

ECONOMY

ITEM NUMBER	0.0
SUBJECT	Planning Proposal for land at 184-188 George Street, Parramatta
REFERENCE	RZ/7/2014 - D03483732
REPORT OF	Project Officer Land Use

PURPOSE:

To seek Council's endorsement of a planning proposal to increase the maximum building height and FSR controls for land at 184-188 George Street, Parramatta and to forward it to the Department of Planning and Environment for Gateway determination.

RECOMMENDATION

- (a) **That** Council endorses the planning proposal at Attachment 2 to increase the height and floor space ratio controls at 184-188 George Street, Parramatta and forwards it to the Department of Planning and Environment for Gateway determination.
- (b) **That** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.
- (c) **That** a site specific DCP be reported to Council prior to formal exhibition of the planning proposal.
- (d) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) with the landowner in relation to the planning proposal on the basis that any contribution in a VPA would be in addition to Section 94A contributions payable for the development.
- (e) **Further, that** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of the negotiations be reported back to Council.

THE SITE

1. The subject site is located in the north-east of the Parramatta CBD at 184-188 George Street, Parramatta. It comprises three allotments of land, being Lot 11 DP 1115358, Lot 30 DP 1115365 and Lot 20 DP 1115360, with a total area of 2,183m². The mid-block site is located between George Street and the Parramatta River foreshore and adjoins a state listed heritage building on the western boundary known as 'Harrisford' house.
2. The site is 150 metres from Parramatta Ferry Wharf and within a 500m radius of Parramatta Rail Station.

3. **Figure 1** identifies the subject site, key surrounding land uses and nearby sites that are under development or the subject of planning or development proposals (in yellow).

