

INNOVATIVE

ITEM NUMBER	18.1
SUBJECT	FOR APPROVAL: Pre-Gateway - Planning Proposal for 135 George Street and 118 Harris Street, Parramatta (Albion Hotel site)
REFERENCE	RZ/3/2017 - D07307244
REPORT OF	Project Officer-Land Use Planning

This item was deferred at the Council Meeting held on 24 February 2020 (Item 18.3).

LANDOWNER PIC Royal Investments Pty. Ltd.

APPLICANT Think Planners

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE:

To seek Council's endorsement to request a Gateway determination for a Planning Proposal for land at 135 George Street and 118 Harris Street, Parramatta and to prepare an accompanying draft site-specific Development Control Plan and draft Planning Agreement.

RECOMMENDATION

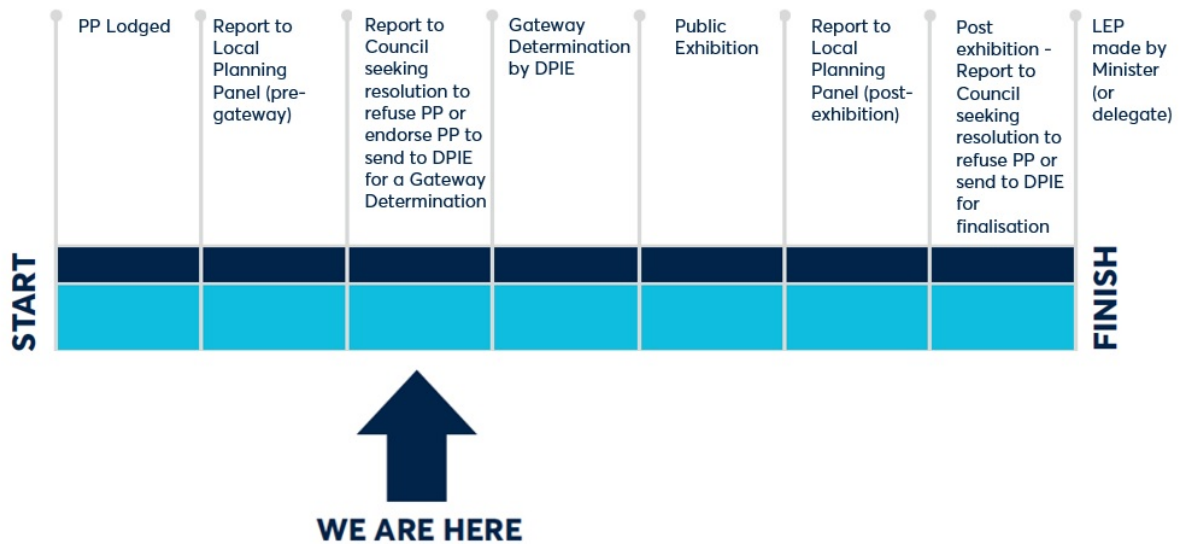
- (a) **That** Council endorse for the purposes of requesting a Gateway determination from the Department of Planning, Industry and Environment, the Planning Proposal included at **Attachment 1** and the addendum at **Attachment 2** for land at 135 George Street and 118 Harris Street, Parramatta which seeks to increase the maximum height of buildings control from 54 metres to 166 metres and allow for FSR consistent with the provision of the CBD Planning Proposal by including the following provisions in the site-specific Planning Proposal:
- i. Floor space ratio (FSR) – reduction in the floor space ratio from the applicant's proposed 13.5:1 to a mapped FSR of 10:1; (noting that the Design Excellence and High Performing Buildings bonuses and the unlimited commercial floor space site specific provision allows for an FSR of 12:1 or greater subject to the proposal not exceeding 165.6 metres in height)
 - ii. Height of Buildings – Reduction in the Height of Buildings control from the applicant's proposed height of approximately 166 metres to a mapped height control of 144 metres noting that this provides for a total height of 165.6 metres when applying the 15 percent Design Excellence bonus;
 - iii. Inclusion of a site specific clause that allows for
 - Minimum Commercial Provisions – inclusion of a site-specific LEP clause in keeping with draft Clause 7.6C(4) of the Parramatta CBD Planning Proposal that requires a minimum commercial floor space area equivalent to an FSR of 1:1 and allows for any additional

commercial premises floor space in excess of this to be exempt from the maximum FSR as long as this does not result in the proposal exceeding 165.6 metres in height;

