

INNOVATIVE

ITEM NUMBER	6.3
SUBJECT	Planning Proposal for land at 22 Noller Parade, Parramatta
REFERENCE	RZ/15/2018 - D06944199
REPORT OF	Project Officer Land Use
LANDOWNER	Jimstam Holdings Pty Ltd
APPLICANT	PTI Architecture

PURPOSE:

The purpose of this report is to seek advice of the Local Planning Panel (LPP) on a Planning Proposal for land at 22 Noller Parade, Parramatta for Council's consideration. This report recommends that the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

RECOMMENDATION

That the Local Planning Panel consider the following Council staff recommendation in its advice to Council:

- (a) **That** Council endorse the Planning Proposal for land at 22 Noller Parade, Parramatta which seeks to amend the Parramatta Local Environmental Plan 2011 (PLEP 2011) in relation to the subject site by:
 - 1 Rezoning the land from R2 Low Density Residential to R4 High Density Residential
 - 2 Increasing the Maximum Height of Building control from RL14.00 to 17m
 - 3 Including a Maximum Floor Space Ratio control of 1.5:1
- (b) **That** the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.
- (c) **That** the CEO be authorised to negotiate a Voluntary Planning Agreement on behalf of Council to the land value of 50% of the value uplift as per Council's Planning Agreements Policy 2018 in addition to any development contributions payable, and that the outcome of negotiations be reported back to Council prior to its concurrent exhibition with the Planning Proposal.
- (d) **That** Council advises the Department of Planning, Industry and Environment that the CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council.
- (e) **Further, that** Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

BACKGROUND

1. In December 2018, the applicant PTI Architecture on behalf of the landowner Jimstam Holdings Pty Ltd lodged a Planning Proposal with the City of Parramatta Council for the land at 22 Noller Parade, Parramatta.

SITE

2. The subject site is a single lot at 22 Noller Parade, Parramatta. It has an approximate site area of 908m² and has a legal description of Lot 1 DP 35895. The site is bound by Noller Parade to the south, Alfred Street to the east and the Parramatta River to the north.

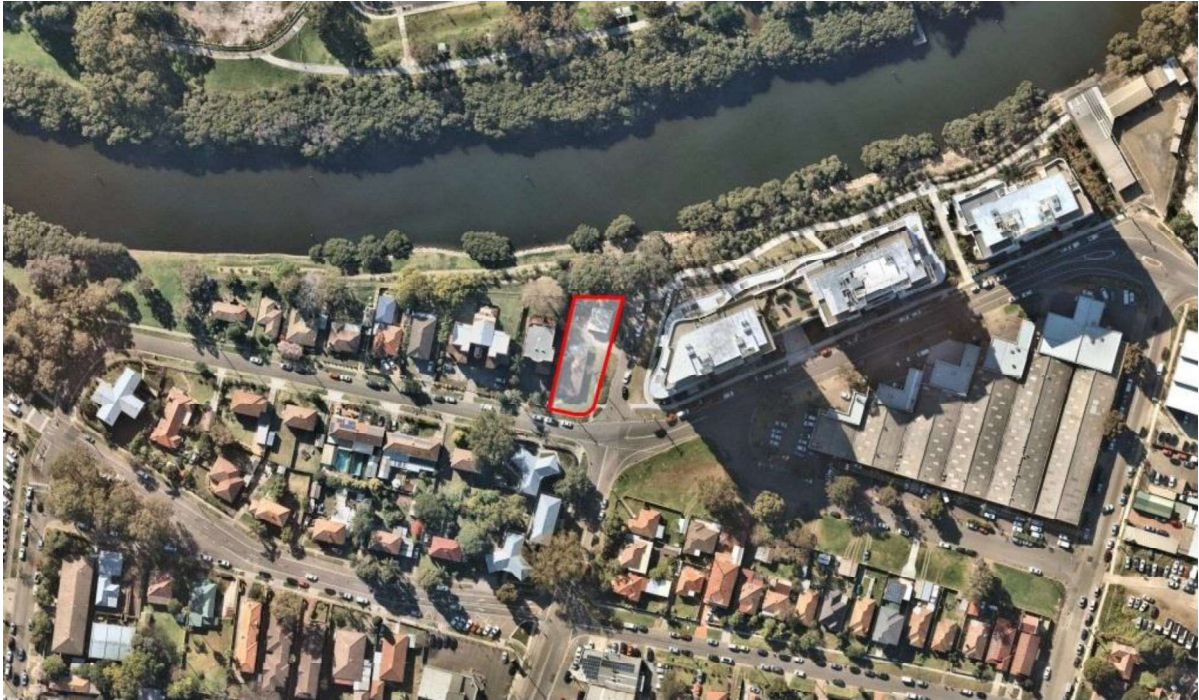


Figure 1: Locational Map

3. A single storey dwelling and detached garage exist on the site. The land surrounding the subject site comprise a mixture of low density residential to the south east, medium density residential to the west and south, and high density residential to the east.
4. It is noted that the adjoining properties to the west and south of the site in the R3 Medium Density Residential zone have existing 3 and 4-storey residential flat buildings. 'Residential flat buildings' are not permissible in this zone, however these buildings have existed prior to the implementation of the *Standard Instrument – Principal Local Environmental Plan* and subsequently the PLEP 2011 and are therefore subject to existing use rights under Division 4.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

