

ECONOMY

ITEM NUMBER	5.4
SUBJECT	Planning Proposal - 23-27 Harold Street & 53 Sorrell Street, Parramatta
REFERENCE	RZ/27/2015 - D04390614
REPORT OF	Project Officer Land Use

PURPOSE:

The purpose of this report is to seek the Independent Hearing and Assessment Panel's (IHAP) endorsement to forward a Planning Proposal for land at 23-27 Harold Street & 53 Sorrell Street, Parramatta to increase the maximum building height and FSR in accordance with the recommendations outlined in this report to the NSW Department of Planning and Environment for a Gateway determination; and to seek endorsement to proceed with formal negotiations to prepare a Voluntary Planning Agreement between Council and the landowner in relation to this Planning Proposal.

RECOMMENDATION

That the IHAP recommend to Council:

- (a) **That** Council endorse the Planning Proposal for the land at 23-27 Harold Street and 53 Sorrell Street, Parramatta (**Attachment 1**) which seeks to amend the Parramatta Local Environmental Plan 2011 (PLEP 2011) in relation to the subject site by:
 - 1. Increasing the maximum building height on part of the site from 11m (approx. 3 storeys) to 70m (approx. 22 storeys) at 23-27 Harold Street and retaining the maximum height of 11m at 53 Sorrell Street; and
 - 2. Increasing the maximum floor space ratio (FSR) on part of the site from 0.8:1 to 6:1 at 23-27 Harold Street and retaining the FSR of 0.6:1 at 53 Sorrell Street.
- (b) **That** the Planning Proposal be forwarded to the NSW Department of Planning and Environment for Gateway determination.
- (c) **That** the applicant be required to amend the supporting documentation to the Planning Proposal (i.e. Concept Plan, Urban Design Study and Statement of Heritage Impact) to reflect Council's position prior to public exhibition, should a Gateway Determination be issued.
- (d) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to formal exhibition of the Planning Proposal.
- (e) **That** Council officers proceed with negotiations for a Voluntary Planning Agreement (VPA) with the applicant in relation to the Planning Proposal on the basis that any VPA entered into is in addition to Section 94A developer contributions payable and that negotiations be undertaken in line with Council's resolution on value sharing rates of 10 April 2017 (Item 8.3)
- (f) **That** delegated authority be given to the CEO to negotiate the VPA on behalf of Council, and that the outcome of negotiations be reported back to Council prior to its concurrent public exhibition.

- (g) **That** the site-specific DCP and VPA be publicly exhibited concurrently with the Planning Proposal, should a Gateway Determination be issued.
- (h) **That** Council advises the 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.
- (i) **Further, that** Council authorises the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.

EXECUTIVE SUMMARY

1. The applicant, Trebel 88 Pty Ltd, has lodged a Planning Proposal for land at 23-27 Harold Street and 53 Sorrell Street, Parramatta which seeks to increase the maximum height and FSR controls on part of the subject site. Ultimately, it is considered that the Planning Proposal has strategic merit consistent with the relevant strategic planning framework and provides for increased density within the Parramatta CBD in a location close to public transport and social infrastructure. The heritage item located on part of the site will be retained and the proposed built form appropriately considers the existing heritage property and adjoining heritage conservation area. A site-specific DCP and design competition will further assist in achieving an appropriate response to the heritage item and conservation area. It is therefore recommended that the Planning Proposal be endorsed and forwarded to the NSW Department of Planning and Environment for Gateway determination.

THE SITE AND ITS SURROUNDS

2. The subject site is located in the northern part of the Parramatta CBD at 23-27 Harold Street & 53 Sorrell Street, Parramatta (see **Figure 1** below). The site is zoned part R4 High Density Residential (23-27 Harold Street) and part R3 Medium Density Residential (53 Sorrell Street). The site has a total area of 2,410.6m² with an 84.5m frontage to Harold Street to the north and an 18.36m frontage to Sorrell Street to the east. It is approximately 200m from existing bus stops on Church Street and from the future Parramatta Light Rail.
3. The sites at 23, 25 & 27 Harold Street, Parramatta currently contain three separate single storey residential dwellings. The site at 53 Sorrell Street, Parramatta currently contains a two storey residential dwelling that is listed as a local heritage item under the PLEP 2011.
4. The surrounding development to the north, south and east consists of low, medium and high density residential uses, with a mixture of commercial and retail uses to the west along Church Street. To the east of the site is the Sorrell Street Heritage Conservation Area (HCA), which includes part of the site at 53 Sorrell Street. The land immediately to the west of the subject site, 470 Church Street, received Gateway determination in March 2017 for a mixed use building with a maximum building height of 80 metres (25 storeys) and an FSR of 6:1.



