

ECONOMY

ITEM NUMBER	9.2
SUBJECT	Planning proposal for land at 55 Aird Street, Parramatta
REFERENCE	RZ/18/2015 - D04177817
REPORT OF	Project Officer Land Use
LANDOWNER	Charles Apartments Pty Ltd
APPLICANT	Statewide Planning Pty Ltd

PURPOSE:

To allow Council to consider a planning proposal seeking to remove the maximum height limit (currently 36 metres/11 storeys) and increase the floor space ratio for land at 55 Aird 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;
- permit 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 in the 6:1 FSR)
- (b) **That** a revised reference design and Site Specific DCP be prepared by the applicant at an FSR of 6:1 and submitted to Council.
- (c) **That** the planning proposal as amended and revised reference design be forwarded to the Department of Planning and Environment for Gateway determination.
- (d) **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.
- (e) **That** Council invite the applicant to submit a Voluntary Planning Agreement (VPA) consistent with the CBD Planning Proposal and Value Sharing Policy.
- (f) **That** the outcome of the VPA negotiations and the Draft DCP be reported to Council prior to exhibition of the draft VPA, draft DCP with both to be exhibited with the planning proposal.
- (g) **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 55 Aird Street, Parramatta, see Figure 1. The legal description is Lot 4 DP 310151. The site area is 660m² with a street frontage of 14m and length of 47m. Currently the site contains a 2 storey commercial use with a vehicular right of way along the eastern boundary, providing access to the retail tenancies fronting Church Street. The site adjoins a Westfield loading dock and retail tenancies back onto the site.