CURRENT PLANNING CONTROLS

5. The subject site is zoned R2 Low Density Residential under the provisions of the PLEP 2011 as seen in **Figure 2**. The surrounding area is a mixture of R2 Low Density Residential to the south east, R3 Medium Density Residential to

the west, B4 Mixed Use and IN1 General Industrial to the east, and RE1 Public Recreation to the north.



Figure 2: Zoning Map

6. The site currently has a height limit of RL14 under the Height of Buildings (HOB) map. This allows an approximate height of 9m (refer to **Figure 3**).



Figure 3: Height of Building Map

7. The site currently has no Floor Space Ratio (FSR) control (refer to **Figure 4**).



Figure 4: Floor Space Ratio Map

8. The site is not a listed heritage item but it is within close proximity to several heritage items (refer to **Figure 5**). These include:
- I1 – Parramatta River Wetlands;
 - I523 – 1, 3, 5, 11 and 17 Noller Parade, residential flats and houses; and
 - I490 – 200, 202, 204, 208, 212, 214, 216 and 220 George Street, residential flats and houses
9. Furthermore, it is approximately 350m from the State significant heritage item and conservation area of Elizabeth Farm to the south (refer to **Figure 6**).



Figure 5: Heritage Map

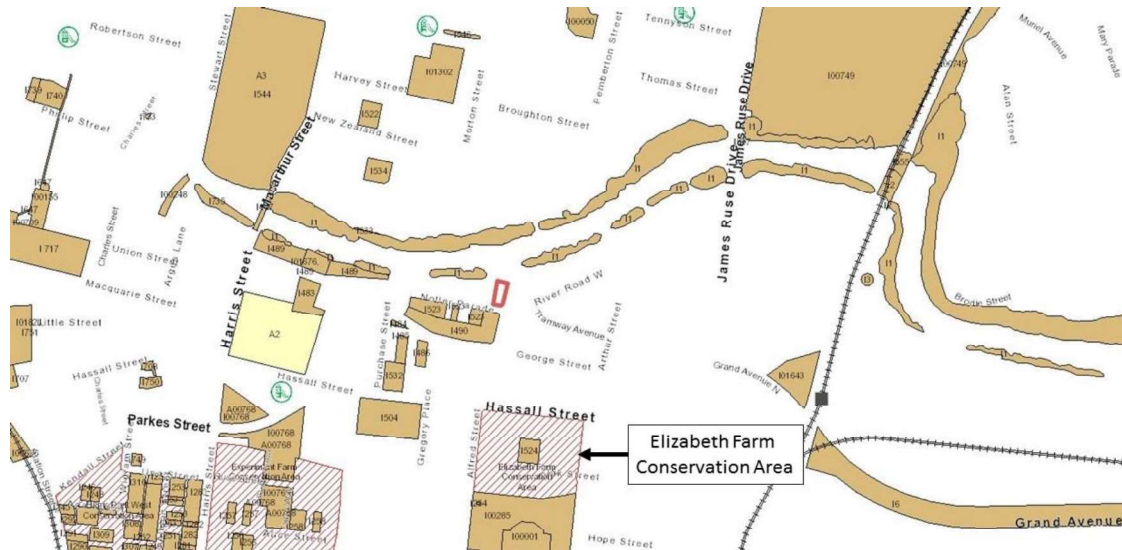


Figure 6: Heritage Area Context Map

APPLICANT LODGED PLANNING PROPOSAL

10. A Planning Proposal was lodged by the applicant in December 2018 providing for two options for amending the PLEP 2011 by:

Option 1:

- Rezone the land from R2 Low Density Residential to R4 High Density Residential;
- Increase the mapped maximum HOB control from RL14 to RL25.42 (6-storesys);
- Include a mapped maximum FSR control from nil to 1.9:1.

Option 2:

- Amend Schedule 1 of the PLEP to allow 'residential flat building' as an additional permitted use on the site.