Figure 1 – Subject site and context

CURRENT PLANNING CONTROLS

5. Under the provisions of the Parramatta LEP 2011 the land subject to the Planning Proposal has the following planning controls (see figures 2-4 below):

Table 1 – Current Planning Controls

Site	Zoning	Height of Buildings	Floor Space Ratio (FSR)
23-27 Harold St	R4 High Density Residential	11 metres	0.8:1
53 Sorrell St	R3 Medium Density Residential	11 metres	0.6:1

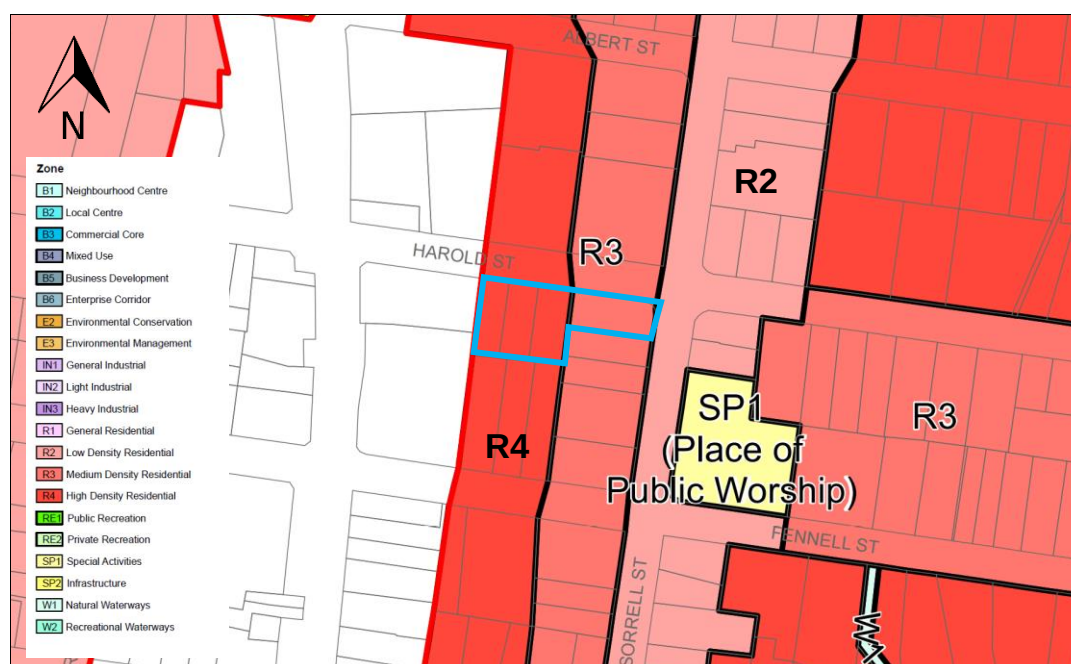


Figure 2 – Existing zoning on subject site



Figure 3 – Existing Maximum Building Height and FSR

6. Part of the subject site is identified as an item of local heritage significance in PLEP 2011 as seen below in Figure 4. The site at 53 Sorrell Street, Parramatta (I420) is a two storey residence in good condition and makes a strong contribution to the streetscape and the Sorrell Street HCA. The Planning Proposal does not include any alterations to the existing heritage property.

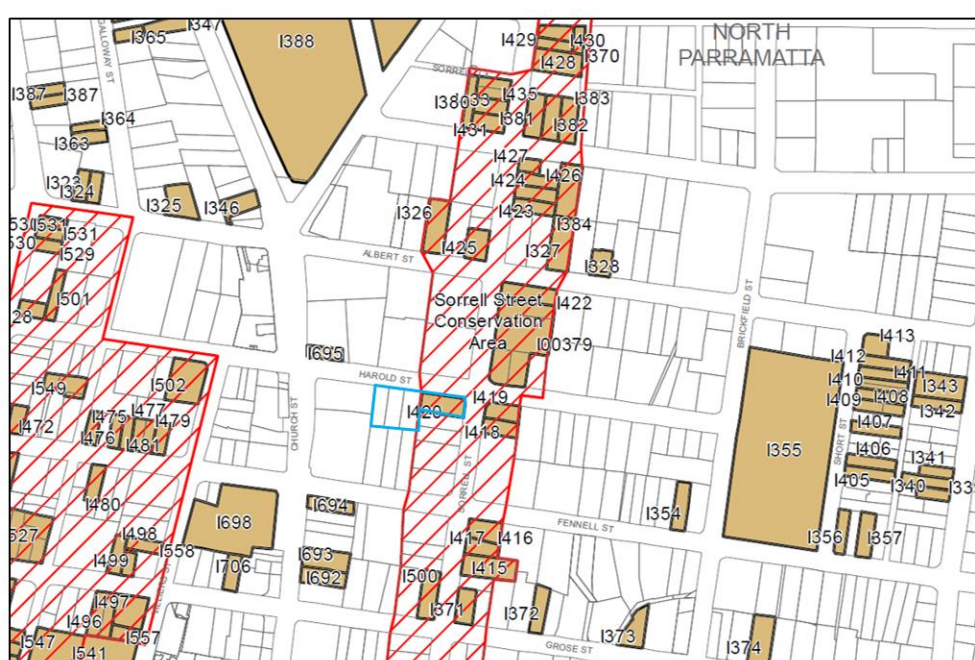


Figure 4 – Location of subject site, heritage items and HCAs

7. The site is not identified as being flood-prone, as it is located outside of the 20 and 100-year Average Recurrence Interval (ARI) events, and is also outside of the Probable Maximum Flood (PMF) event.

BACKGROUND

8. Prior to the formal lodgment of the Planning Proposal the proponent and consultants met with Council Officers in late 2015 to discuss the proposal. The Planning Proposal (**Attachment 1**) was subsequently lodged with Parramatta City Council on 17 December 2015 by Think Planners on behalf of Treble 88 Pty Ltd (landowner). Several meetings have been held with the proponent since the proposal was lodged in order to address Council officers' concerns regarding the impact of the proposal on the existing heritage item and adjoining HCA. This is discussed further below.
9. The Parramatta CBD Planning Strategy was adopted by Parramatta City Council on 27 April 2015. It represents further development from Architectus

and SGS' 2014 Parramatta City Centre Planning Framework. The Planning Strategy recommended increasing the existing CBD boundary to include the subject site and notes a potential 6:1 FSR for the area 'subject to further urban design refinement'.