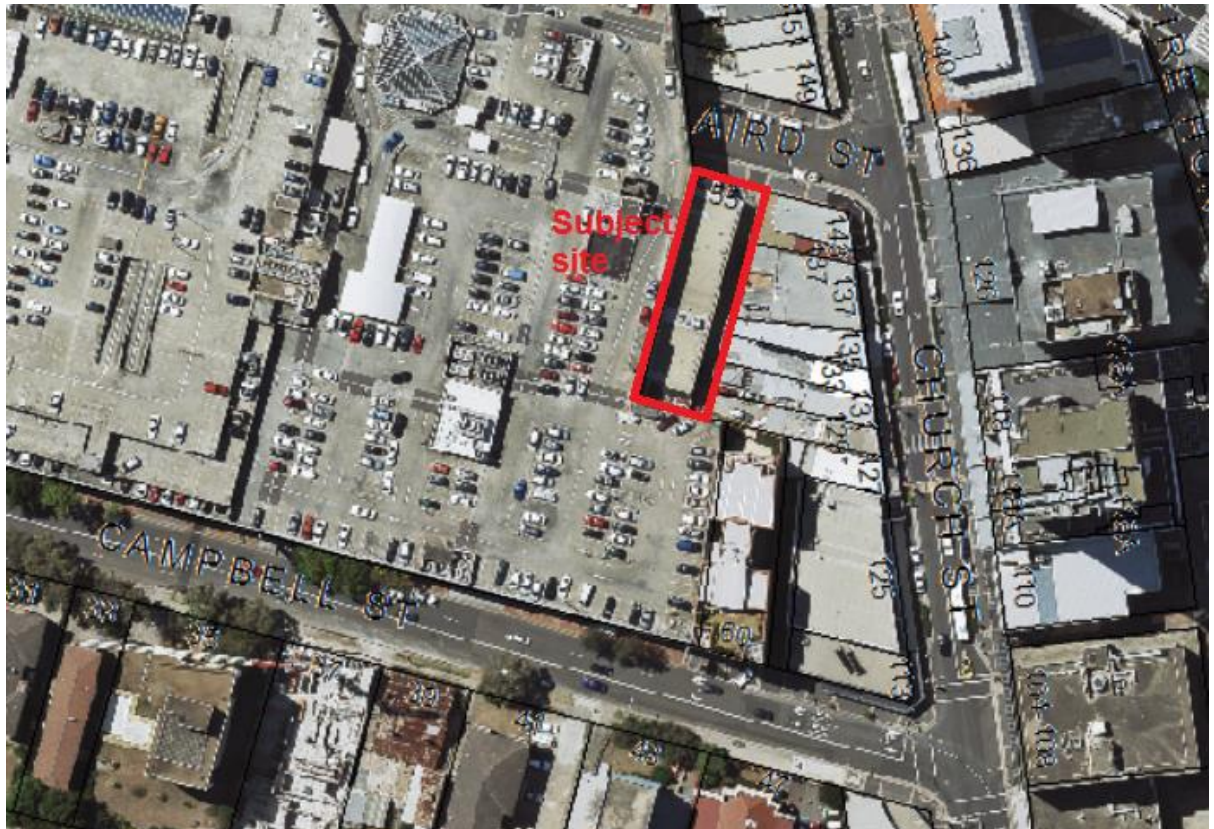


Figure 1 Location map

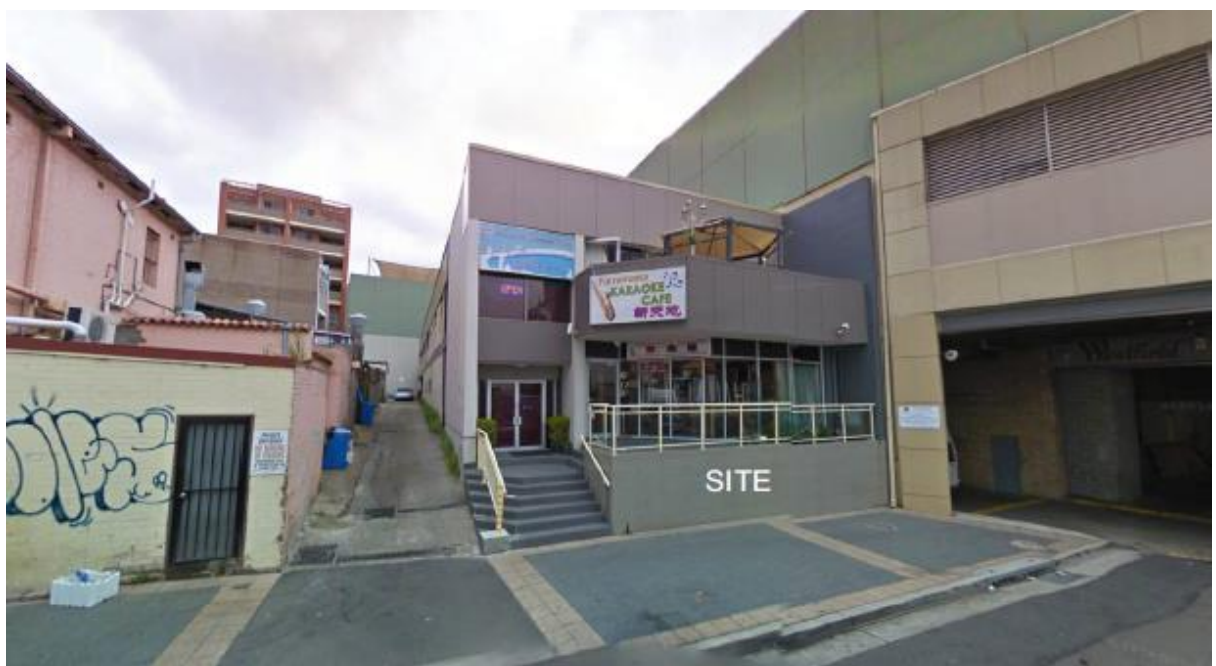


Figure 2 Street view of the site viewed from north east

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 55 Aird Street, Parramatta was submitted on 24 August 2015 seeking to increase the FSR from 4.2:1 to 20:1 and height from 36 metres (11 storeys) to 120 metres (38 storeys). The applicant submitted a revised planning proposal in March 2016 seeking an FSR of 15:1 (17.25:1 plus design excellence) and height of 120 metres. A revised Urban Design Report was also submitted with new indicative floor plans reducing the number of apartments per level from 5 to 4.
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 proposes that a potential increase in height and FSR can be sought 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 between the Great Western Highway and the Parramatta River
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 and facilitate better design outcomes. Table 1 is an extract from the CBD PP as adopted by Council.