11. The reference design accompanying the lodged Planning Proposal presented a 6-storey residential flat building on the site comprising 20 dwellings.
12. Upon initial assessment of the originally lodged Planning Proposal by Council officers, a number of concerns were raised, particularly in relation to the compatibility of the proposal within the surrounding context (particularly to the west, south and east) and non-compliance with built form controls under the Parramatta Development Control Plan 2011 (PDCP). Council officers subsequently met with the applicant to discuss these issues and recommended that they review their Planning Proposal and resubmit a revised version to respond to Council officers' assessment.

AMENDED PLANNING PROPOSAL

13. In accordance with Council officers' assessment and recommendations, the Planning Proposal has been updated by the applicant (**Attachment 2**) to seek the following changes to the PLEP 2011:

- Rezone the land from R2 Low Density Residential to R4 High Density Residential;
- Increase the mapped Maximum Height of Building control from RL14 to 17m (5-storeys);
- Include a Maximum Floor Space Ratio control of 1.5:1.

14. The Planning Proposal and reference design can be seen at **Attachment 1**.

ASSESSMENT OF PLANNING PROPOSAL

Land Use & Zoning

15. The Planning Proposal seeks an amendment to the PLEP 2011 to enable redevelopment of the site for a residential flat building. The site is currently zoned R2 Low Density Residential. Residential flat buildings are a prohibited use in this zone.
16. 'Residential flat building' (RFB) is defined as a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.
17. The adjoining properties to the west and south of the site currently have 3-4 storey RFBs and are zoned R3 Medium Density Residential. As discussed earlier, whilst RFBs are prohibited in the R3 zone, the existing buildings date back to the 1990s to early 2000s and precedes the implementation of the *Standard Instrument – Principal Local Environmental Plan* and PLEP 2011. The property to the east of the site is zoned B4 Mixed Use and contains a 13-storey mixed use development. The site's location on a corner and the adjoining and surrounding development has resulted in it becoming isolated.
18. The proposed rezoning to R4 High Density Residential will enable an RFB to be developed on the site in a manner consistent with the surrounding context. The site is considered to be in a suitable location for an R4 rezoning (given its proximity to the future Rosehill Parramatta Light Rail stop) as well as being consistent with the objectives of the R4 zone under the PLEP 2011. These include:
 - *To provide for the housing needs of the community within a high density residential environment*
 - *To provide for a variety of housing types within a high density environment*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents*
 - *To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities*
 - *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood*
19. Rezoning the land (as per Option 1) is regarded as a better outcome than allowing an additional permitted use (as per Option 2) for an RFB in the R2 zone. Rezoning the land to R4 allows for a permissible development on the site in accordance with the proposal and the objectives of the zone. Whereas,

allowing for an additional permitted use in the R2 zone for an RFB, where RFBs are prohibited, is contradictory to the objectives of the R2 zone.

20. Rezoning the land to R4 High Density Residential to accommodate an RFB is appropriate and a precedent is not expected to be set due to the subject site's isolated nature and surrounding context.

Urban Design, Built Form and Public Domain

Height of Building and Setbacks

21. The applicant originally presented a scheme that sought a maximum height of RL25.42 (approx. 20m) which would enable a 6-storey development on the site. Council officers did not support this scheme and advised that the applicant present a revised scheme to be more in keeping with the immediately adjoining 4-storey RFBs to the west of the site.
22. A revised scheme was submitted by the applicant that proposes a maximum height of RL22.42 (approx. 17m) which enables a 5-storey development on the site. The 5th-storey comprises one 3-bedroom dwelling that is setback to address impacts at the street level, and provide for communal open space (refer to **Figure 7** and **8**).

