

ECONOMY

ITEM NUMBER	7.8
SUBJECT	Planning Proposal for land at 107 George Street, Parramatta
REFERENCE	RZ/16/2015 - D04177818
REPORT OF	Project Officer Land Use
LANDOWNER	Tramdell Pty Ltd
APPLICANT	Statewide Planning Pty Ltd

PURPOSE:

To seek Council's position on a planning proposal seeking to remove the maximum height limit (currently 54 metres/17 storeys) and increase the floor space ratio for land at 107 George Street, Parramatta for the purposes of requesting a Gateway determination from the Department of Planning and Environment.

RECOMMENDATION

- (a) **That** Council endorses the revised planning proposal contained at **Attachment 1** to;
- exempt the site from Clause 7.2 sliding scale of PLEP 2011, permitting a maximum floor space ratio of 6:1 (6.9:1 with design excellence bonus)
 - apply no height limit but apply Clause 7.6 Airspace Operations to this site to require consideration of Federal Government airspace provisions
 - require 1:1 commercial floor space (included as part of the 6:1 FSR)
- (b) **That** a revised reference design be prepared by the applicant at an FSR of 6:1 and submitted to Council.
- (c) **That** Section 117 direction (flooding) be satisfactorily addressed prior to forwarding the planning proposal to the Department of Planning and Environment seeking gateway determination
- (d) **That** the planning proposal as amended and revised reference design be forwarded to the Department of Planning and Environment for Gateway determination.
- (e) **That** Council advise 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.
- (f) **That** Council invite the applicant to submit a Voluntary Planning Agreement (VPA) consistent with the CBD Planning Proposal and Value Sharing Policy.
- (g) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to its public exhibition.

- (h) **Further, that** Council authorise the CEO to correct any minor policy inconsistencies and any anomalies of an administrative nature relating to the Planning Proposal, Draft DCP and VPA documentation that may arise during the plan amendment process.

THE SITE

1. The subject site is located at 107 George Street, Parramatta, see Figure 1. The legal description is Lot 67 DP 633057. The site area is 630m² with a street frontage of 20m and length of 31m. Currently the site contains a 3 storey commercial building.