Part 2 – FSR of 10:1			
FSR Shown on Map	Site is less than or equal to 800m²	Site is greater than 800m² but less than 1,600m²	Site is equal to or greater than 1,600m²
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 revised planning proposal as submitted by the applicant on 2 March 2016 sought a maximum building height of 120 metres/38 storeys and maximum FSR of 15:1. A residential tower has been presented as the reference design that demonstrates a potential development option for the site at the applicant's proposed 15:1 FSR, see Figure 3. The reference design provided in the Urban Design Report provided by the applicant demonstrate the following:
- Above ground car parking contained within 8 storey podium
 - Residential tower containing approximately 120 dwellings
 - A podium with nil setbacks and tower above
 - A tower with nil front setback and 6m rear setback



Figure 3 Applicant's design option, viewed from north east

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 4.2:1 applies to the site due to the existing sliding scale provisions that apply under Clause 4.4 of PLEP 2011.
12. A maximum building height of 36m 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 close to the following heritage items (see Figure 4);
 - Item number 649 located at 140 Church Street, a shop/former fire station of local significance.
 - Item number 00751 located at 39 Campbell Street, Lennox House of State significance and listed on State Heritage Registry.
 - Item number 648 located at 47 Campbell Street, Masonic Centre of State significance.

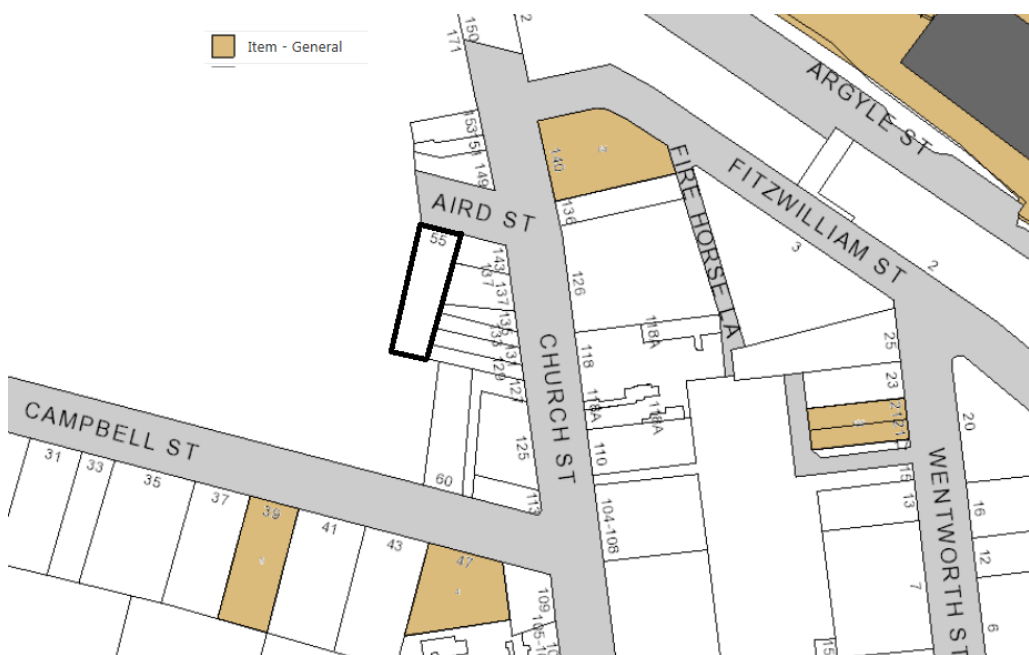


Figure 4 Heritage listing applying to the site and surrounds (Source: Council's GIS)

14. The site is not flood prone.

ISSUES

Heritage

15. Council's heritage officer has assessed the planning proposal and has made the following comments. The subject site is located close to a number of heritage items, the former Fire Station, Lennox House and the Masonic Centre. The former Fire Station is already developed and therefore any impacts from the proposed form are considered acceptable. The Masonic Centre is located to the south of the site and will be impacted by overshadowing. Lennox House is listed on the State Heritage Register, the item is located south of the subject site and will be impacted by overshadowing.