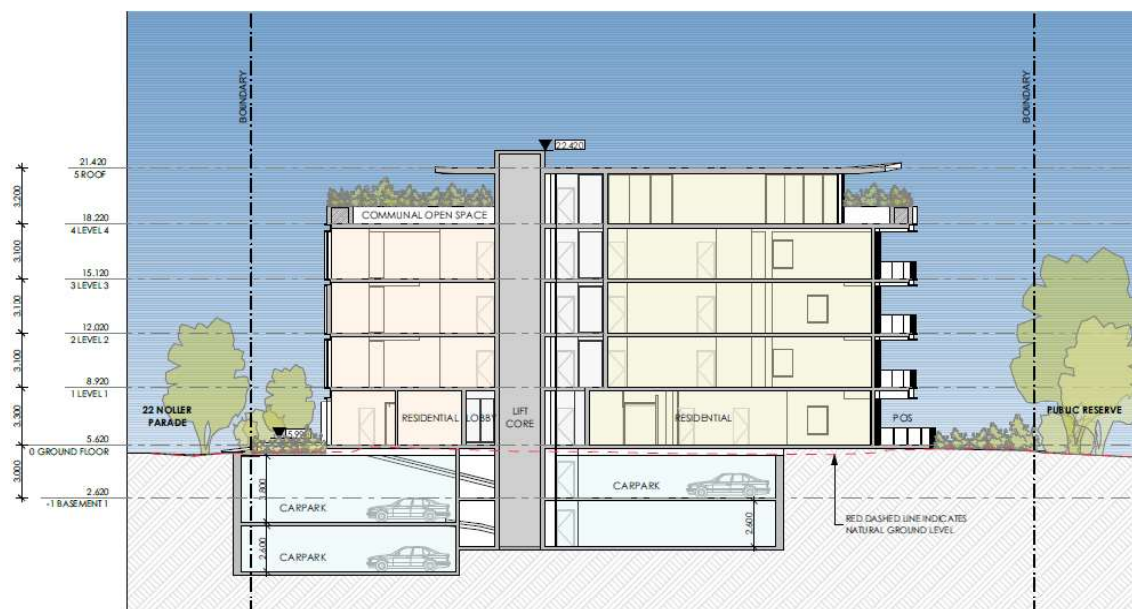


Figure 7: Elevation from Noller Parade

23. The revised scheme provides setbacks that are consistent with the PDCP, comprising 6m from the front, 4.5m from the west, 7m from the rear and 3m from the east, with the 5th-storey dwelling setback approximately 15m from Noller Parade (refer to **Figure 8**).
24. The increased 5th-storey setback is consistent with Part 2F and 3F of the Apartment Design Guide (ADG) where the 5th-storey of a development requires a greater setback than the first 4-storeys in order to provide adequate building separation from the adjoining property to the west.

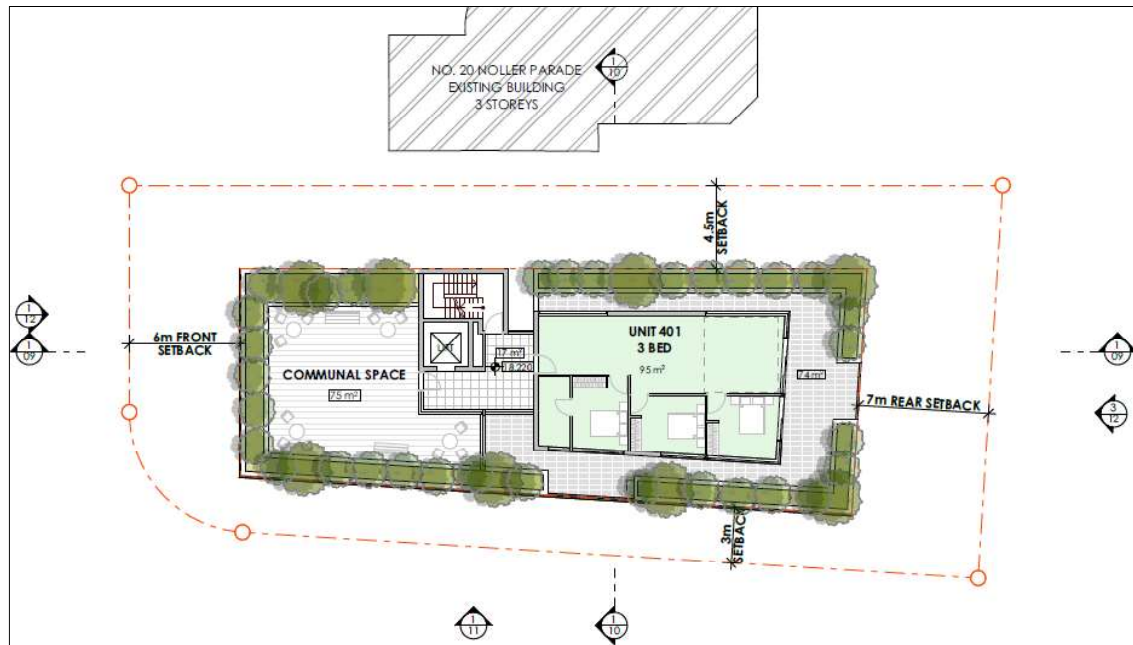


Figure 8: Setbacks from the 5th-storey

25. The revised scheme has addressed Council officers' recommendations and is consistent with the setback requirements of the PDCP and ADG. Therefore, the proposed height increase to 17m is supported as it represents a minimum increase in height from the existing 4-storey RFB to the west but ensures an appropriate transition to the B4 zone to the east.