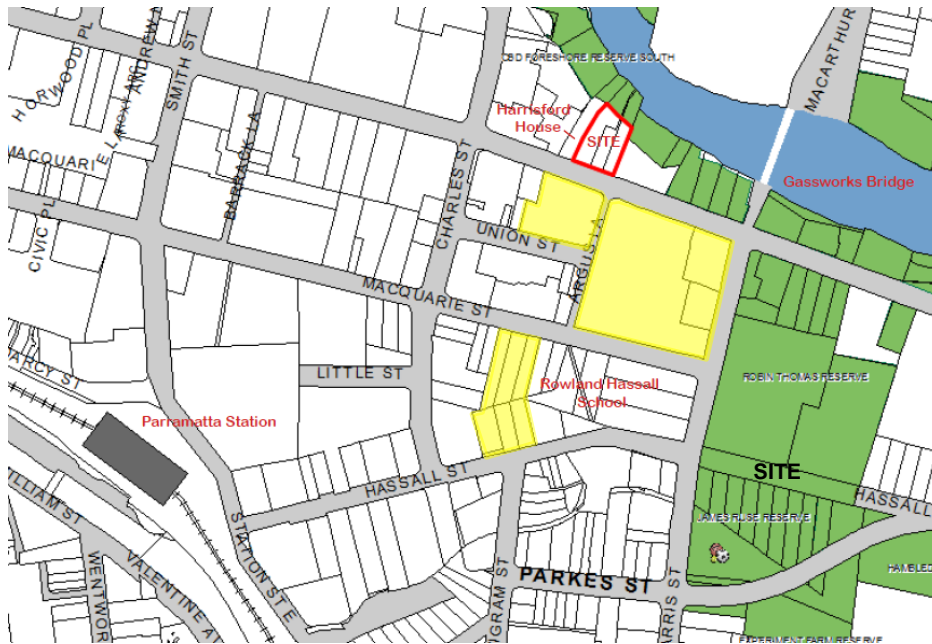


Figure 1 – Location Map

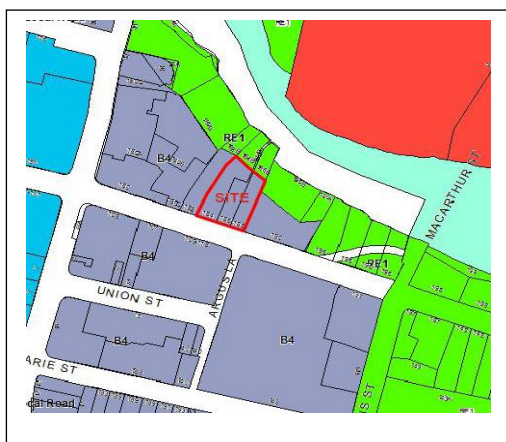
4. The site is vacant, cleared of vegetation and slopes gently towards the rear boundary with the river foreshore reserve (refer to **Figure 2**). An underground Parramatta City Council stormwater pipe traverses the site and carries water from George Street to the river foreshore reserve. The stormwater pipe is setback approximately 10 metres from the eastern side boundary.
5. Development Approval was granted in June 2013 (DA/769/2011) for construction of a 12 storey mixed use development comprising 84 apartments, 4 home offices and commercial tenancies over two levels of basement car parking with strata subdivision. The approved development has a maximum building height of 37.14m² (12 storeys) and a floor space ratio of 4:1 (with a total floor space of 8,157m² of which 400m² is home office floor space and 300m² is commercial floor space).



Figure 2 – Aerial Photograph

CURRENT PLANNING CONTROLS

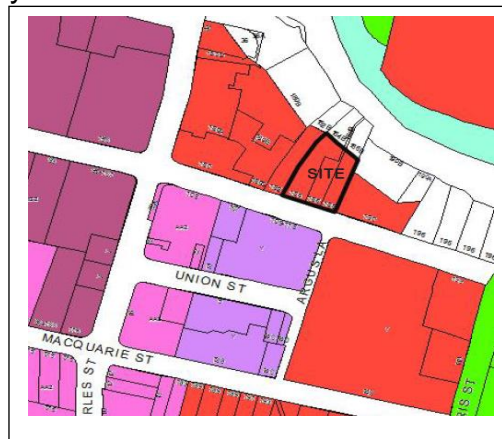
- The site is zoned B4 Mixed Use, with height and FSR controls of 36 metres (approximately 12 storeys) and 4:1 (8,732sqm of floor space) respectively under *Parramatta City Centre LEP 2007*. Under this LEP a Design Excellence Bonus of 10% (in height and FSR) may be achieved.



Zone

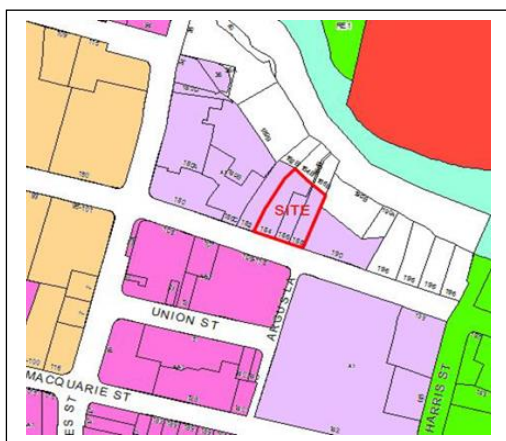
B3	Commercial Core
B4	Mixed Use
B5	Business Development
RE1	Public Recreation

Figure 3: Zoning



U	34
V	36
W	40
Y	54
AA1	60
AA2	72
AB1	80
AB2	90
AC1	118
AC2	120
AG	200

Figure 4: Height



X1	4
X2	4.2
AA1	6
AA2	6.4
AB	7.2
AC	8
AE	10

Figure 5: FSR

- Upon amalgamation of PCC LEP 2007 and Parramatta LEP 2011, the City Centre Design Excellence Bonus will increase to 15%.

THE PLANNING PROPOSAL

- On 5 September 2014, Council received a planning proposal from Planning Ingenuity Pty Ltd and accompanying Urban Design Analysis from HBO+EMTB on behalf of the landowner, Riverport Parramatta Pty Ltd.
- The planning proposal seeks to increase the Maximum Building Height from 36m to 120m (approximately 12 to 38 storeys) and the Maximum Floor Space

Ratio from 4:1 to 10:1. With the Design Excellence Bonus of 15% under the amalgamated LEP, the height could potentially increase to 138m (approximately 43 storeys) and the FSR to 11.5:1.

10. Utilising the same development yield of 10:1, four indicative building design options with varying heights and floor plates were submitted. All options comprise of a base or podium of 12-18m (up to 4 storeys) with a tower above, varying between 89m (28 storeys) and 120m (38 storeys) and with floor plates between 635sqm and 900sqm. It is noted that the four schemes are exclusive of a 15% Design Excellence (DE) bonus.
11. Refinement of the building design options is required with a singular indicative development scheme detailed to enable supporting controls to be included in a site specific DCP. This assessment will include solar access studies and the calculation of building yields commensurate with public benefits identified in the Voluntary Planning Agreement (VPA). The refined indicative development scheme and site specific DCP controls will be reported to Council prior to formal exhibition of the planning proposal.
12. The building design option with the greatest height was assessed. This building design is reflected in the planning proposal and illustrated in **Figures 6 and 7** below.