- High Performing Buildings Bonus - Provision outlining an additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met and this bonus does not result in the proposal exceeding 165.6 metres in height.
- iv. Car parking – inclusion of a site-specific LEP clause that applies the maximum car parking rates previously endorsed by Council as part of the Parramatta CBD Planning Proposal; and
 - v. Overshadowing – inclusion of a site-specific clause that ensures that the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal.
- (b) **That** the Planning Proposal, as amended in accordance with resolution (a) above, be forwarded to the Department requesting a Gateway determination.
 - (c) **That** a draft site-specific development control plan (DCP) be prepared and reported to Council for endorsement prior to its public exhibition.
 - (d) **That** the applicant be invited to negotiate a Planning Agreement for the subject site and that delegated authority be given to the Chief Executive Officer to negotiate a Planning Agreement with the landowner in relation to the Planning Proposal on behalf of Council. The outcome of negotiations shall be reported back to Council prior to the draft Planning Agreement being placed on public exhibition.
 - (e) **That** the Planning Proposal, draft DCP and draft Planning Agreement be exhibited concurrently.
 - (f) **That** the reference design be amended by the applicant to reflect the changes in (a) and any changes required by any Gateway Determination issued, prior to exhibition of the Planning Proposal.
 - (g) **That** Council advises the Department of Planning, Industry and Environment that the Chief Executive Officer will be seeking to exercise the plan-making delegations for this Planning Proposal.
 - (h) **That** Council grant delegated authority to the Chief Executive Officer to correct any minor anomalies to the Planning Proposal, draft DCP and draft Planning Agreement of a non-policy and administrative nature that may arise during the amendment process.
 - (i) **That** Council note the Local Planning Panel's advice to Council is to defer the Planning Proposal subject to overshadowing analysis (refer **Attachment 3**), which has been conducted as part of the Parramatta CBD Planning Proposal and is addressed in this report.
 - (j) **Further, that** the Incentive Height of Buildings Map within the Parramatta CBD Planning Proposal be amended to indicate a height control of 144 metres (165.6 with design excellence) for the site noting that a portion of the site will still retain the Sun Access Protection controls under draft Clause 7.4

relating to the protection of solar access to Experiment Farm.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION

1. The subject site is located at 135 George Street and 118 Harris Street, Parramatta and has a legal description of Lot 135 DP 748984 and Lot 4 DP 388895 (Refer to **Figure 1**). The site has an area of 3,135 square metres. The site contains the Albion Hotel.
2. The site adjoins another development site to the west and south known as the former Cumberland Media site. To the north is the Parramatta River foreshore, to the east is the Robin Thomas Reserve.