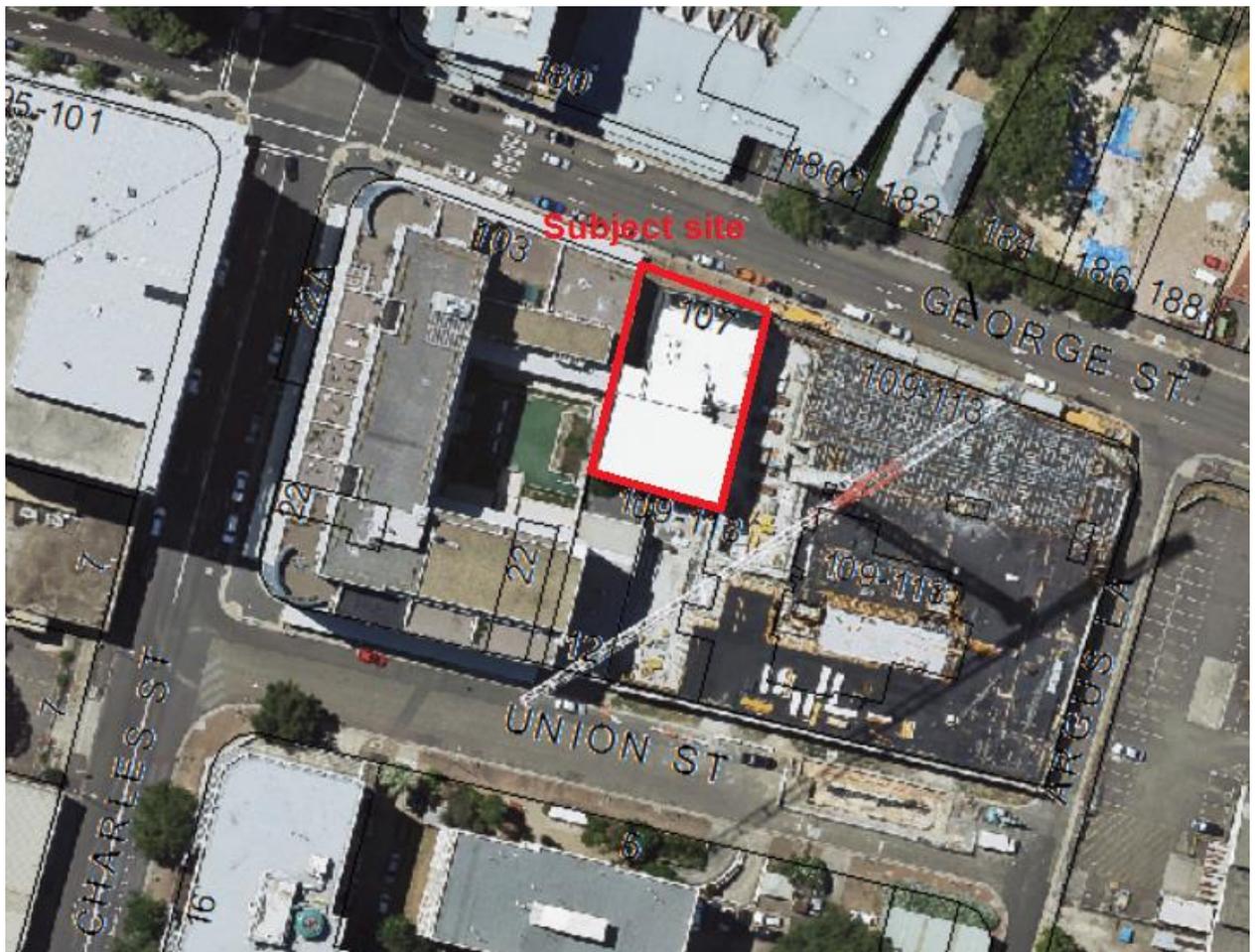


Figure 1 Location map

COUNCILLOR WORKSHOP

2. The details of this planning proposal were presented at a Councillor workshop on 18 April 2016.

BACKGROUND

3. A planning proposal for land at 107 George Street, Parramatta was submitted on 8 July 2015 seeking to increase the FSR from 4:1 to 20:1 (23:1 with design excellence) and height from 54 metres (17 storeys) to 120 metres (35 storeys). The applicant submitted a revised urban design report on 28 January 2016 which introduced a potential built form that relocated all car parking to the basement, introduced commercial uses to the podium and increased the height of the built form to 122m.

4. Council adopted the Parramatta CBD Planning Strategy at its meeting of 27 April 2015. The Strategy is the outcome of a study which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The Strategy sets the vision for the growth of the Parramatta CBD. Council has subsequently prepared a planning proposal which has been informed by workshops and Council resolutions.
5. The Parramatta CBD Planning Proposal (CBD PP) was endorsed by Council on 11 April 2016. The CBD PP seeks a potential increase in height and FSR for sites within the Parramatta CBD subject to the provision of community infrastructure. The CBD PP allows no height limit and a maximum 10:1 FSR to apply to the majority of sites within the area to which the plan applies.
6. Under the CBD PP a sliding scale applies to small sites. This provides an appropriate FSR that avoids overdevelopment whilst allowing flexibility for landowners to potentially reach the maximum 10:1 FSR. The purpose of a sliding scale for FSR is to control density on small sites and encourage amalgamation. Table 1 is an extract from the CBD PP as adopted by Council which will apply to the subject site if the CBD PP as adopted comes into force.

Part 2 – FSR of 10:1			
FSR Shown on Map	Site is less than or equal to 800m ²	Site is greater than 800m ² but less than 1,600m ²	Site is equal to or greater than 1,600m ²
10:1	6:1	(6+4Y):1	10:1

Where $Y = (\text{the site area in square metres} - 800) / 800$

Table 1: Extract from Parramatta CBD Planning Proposal, adopted at Council meeting 11 April 2016

7. Under the sliding scale provision an FSR of 6:1 or the second column in Table 1 would apply to sites that have a site area of less than 800m², the third column applies to sites with site areas between 800m² and 1,600m² and the fourth column applies to sites larger than 1,600m². As site areas become larger the FSR permitted increases.
8. Despite the sliding scale the CBD PP provides the opportunity for smaller sites to achieve an FSR of 10:1 provided design excellence, compliance with SEPP 65 and activated street frontages are all met.

PROPOSAL

9. The planning proposal as submitted by the applicant on 28 January 2016 sought a maximum height limit of 122 metres/35 storeys and FSR of 20:1 (23:1 including design excellence). A residential tower has been presented as the reference design that demonstrates a potential development option for the site at the applicant's proposed 20:1 FSR, see Figure 2. The reference design provided in the applicant's Urban Design Report include the following features:
 - 8 levels of basement car parking
 - Podium of 3 storeys comprised of commercial uses
 - Residential tower containing approximately 120 residential units

- Minimal differentiation between podium and tower elements due to minimum tower setback
- Expansive blank walls on eastern and western elevations



Figure 2 Proposed built form, viewed from north west (Source: Applicant's Urban Design Report)

PLANNING CONTROLS

10. The land is currently zoned B4 Mixed Use under PLEP 2011. The applicant is not proposing any change to the zoning.
11. A maximum FSR of 4:1 applies to the site under Clause 7.2 of PLEP 2011 which states the following:

(1) Despite clause 4.4, the maximum floor space ratio for buildings on land for which the maximum floor space ratio shown on the Floor Space Ratio Map is specified in Column 1 of the table to this subclause is the amount specified opposite that floor space ratio in:

- a) if the site area for the development is less than or equal to 1,000 square metres—Column 2 of the table,*

Column 1	Column 2
6:1	4:1

12. A maximum building height of 54m applies to the site under Clause 4.3 of PLEP 2011.
13. The subject site does not contain a heritage item listed under PLEP 2011. However the site is located diagonally opposite a site listed on the State Heritage Register at No. 182 George Street known as Harrisford House (see Figure 3 below).