Figure 6: Option 2B – height 120m (38 storeys), FSR 10:1 and tower floor plate 752sqm

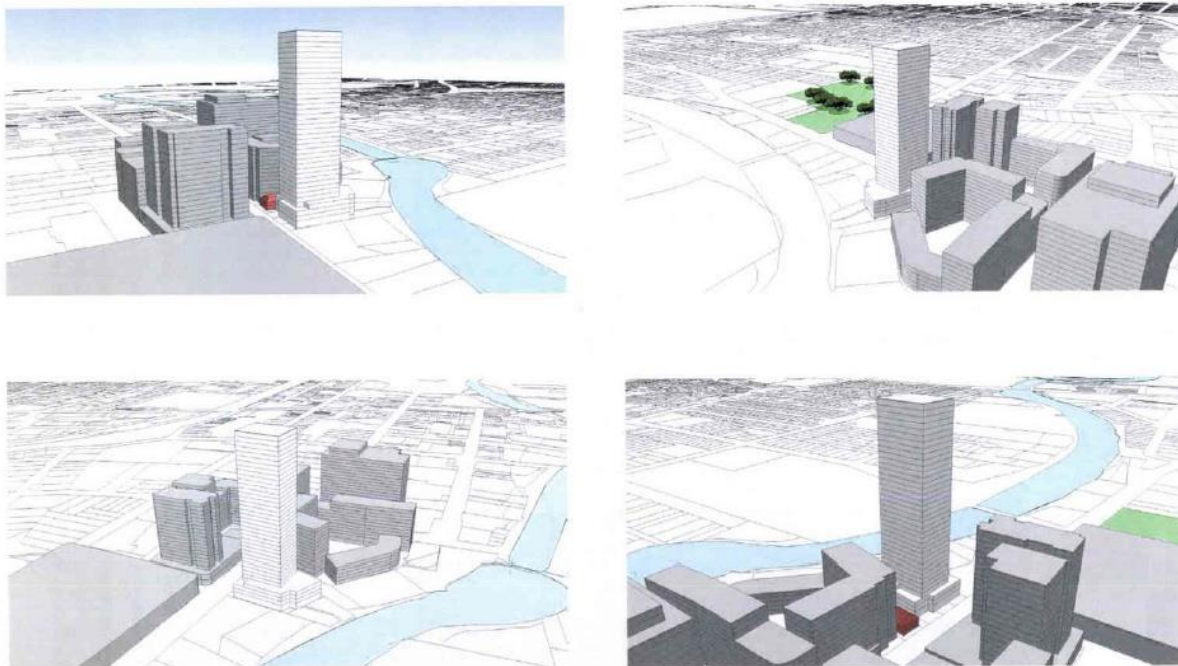


Figure 7: Option 2B – height 120m (38 storeys), FSR 10:1 and tower floor plate 752sqm

KEY ISSUES

13. Council's Urban Design, Catchment Management, Heritage and Traffic and Transport Teams have all been involved in the consideration of this planning proposal.

14. The key issues that have been considered are summarised below.

(a) Land use mix and placement

15. The planning proposal, with a 15% DE bonus, would enable a doubling of achievable gross floor area (GFA) on the site to 21,830sqm. Council wants to ensure that the CBD remains vibrant and active throughout the day and also that the new public shared laneway and river foreshore reserve have high levels of public surveillance. To achieve this, an appropriate mix of residential, commercial and other uses is required together with appropriate placement of these uses within the building relative to the adjoining public spaces.

16. As an indicative development scheme for the site has not been finalised, and thus the land use mix is not known, it is considered reasonable that the majority of the building would contain residential as the site is outside the centre of the CBD.

17. Given the site has three public interfaces, securing an appropriate placement of the commercial and retail uses is crucial, as are opportunities for casual surveillance from the residential apartments.

18. To secure activation and casual surveillance around the site, it is **recommended** that clauses be added to the DCP, requiring commercial and

retails uses on the public elevations of the building on at least the ground floor, with opportunities for casual surveillance from residential apartments incorporated into the overall building design.