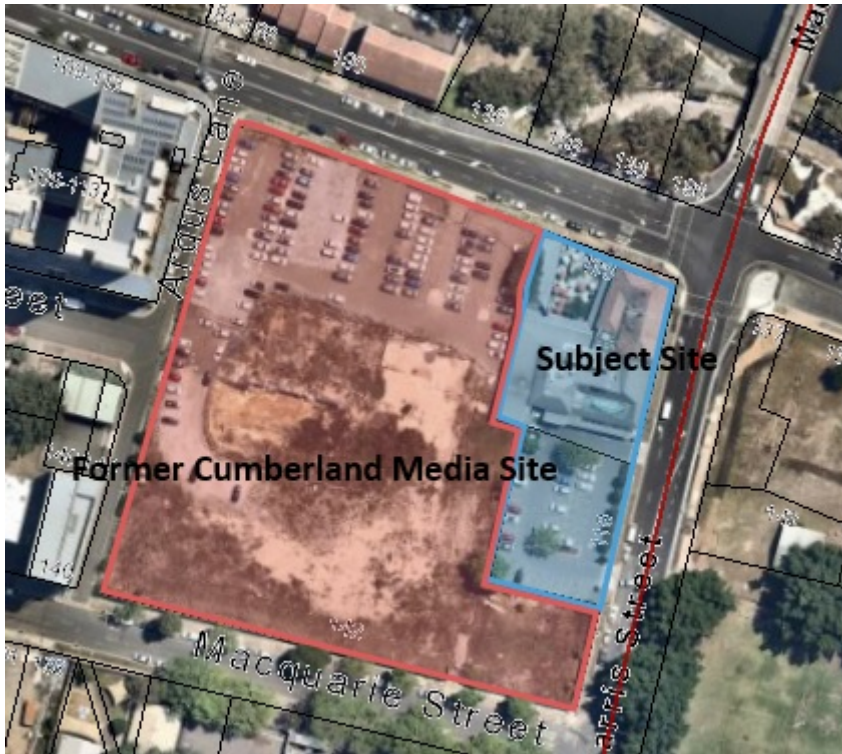


Figure 1: Site Location (site shown outlined in blue)

PLANNING PROPOSAL SUMMARY

Table 1: Summary of proposed controls

Control	Existing (Parramatta LEP 2011)	Parramatta CBD Planning Proposal (as endorsed by Council on 25 November 2019)	Previous lapsed Planning Proposal	Applicant’s Planning Proposal	Recommended Planning Proposal
FSR	4:1	10:1 Incentive FSR (excluding Design Excellence) (noting that bonuses and the unlimited commercial floor space site specific provision discussed below allows for an FSR of 12:1 or greater)	8.47:1 (including Design Excellence)	13.5:1 (including Design Excellence)	10:1 Incentive FSR (excluding Design Excellence) (noting that bonuses and the unlimited commercial floor space site specific provision discussed below allows for an FSR of 12:1 or greater)
Height	54m (approx 14 storeys)	130m – approx 40 storeys Incentive Height (149.5 – approx 46 storeys including Design Excellence bonus).	102 m (35 storeys)	Approximately 166 m (51 storeys)	144m – approx 44 storeys - Incentive Height (165.6 -approx 51 storeys including Design Excellence bonus).

Control	Existing (Parramatta LEP 2011)	Parramatta CBD Planning Proposal (as endorsed by Council on 25 November 2019)	Previous lapsed Planning Proposal	Applicant's Planning Proposal	Recommended Planning Proposal
Site-specific provision		<p>An additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met.</p> <p>Includes maximum car parking rates previously endorsed by Council; and</p> <p>Includes amendment to Clause 7.4 Sun Access Protection to ensure that any part of the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June.</p> <p>Minimum commercial floor space area of 1:1</p> <p>Unlimited commercial floor space (within the height limit).</p>	Total FSR can only be reached if that development includes a standalone pub		<p>An additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met.</p> <p>Includes maximum car parking rates previously endorsed by Council; and</p> <p>Includes amendment to Clause 7.4 Sun Access Protection to ensure that any part of the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June.</p> <p>Minimum commercial floor space area of 1:1</p> <p>Unlimited commercial floor space (within the height limit).</p>
Land reservation Map		Proposes a 7m wide reservation on the Harris Street frontage for the purpose of local road widening.		The applicant's reference design is set back 7m from Harris Street.	7m wide reservation on Harris St frontage for the purpose of local road widening.
Number of dwellings¹	147	405	291	505	405

¹ The number of dwellings has been estimated based on the maximum achievable residential gross-floor area (including bonuses) divided by an average apartment size of 85m². The number of dwellings for the applicant's Planning Proposal reflects the Reference Design.

BACKGROUND

3. This report is supported by the detailed assessment report (report to the Local Planning Panel considered on 19 March 2019) provided at **Attachment 3**.
4. The applicant's Planning Proposal (refer to **Attachments 1 and 2**) seeks to amend the Parramatta LEP 2011 by:
 - a. Increasing the Floor Space Ratio (FSR) on the Floor Space Ratio Map from 4:1 to 13.5:1 (including design excellence bonus); and
 - b. Increasing the Height of Buildings (HOB) on the Height of Buildings Map from 54 metres to 166 metres.
5. The applicant's Planning Proposal is supported by a reference design included within the Urban Design Report at **Attachment 4**.