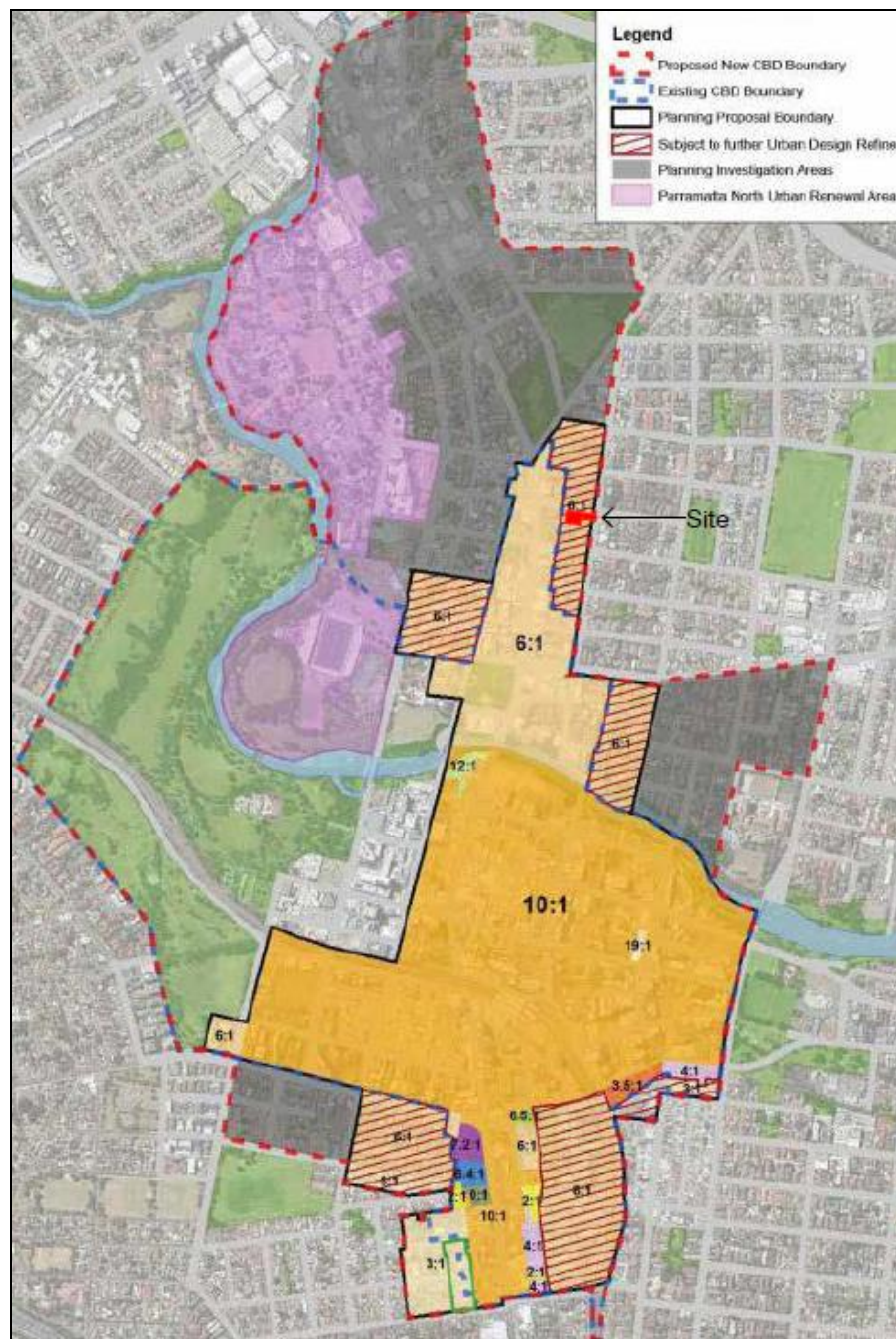


Figure 4 – Extract from Parramatta CBD Planning Framework

10. Council Officers have since undertaken urban design testing/refinement of built form outcomes on several sites throughout the CBD to assess the impact of the proposed planning controls on adjacent heritage items and conservation areas. As a requirement of the NSW Heritage Council and Section 117 Directions (Direction 2.3 Heritage Conservation), a heritage study was also undertaken to analyse how the proposed planning controls respond to heritage. These studies sought to inform appropriate built form controls to apply to areas that are in close proximity to heritage items or HCAs in order to create transition zones between the heritage items and HCAs, and areas identified for significant redevelopment and increased densities.