Floor Space Ratio / Density

26. The applicant originally lodged the Planning Proposal seeking a maximum permissible FSR of 1.9:1 to accommodate approximately 20 dwellings under the original scheme. This was not supported by Council officers.
27. A revised Planning Proposal was received seeking a reduced FSR to 1.5:1 which could accommodate approximately 16 dwellings within the proposed height of 17m.
28. The proposed FSR of 1.5:1 will result in a 5-storey development that is considered to be compatible with the surrounding context. The 13-storey building to the east of the subject site has an approved FSR of 3.4:1 across the site, whereas the site to the west containing the 4-storey RFB does not have an FSR control. The inclusion of the 1.5:1 FSR control for the site is considered appropriate given the surrounding built form as it provides a reasonable transition from the higher density site to the east to the similar built form to the west.
29. This site is isolated and it is unlikely that the adjoining properties will seek uplift given that there are existing RFBs which have been strata subdivided. There is no anticipated precedent for other development in the vicinity to seek a similar outcome as a result of this proposal, therefore the uplift being sought is recommended to be supported.

Public Domain*Alfred Street Pedestrian-Cycle Bridge*

30. City of Parramatta Council, in collaboration with Bonacci Infrastructure, Lat27 and Archipelago, released the design for a new pedestrian and cyclist bridge at Alfred Street in October 2017.
31. The proposed Alfred Street Pedestrian-Cycle Bridge (PCB) is a significant piece of infrastructure that will create an important north-south connection over the Parramatta River at Rosehill. The subject site is directly adjacent to the southern landing of the PCB (refer to **Figure 9** and **10**).



Figure 9: Alfred Street PCB elevation from the east



Figure 10: Alfred Street PCB Southern Landing

32. As part of the new pedestrian cycle bridge project, the northern end of Alfred Street (i.e. the southern landing of the PCB) is proposed to be closed as a road and converted to a shared zone (i.e. vehicles and pedestrian). The subject site is directly adjacent to the southern landing of the proposed pedestrian cycle bridge but is outside of the scope of the Alfred Street bridge project (refer to

Figure 10). That said, the Alfred Street bridge project will maintain access to the subject site from Alfred Street.

33. The applicant has proposed to relinquish the existing driveway to their site on Alfred Street and relocate it to Noller Parade. This will enable the conversion of the Alfred Street cul-de-sac to become a fully pedestrianised area to complement the southern landing of the PCB. This is supported by Council officers.
34. Further, the reference design indicates that the future development's main pedestrian entry will be from Alfred Street. This is also supported by Council officers as it enhances street activation and passive surveillance of the PCB southern landing plaza.

Deep Soil Provision

35. The PDCP 2011 requires deep soil provision of at least 30% of the site area for RFBs. The reference design indicates that there is provision for approximately 16% deep soil on the site.
36. The site is constrained by an existing Sydney Water sewer main line that traverses the site approximately 10m from the northern boundary. The deep soil provision is reduced on the site due to basement car parking which is proposed to be located wholly at the southern portion of the site, south of the sewer main line. The basement is proposed to extend to the boundaries of the site (i.e. 0m setback) to provide a 2m clearance zone to the sewer main line and to allow sufficient vehicle circulation (refer to **Figure 11**).



Figure 11: Basement car parking

37. Council's Development Assessment Manager has advised that whilst the deep soil provision is non-compliant with the minimum requirements under the PDCP 2011, it is compliant with the deep soil requirements under the ADG. This DCP variation could potentially be supported due to the constrained nature of the site at the development application stage.

TRAFFIC AND TRANSPORT

Parramatta Light Rail

38. The subject site is in close proximity to the future Parramatta Light Rail (PLR) Stage 1 'Tramway Avenue' stop (refer to **Figure 12**). The PLR will significantly improve accessibility to and from the site to the Parramatta CBD and other centres.
39. The proposed rezoning is supported in this regard as the site is in a location that will be well served by public transport.