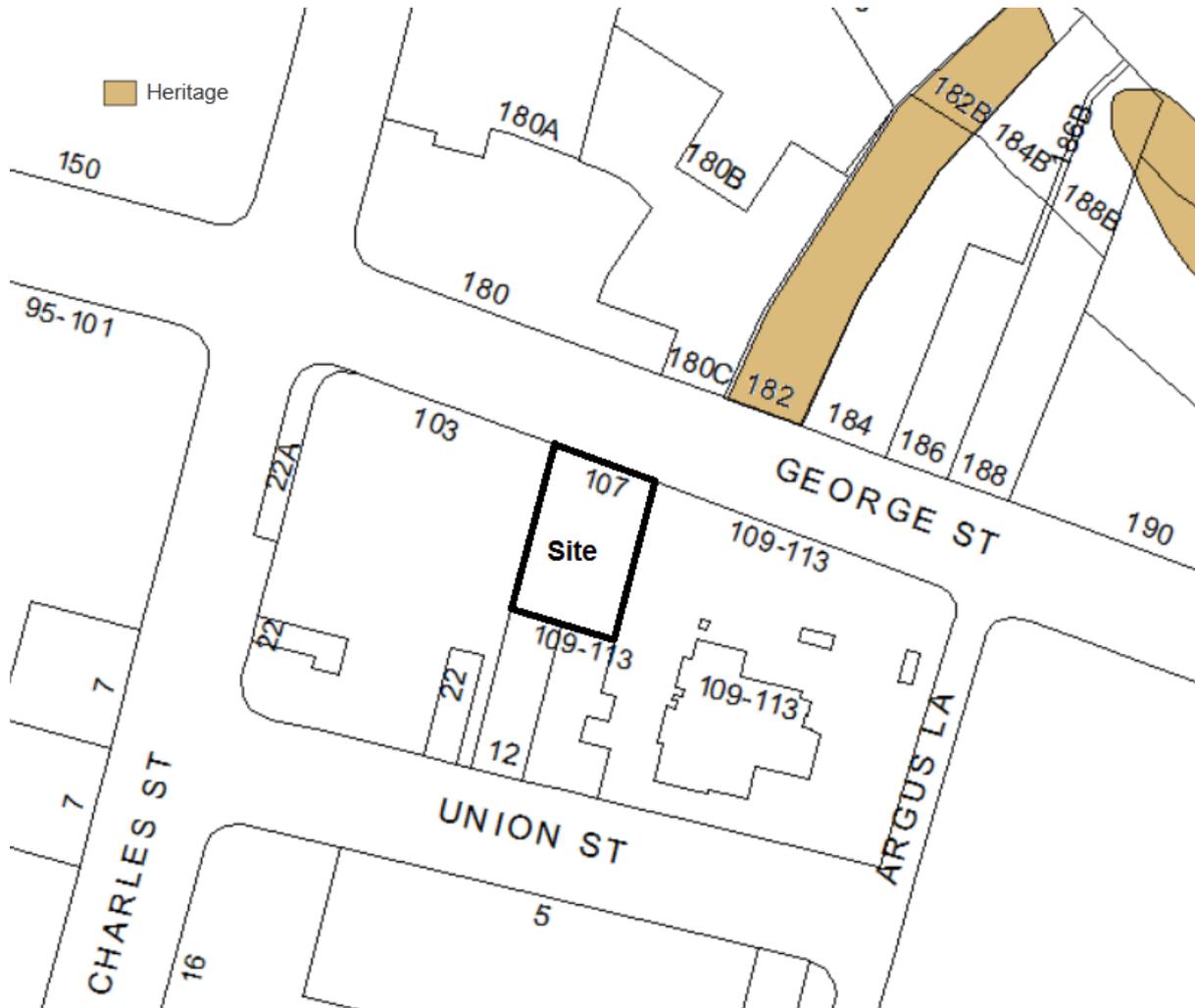


Figure 3 Heritage listing applying to the site and surrounds (Source: Council's GIS)

14. The site is affected by 100 year Average Recurrence Interval (ARI) events and Probable Maximum Flood (PMF) event, see Figure 4. The site is outside the 20 year ARI event.