(b) Height – built form outcome and CBD skyline

19. The proposed maximum height of 120m / 38 storeys (or 138m / 43 storeys with a 15% DE bonus) is supported in principle on the grounds that this height would:
- complement heights at other landmark sites in the CBD – in the centre (the Aspire building at 243m), at the northern gateway (Meriton and LIDIS sites on the River at 150 – 177m) and at the southern gateway (Heartland Holden site at 118m);
 - be consistent with future redevelopment on the southern side of the Parramatta River envisaged in the Draft Parramatta CBD Planning Framework; and
 - not adversely overshadow surrounding sensitive land uses (further detail provided at section (c) below).
20. The proposed height control would enable the floor space to be accommodated in a tall, slender tower as opposed to a lower but bulkier building which tends to be less elegant and create greater “blocks” of overshadowing. This approach is consistent with the Draft Parramatta CBD Planning Framework which encourages tall, slender building forms provided that they do not result in adverse overshadowing impacts or encroach on airspace safety zones.
21. The skyline diagrams at **Figures 8 and 9** compares:
- (a) the current vacant subject site; and
 - (b) the proposed building,
- with other existing buildings in the CBD.



Figure 8: skyline from the north – current vacant site (a)



Figure 9: skyline from the north – proposed building (b)

22. Using the drawings submitted by the applicant and Council's own data, the skyline diagram at **Figure 10** prepared by Council staff illustrates how the proposed development for the site compares with the approved DA for the subject site (DA/769/2011), the approved DA for the site opposite at 109-113 George Street (DA/694/2011) and with other existing buildings in the CBD.

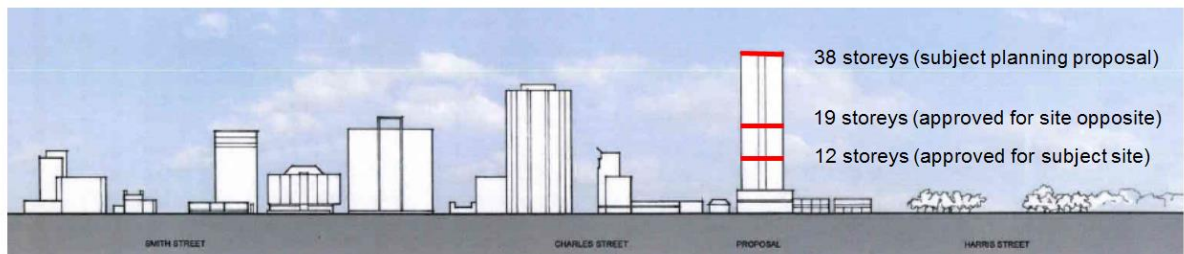


Figure 10: skyline from the north – proposed building with approved buildings

23. The proposed height does not appear out of place in the CBD and would complement similar heights on other gateway sites whilst not diminishing the iconic status of the proposed Aspire tower at the centre of the CBD.

(c) Height – overshadowing impact

24. Council's shadow study is illustrated in **Attachment 1** and incorporates:
- (a) The 120m / 38 storeys building (exclusive of the 15% DE) outlined in the Planning Proposal for the subject site (184-188 George Street); and
 - (b) The three buildings (25, 32 and 60 storeys) being inclusive of the 15% DE) outlined in the indicative development scheme in the planning proposal for site at 142-154 Macquarie Street (the 'Cumberland Newspaper' site) also within the Business Paper before Council.
25. In relation to Robin Thomas Reserve, the shadow study indicates that during mid-winter:
- (a) The 120m / 38 storey building on the subject site will overshadow a small section of the reserve from 2pm along the western boundary; and
 - (b) The three buildings on the Cumberland newspaper site will overshadow the south-western corner of the reserve from 2pm.