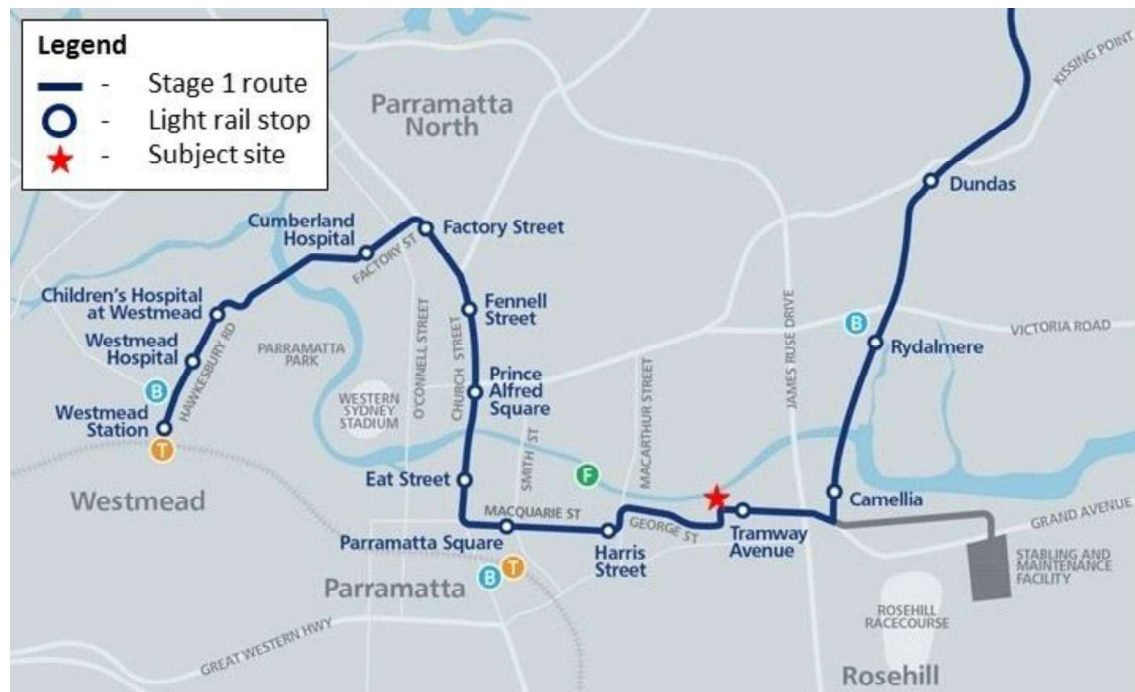


Figure 12: PLR Stage 1 Map

Access to the site

40. As previously noted, the subject site is located adjacent to the southern landing of the proposed PCB with the northern end of Alfred Street to be converted to a shared zone. Whilst the Alfred Street PCB project proposes to maintain access to the site along the Alfred Street frontage, the Planning Proposal seeks to relocate the access driveway from Alfred Street to Noller Parade as a response to the future pedestrian shared zone.
41. The relocation of the access driveway from Alfred Street to Noller Parade is supported by Council officers in order to provide the opportunity to convert this section of Alfred Street to a pedestrian area. Further, the proposed concept plan seeks to include a primary residential building pedestrian entry from Alfred Street which is also supported by Council officers.

Traffic Generation and Car Parking Provision

42. Council's Senior Traffic and Transport Engineer has reviewed the traffic generation of the proposal and has considered that it will not be significant. The proposal is therefore supported in this regard.
43. The Planning Proposal seeks to provide 20 car parking spaces which is the minimum parking requirements under the PDCP 2011. This is also considered acceptable by Council's Senior Traffic and Transport Engineer.

FLOODING

44. The subject site is located within a flood prone area but is identified as being subject to low hazard flooding (see **Figure 13**). The site is also subject to the Probable Maximum Flood (PMF) (refer to **Figure 14**).



Figure 13: Flooding Hazard

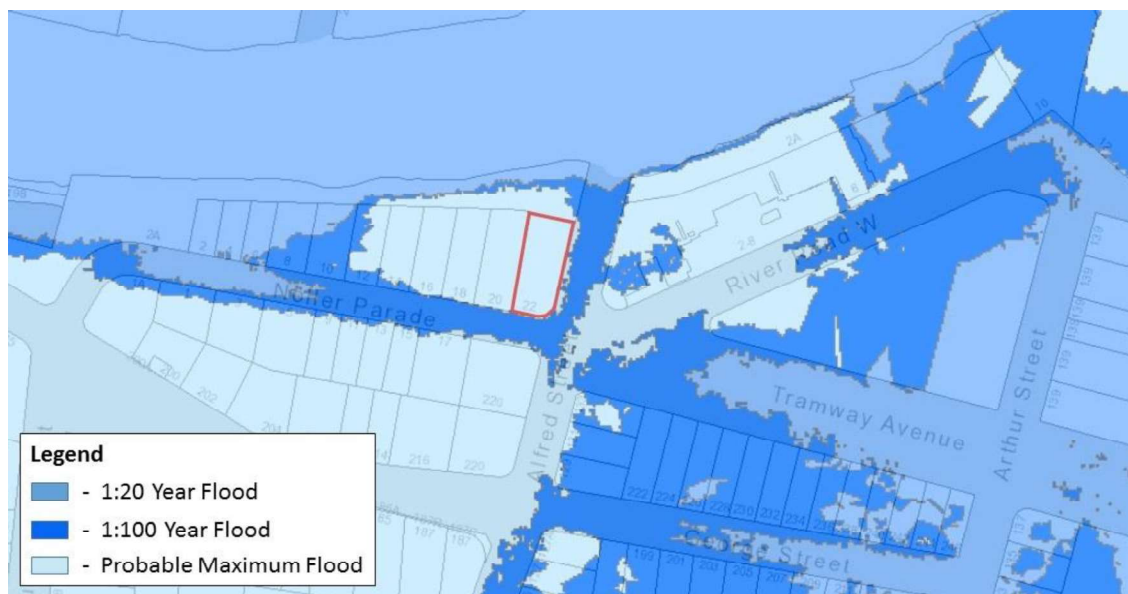


Figure 14: Flooding levels

45. Council's requirement is that any development must be at the flood planning level which is the 1:100-year flood level plus 0.5m. This equates to a minimum required level of RL5.6. The Proposal complies with Council's requirement as the ground floor is proposed to be at RL5.62.