16. Council's heritage officer recommends controls be applied that are consistent with the immediate area and the proposed CBD PP. It is recommended that the planning proposal be amended to comply with the draft CBD Planning Proposal. Officers note the planning proposal at 6:1 is likely to result in acceptable impacts on the heritage items and advise the planning proposal should be referred to the NSW Heritage Office for comment as part of the public exhibition.

Traffic

17. The planning proposal has been reviewed by Council's traffic and transport section and it has been determined that the planning proposal has demonstrated that parking and traffic impacts are within acceptable limits.

Development Control Plan and Apartment Design Guide compliance

18. The Parramatta Development Control Plan (DCP) 2011 identifies front, side and rear building setbacks. Buildings above 54m, such as those proposed on the subject site are required to provide a 6m tower setback to the street, 6m side setback and 12m rear setback. Due to the site's size a tower form that complies with the setback controls cannot be developed. The objectives of the DCP setback controls are to provide privacy, ventilation and solar access for residents and help establish high quality streetscapes with human scale provided by the podium and tower setbacks.
19. 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.
20. 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. Light wells are relied upon (see Figure 5) as a means of achieving natural light and ventilation which is inconsistent with the objectives of the ADG. **To achieve a tower form zero lot side setbacks are required and 120m high blank walls are utilised in order to respond to building separation and privacy requirements. As a result, the onus is placed on neighbouring landowners to provide the required setbacks.**

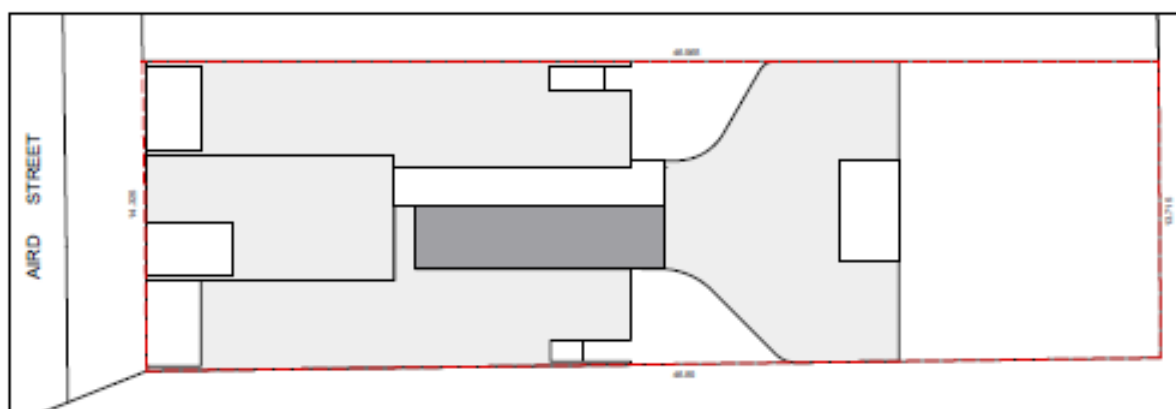


Figure 5 Typical floor plan (Source: Applicant's Urban Design Report)

Urban design – Amalgamation Issues

21. The planning proposal has been assessed by Council's urban design team and it is held that based on the reference design submitted by the applicant that the site is too small to provide an acceptable tower form at the density being sought (15:1).
22. The sites along the eastern boundary of the subject site fronting Church Street (see Figure 6, outlined in blue) are 1-3 storey retail tenancies that are separately owned. Although the sites are smaller than the subject site, Council officers do not discount the potential interest of the landowners to develop these sites into a denser form in future.

