



Tharani Yoganathan
Manager Place and
Infrastructure, Planning and Land Use Strategy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001
Via email: peter.pham@planning.nsw.gov.au

Your Reference	RR_2023_37
Our Reference	RZ/5/2022
Contact	Jema Samonte
Telephone	9806 5753
Email	jsamonte@cityofparramatta.nsw.gov.au

4 March 2023

Dear Ms Yoganathan

RE: Request for a rezoning review – RR_2023_37– 23-27 Harold St and 53 Sorrell St, Parramatta

I refer to your letter dated 2 February 2024 advising the Applicant for land at 23-27 Harold St and 53 Sorrell St, Parramatta has requested a rezoning review. This letter provides a response to the Planning Proposal and an explanation for why this Proposal was not considered by Council within 90 days of lodgement.

Please note that the advice provided in this letter is based on Council staff consideration of the matter and has not been endorsed by Council. The advice outlines that the Planning Proposal has not been progressed to Gateway determination, as this would be premature due to current strategic planning work that Council is actively pursuing for the site and the immediately surrounding area needs to be concluded to support setting new planning controls for the area. This work is scheduled to be reported to Council by Quarter 2 2024 with a recommendation for a Council-led planning proposal to be submitted for Gateway determination.

The submission refers to potential controls that Council staff are likely to recommend Council support for the site as part of ongoing strategic design work being carried out, but these are subject to further refinement at this stage. It is therefore recommended that the proposal does not progress to Gateway now but instead the matter is addressed by the Council-led work currently being carried out.

1. Background

Planning Proposal Background

A Planning Proposal for land at 23-27 Harold St and 53 Sorrell St, Parramatta was received by Council in October 2022 to increase the floor space ratio (FSR) from 0.8:1 to 5:1 and increase the height of building (HOB) control from 11m to 60m (18 storeys) for the purpose of residential accommodation. A summary of the existing and proposed controls is provided in **Table 1**. The proposal seeks to accommodate an 18-storey residential building comprising 92 apartment dwellings.

The applicant's intent is for the proposed controls (maximum FSR of 5:1 and maximum HOB of 60m) to be inclusive of a design excellence bonus; however, the site does not benefit from design excellence bonuses applicable under the Parramatta Local Environmental Plan 2023 (PLEP 2023). The site being outside the City Centre boundary does not benefit from bonuses under Part 7- Additional Local Provisions (Parramatta City Centre) and Clause 6.13 - Design Excellence does not allow for additional building height and floor space bonuses for the subject sites.

Contact us:

council@cityofparramatta.nsw.gov.au | 02 9806 5050
@cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | cityofparramatta.nsw.gov.au

	Existing Controls	Proposed Controls (excluding bonus)	Proposed Controls (including bonus)
Floor Space Ratio	0.8:1	4.3:1	5:1
Height of Building	11m	52m (15 storeys)	60m (18 storeys)

Table 1: Summary of Existing and Proposed Controls

Strategic Planning Background

A background summary is provided in **Table 2**, with a detailed Chronology provided in **Attachment 1**. Council officers could not support the progression of the proposal when submitted because the now Department of Planning, Housing and Infrastructure (DPHI) was undertaking the North Parramatta Place Strategy (NPPS) at the time; of which the site previously formed part as shown in **Figure 1**. Accordingly, the applicant was advised in March 2023 that the proposal could not be supported as it was premature and should be withdrawn.

Date	Strategic Context	Details
April 2016	Parramatta CBD Planning Proposal (CBD PP)– endorsed by Council	The site was previously included as part of the Parramatta CBD Planning Proposal (PP). The draft CBD PP applied a maximum building height of 11m (plus design excellence bonus, subject to future urban design refinement) and a floor space ratio of 6:1 to the site. Council endorsed the CBD PP and resolved to forward the proposal to DPHI (then Department of Planning and Environment) for Gateway Determination.
December 2018	Parramatta CBD Planning Proposal – Gateway issued by DPHI	A Gateway Determination was issued for the CBD PP. Gateway conditions required Council to carry out further investigations for heritage interface areas including the Sorrell Street Heritage Conservation Area (HCA).
Nov 2019	Council amends CBD PP to exclude site and identifies future work for Planning Investigation Areas (PIAs)	At its meeting in November 2019, Council resolved to amend the Parramatta CBD PP and excised three areas zoned R4 High Density Residential from the proposal. One of these areas included the subject site. The excised areas were to form part of the identified future work for the 'Planning Investigation Areas'.
June - Nov 2020	Council resolved to prepare a Strategy for the North East PIA (NEPIA) and place it on public exhibition	In June 2020, Council resolved to prepare a Planning Strategy for NEPIA. In November 2020, Council endorsed a Draft Planning Strategy for the NEPIA for public exhibition (held between 16 March – 15 April 2021) and this included several built form options.
June 2021	Finalisation of CBD PP – Removal of broader North Parramatta area from scope	Council approved the CBD PP with revisions and resolved to forward the proposal to the now DPHI for finalisation. As part of now DPHI's assessment, the controls for North Parramatta were found to be inappropriate and this area was removed from the CBD PP.
October 2021	Now DPHI pursues North Parramatta Place Strategy (NPPS)	Now DPHI confirmed that it would prepare the NPPS; taking carriage of areas removed from the CBD PP including the NEPIA. Council's work on the NEPIA was paused. NPPS work was planned to be undertaken between December 2022 and the end of 2023.
October 2022	Applicant Lodges Site-Specific Planning Proposal (SSPP)	Applicant lodges SSPP notwithstanding DPHI's ongoing work for the NPPS. Council officers consider the proposal premature due to ongoing strategic work and the applicant was advised of this in March 2023, encouraging withdrawal of the proposal. The applicant could not be advised earlier as Council was seeking clarification from the now DPHI regarding timeframes and planning pathway for the NPPS since late 2022.
October 2023	Now DPHI discontinues NPPS and progresses Church Street North rezoning which excludes	Due to a change in policy direction, the now DPHI decides to discontinue the NPPS in October 2023, reducing the area subject to review and adopting a different planning pathway moving forward.