Basement car parking

46. The reference design indicates a two-storey basement car park to accommodate 20 car parking spaces. If supported, Council would require exclusion of flood waters from the basement up the PMF. This matter can be addressed at the detailed design stage.

Evacuation

47. A comprehensive flood emergency response plan would be required to support any future development application on this site and would likely involve a combination of evacuation and shelter-in-place strategies. In a 1:100-year flood event, the site is not immediately affected by high hazard conditions and although the adjacent roads are likely to be flooded, the flood depths are not severe. In a PMF event, evacuation becomes hazardous and a shelter-in-place strategy would be required. Evacuation strategies will need to be further addressed at the development application stage.

HERITAGE

48. The site is located in the Harris Park precinct which contains some of the most important parts of Parramatta's heritage. Whilst the site does not contain a heritage item, it is within close proximity to several heritage items and is located within the special areas of the Harris Park precinct, being the 'Area of National Significance' and the 'Harris Park River Area' under the PDCP (refer to **Figure 15**). Further, the site is in an area with significant historic view corridors identified in the PDCP (refer to **Figure 16**).

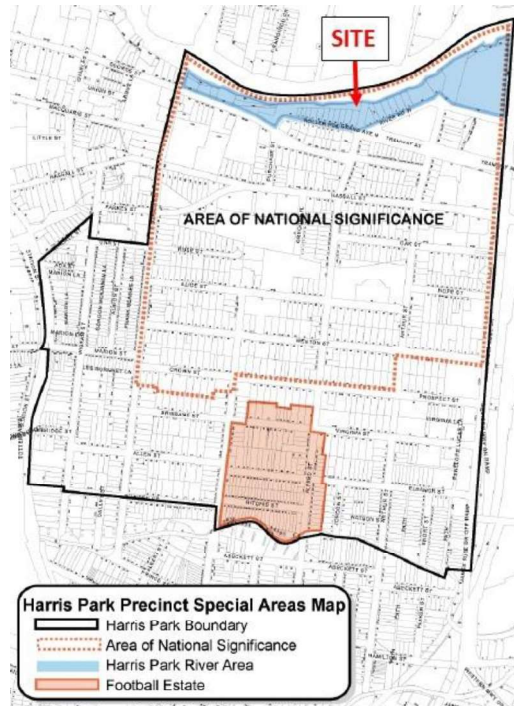


Figure 15: Harris Park Precinct Special Areas Map

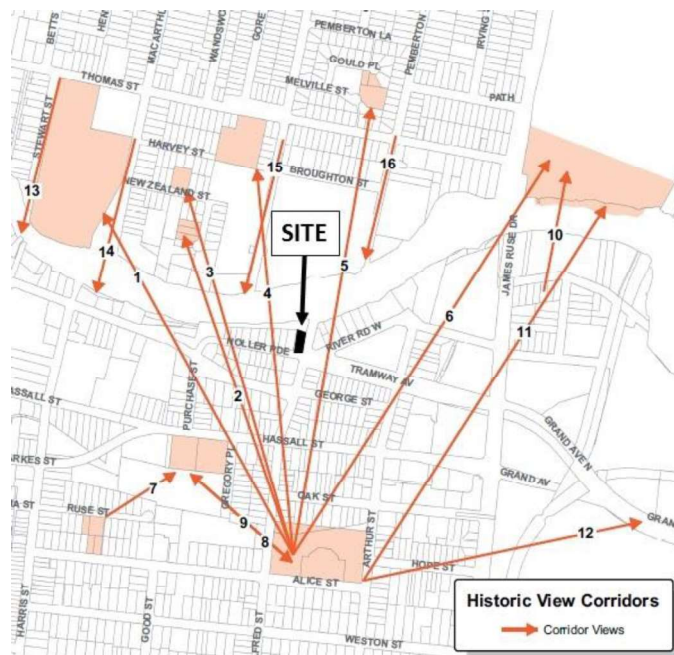


Figure 16: Historic View Corridors

49. Council's Heritage Advisor has advised that the existing height controls are to protect the relationship of the two heritage items of Elizabeth Farm and Experiment Farm with the Parramatta River. Concerns are raised in relation to the proposed design's impact on significant view corridors, State items, local items and character, as well as the extent of proposed excavation noting that the site may contain State significant archaeology.
50. It is acknowledged that the proposal seeks to increase the height from the existing RL14 to 17m. As previously stated, the proposed increase in height is

considered minor particularly in relation to the existing 4-storey RFB to the west and the 13-storey buildings within the B4 zone to the east. The site does not impede on any identified view corridors (refer to **Figure 16**) and retains the frame view corridor from Alfred Street to Parramatta River and is of a similar scale to the properties to the west and south.

