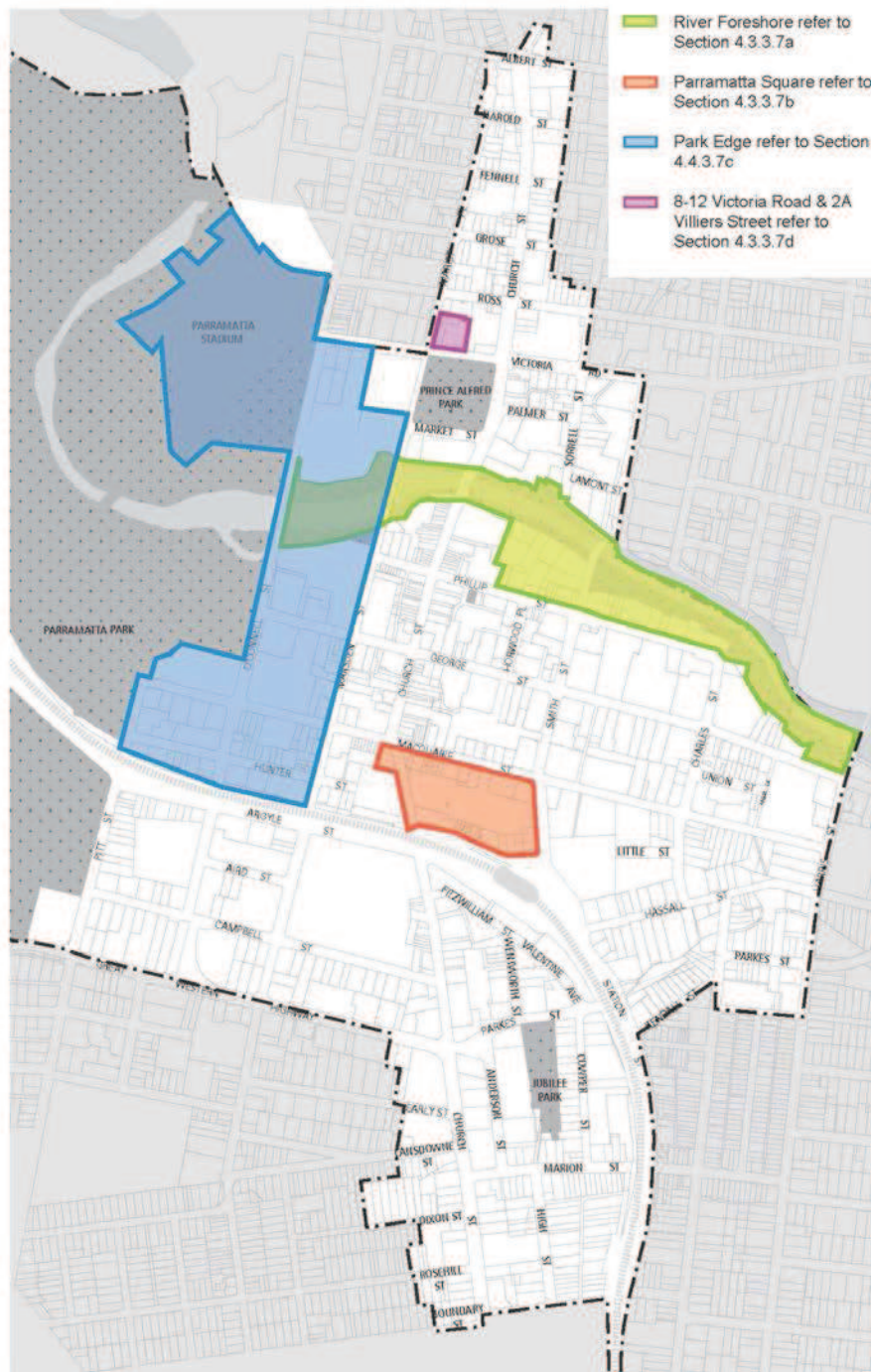


Figure 4.3.3.7.1 City Centre Special Areas

2. Insert the following as 4.3.3.7 d):

d) 8 – 12 Victoria Road and 2A Villiers Street, Parramatta



Figure 4.3.3.7.15 8 – 12 Victoria Road and 2A Villiers Street

Desired Future Character

The site at 8–12 Victoria Road and 2A Villiers Street, Parramatta is on the northern edge of the Parramatta CBD, which is transitioning from low scale in the north west to high density mixed use development in the east and south. The context of the site includes a number of important heritage items – Prince Alfred Park to the south, Our Lady of Mercy College to the west and St Patrick's Cathedral diagonally opposite to the south west. The proximity of the site to the Parramatta River and CBD core supports an intensity of development while respecting the important heritage setting.