11. The Parramatta CBD Heritage Study (Urbis, 2015) recommended a height transition between the Sorrell Street heritage conservation area and the higher density development along Church Street. The report recommended retaining the existing planning controls in the heritage conservation area with particular regard to the heights, setbacks and massing. In relation to 53 Sorrell Street, the report specifically stated that the site is a small lot with no additional development potential and that the existing FSR (0.6:1) should be maintained.
12. The draft Planning Proposal for the Parramatta CBD was adopted by Council in April 2016. The report presents an extended city centre boundary (including the subject site) to facilitate higher density development in the area. Accordingly, the CBD proposal presents amended LEP planning controls for the area including a draft 'Incentive Floor Space Ratio Map' which designates an FSR of 6:1 across the subject site at 23-27 Harold Street and 53 Sorrell Street, including the heritage item.
13. Council has also forwarded to Department of Planning and Environment (DP&E) site specific planning proposals for sites at 12A Parkes Street, Harris Park (formerly known as 122 Wigram St, Harris Park) and 14-20 Parkes Street, Harris Park. Council resolved in relation to both these planning proposals to adopt FSRs that were consistent with those included in the CBD Planning Proposal adopted in April 2016 resolution (FSR 10:1 and FSR 10:1 respectively). However, these were inconsistent with the recommendations of the Urbis Study (FSR 8:1 and FSR 6:1 respectively). In issuing a Gateway Determination for these sites DP&E issued Gateway determinations that adjusted FSRs (FSR 8:1 (with no exemption from sliding scale clause) and FSR 6:1 respectively). One of the justifications provided by DP&E for the FSR in these Gateways was to ensure an appropriate transition to the nearby Harris Park HCA. This issue was also detailed in the Urbis Report. In both these cases the applicants initiated post gateway reviews with DP&E seeking to challenge the FSRs in the Gateway determinations. The applicant for 14-20 Parkes St provided additional heritage justification for a higher FSR on the subject site and, as a result of the post Gateway Review process, DP&E issued a revised Gateway Determination with an FSR of 8:1. Similarly, the applicant for 12A Parkes St, whilst agreeing to the 8:1 FSR issued in the Gateway determination, sought exemption from the sliding scale clause justifying that the development could still provide an appropriate transition to the HCA. DP&E issued a revised Gateway Determination which maintained the 8:1 FSR allowing an exemption from the sliding scale clause.
14. As a result of this process discussions were held with DP&E about the heritage issues that were analysed by the Department as part of this review process. It was agreed with DP&E officers that a further review of Heritage issues around the interface between the CBD and surrounding areas should be undertaken to inform both site specific PP's and the CBD PP. As a result of these discussions Council initiated the Draft Parramatta CBD Heritage Study of Interface Areas 2017 (Heritage Interface Study). The role of this study was to review the findings of the Urbis Review and investigate the issue of the appropriate way to deal with Heritage Transition between sites within and along the edges of the proposed CBD and adjoining HCAs and Heritage Items.
15. The Draft Heritage Interface Study (although not yet finalised) has recommended retaining the current planning controls for the site at 53 Sorrell St (Heritage Item) – maximum height of 11m and FSR of 0.6:1. The Study has

further recommended removing any incentive clauses on properties that are heritage items or within HCAs and has provided recommendations for DCP controls such as providing an adequate setback between the heritage item and the new building. The Planning Proposal is generally consistent with these recommendations. More discussion is provided below.

THE PLANNING PROPOSAL

16. The Planning Proposal for the subject site at 23-27 Harold St and 53 Sorrell St, Parramatta seeks to amend the *Parramatta Local Environmental Plan 2011* (PLEP 2011) to enable the redevelopment of the subject site for a residential apartment building and the retention of the heritage item.
17. The Planning Proposal as originally submitted sought an increase in FSR to 6:1 across the entire site and a maximum height control of 98 metres. An assessment of the originally submitted proposal did not support the controls sought. Further discussions, strategic studies and additional assessment have resulted in a revised planning proposal which the applicant has accepted, which is the subject of this report.
18. The agreed Planning Proposal seeks to significantly increase the development capacity of the subject site. The proposed amendments to the planning controls applicable under the provisions of the PLEP 2011 are summarised below within **Table 1**.

Table 2 - Current and Proposed Planning Controls

	Current controls	Originally submitted	Revised Proposal
Maximum Height of Buildings	• 11 metres	• 98 metres	• 70 metres on 23-27 Harold St • No change (11 metres) on 53 Sorrell St
Floor Space Ratio	• Part 0.8:1 • Part 0.6:1	• 6:1 across entire site	• 6:1 on 23-27 Harold St • No change (0.6:1) on 53 Sorrell St

19. The increase in density sought by the applicant proposes to deliver approximately 116 residential apartments. The development will accommodate approximately 267 people based on an average household size of 2.3 persons.
20. The Planning Proposal also seeks to retain the heritage listed property at 53 Sorrell Street and provide an appropriate setback consistent with the recommendations of the 2017 Draft Heritage Interface Study by Hector Abrahams Architects. This is discussed in more detail below and in the Planning Proposal at **Attachment 1**.

ASSESSMENT OF PLANNING PROPOSAL

21. The Planning Proposal has been prepared in accordance with the NSW Department of Planning and Environment's (DP&E's) *A Guide to Preparing Planning Proposals* and considers the State and local planning strategies. It aligns with the intentions and principles of the broader State Government's metropolitan strategy, *A Plan for Growing Sydney*, draft amendment *Towards Our Greater Sydney 2056*, *Draft Central West District Plan*, *GPOP Vision* and local strategy, *Parramatta 2038*. These plans and strategies seek to support

Parramatta as Sydney's Central City by increasing housing density and employment opportunities in strategic locations. The Planning Proposal is generally consistent with these objectives.