51. As mentioned above, the site is located in a mapped State archaeological significant area. Therefore, any future development application on the site would need to be referred to the NSW Environment, Energy and Science (formerly the Office of Environment and Heritage) prior to any works commencing for assessment of potential relics and their conservation. This matter can be addressed at the development application stage.
52. Should Council support the Planning Proposal, any future development will need to consider the principles and address any controls relating to this area under the PDGP 2011. These include principles around building height and maintaining views and vistas, the design of the building and the relationship to the Parramatta River. This can be addressed at the development application stage.

LETTER OF INTENT – VOLUNTARY PLANNING AGREEMENT

53. As part of the Planning Proposal, the applicant has provided a letter of intent to enter into a VPA with Council under Section 7.4 of the EP&A Act. Under the originally lodged Planning Proposal, the applicant provided a letter of intent accompanied by a landscape concept plan outlining the intent to provide embellishment of the public domain adjacent to the subject site at the southern landing of the PCB as part of a VPA. Together with the relinquishing of the main driveway access to be relocated from Alfred Street to Noller Parade, the proposed embellishment included pavement of the pedestrian plaza area, landscaping, tree planting and outdoor furnishing.
54. Council officers did not support the landscape concept plan and indicated that a preference for Council to design the entirety of the public domain including connectivity to the PLR stop and continuation of the foreshore path. Therefore, the initial letter of intent was not supported by Council officers.
55. The applicant has since provided an updated Planning Proposal which includes a revised letter of intent. The applicant intends to enter into a VPA to provide a monetary contribution to the value of 50% of the land value uplift between the existing FSR and the proposed FSR, however, this is proposed to be in lieu of future 7.11 or 7.12 developer contributions applying at the DA stage. Whilst the proposed 50% value uplift monetary contribution is consistent with Clause 2.5.3 of Council's adopted VPA policy, the foregoing of developer contributions is inconsistent under Clause 2.9.
56. It is also noted that under Clause 2.5.3(e), 10% of the total 50% value uplift is to be provided for Council's adopted Affordable Rental Housing Policy, either in the form of an affordable rental housing unit or monetary contribution.
57. Should the Planning Proposal be endorsed by Council for Gateway determination, Council will progress with VPA negotiations and a separate report will be provided to Council advising the outcome of these negotiations and seeking a resolution to exhibit any draft VPA concurrently with the Planning Proposal.

PLAN-MAKING DELEGATIONS

58. Delegations were announced by the then Minister for Planning and Infrastructure in October 2012 allowing councils to make LEPs of local significance. On 26 November 2012, Council resolved to accept the delegation for plan making functions. Council also resolved that these functions be delegated to the Chief Executive Officer.
59. Should Council resolve to proceed with the Planning Proposal, Council will be able to exercise its place-making delegations. This means that after the Planning Proposal has been to Gateway, undergone public exhibition and adopted by Council, Council officers will deal directly with the Parliamentary Counsel's Office on the legal drafting and mapping of the amendment. A recommendation of this report is that when the Planning Proposal is submitted to Gateway, it should advise the Department of Planning, Industry & Environment that Council will be exercising its delegation.

CONCLUSION AND NEXT STEPS



60. The Planning Proposal seeks to rezone the land, increase the maximum height control and include a maximum FSR control for the site at 22 Noller Parade, Parramatta. It is recommended that the Local Planning Panel consider the Council officer recommendation in providing its advice to Council on this matter to endorse the Planning Proposal provided at **Attachment 1** and for it to be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.
61. Should a Gateway Determination be issued, the Planning Proposal will be placed on public exhibition and the outcomes of the exhibition will be reported to the Local Planning Panel if any objections are received. If no objections are received, the matter will be reported directly to Council post-exhibition.

Darren Caballero
Project Officer Land Use Planning

Michael Rogers
Land Use Planning Manager

Jennifer Concato
Executive Director Strategic Outcomes & Development

ATTACHMENTS:

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|--|--|----------|
| 1  | Planning Proposal for land at 22 Noller Parade, Parramatta | 63 Pages |
| 2  | Applicant's amended Planning Proposal | 10 Pages |