Future built form will be designed to achieve a harmonious relationship with neighbouring heritage buildings as well as to provide appropriate heights and setbacks to street frontages. Low building forms will occupy land fronting Victoria Road and a slim tower will be located in the north western corner of the site. As a result, the visual scale of development will be reduced on Victoria Road, providing a suitable frame and backdrop for Prince Alfred Park and minimising overshadowing of this park. Building articulation and modulation of the Victoria Road facade will ensure that the building suitably addresses the road and Prince Alfred Park.

Active uses will be located on the ground floor of buildings fronting Victoria Road and Villiers Street to increase the vibrancy of the site and locality.

The property boundary on Villiers Street will incorporate a setback to allow under width road lanes in Villiers Street to be widened. A setback will be provided on the eastern boundary to allow the formation of a through site link between Victoria Road and Ross Street.

Development must comply with the objectives and controls set out below and any other relevant objectives and controls of this DCP.

Site Objectives

- 01 To provide for development that supports the growth of a vibrant precinct on the northern edge of the Parramatta CBD.
- 02 To encourage high quality built form outcomes and achieve design excellence.
- 03 To minimise any adverse impacts on the amenity of adjoining heritage uses and in particular Prince Alfred Park.
- 04 To improve pedestrian connectivity between Victoria Road and Ross Street.
- 05 To provide for the establishment of non-residential uses on the Victoria Road and Villiers Street ground floor frontages of the site.
- 06 To provide for improved traffic flows on Villiers Street.

Building Form and Massing

Objectives

- 01 To respond sensitively to the scale, proportions and form of the nearby heritage items at Prince Alfred Park, St Patrick's Cathedral and Our Lady of Mercy College.
- 02 To limit overshadowing impacts on Prince Alfred Park.
- 03 To ensure that the Victoria Road facade is of a civic scale with strong vertical articulation and fine grain.
- 04 To ensure that the Victoria Road frontage provides good pedestrian amenity by incorporating elements such as an open colonnade or continuous footpath awnings.
- 05 To ensure that the built form at the Villiers Street corner complements the form and materials of St Patrick's Cathedral.

Controls

Maximum building heights

- C1 The distribution of building height across the site is to be in accordance with Figure 4.3.3.7.16.

Street frontage heights

- C2 Maximum street wall height of 14m facing Victoria Road and Villiers Street with a setback of 4m to the upper levels as shown in Figure 4.3.3.7.16.

Building setbacks

- C1 Minimum 3m on the eastern boundary to allow for the establishment of a through site link between Victoria Road and Ross Street, as shown in Figure 4.3.3.7.16.

Traffic and Transport

Objectives

- O1 To minimise pedestrian and vehicle conflict by limiting vehicle crossings in the public domain.
- O2 To provide space to widen Villiers Street to accommodate increased traffic and pedestrian volumes as a result of additional development on the site.

CONTROLS

- C1 All vehicle access is to be from Villiers Street.
- C2 A minimum 1m boundary setback is to be provided on Villiers Street, as shown in Figure 4.3.3.7.16.