26. In relation to the proposed square on the north-east quadrant of the Cumberland Newspaper site, the shadow study indicates that during mid-winter the 120m / 38 storeys building on the subject site will increase the shadowing impacts to the square from 1pm.
27. It is noted however that an initial assessment of the mid-winter shadow analysis prepared by the applicant to accompany the planning proposal for the Cumberland newspaper site appears to indicate that the 25 storey podium and tower in the north-western quadrant of the Cumberland newspaper site will begin to overshadow the square on this site from 12noon with the square being in complete shadow by 3pm.
28. Further analysis is required to investigate the larger cumulative shadow impacts associated with existing and proposed developments (approved DAs and Planning Proposals). This work will also include consideration of surrounding sites where future development may occur including the Albion Hotel site at 135 George Street and 118 Harris Street and the two-storey brick terraces at 190 George Street.
29. As with all planning proposals, opportunities for consideration of adjoining landowner issues will occur as part of the formal consultation associated with the Gateway Determination process.
30. In relation to the subject site, the shadow associated with the proposed tall, slender building form will extend out considerably from the site, however surrounding properties will not remain in shade for significant periods of time as the slender shadow will pass through more quickly than the shadow cast by a bulkier building. A final indicative development scheme for the site will enable more accurate shadow analysis to be prepared and the true impacts on adjoining sites determined whilst taking into account the cumulative impacts of surrounding existing and proposed development.
31. As noted in the report to Council for the planning proposal for 142-154 Macquarie Street, the impact of overshadowing on Robin Thomas Reserve is of particular concern. However, there is potential for the impacts to be offset by VPA contributions towards maintenance and upgrade of the reserve (e.g. in accordance with the Robin Thomas Reserve Masterplan).
32. A final indicative development scheme that includes the height and tower floor plate size will enable appropriate site specific solar access controls being included in the DCP.

(d) Flooding

33. Advice from Council's Catchment Management team is that the property is not within the 1:20 year floodplain and minor proportions are within the 1:100 year

floodplain. However the entire site would be inundated to substantial depths in the event of a Probable Maximum Flood (PMF) (**figure 11**).

34. The Flood Planning Levels (FPLs) for the site are:
 - RL 5.22 and 5.35 AHD for the 1:100 year flood (inclusive of a 0.5m freeboard); and
 - RL9.82 and 10.06 AHD for the PMF.
35. The development of the site must address the State Government requirement Direction 4.3 ‘Flood Prone Land’ under s.117(2) of the EPA Act 1979 and the Floodplain Development Manual 2005 and relevant Council flood planning controls. Appropriate design features and evacuation measures can be implemented at the DA stage.
36. It is important to note that Council’s Catchment Management Team’s view is that basement car parking within the floodplain is not recommended unless it can be clearly demonstrated that the proposed development has adequately addressed all flood risks and evacuation safety concerns for all flood events up to and including the PMF but this issue is ultimately resolved at the Development Application stage.
37. The site has a Council stormwater pipe passing through it and it is Council’s Catchment Management Team’s view that it should remain in its current location. However any proposal to relocate the pipe must comply with Council’s stormwater code requirements.

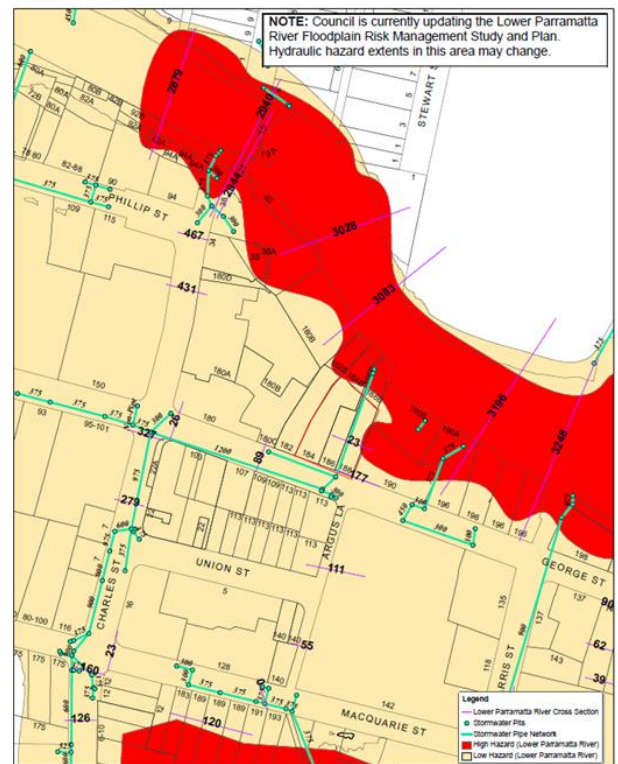
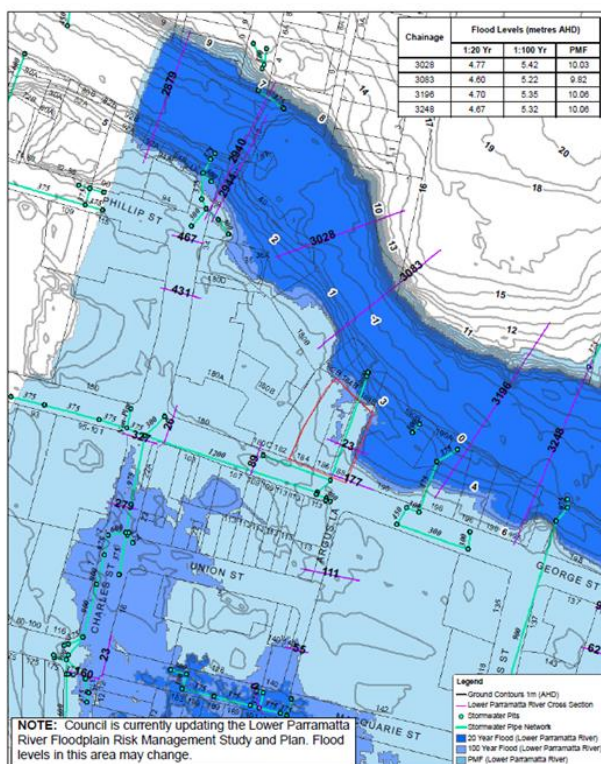


