

Attn: David Ryan (Panel Chair)  
Sydney Central City Planning Panel  
4PSQ 12 Darcy Street  
Parramatta NSW 2150

<b>Your Reference</b>	PPSSCC-285
<b>Our Reference</b>	DA/812/2021
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18 May 2022

Dear Mr. Ryan

**RE: Late Applicant Submission for PPSSCC-285**

Council officers are in receipt of a letter dated 18 May 2022 from the applicant for PPSSCC-285, a mixed-use tower concept development application for 33-43 Marion Street, Parramatta. The letter, which is addressed to yourself, outlines three requests of the Sydney Central City Planning Panel in considering the application and provides three attachments outlining the application history and responding to the issues raised by Council in their assessment report. Attachment 1 is a chronology of the application. Interrogating or commenting on this timeline is considered to be of limited value to the Panel. Attachments 2 and 3 are documents previously submitted to and considered by Council in drafting their assessment report.

Council officers offer the following comments in relation to the three requests of the applicant:

1. *That the panel defer the determination to allow the progression of a design excellence review process in accordance with 7.10 of the Parramatta LEP and the Director General's Design Excellence Guidelines.*

Council officers would welcome submission of a design competition brief, with the site-specific DCP envelope as the reference scheme, at the current time.

As the applicant does not wish to comply with the site-specific DCP the current concept application is the best way to test the appropriateness of the envelope proposed by the developer.

The Draft Government Architect's Design Excellence Competition Guidelines 2018 state that,

*The Design Excellence Competition Strategy must include a Reference Design. This requirement can also be satisfied through provision of a site specific DCP or Concept Development Application (DA).*

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Further, it includes the following table with regard to the distribution of additional floor space bonuses:

<p><b><u>Note: Studies pertaining to the distribution of additional floor space, height or other bonus incentive (if applicable)</u></b> For Design Excellence Competition schemes that seek additional height, floor space or any other bonus incentive that may be available under an EPI, the potential impacts of these incentives must be modelled prior to undertaking the competition, either by the consent authority or the Proponent, through the Reference Design or Concept DA.</p> <p>In distributing any additional floor space or height, the following considerations must be appropriately addressed:</p> <ul style="list-style-type: none"> <li>— site and context analysis</li> <li>— public domain layout, including levels, uses, access and circulation, dedications and hierarchy of spaces</li> </ul>	<ul style="list-style-type: none"> <li>— built form massing and dimensioned envelopes</li> <li>— overshadowing analysis</li> <li>— storm water management strategy</li> <li>— traffic management and servicing strategy, parking numbers and location</li> <li>— ecologically sustainable development strategies and benchmark commitments (including connection to green infrastructure); and</li> <li>— heritage impacts.</li> </ul> <p>In determining whether to award bonus height and/or floor space or other incentive, the consent authority must consider:</p> <ul style="list-style-type: none"> <li>— whether the Design Excellence Competition has been undertaken in accordance with these Guidelines; and</li> <li>— the recommendations of the Competition Report.</li> </ul>
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As the proposal includes several non-compliances with the site specific DCP, seeks to benefit from FSR bonuses and includes staging of the development, Council officers suggested that the applicant consider utilising the concept DA pathway. Such a pathway avoids the potentially abortive work of running an expensive design excellence competition and subsequently preparing a fully detailed development application, that may ultimately not be acceptable to the consent authority. The applicant chose to pursue this approach, resulting in the subject application before the Panel.

It should be noted that there are several other threshold issues with the concept application, not related to design competitions or design excellence. Running a design excellence competition would not resolve these other matters.

Finally, deferring the application to run a design competition would result in a significant assessment timeframe, which is inconsistent with several State government imperatives.

2. *That the Secretary's advice be obtained on the commencement of a design excellence process with an exceptions clause as per 7.10 of the Parramatta LEP.*

It is not clear what advice the applicant wishes to obtain from the Secretary. Council officers presume that the applicant is referring to clause 7.10(7) of the Parramatta LEP 2011, which sets out that an exemption granted by the Secretary, to the running of a design competition, under the now repealed Parramatta City Centre LEP 2007 would still have effect. Applications lodged under the existing LEP, such as the subject application, do not qualify for such an exemption.

3. *That the item be reported back to the panel post the outcome of the design excellence process and further review of the legal advice provided with the application on the application of density for the ARHSEPP.*

As outlined above, it is not considered appropriate to defer determination of the application subject to progression of a design competition.

With regard to the applicable density bonuses under the Affordable Rental Housing SEPP, it is understood that the Panel may have sought their own legal advice on the matter. As such, it is not considered appropriate to defer the application on this ground.

I trust this review is of assistance. Council officers will be available to answer questions at the upcoming briefing.

Regards,



**Alex McDougall**  
Executive Planner  
City Significant Development