LOCAL PLANNING PANEL ADVICE TO COUNCIL

6. A detailed assessment report was considered by the Local Planning Panel at its meeting on 19 February 2019. The Panel considered the matter and resolved as follows: *"That the matter be deferred to allow for a briefing paper to be prepared and issued to the Panel about the broader CBD Planning Proposal strategy for transitioning building heights, including building heights on the subject site."*
7. The matter was reconsidered by the Panel on 19 March 2019 (see **Attachment 3**) and the information requested above was provided to the Panel as an attachment to the Panel report (see **Attachment 5**) where the Panel resolved as follows:

"The Panel has serious concerns regarding the potential shadowing impacts from the proposed controls, particularly the cumulative impact with the adjoining proposal.

The Panel considers these concerns should be addressed prior to a decision being made on this planning proposal.

In these circumstances, the Panel recommends that the shadowing diagrams be prepared so that a decision can be made by Council on what is an acceptable level of shadowing impact."

8. The matter was considered by Council at its Meeting on 8 April 2019 where it resolved as follows:

"That Council note the recommendation of the Local Planning Panel dated 19 March 2019 in relation to this matter as detailed below, noting that the Panel's recommendation is inconsistent with the Council Officer's recommendation to support the proposal subject to amendments and the completion of cumulative shadow analysis prior to seeking a Gateway determination.

 - i. *The Panel has serious concerns regarding the potential shadowing impacts from the proposed controls, particularly the cumulative impact with the adjoining proposal.*

- ii. *The Panel considers these concerns should be addressed prior to a decision being made on the planning proposal.*
 - iii. *In these circumstances, the Panel recommends that the shadowing diagrams be prepared so that a decision can be made by Council on what is an acceptable level of shadowing impact.”*
- 9. In noting the Panel’s advice, Council did not progress the matter and effectively deferred it pending the outcome of the shadow analysis conducted as part of the Parramatta CBD Planning Proposal.
- 10. Council considered the matter at its meeting on 24 February 2020 and resolved to defer consideration of the matter for a Councillor workshop which was held on 2 March 2020.

PARRAMATTA CBD PLANNING PROPOSAL

- 11. At the time that the concerns were raised by Council and the Local Planning Panel regarding overshadowing, work had already commenced in this area by Council’s CBD Planning Proposal team in response to the conditions of the Gateway determination for the Parramatta CBD Planning Proposal.
- 12. The Parramatta CBD Planning Proposal Gateway determination condition No. 1(j)(2) requires that in relation to the proposed height controls: “*provide further assessment of the overshadowing impact of the proposed controls on public open spaces surrounding the CBD compared to the existing controls.”*
- 13. Condition no. 1(j)(3) requires that in relation to the proposed height controls: “*incorporate an assessment of the potential overshadowing impacts on Experiment Farm that may result from the proposed planning controls (outside the proposed sun access plane of 10am to 2pm).”*
- 14. As such, the reporting of the site-specific Planning Proposal back to Council was considered to be interrelated with the overshadowing assessment for the Parramatta CBD Planning Proposal.
- 15. As part of this assessment, Council Officers prepared an Overshadowing Technical Paper for the Parramatta CBD Planning Proposal based on several city blocks to address the Gateway conditions to further assess the cumulative overshadowing impacts as a result of the proposed controls on public open spaces and heritage conservation areas. The analysis conducted included different scenario testing and urban design input.
- 16. Council considered the results of the analysis at its meeting on 26 November 2019 and modified provisions were endorsed by Council for the Parramatta CBD Planning Proposal.
- 17. The updated Parramatta CBD Planning Proposal contains provisions relating to solar access plane provisions for Experiment Farm as well as amendments to maximum building heights and FSRs in certain areas required to protect solar access to public open spaces. This also has the effect of reducing the extent of overshadowing of Robin Thomas Reserve to a more acceptable level.
- 18. The recommendation for the subject site is the identification of the southern half of the site within the Sun Access Protection Map that relates to Clause 7.4 Sun Access Protection (related to Experiment Farm) within the Parramatta CBD Planning Proposal. This clause stipulates that development consent must not

be granted that results in any part of a building causing additional overshadowing on 21 June of Experiment Farm between 10.00am and 2.00pm.