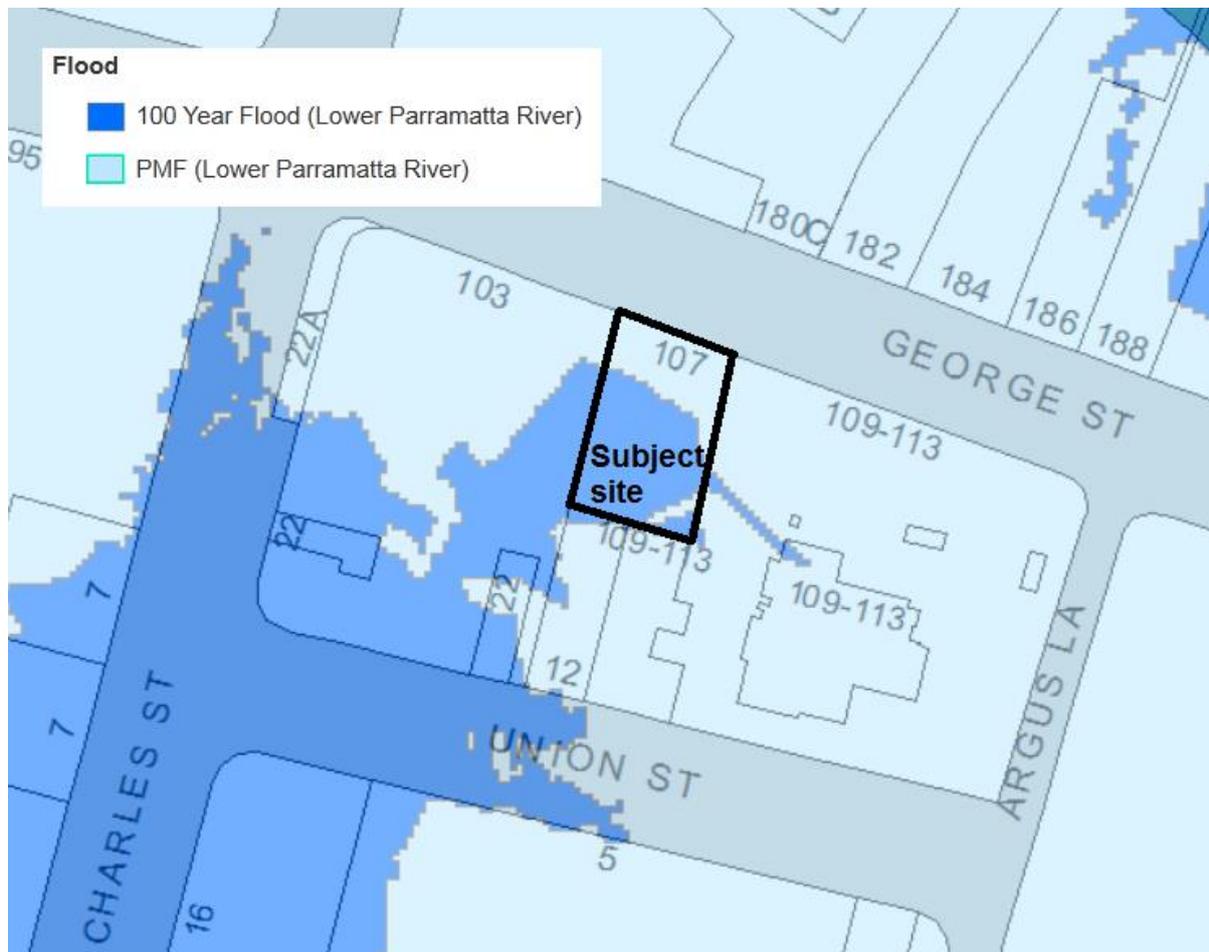


Figure 4 Map indicating the extent of flooding (Source: Council's GIS)

ISSUES

Heritage

15. Council's heritage officer has assessed the planning proposal and raised the following comments. The subject site is located opposite 'Harrisford' House, listed on the State Heritage Register, located at 182 George Street, Parramatta. Harrisford House is one of the oldest houses remaining in the Parramatta CBD. High-rise development is an expected consequence of the Parramatta City context. The subject site is located south of the heritage item and will cause no additional shadow impacts. Council officers accept the planning proposal will have acceptable impacts on the heritage item and note that the planning proposal should be referred to the NSW Heritage Office for comment at the public exhibition phase.

Flooding

16. The site is affected by the PMF and 1 in 100 year ARI. The reference design submitted with the planning proposal demonstrates eight levels of basement car parking. The proposal has been reviewed by Council's catchment management team who advise the Section 117 Direction is yet to be adequately addressed in the applicant's planning proposal. Council officers are confident the additional flooding information will not impact the FSR recommendation however a planning proposal that does not satisfactorily address the Section 117 Direction should not be forwarded to the Department of Planning and Environment. The response to the 117 Direction 4.3 Flood Prone Land will need to be resolved prior to forwarding the planning proposal to the Department of Planning and Environment for gateway determination. The applicant will be required to address these issues to satisfy the CEO that the

Section 117 Direction has been addressed prior to the planning proposal progressing to the next stage.

Traffic

17. Extensive traffic and transport modelling is being undertaken to ensure that the road network is able to satisfactorily accommodate the identified potential increase in floor space across the Parramatta CBD to 10:1. The required broader traffic modelling work is currently underway. Without this work being completed there is a risk that setting a precedent for FSRs in excess of 10:1 may be cumulatively inappropriate as the local infrastructure networks (and most importantly transport networks) may not be able to cope with FSRs above 10:1 in the CBD without significant (and unquantified) public transport and road infrastructure investment.
18. Accordingly, it is recommended that should Council seek to apply a floor space ratio to the site above 10:1 (+ Design Excellence) it should be subject to the satisfactory resolution of the broader network modelling issues.
19. The process that is proposed is that the planning proposal would be exhibited (subject to gateway approval being granted by the Department of Planning and Environment) but post exhibition the results of the Traffic Analysis/Modelling would need to be available prior to Council considering whether the planning proposal should proceed to be finalised and come into force.

Development Control Plan and Apartment Design Guide compliance

20. The Parramatta Development Control Plan (DCP) 2011 identifies front, side and rear building setbacks for sites along George Street. Buildings above 54m, such as that proposed on the subject site are required to provide a 20m front setback, 6m side setback and 12m rear setback. To comply with these controls the built form on the site would be a tower of approximately 1-2m wide, see Figure 5. Due to the site area a tower form that is fully compliant with Council's DCP cannot be practically accommodated on this site.

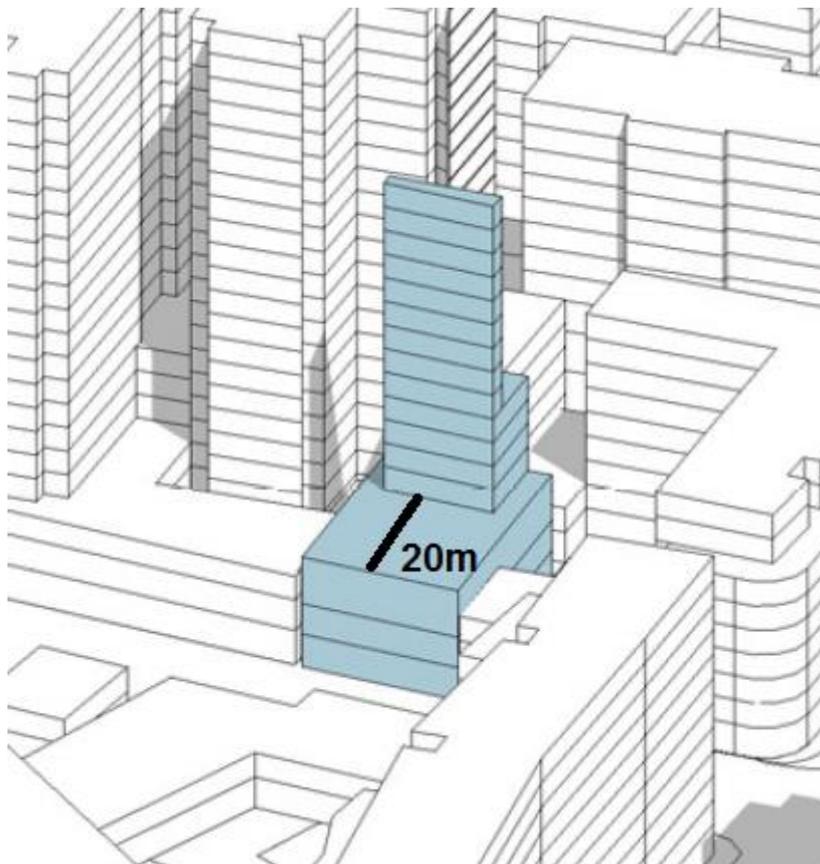


Figure 5 Built form in strict compliance with PLEP 2011 and PDCP 2011 (Source: Applicant's Urban Design Report)