22. The Planning Proposal is also generally consistent with the relevant State Environmental Planning Policies and Section 117 Directions. A comprehensive assessment of all the strategic planning policies, strategies and Section 117 Directions is provided in Section 3.2 of **Attachment 1** of this report.

Floor Space Ratio

23. The FSR sought under this Planning Proposal is summarised in the following table, and is discussed in further detail in the following paragraphs.

Table 3 – Floor Space Ratio on the site - 23-27 Harold St*

FSR Type	FSR	"Running Total" FSR
Base	Part 0.8:1	Part 0.8:1
Proposed	Part 6:1	Part 6:1
Design Excellence bonus	0.9:1	6.9:1

*Note: no FSR change proposed for 53 Sorrell St

24. *Base / Current FSR:* The Planning Proposal seeks an FSR control of 6:1 on part of the site. The Base FSR map of the CBD PP indicates a FSR control of part 0.8:1 for this site, which is the current FSR control under PLEP 2011.
25. *Incentive FSR:* The Planning Proposal responds to the Incentive FSR for this site, which is 6:1. Under the CBD PP, a contribution must be made towards Community Infrastructure in order to achieve the incentive FSR. A site specific clause can ensure this requirement, and is recommended as part of the Planning Proposal at **Attachment 1**.
26. *Design Excellence bonus:* The Planning Proposal responds to Design Excellence provisions, which under the CBD PP, is 15% of the incentive FSR (6:1 in this case). This means an additional 0.9:1 FSR beyond the incentive FSR could be achieved through the Design Excellence bonus.

Urban Design and Built Form

27. Council officers have worked extensively with the proponent to refine the Concept Plan for the subject site. An indicative concept plan is shown below in Figure 5 (shaded in charcoal gray) based on a previously submitted concept. However, this will need to be amended prior to submission to Gateway to reflect the recommendations of this report. The image below also shows the adjoining site at 470 Church Street which received Gateway determination in March 2017 for a mixed use tower of 80 metres (25 storeys) and an FSR of 6:1

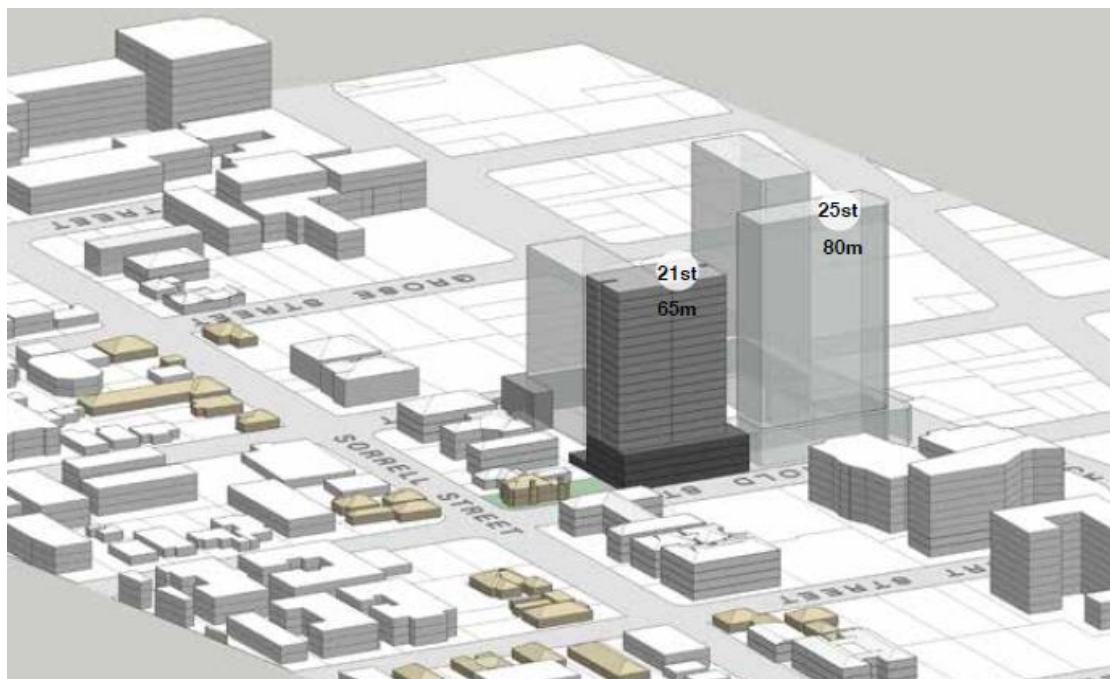


Figure 5 – Draft development concept (to be amended to reflect Council officer's recommendation)

28. The Planning Proposal will result in a tall, slender residential apartment building approximately 70 metres (22 storeys) in height with an FSR of 6:1 on part of the site at 23-27 Harold St. The heritage building at 53 Sorrell St will be retained and a separation distance of 21 metres between the heritage item and the proposed tower footprint will be provided to mitigate impacts.
29. The Planning Proposal will result in a dwelling yield of approximately 116 apartments which has been calculated based on 9,848.4m² residential GFA under an FSR of 6:1 and 85m² for each apartment as shown in **Table 4** below. In addition, an additional FSR of 0.9:1, under the design excellence provision, could lead to a further 1,477m² residential floor space or 17 apartments.
30. **Design Excellence bonus:** The Planning Proposal responds to Design Excellence provisions, which under the CBD PP, is 15% of the incentive FSR (6:1 in this case). This means an additional 0.9:1 FSR beyond the incentive FSR could be achieved through the Design Excellence bonus.