Figure 11: Flood mapping

(e) Heritage and archaeology

38. The subject site is not a heritage item but has potential to be of major (State) archaeological significance.
39. A Historical and Archaeological Assessment by Edward Higginbotham and Associates Pty Ltd (2011) examined the matters relating to the potential for archaeological remains to be unearthed during excavation works within the site as well as the historical land use and development patterns of the site and the locality. Also in conjunction with the approved DA on the site, an Aboriginal Archaeological Heritage Assessment by Dominic Steele (2011) examined the matters relating to the potential for Aboriginal archaeological remains to be unearthed during excavation works. The findings from both studies informed DA/769/2011.
40. The subject site is located adjacent to an item of State significance being 'Harrisford' house. Harrisford house is one of the oldest houses remaining in the Parramatta CBD and a key design component for the subject site will be the DCP controls for the podium and tower.
41. It is critical that the setbacks on the corner of the proposed podium open up views to Harrisford house and that the floor lines and heights of the heritage item are considered in the articulation of the lower levels of the building with a muted façade treatment. It is **recommended** that detailed clauses be added to the DCP addressing these setback and design issues.
42. A setback of the podium to the western boundary will also improve the setting for Harrisford house opening up views from George Street to the river foreshore reserve. To secure an improved setting for the heritage item, it is **recommended** that a clause be added to the DCP requiring the minimum distance between the podium and the western boundary of the site to be 3 metres for the total length of the western boundary from George Street to the river foreshore reserve. Linking this clause with objectives relating to activation and casual surveillance of the new public laneway is also recommended (further detail provided at section (f) below).
43. An Excavation Permit (Application No. 2013/S140/2) was issued for the site under Section 140 of the Heritage Act 1977 in November 2013. Preliminary investigative excavation work has started but to date no reporting on the findings has occurred. An Aboriginal Heritage Impact Permit (Application No. 1132218) was also issued for the site under section 90C(4) of the National Parks and Wildlife Act 1974 in May 2013. Preliminary investigative excavation work has started but to date no reporting on the findings has occurred.

(f) Connectivity

44. A 3 metre setback from the western side boundary of the site to the outer face of the proposed building including balconies is recommended. The open air

shared laneway will be a community asset providing uncontrolled pedestrian and cycle access between George Street and the river foreshore reserve. The applicant is also investigating opportunities that if successful will improve this community asset through the provision of a wider access way by utilising some of the adjoining land on the Harrisford house site.

45. Appropriate land uses fronting the laneway combined with night lighting and landscaping, and a further setback of the upper tower to allow adequate scaling of the built form relative to the heritage item is crucial.

(g) Traffic, parking and access

46. Council's Traffic Management team reviewed the proposal and raises no specific concerns with the proposal. However more broadly, concern is raised about the lack of a study into the cumulative impacts of the additional traffic generation from the increased development potential in the CBD which is an issue that will be addressed as part of the further work on the Parramatta CBD Planning Framework Review.