21. The objectives of the DCP setback controls are to provide privacy and solar access for residents and help establish character, improving the streetscape. The DCP identifies George Street as a street in which Council aims to minimise driveways to increase pedestrian usage and safety. George Street is an important commercial and historical locality with a number of heritage items lining the street. The upper level building setback of 20m at the street frontage is intended to reinforce the historic alignment of the street and allow for a clearly defined podium to provide a human scale.
22. The applicant's Urban Design Report attached to the planning proposal demonstrates a tower form that does not comply with Council's DCP. Although the reference design presented in this Urban Design Report may not be the building ultimately erected it has been demonstrated a tower form that is compliant with Council's DCP cannot be accommodated on this site.
23. The applicant's Urban Design Report does not provide clear floor plans, however the built form indicated demonstrates that compliance with the SEPP 65 Apartment Design Guidelines for building separation cannot be achieved. The reference design is non-compliant with the sun access and hallway ventilation requirements, see Figure 6. To achieve a tower form zero lot side setbacks are required and 35 storey blank walls are utilised in order to respond to building separation and privacy requirements.

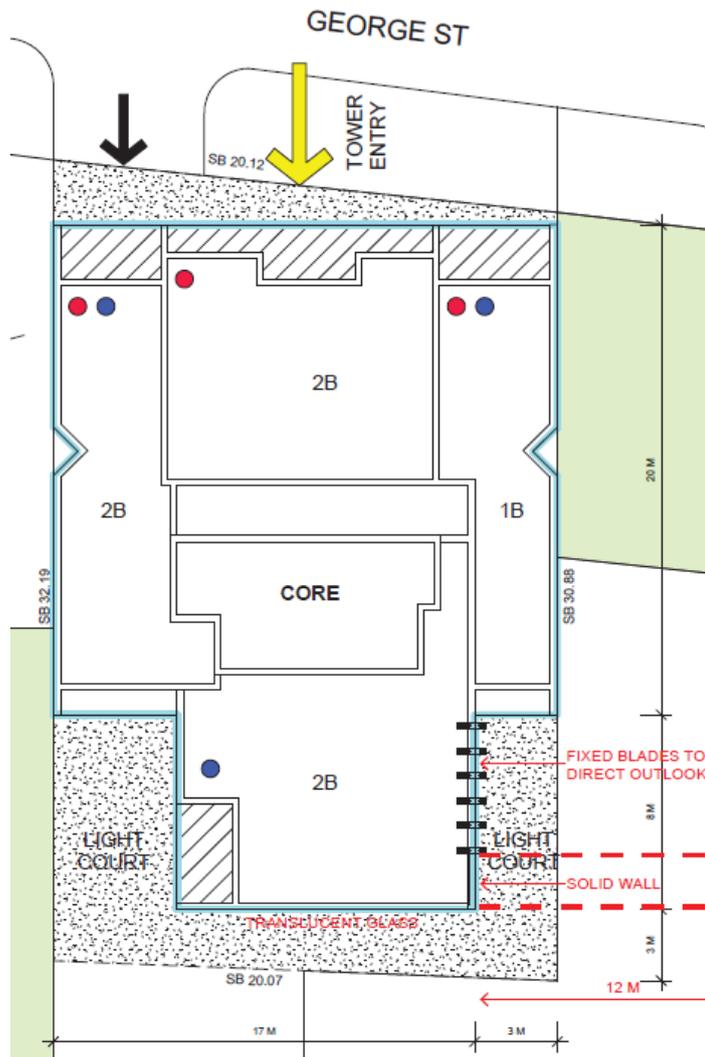


Figure 6 Built form permissible under PLEP 2011 and PDCP 2011 (Source: Applicant’s Urban Design Report)

24. Figure 6 demonstrates the location of two 35 storey blank walls as proposed in the applicant’s reference design. These blank walls will remain a feature along George Street for a substantial period of time. Figure 7 demonstrates the height variation of blank walls required with FSRs of 6:1, 11.5:1 (including design excellence), 15:1 and 20:1 in relation to the existing building context. The height of blank walls at 20:1 is more than double the height of blank walls at 6:1. The applicant’s reference design utilises façade treatments on the rear walls in place of blank walls. Council officers consider these large unarticulated walls to be suboptimal compared to elevations containing windows with some articulation. The negative design outcomes and impacts on future residents are inconsistent with Council’s vision of the City.