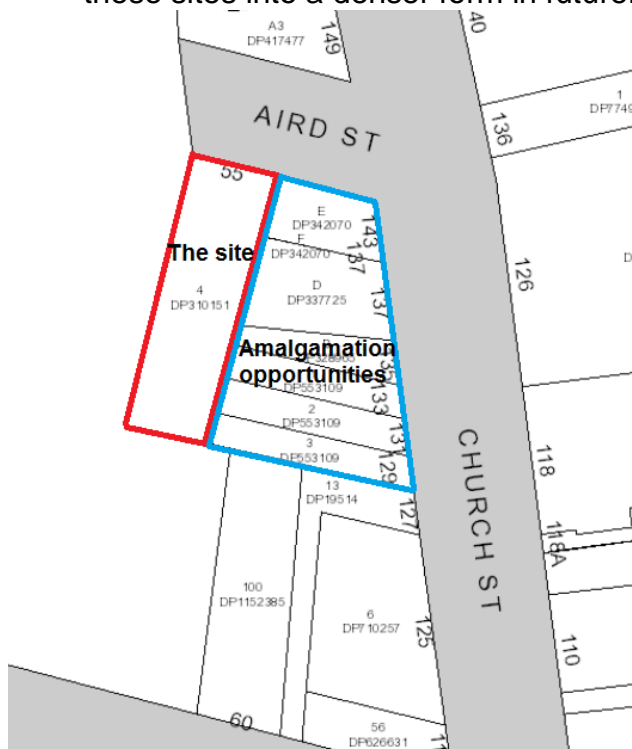


Figure 6 Amalgamation opportunities (Source: Council's GIS)

23. The CBD Planning Proposal envisages smaller sites such as 55 Aird Street and the developments fronting Church Street to amalgamate to improve development outcomes. If the sites are to progress separately seeking tower forms access to the sites will be compromised and blank walls will be utilised extensively. The applicant's Urban Design Report details a 38 storey building fronting Aird Street with a 120 metre blank wall facing Church Street. It will not be possible for all sites to achieve inter tower separation and setbacks in accordance with ADG requirements. There is opportunity to amalgamate the sites (outlined in red and blue in Figure 6).
24. Should 55 Aird Street and the sites along Church Street be amalgamated compliance with Council's DCP and the State Government's ADG could be more readily achieved. A single built form would cover all 7 sites and the site would be large enough to provide the necessary setbacks for compliance and a higher level of amenity can be achieved for future residents at a higher FSR. If the sites aren't amalgamated setbacks for each individual site will be required.
25. The Urban Design Report submitted by the applicant includes indicative building envelopes on the adjacent sites to the east along Church Street, see

Figure 7. The design has been prepared with the assumption that the other landowners along Church Street are able to amalgamate. Due to the zero lot setback of 55 Aird Street the Church Street building envelope is unable to develop a similar form. A minimal inter tower setback is provided requiring blank walls for both towers. The Church Street envelope is also required to provide a 6m setback to Church Street. Tower setbacks are essential to reduce wind tunnels and provide a comfortable human scale for pedestrians at street level. The indicative building envelopes presented at Figure 7 demonstrate the onus placed on the neighbouring sites to provide a setback between the two tower forms.