19. A second recommendation was to retain the proposed Incentive FSR (10:1), but introduce a maximum height of buildings control of 130 metres (approximately 40 storeys) excluding the 15 per cent Design Excellence bonus. With the the Design Excellence bonus, the total achievable height would be approximately 149.5 metres (approximately 46 storeys). This total height would be subject to development assessment, having regard to the design excellence provisions and the proposed Sun Access Protection clause.
20. This report now recommends a mapped height control of 144m – approx 44 storeys – which allows for a total height of 165.6 metres -approx 51 storeys - when including the design excellence bonus.

COUNCILLOR WORKSHOP

21. The matter was presented at a workshop with the Councillors on 2 March 2020. The focus of the workshop was the implications of the height sought by the applicant in their Planning Proposal when compared with the height recommended in the report to Council on 24 February 2020.
22. It was noted that when the site-specific Planning Proposal was first reported to Council in April 2019, the CBD Planning Proposal shadow analysis was yet to be completed. As such, a precautionary approach was taken in assessing the Planning Proposal and in recommending controls for the site. The height and FSR controls were recommended at 130 metres (149.5 metres including all bonuses) and 10:1 mapped FSR (12:1 including all bonuses) respectively which reflected the draft controls in the Parramatta CBD Planning Proposal. These controls were also recommended for the site in the report to Council on 24 February 2020.
23. The Overshadowing Technical Paper for the Parramatta CBD Planning Proposal was analysed in preparation for the Councillor Workshop. Analysis of the assumptions underlying the Technical Paper has revealed that the applicant's proposed height of 166 metres was tested and found to have acceptable overshadowing impacts.
24. Further detailed testing was done by Council's City Design Unit in preparation for the Councillor workshop using the reference design supplied by the applicant. This included cumulative overshadowing from the Planning Proposals on the adjoining Former Cumberland Media site and 184 George Street to the north-west of the site. Associated shadow diagrams are shown in Figures 2, 3 and 4 below.



Figure 2: overshadowing caused by the Albion Hotel site at 12pm on 21 June. (Blue line reflects shadow profile of 149.5m tower. Red line reflects shadow profile of 166m tower).



Figure 3: overshadowing caused by the Albion Hotel site at 1pm on 21 June. (Blue line reflects shadow profile of 149.5m tower. Red line reflects shadow profile of 166m tower).



Figure 4: overshadowing caused by the Albion Hotel site at 2pm on 21 June. (Blue line reflects shadow profile of 149.5m tower. Red line reflects shadow profile of 166m tower).

25. The shadow diagrams compare the overshadowing impacts between a building at the previously recommended height of 149.5 metres (including design excellence) with the impacts of a building at the applicant's sought height of 166 metres (including design excellence). In summary, the comparison indicates:
 - a. The proposal does not impact on Experiment Farm reserve at either height;
 - b. Both of the proposed heights impact on Robin Thomas Reserve, however, the marginal difference in overshadowing between the two heights is considered acceptable.
26. With regard to the overshadowing on Robin Thomas Reserve, the Gateway determination did not provide any criteria for the assessment of overshadowing of public open space. In the absence of any criteria, the Overshadowing Technical Paper for the Parramatta CBD Planning Proposal deferred to the City of Sydney's "Sydney Development Control Plan 2012" which requires a minimum of 50 per cent of a park's area to receive four hours or more of sunlight between 9am and 3pm on 21 June.
27. Using this threshold, the Planning Proposal at both heights allows for this level of sunlight access.

CONSEQUENCES

28. The recent analysis by Council's City Design unit has found that a development of the site may not reach the applicant's proposed total FSR of 13.5:1 even with the height set at 166 metres (including design excellence) and is more likely to achieve a total FSR closer to 12:1 within this site. This is mainly due to the numerical assumptions behind the applicant's reference design which do not accord with Council's standard urban design assumptions for floor area efficiencies.
29. Another influencing factor will be the podium and tower setbacks which are yet to be determined through a site-specific DCP. There is nothing in the recommendation for this Planning Proposal that would prohibit the applicant from achieving an FSR of 13.5:1 in theory. This is due to the recommended site-specific clause that allows for any additional commercial premises floor space over and above the required minimum of 1:1 floor area to be exempt from the maximum FSR (but not exempt from the height controls).
30. This provides the applicant with flexibility to potentially achieve the FSR sought, however, this will be subject to the setback controls established in a site-specific DCP. A better indication of the FSR that is achievable within the total height of 165.6 metres (including all bonuses) will be available upon preparation of a draft DCP. The draft DCP for this site, will be prepared once a Gateway determination has been issued, and reported to Council for endorsement prior to the exhibition of the Planning Proposal.
31. It is now recommended that the applicant's Planning Proposal be amended to reflect the following controls:
 - a. Floor space ratio (FSR) – reduction in the floor space ratio from the applicant's proposed 13.5:1 to a mapped FSR of 10:1 (noting that the Design Excellence and the High Performing Buildings bonuses and the unlimited commercial floor space site specific provision allows for an