(h) Section 117 Directions

Section 117 of the Environmental Planning and Assessment Act 1979 sets out the range of matters that need to be considered when the Relevant Planning Authority (in this case Parramatta City Council) is preparing an amendment to an LEP. Council is satisfied that the planning proposal meets the requirements of these directions set by the Minister of Planning (refer to the planning proposal at **Attachment 2**).

VOLUNTARY PLANNING AGREEMENT

- (i) The land owner has provided a Letter of Offer (**Attachment 3**) to enter into a Voluntary Planning Agreement (VPA) with Council relating to the planning proposal. The offer includes contributions towards through site links for pedestrian and cyclists along the eastern side boundary between the subject site and Harrisford house; landscaping and improvement works within the adjoining foreshore reserve compatible with the Draft Parramatta City River Strategy Design Report; landscaping, paving, street lighting and street tree planting within the George Street road reserve and the setback area to George Street; and stormwater and floodwater management and water quality control devices within the site and within the adjoining foreshore reserve including the creation of an overland flow path benefitting Council's road and footpath reserve along the western site boundary. The proposal is seeking Council's agreement that these works be provided instead of Section 94A contributions being paid.

- (j) Council officers consider that **the VPA offer should be in addition to Section 94A development contributions**. Council has consistently sought Section 94A contributions in addition to VPA offers for comparable development sites to capture an appropriate portion of the land value uplift associated with the increase in development yield sought through a planning proposal.
- (k) A conservative preliminary estimate (based on information about the developments in the Parramatta CBD and not the cost of development for this site which is not currently available) of the Section 94A contribution required to be paid on development with an FSR of 10:1 would be in the order of \$1.5 million. Varying the VPA to not require Section 94A contributions erodes the ability of the Section 94 Plan to deliver nominated items that have wider community benefits such as public domain works, water quality improvements etc.
- (l) In addition to the contributions outlined in the VPA offer, Council officers suggest that contributions towards open space improvements in Robin Thomas Reserve should be negotiated given a building on the subject site will add to the cumulative overshadowing impacts on the Reserve and further compromise the already less than ideal turf conditions.
- (m) There are potential planning and public benefits in this preliminary offer that should be further explored. This report recommends that, as required by Council's VPA policy, a formal resolution be made to proceed with negotiations and that an appropriate officer (the Chief Executive Officer) be given delegated authority to explore and negotiate the VPA on Council's behalf. The outcome of any negotiations would be required to be reported back to Council for further consideration.

PLAN-MAKING DELEGATIONS

- (n) 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 CEO.
- (o) Should Council resolve to proceed with this planning proposal (**Attachment 2**), 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 been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. When the planning proposal is submitted to Gateway, Council advises the Department of Planning and Environment that it will be exercising its delegation.

PROCESS – NEXT STEPS

- (p) Council as the relevant planning authority must resolve to support a planning proposal before it can proceed to “Gateway” by the Department of Planning and Environment (DP&E).
- (q) Should Council resolve to support the planning proposal, the proposal (and related documentation) would be submitted to DP&E for Gateway determination prior to any formal exhibition being undertaken.
- (r) In the meantime, a site specific Draft DCP will be developed to address relevant matters such as built form, location of building height, public domain, parking, sustainability and the like. The site specific Draft DCP will be reported to Council prior to the exhibition of the Planning Proposal.

CONCLUSION

- (s) The site of the subject planning proposal has the potential to contribute to the transformation of the north-east corner of the CBD and the River precinct (Parramatta Quay Quarter) described in the Draft Parramatta City River Strategy.
- (t) The planning proposal would enable a substantial increase in the density and height of development on the site. The proposal would enable some 160 to 180 dwellings and 860sqm of non-residential uses to be provided on the site. It would also enable a public pathway to be provided between the site and the heritage listed Harrisford house giving the heritage item an improved setting and a new pedestrian access between George Street and the River.
- (u) The residential uses on the site would benefit from the amenity values nearby, including views of and recreational opportunities along the river, and nearby Robin Thomas Reserve. The non-residential uses would service nearby residents and workers and provide activation and surveillance of the new public access way between George Street and the River and the River foreshore.
- (v) Given the opportunities that the planning proposal presents and that relates impacts (flooding, traffic and overshadowing) can be adequately managed, it is recommended that Council support the planning proposal and forward it to the DP&E for Gateway determination.

ATTACHMENTS:

- 1** Council's Mid Winter Shadow Analysis 8 Pages
- 2** Planning Proposal 14 Pages
- 3** Voluntary Planning Agreement Offer 4 Pages