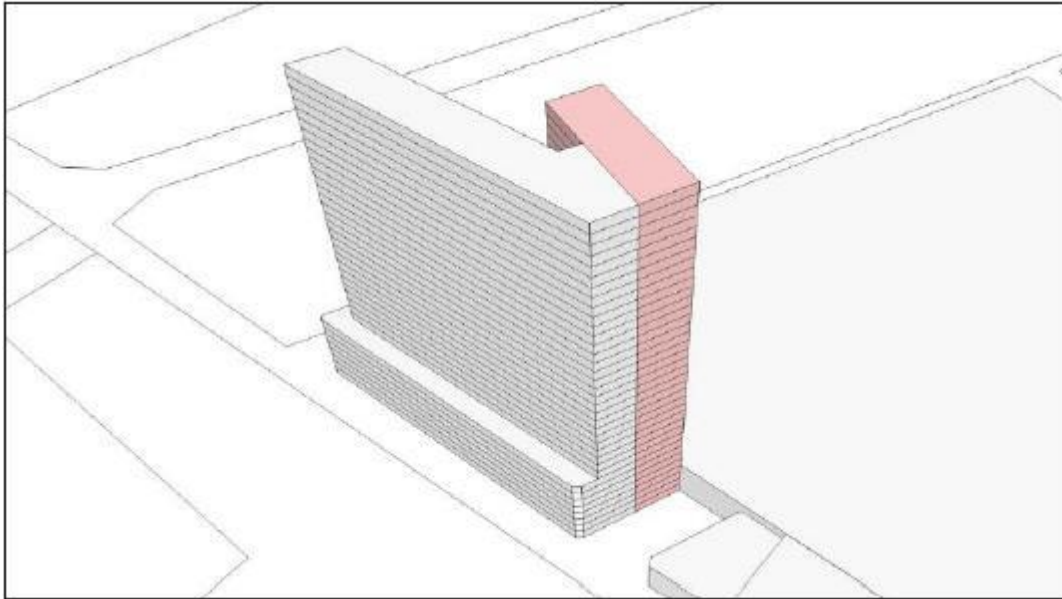


Figure 7 Development options for neighbouring sites (Source: Urban Design Report)