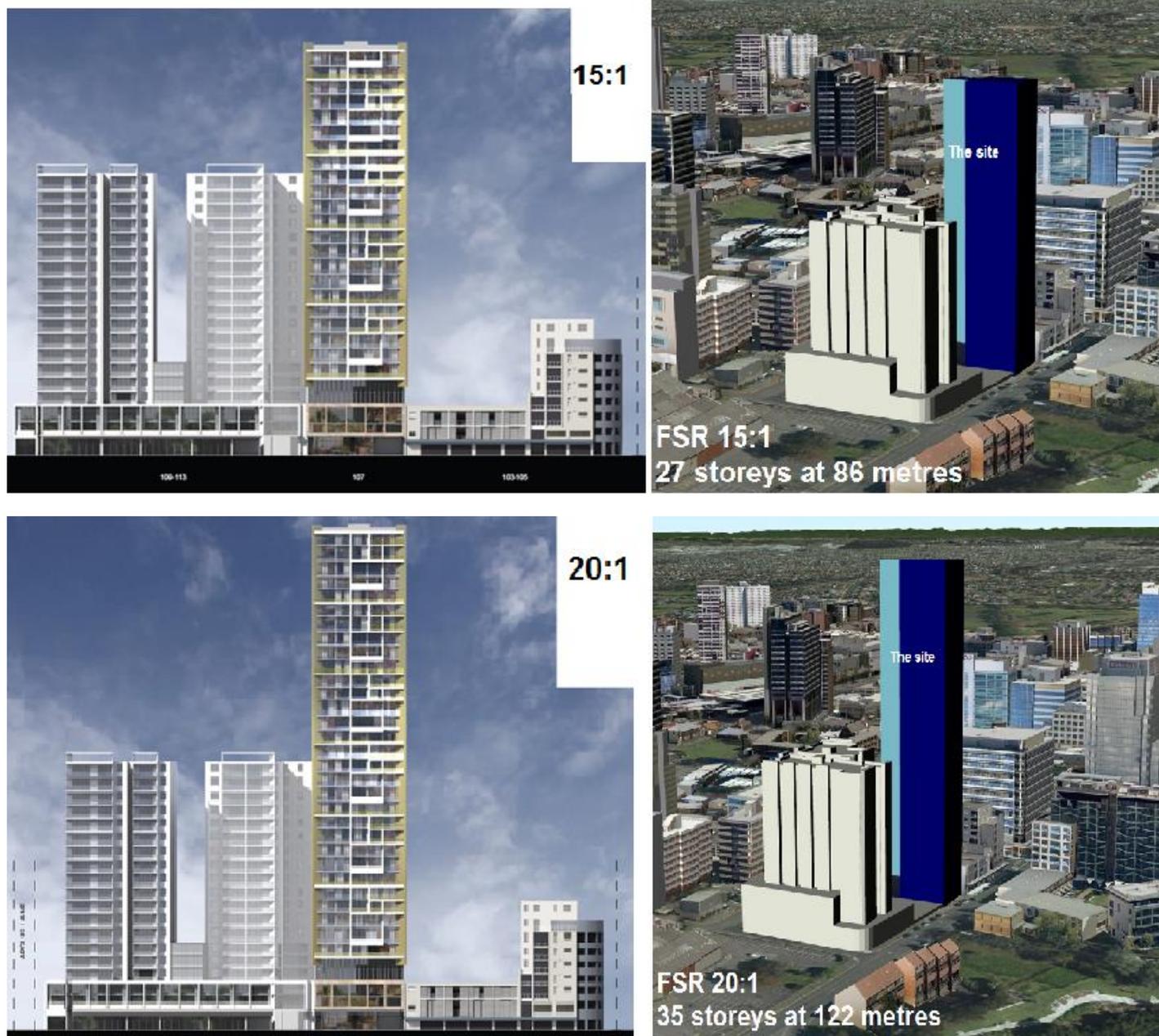


Figure 7 Elevations at 6:1, 11.5:1, 15:1 and 20:1 (Source: Applicant's Urban Design Report and Council modeling)

Urban design – Amalgamation and site isolation issues

25. The planning proposal has been assessed by Council's urban design team and it is acknowledged that the site is small with limited development opportunities. There is potential to amalgamate with the site to the south, 12 Union Street but more limited opportunity to amalgamate with sites to the east and west.
26. The sites either side of 107 George contain 9 and 20 storey buildings. Figure 8 presents the larger neighbouring sites (coloured yellow) that have been developed into towers. The subject site (red) and the site to rear, 12 Union Street (blue) are isolated and likely to be developed in the near future. Due to the small site area of these two sites, 107 George Street 630m² and 12 Union Street 300m², desirable tower forms fully compliant with ADG separation requirements are not possible outcomes. Concessions to the ADG and DCP controls are necessary if these sites are to be redeveloped.

27. The development for 103 George Street, Parramatta is a part 3 storey and part 9 storey mixed use building with a 4.08:1 FSR. The site contains 83 residential apartments and 29 commercial tenancies, the site has since been strata subdivided and now has 99 landowners. It is unlikely due to strata ownership that this site will be developed in the near future. However, with a site area of approximately 3,000m² and a significant FSR uplift under the Parramatta CBD Planning Proposal, Council officers do not discount the potential of this site to be redeveloped into a denser form in the medium to long term.
28. The development on 103 George Street has a low scale commercial component adjoining the subject site with a higher tower form containing most of the residential development on the western part of 103 George Street away from the subject site. There may be an opportunity for a partnership with the adjoining strata where the lower scale commercial development is included in a redevelopment and the 8 storey tower component is retained. This would allow both sites to achieve a higher density of development with a much higher quality urban design outcome.
29. The development at 109-113 George Street, Parramatta is a 20 storey mixed use residential tower with 277 residential units and 8 commercial tenancies. This site has also been strata subdivided and now has 225 landowners. The Development Application for this site was approved on 10 September 2014 and erection of the built form was recently completed. It is highly unlikely this building will be redeveloped in the foreseeable future due to the recently constructed building and strata ownership.