FSR of 12:1 or greater subject to the proposal not exceeding 165.6 metres in height);

- b. Height of Buildings – Reduction in the Height of Buildings control from the applicant’s proposed height of 166 metres to a mapped height control of 144 metres noting that this provides for a total height of 165.6 metres when applying the 15 per cent Design Excellence bonus. *(Note: a mapped incentive height of 144 metres is recommended as it is the closest whole number to use as a basis to arrive at a total height of approximately 166 metres when applying the 15 per cent Design Excellence bonus. The total height arrived at in this instance is 165.6 metres.);*
 - c. Inclusion of a site-specific clause that allows for:
 - Minimum Commercial Provisions – a draft clause in keeping with Clause 7.6C(4) of the Parramatta CBD Planning Proposal that requires a minimum commercial floor space area equivalent to an FSR of 1:1 and allows for any additional commercial premises floor space in excess of this to be exempt from the maximum FSR as long as this does not result in the proposal exceeding 165.6 metres in height;
 - High Performing Buildings Bonus - Provision outlining an additional FSR of 0.5:1 is achievable, provided that high-performing buildings standards are met and this bonus does not result in the proposal exceeding 165.6 metres in height.
 - d. Car parking – inclusion of a site-specific LEP clause that applies the maximum car parking rates previously endorsed by Council as part of the Parramatta CBD Planning Proposal; and
 - e. Overshadowing – inclusion of a site-specific clause that ensures that the proposed building does not cause additional overshadowing to the Experiment Farm heritage item between the hours of 10.00am and 2.00pm on 21 June consistent with the draft amendment to Clause 7.4 under the Parramatta CBD Planning Proposal.
32. The amendments above would ensure that the development of the site is consistent with Council’s vision for the Parramatta CBD while ensuring an acceptable level of overshadowing of Experiment Farm and Robin Thomas Reserve.
33. In order to resolve the height anomaly identified it is recommended that the relevant CBD Planning Proposal Height of Buildings Map also be amended to reflect the height of 144 metres (excluding design excellence bonus) for this site.

NEXT STEPS

34. Should Council endorse the site-specific Planning Proposal, it will be forwarded to the Department of Planning, Industry and Environment for a Gateway determination.
35. A draft site-specific DCP and draft Planning Agreement are also required for the site and will be reported to Council for endorsement prior to exhibition with the Planning Proposal.

CONSULTATION & TIMING

36. If a Gateway determination is received, the Planning Proposal will be placed on public exhibition along with the draft site-specific DCP and a draft Planning Agreement. A report on the outcomes of the public exhibition will be provided to the Local Planning Panel addressing any objections received. If no objections are received, the matter will be reported directly to Council seeking approval to finalise the Planning Proposal.

FINANCIAL IMPLICATION FOR COUNCIL

37. Should Council resolve to endorse the Planning Proposal, it is recommended that the applicant be invited to negotiate a draft Planning Agreement for the subject site. This may include the dedication of land, works-in-kind and/or a monetary contribution. The result of any negotiations will be reported back to Council for the purpose of public exhibition alongside the Planning Proposal and draft DCP.

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ATTACHMENTS:

1	Applicant's Planning Proposal	33 Pages
2	Addendum to applicant's Planning Proposal	9 Pages
3	Report to Local Planning Panel 19 March 2019	17 Pages
4	Applicant's reference design	62 Pages
5	Further information provided to the Local Planning Panel on 19 March 2019	5 Pages

REFERENCE MATERIAL