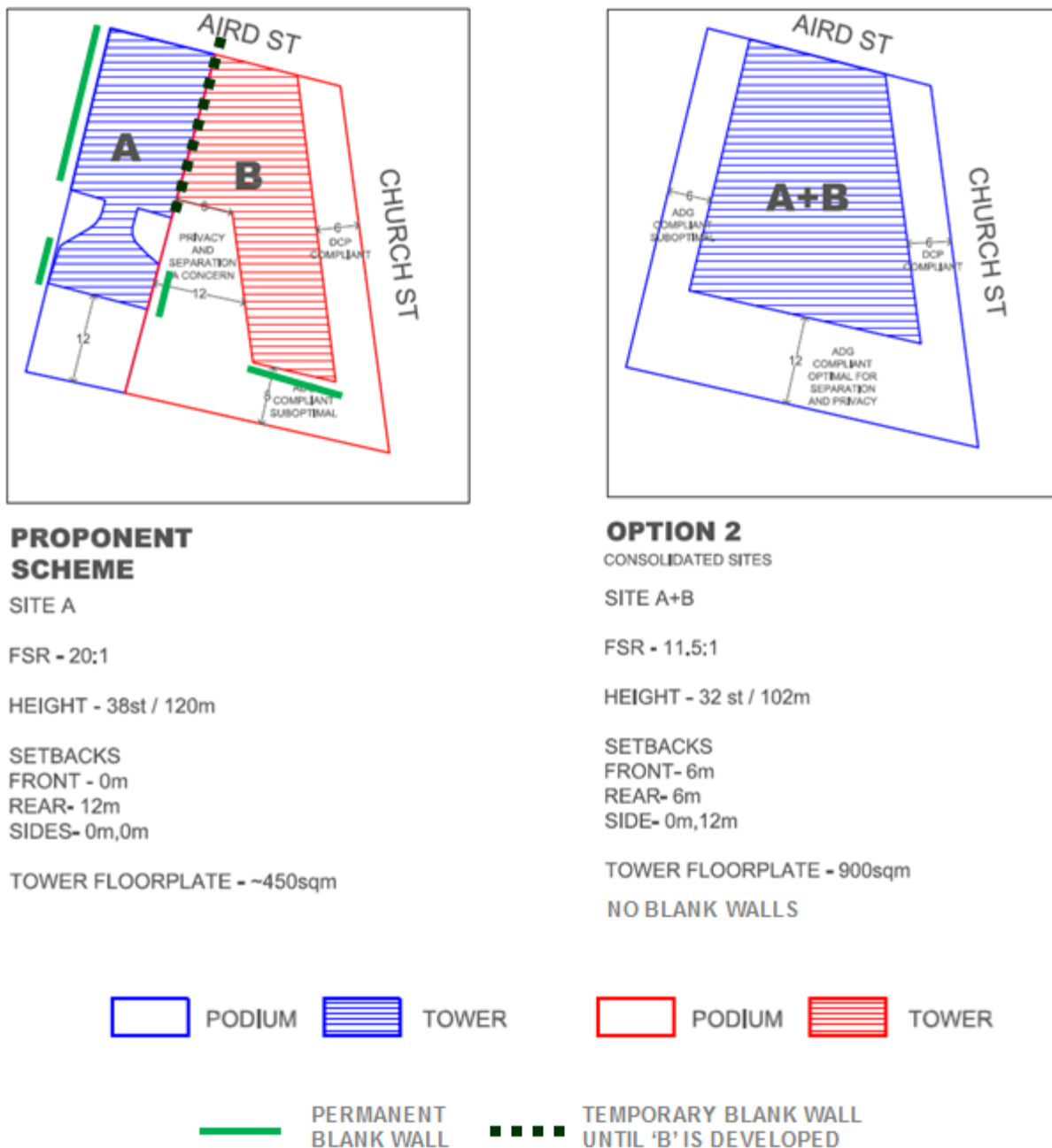


Figure 8 Development options (Source: Council modeling)

26. Figure 8 demonstrates how the sites along Church Street could be developed if Council adopts FSRs of 20:1 or 11.5:1. The Proponent's Scheme is informed by the Urban Design Report submitted with the original planning proposal. There is 12 metres provided between apartments in towers A and B creating privacy concerns, the units at the rear would receive limited sun access and ventilation. This scheme is non-compliant with the ADG, features 38 storey blank walls and provides minimal front, side and rear setbacks.
27. Option 1 demonstrates a built form that could be accomplished should the subject site amalgamate with the sites along Church Street, reaching an FSR of 11.5:1 including design excellence (in keeping with CBD PP). Site amalgamation could result in a development that includes no blank walls, appropriate setbacks in keeping with the DCP, a defined podium with tower

setback and improved development potential for all sites. The design at Figure 8 complies with the ADG providing ventilation, solar access and privacy.

28. Council officers have encouraged the applicant to explore amalgamation with the sites along Church Street however this has not come to fruition. Documentation has been supplied suggesting amalgamation has been attempted and has not been successful. The applicant in pursuing amalgamation has followed a protocol developed by the Land and Environment Court to assist with the assessment of applications that may be isolating adjoining sites. This protocol is most commonly used where a single or a small number of sites are isolated and as a result of the isolation will not be able to be developed in accordance with the existing planning controls.
29. In this case the circumstances are different. The applicant is seeking to use a isolation argument to allow them to develop in a way that will dictate what the future planning controls will be on the adjoining sites. Council's underlying principle in developing the CBD Planning Framework was to achieve tall wide spaced towers. This is the principle adopted as far back as the Architectus Study when Council formally initiated the CBD Planning Review. If Council accepts the isolation argument in this case the only outcome that can be achieved on this and adjoining sites is a taller perimeter style building which is not consistent with Council's vision. It is for this reason that minimal weight has been given to the applicant's isolation argument by Council staff when considering the FSR proposed by the applicant.
30. Council officers encourage the landowners to continue exhausting the opportunity of amalgamation to achieve the best possible design outcome. If amalgamation does not occur the development of the subject site in isolation will result in poorer urban design and amenity outcomes.