Table 4 - Development yield under the proposed development concept

Total site area	2,410.6 sqm
Site area (excluding 53 Sorrell St)	1,641.4 sqm
FSR 6:1 (excluding 53 Sorrell St)	9,848.4 sqm 116 dwellings (at 85 sqm each)
• Design excellence bonus (0.9:1)	1,477 sqm 17 dwellings
TOTAL FSR 6.9:1 (incl. design excellence)	11,325.4 sqm 133 dwellings (at 85 sqm each)

31. The Planning Proposal will result in some overshadowing impacts as shown below in Figure 6 which indicates the impacts on June 21 (winter solstice). The Sorrell Street HCA will retain morning to midday sun access at all times of the year, however there will be some afternoon overshadowing.

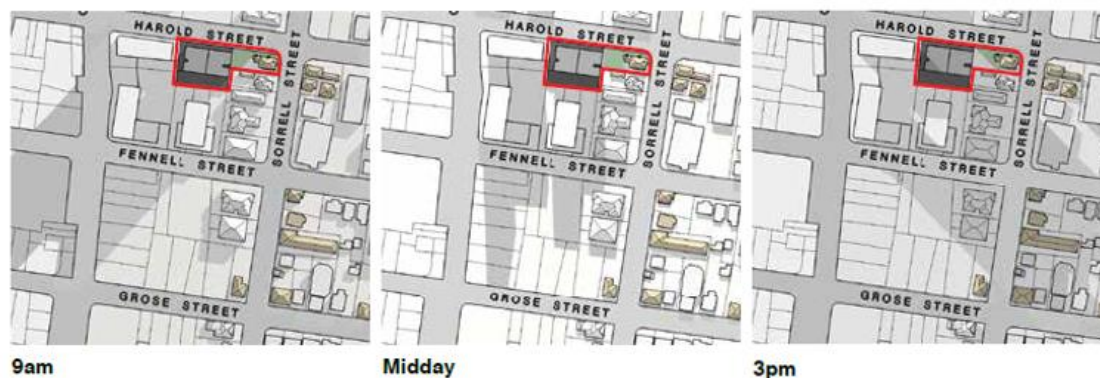


Figure 6 – Overshadowing diagram for the Planning Proposal on June 21

32. Council officers are supportive of a maximum building height of 70 metres and FSR of 6:1 on part of the site (23-27 Harold St), subject to appropriate site-specific DCP controls and an acceptable response to the heritage item and HCA. Council's Urban Design team have recommended the following controls to be incorporated into the site-specific DCP:

- a separation distance of 21m between the heritage item and proposed tower footprint be provided;
- a front street setback of 4 metres with deep soil be provided along Harold Street (see Figure 7 below) to allow for large canopy tree planting along the front of the building;
- a rear setback of 12m be provided;
- a recessed street wall condition between 470 Church Street and the subject site be provided as illustrated below; and
- the car parking entry should be as recessive as possible and setback as far as possible from the street edge.

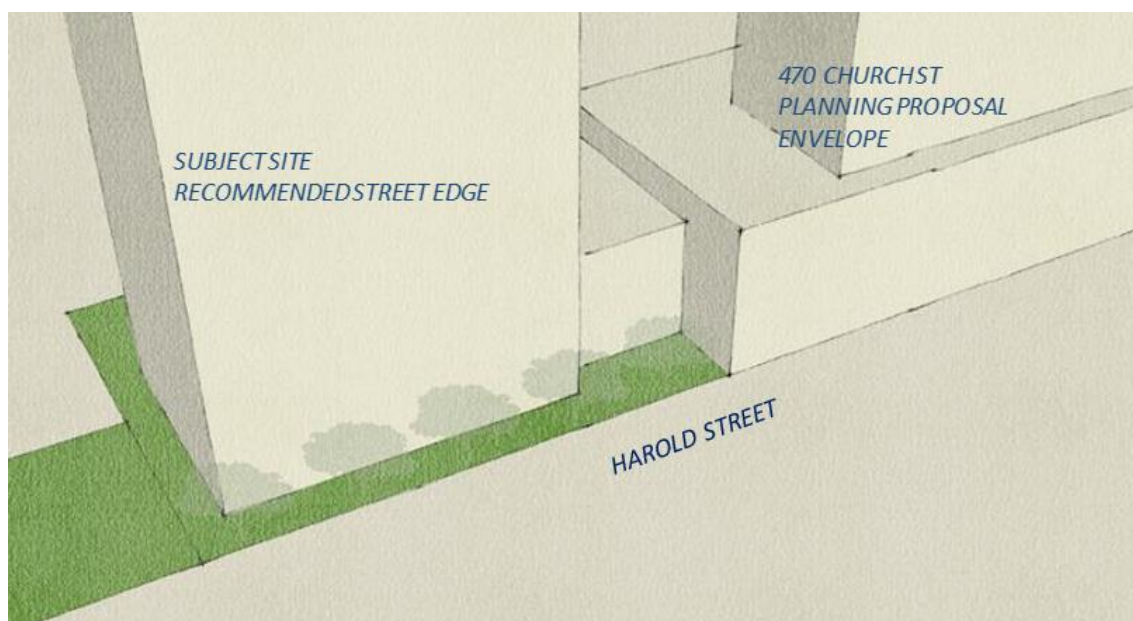


Figure 7 – Indicative built form diagram, provided by Council's Urban Design Team

Heritage

33. The heritage item on part of the subject site at 53 Sorrell Street, Parramatta (local heritage item 420) is described as a two storey residence, known as *Currawong*, and is believed to have been constructed around 1885. The house is an asymmetrical, double fronted Victorian Italianate house that is of significance to Parramatta for historical and aesthetic reasons, and as a

relatively rare example of a high quality, Victorian Italianate villa in the area. The item is in good condition and makes a strong contribution to the streetscape and the Sorrell Street heritage conservation area. The Planning Proposal does not include any alterations to the existing residence.