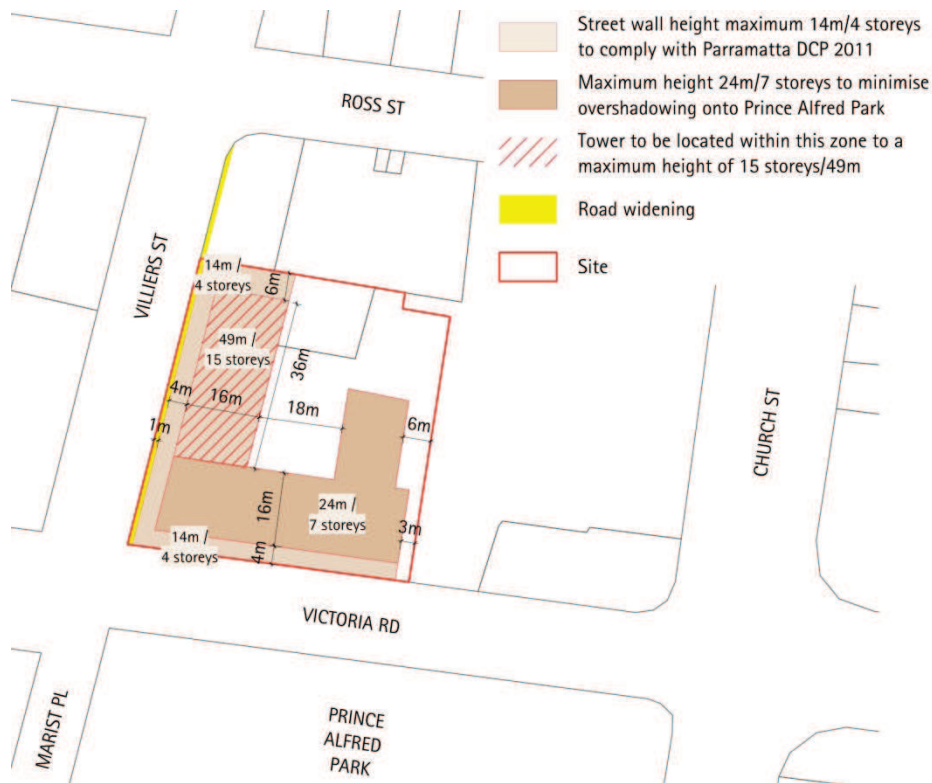


Figure 4.3.3.7.16 Built Form Design Controls – Heights and Setbacks

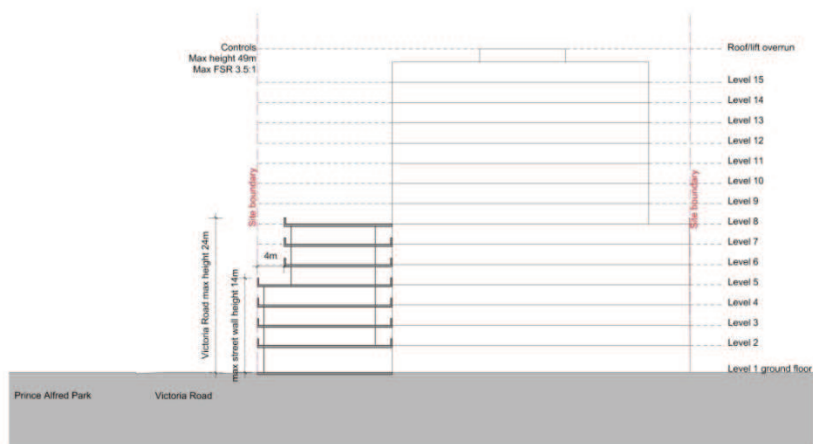


Figure 4.3.3.7.17 North - South Section of Site Building Envelope

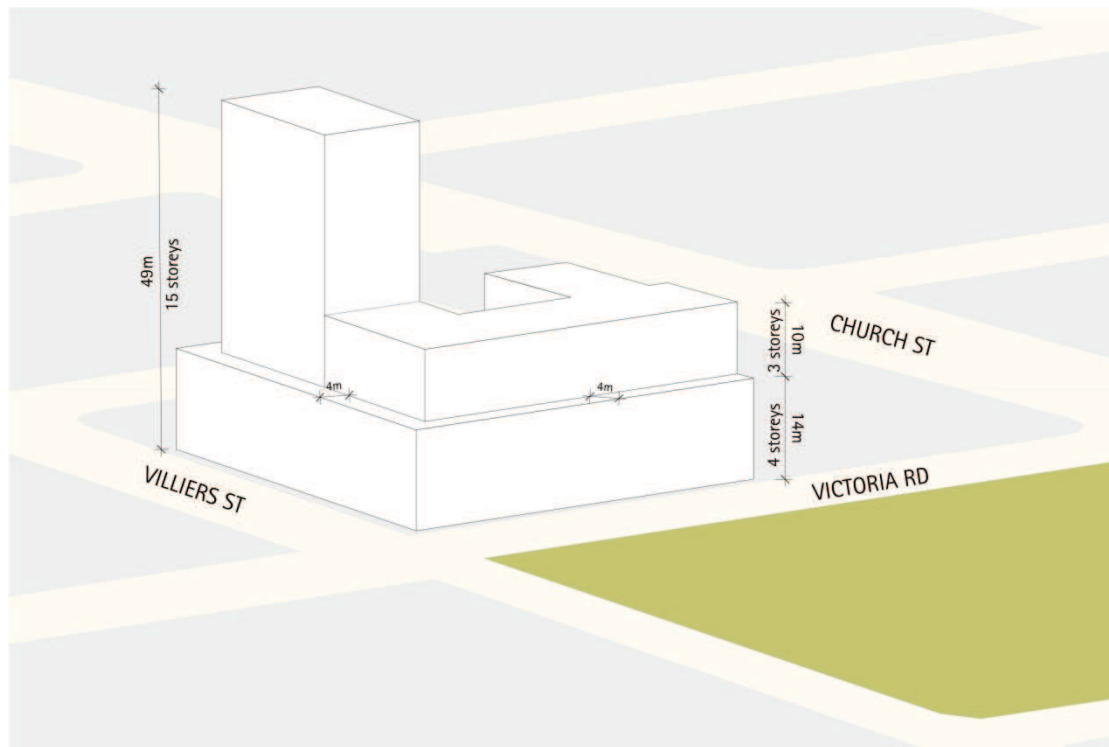


Figure 4.3.3.7.18 Indicative Built Form