VOLUNTARY PLANNING AGREEMENT

31. 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

32. In light of the analysis provided in this report and the recent adoption of the draft Parramatta CBD Planning Proposal on 11 April 2016 Council officers recommend adopting the following controls to ensure alignment with the CBD PP.

Height

33. 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 and FSR. It is recommended no height limit be applied to the subject site. However Clause 7.6 Airspace Operations is to be applied to this site to require consideration of Federal Government airspace provisions

Commercial floor space

34. 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 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.
35. A site specific clause is recommended to ensure a minimum 1:1 commercial floor space is realised (within the mapped FSR) in accordance with Council's latest position. The Urban Design Report submitted by the applicant demonstrates a design option that includes no commercial floor space.

FSR OPTIONS

36. Below is an assessment of the three FSR options.
37. **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 (FSR of 6:1 plus design excellence) is a height of approximately 80 metres or 25 storeys including above ground car parking. Such a design would require the use of blank walls however the height of the blank walls are significantly reduced. The opportunity to achieve ADG compliance and a more desirable design outcome is increased due to the reduced floor plate.
38. Even with an FSR of 6:1 the floor plan presented in the Urban Design Report, see Figure 5, if retained will result in compromised apartments that fail to comply with the objectives of the ADG. If the floor plate presented in the Urban Design Report was to be reduced as there would be more opportunity to comply with the ADG and it would provide for better built form outcomes.
39. **Option B:** Apply an FSR of 10:1.
As discussed previously when the CBD PP is gazetted the landowner will have the opportunity to seek an FSR of 10:1 (using the Sliding Scale out Clause) without any requirement for amalgamation. Internal modelling demonstrates a built form on the subject site with an FSR of 11.5:1 (including design excellence) could result in a height of 110 metres or 35 storeys. An FSR of 10:1 on the subject site will likely result in equity issues, poor amenity for future residents and built form and design outcomes inconsistent with Council's vision.
40. **Option C:** Apply an FSR of 15:1.
The applicant has not demonstrated a 15:1 FSR can be acceptably accommodated on the site. The Urban Design Report features higher blank walls dominating the streetscape, zero lot setbacks and non-compliance with the objectives of the ADG. The assessment undertaken by Council's urban design officers conclude that an FSR of 15:1 will result in overdevelopment of the site, poor amenity for future residents and reduce the development potential of neighbouring sites.

RECOMMENDED FSR OPTION

41. **Option A:** Apply an FSR of 6:1.
42. Option A is in keeping with Council's recent position demonstrated by the adoption of the CBD PP on 11 April 2016. The landowner will gain an increase in FSR from 4.2:1 to 6:1. If the site is developed, even at 6:1, the built form will result in the use of blank walls and challenged to comply with the ADG. 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 25 storey blank walls as opposed to 38 storey blank walls that will dominate Church Street.

CONCLUSION

43. The site is too small to provide the required front, side and rear setbacks, putting the onus on neighbouring sites to provide setbacks. With no definitive tower setback a 25 storey (predicted height at 6:1) wall will generate an uncomfortable scale for pedestrians at street level whilst additionally creating a 25 storey blank wall visible from Church Street, an important pedestrian thoroughfare in the heart of the City. Reducing the tower floor plate will result in opportunities to provide more appropriate setbacks. An FSR of 6:1 will significantly reduce the height of the blank wall. Given the site constraints an acceptable built form will require the following elements are considered:
 - Maximum floor plate
 - Minimum rear setback to the southern boundary
 - Blank wall treatmentThis can be considered as part of the design excellence brief and inform a site specific Development Control Plan.
44. Should Council endorse the planning proposal it will be forwarded to the Department of Planning and Environment for gateway determination.
45. The applicant will be required to prepare a reference design and Draft Site Specific in keeping with Council's adopted controls.

Kimberly Beencke
Project Officer Land Use

ATTACHMENTS:

- 1 Planning Proposal for 55 Aird Street, Parramatta 27 Pages

REFERENCE MATERIAL