Figure 8 – View of 53 Sorrell St (left) and side view from Harold St, part of subject site and heritage item.

34. The Parramatta CBD Heritage Study (Urbis, 2015) notes that Sorrell Street was one of the early streets developed north of the Parramatta River and that the area contains 63% of the dwellings that existed here in 1895. The Sorrell Street HCA contains multiple local heritage items within close proximity to the subject site, as detailed in the table below:

Table 5 – Local and State heritage items within the vicinity of the subject site.

Item number	Property address	Description	Level of significance
I422	56 Sorrell Street Parramatta	Single storey residence	Local
I00379	54 Sorrell Street, Parramatta	Endrim	State
I419	52 Sorrell Street, Parramatta	Single storey residence	Local
I418	50 Sorrell Street, Parramatta	Single storey residence	Local
I417	44 Sorrell Street, Parramatta	Single storey residence	Local
I416	42 Sorrell Street, Parramatta	Timber cottage	Local
I415	38 Sorrell Street, Parramatta	Two storey conjoined residences	Local
I371	46 Grose Street, Parramatta	Single storey residence	Local
I500	44 Grose Street, Parramatta	Single storey residence and potential archaeological site	Local

35. As discussed above, the Planning Proposal is generally consistent with the recommendations of the 2017 Draft Heritage Interface Study. Council officers have worked with the applicant to revise the concept plan which has resulted in a planning proposal that is consistent with the Study and retains the current planning controls for 53 Sorrell St. The impacts upon the heritage property and HCA will be mitigated through providing an adequate buffer zone of 21 metres between the heritage house and proposed apartment building. In addition, the building will be setback 4 metres from Harold Street to ensure a consistent setback and alignment with the heritage item at 53 Sorrell St. Deep soil areas surrounding the proposed building on Harold Street and at the rear of the site (southern edge) will provide opportunities for large tree planting which will soften the massing and provide a further buffer to the heritage property and HCA. These controls will be provided through the site-specific DCP. Furthermore, the design excellence provisions for the site will encourage further mitigation measures and detailed consideration of built form and materials.

36. The Planning Proposal was accompanied by two heritage studies – a Heritage Impact Statement by Heritage21 (2015) and a Heritage Issues Identification Report by NBRS Architects (2017). These reports have considered the subject site, surrounding heritage items and Sorrell St HCA and concluded that the Planning Proposal does not adversely or unacceptably impact upon the identified heritage significance of the nearby local heritage items, State Heritage Register listed items, Commonwealth heritage listed places, or National and World Heritage listed properties. The reports note that the Planning Proposal is likely to have a negligible and acceptable impact in heritage terms.
37. It is recommended that any heritage reports relating to the Planning Proposal be amended to reflect the revised concept plan, prior to public exhibition. It is further recommended that a Conservation Management Plan be prepared at the development application stage to ensure appropriate ongoing management of the property and identify any necessary conservation works.

Traffic and Transport

38. The subject site is located 1.8km from Parramatta Transport Interchange which is outside the 800m walking radius to transport nodes. However, the site is located in close proximity to a bus stop on Church Street that is frequented by 8 services. The site is also located within close proximity to the future Parramatta Light Rail line with a proposed stop within easy walking distance of the site.
39. Active transport opportunities are also available within close proximity to the site. A number of on-road and off-road bicycle facilities are located near the site and there are a number of parks within walking distance such as Sherwin Park, Prince Alfred Square, Dan Mahoney Reserve and Doyle Ground sports field. Parramatta Park is also within walking distance.
40. A Traffic and Parking Assessment Report (TPAR) assessing the Planning Proposal has been prepared by MRCagney. The Assessment finds that the Planning Proposal is acceptable in terms of traffic, transport and parking. The TPAR includes trip generation rates likely to be generated by the proposal, based on the RMS trip generation rates. Although the Planning Proposal has been revised since originally submitted, it is most similar to Option 2 in the report, based on 22 storeys and 116 apartments. This means that the likely trip generation rate will be approximately 22 AM peak trips and 17 PM peak trips.