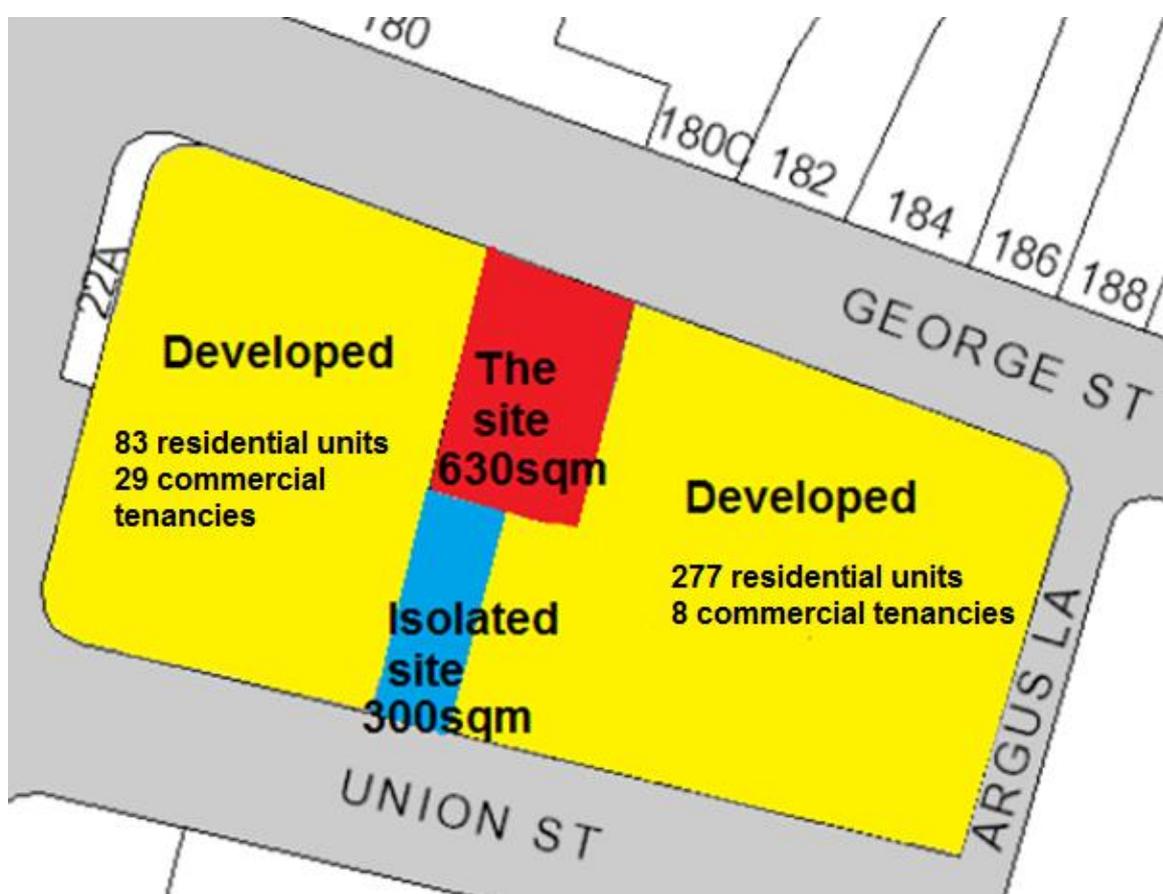


Figure 8 Site isolation

30. The CBD PP envisages smaller sites such as 107 George Street to be amalgamated with adjoining sites to improve development outcomes. The site immediately adjoining 107 George Street to the south (Figure 8 blue) has a site area of 300m² and contains a two storey commercial building with development opportunity. If the sites are to progress separately and seek tower forms, access to the sites will be compromised, compliance with the ADG will not be possible and blank walls will need to be utilised, as demonstrated in Figure 6.
31. There is opportunity to amalgamate the two sites (highlighted red and blue in Figure 8). Access to the site will be improved with the amalgamated site fronting both George and Union Street. The option of meeting the DCP objective of limiting driveways across the George Street frontage could be achieved. The applicant has advised that they made a decision not to pursue the amalgamation because there were no urban design benefits from their perspective but it is considered by Council staff that the access issue is a significant potential improvement in design and access arrangements.
32. Should 107 George Street be developed without amalgamation the lot at 12 Union Street will become further isolated and constrained. The built form presented compromises all neighbouring sites by providing zero or minimal setbacks.

VOLUNTARY PLANNING AGREEMENT

33. No letter of offer for a VPA has been lodged by the applicant for this planning proposal. It is recommended that the applicant be invited to explore the opportunities for the provision of public benefits commensurate with the density uplift being sought.

PARRAMATTA CBD PLANNING PROPOSAL

34. In light of the analysis provided in this report and the recent adoption of the draft Parramatta CBD PP on 11 April 2016 Council officers recommend adopting controls that are consistent with the CBD PP.

Height

35. The CBD PP proposes that no maximum height limit (incentive height) apply to the majority of land within the CBD subject to the delivery of community infrastructure. The height of buildings will be determined by the design response to the site area, FSR and aviation limitations. It is recommended no height limit be applied to the subject site.

Commercial floor space

36. A local clause is proposed in the CBD PP that requires a minimum 1:1 FSR of commercial floor space to be provided as part of a mixed use development on certain sites zoned B4 Mixed Use. The policy objective of this control is to contribute employment generating floor space consistent with Parramatta's role as a key employment centre in western Sydney. The current market conditions have seen the majority of B4 zoned sites obtain approvals for and be developed for almost entirely residential purposes with nominal ground floor retail uses.

37. A site specific clause is recommended to ensure a minimum 1:1 commercial floor space (included within the maximum FSR) is realised in accordance with Council's resolved position. The Urban Design Report submitted by the applicant demonstrates a design option that includes 4:1 commercial floor space.