Option	Apartments	AM Peak Trips	PM Peak Trips
2	116	22	17

41. The Planning Proposal was referred to Council's Traffic and Transport section for comment, who cited that the Traffic and Transport Study being conducted by Council as part of the Parramatta CBD Planning Proposal is based on the cumulative impact of a 10:1 and 6:1 FSR growth scenario. The advice recommended determining the Planning Proposal in accordance with the outcome of this study.
42. Since that referral was undertaken, Council has endorsed (on 10 April 2017) a Strategic Transport Study for the Parramatta CBD and resolved to include reduced parking rates in the CBD PP, pending results of the forthcoming

mesoscopic study. This resolution was in part to allow site-specific Planning Proposals to proceed ahead of the mesoscopic modelling. Council's traffic and transport team have advised that they agree with the approach of applying the recently resolved rates to this Planning Proposal. The rates resolved on 10 April 2017 are summarised as follows:

a. Residential parking rates

Type of Apartment	Spaces/unit
3-bedroom	1 space/unit
2-bedroom	.7 spaces/unit
1-bedroom	.3 spaces/unit
Studio	.1 spaces/unit

43. The current concept plan includes approximately 114 apartments. Although the unit mix has not yet been advised, for the purposes of calculating an approximate number of spaces, an estimated mix of 20% one bedroom, 60% two bedrooms and 20% three bedrooms has been used. This results in approximately 77 car parking spaces.

VOLUNTARY PLANNING AGREEMENT

44. A Voluntary Planning Agreement (VPA) can be made under section 93F of the EP&A Act and is a voluntary agreement between Council and the developer, under which the developer is required to dedicate land free of cost, pay a monetary contribution or provide other material public benefit, or any combination of these, to be used towards a public purpose. This may be in lieu of a Section 94A development contribution, as a part substitution or an additional benefit.
45. The Act specifies that a public purpose includes the provision of public amenities or public services, the provision of affordable housing, the provision of transport or other infrastructure relating to the land, the funding of recurrent expenditure relating to any of these, the monitoring of the planning impacts of a development and the conservation or enhancement of the natural environment.
46. Council has an adopted VPA policy which sets out the principles governing such agreements, matters that Council will consider in negotiating agreements, steps in the negotiating process, public probity, notification requirements and implementation. The EP&A Act and Regulation sets out the legal and procedural framework for planning agreements.
47. The negotiation of a VPA is at Council's discretion. Key principles of Council's policy are that:
- planning decisions will not be bought or sold through planning agreements,
 - development that is unacceptable on planning grounds will not be permitted because of the benefits of a planning agreement,
 - the benefits of the planning agreement will bear a relationship to the application,
 - Council will not give undue weight to a planning agreement when making a decision on a development application, and
 - Council will not improperly rely on its position in order to extract unreasonable public benefits under planning agreements.

48. As this Planning Proposal is seeking an uplift aligned with the CBD Planning Proposal, and because a major feature of that Planning Proposal is that incentive FSR controls are achievable provided that appropriate contributions to Community Infrastructure are made, it is expected that a VPA will be negotiated as part of this Planning Proposal process.
49. It is expected that the resulting VPA from this process would reflect a proportion of the value uplift associated with Phase 1: the difference between current controls and Incentive controls (5.2:1 in this case).
50. On 10 April 2017, Council endorsed rates of \$150/sqm for Phase 1 value sharing. This is the basis upon which it is recommended that Council officers seek to negotiate a VPA.
51. The applicant has submitted a letter of offer dated 10 May 2016 (**Attachment 2**) indicating that they intend to enter into a VPA. The letter suggests that the VPA might be in the form of: a direct monetary contribution; works in kind for public infrastructure; dedication of public space; ownership of equivalent residential unit(s); or some combination of these measures. The letter also states that the developer may also consider measures that would make provision for the maintenance and general up keep of the local heritage listed building on 53 Sorrell Street (known as Currawong House).
52. It is recommended that delegated authority be given to the CEO to negotiate the VPA on behalf of Council in addition to Section 94A contributions payable, and that the outcome of negotiations be reported back to Council prior to its concurrent public exhibition with the draft DCP and Planning Proposal, and that this negotiation be undertaken in line with Council's resolution on value sharing rates of 10 April 2017.

PLAN-MAKING DELEGATIONS

53. 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 has resolved that these functions be delegated to the CEO.
54. Should Council resolve to proceed with this Planning Proposal (**Attachment 1**), it is intended that Council will be able to exercise its plan-making delegations. This means that once 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. The LEP amendment is then signed by the CEO before being notified on the NSW Legislation website. When the planning proposal is submitted to Gateway, Council will advise the DP&E that it will be exercising its delegation.

NEXT STEPS AND CONCLUSION

55. Should Council endorse the Planning Proposal provided at **Attachment 1** (Council Officer's recommendation) it will be forwarded to the NSW Department of Planning and Environment for a Gateway determination.

56. The applicant is also requested to update their concept plan, urban design analysis and Heritage Impact Study to reflect the Council's endorsed position prior to Public Exhibition, should a Gateway Determination be issued.
57. A site-specific DCP is recommended for the subject site to control the built form and heritage outcomes. This will be reported to Council prior to its exhibition.
58. Once a Gateway determination is received, the Planning Proposal will be placed on public exhibition and the outcomes of the exhibition will be reported to Council. The Site Specific DCP and VPA should be exhibited concurrently with the Planning Proposal. A report on the outcomes of the VPA negotiations will be put to Council before it is publicly exhibited.

Benjamin Gresham

Project Officer – Land Use Planning

Robert Cologna

Service Manager – Land Use Planning

Sue Weatherley

Director Strategic Outcomes & Development

ATTACHMENTS:

- | | | |
|----------|--|-------|
| 1 | Planning Proposal - 23-27 Harold St & 53 Sorrell St, Parramatta | 36 |
| | | Pages |
| 2 | Letter of offer - Voluntary Planning Agreement (VPA) - Planning Proposal for 23-27 Harold St and 53 Sorrell St, Parramatta | 2 |
| | | Pages |