OPTIONS

38. Below is an assessment of the three FSR options.
39. **Option A:** Apply an FSR of 6:1.
An FSR of 6:1 is in keeping with the sliding scale outlined in the CBD PP adopted by Council on 11 April 2016. A possible outcome for a built form on the subject site with an FSR of 6.9:1 (including design excellence) is a height of approximately 15 storeys including basement car parking and 1:1 commercial uses.* A building at this height would require the use of blank walls, however the height of the blank walls at a lower FSR are significantly reduced. Additionally due to the site area the use of design measures to manage privacy would be required as a means of minimising non-compliant setbacks. A lower FSR will minimise the number of compromised units in this development and reduce the amenity impacts of neighbouring sites.
40. **Option B:** Apply an FSR of 10:1.
Modelling submitted as part of the applicant's Urban Design Report demonstrates a built form on the subject site with an FSR of 11.5:1 (FSR of 10:1 plus design excellence) results in a height of 70 metres or 22 storeys including basement car parking.* Figure 7 demonstrates the 22 storey blank walls are taller than the neighbouring sites and will be visible along George Street. The number of compromised units compared to an FSR of 6:1 almost doubles with sun access and privacy issues impacting the amenity of future residents. Although design measures and blank walls can be utilised to manage privacy as a result of non-compliant setbacks, the development options of adjoining sites will be restricted and it would result in a negative visual design outcome for the City.
41. The CBD PP proposes a maximum incentive FSR of 10:1 for the subject site. Due to the site area of 630m² the sliding scale applies a 6:1 FSR to the site. However, should design excellence, compliance with SEPP 65 and activated street frontages be met the sliding scale no longer applies and an FSR of 10:1 can be sought. This has been described in previous reports as the "Sliding Scale Out Clause". While Technically the CBD PP will allow the applicant this opportunity under the CBD Planning Proposal the assessment undertaken by Council Officers concludes that the subject site cannot achieve the criteria in the "Out Clause".
42. The applicant has had to introduce design measures to manage privacy between units on the subject site. This is due to the non-compliance with building separation controls in the ADG. In regard to design excellence the proposal will result in two blank walls on either side of the site. While these walls might be treated with coloured and textural material to ameliorate the visual impact to get the best possible outcome for a potentially isolated site it is not a design response reflective of design excellence. Making the wall even larger by allowing a higher FSR is not consistent with design excellence objectives in the opinion of Council Officers. It is for these reasons that Council

Officers do not consider this site should be able to seek to utilise the “Sliding Scale Out Clause” proposed in the CBD Planning Framework.

It should also be noted that whilst the CBD Planning Framework allows for a 0.5:1 FSR bonus for High Performing Buildings and a potential 3:1 bonus FSR for Opportunity Sites both these bonus arrangements are only available if the site has an area no less than 1800m². If the CBD Planning Framework is ultimately adopted and comes into force these bonuses would not be available to any redevelopment of this site as it does not meet the area requirements.

43. **Option C:** Apply an FSR of 20:1.

The applicant has not demonstrated a 20:1 FSR can be acceptably accommodated on the site. The applicant’s Urban Design Report features extensive blank walls dominating the streetscape, zero lot setbacks and non-compliance with the ADG. Figure 7 demonstrates a design option for the subject site at an FSR of 20:1 in which 35 storey blank walls tower over neighbouring sites.* The applicant’s reference design demonstrates a building height that is more than double that of neighbouring sites. This will result in significant blank walls along George Street. The assessment undertaken by Council’s urban design officers conclude an FSR of 20:1 will result in an overdevelopment of the site, a significant number of compromised units impacting the amenity of future residents and unacceptably reduce the development potential of adjoining sites.

*(Assumes the floor plate in the applicant’s reference design.)

RECOMMENDED FSR OPTION**44. Option A:** Apply an FSR of 6:1.

Option A is in keeping with Council's recent position adopted in the CBD PP on 11 April 2016. The landowner will gain an increase in FSR from 4:1 to 6:1. If the site is developed without amalgamation, even at 6:1, the built form will result in the use of blank walls and concessions regarding ADG building separation. The benefit of an FSR of 6:1 is the number of compromised units will be limited and the height of the built form will be reduced resulting in 15 storey blank walls as opposed to 35 storey blank walls (see Figure 8) that would unduly dominate George Street and the city.

CONCLUSION

45. An FSR of 6:1 (6.9:1 with design excellence) is considered an appropriate density for the site. As discussed in this report the applicant's planning proposal and accompanying reference design results in the following issues:
- SEPP 65 non-compliance
 - Potential cumulative traffic impacts
 - Extent of blank walls to achieve inter building separation at the expense of highly articulated elevations and the amenity of future residents
 - Inconsistent with the objectives of Parramatta CBD Planning Proposal
46. A site specific Development Control Plan addressing matters such as the podium height, tower setback and floor plate size will assist in managing a number of design concerns. However, as demonstrated in Figure 6 should an FSR of 20:1 in keeping with the applicant's planning proposal be adopted, the resultant urban form featuring significant blank walls will be a relatively low quality design outcome in the heart of the Parramatta CBD.
47. Should Council endorse a planning proposal for the site, the applicant will be required to prepare an updated reference design in keeping with Council's adopted position. Following the applicant's submission of a revised reference design and the applicant adequately addressing Section 117 Direction number 4.3 (flood prone land) the documentation will be forwarded to the Department of Planning and Environment for gateway determination.

Kimberley Beencke

Project Officer Land Use

ATTACHMENTS:

1 Planning Proposal 26 Pages

REFERENCE MATERIAL