	the site	In its place, DPHI progresses the Church Street North rezoning.
November 2023	Council approves future work program for PIAs, NEPIA to progress as Phase 1 of which site forms part	DPHI's discontinuation of the NPPS and commencement of the Church Street North rezoning in October 2023 placed Council in a clear position to progress strategic planning work within the PIAs. At its meeting on 20 November 2023, Council resolved to progress work for the NEPIA in early 2024 as part of 'Phase 1'.
December 2023	Now DPHI finalises Church Street North rezoning	The now DPHI finalised the Church Street North Precinct rezoning in December 2023, to enable faster delivery of housing, and support investment and housing around Parramatta Light Rail, with new controls to take effect in July 2024.
Dec 2023 – Feb 2024	Applicant Lodges Request for Rezoning Review	Applicant lodges a request for a rezoning for the SSPP in December 2023 and now DPHI formally advised Council of the completed rezoning review request in February 2024.

Table 2: Planning Background Summary

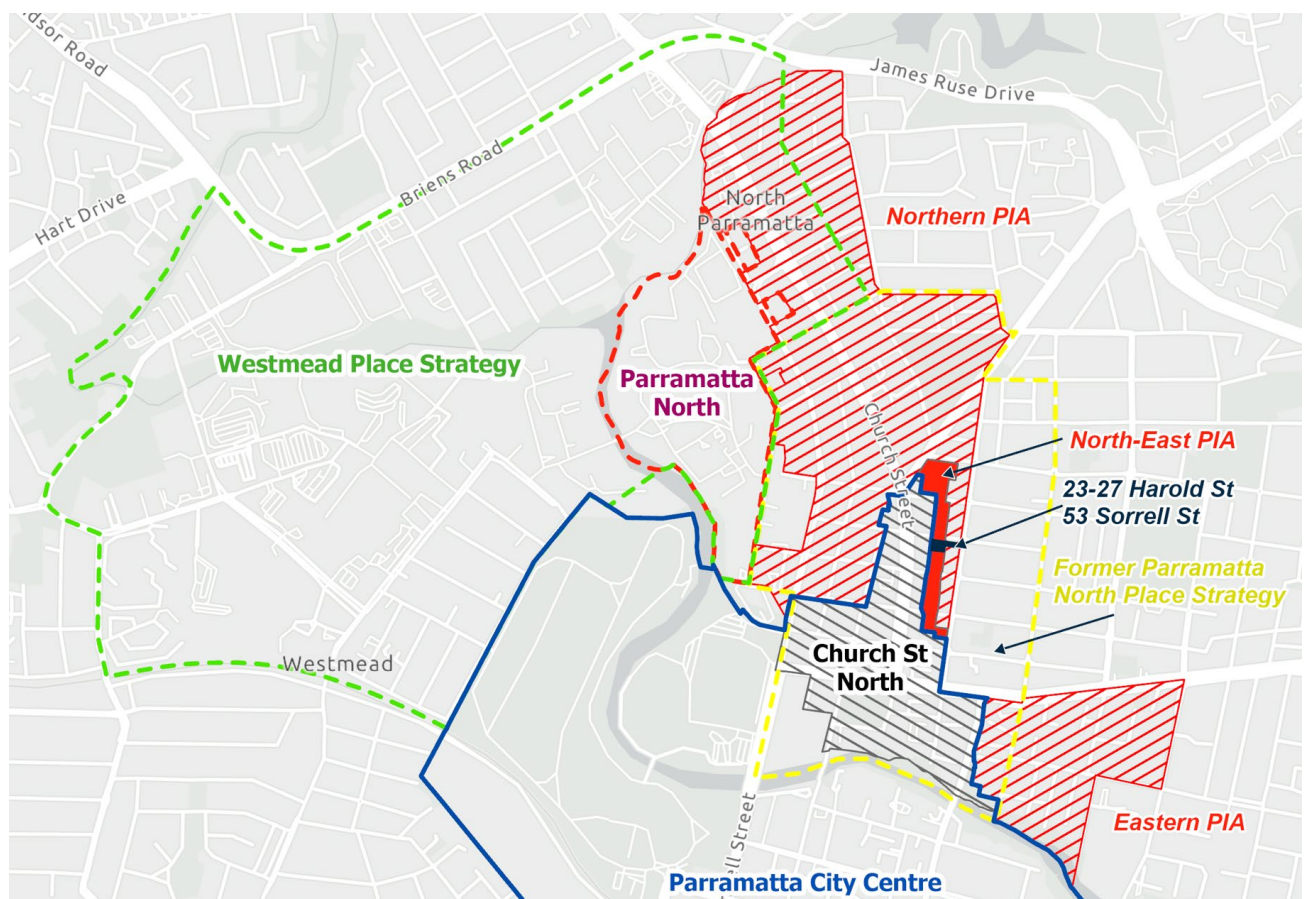


Figure 1 – Subject site located in former NPPS area and to be progressed as part of North East PIA

Current Strategic Work – Church Street North rezoning supersedes NPPS and NEPIA work to follow

While the NPPS was originally scheduled for completion at the end of 2023, the NSW Government's change in policy direction led to the discontinuation of the NPPS. The now DPHI reduced the area subject to the review and changed the planning pathway for implementation. In its place, DPHI focused on the state-led rezoning for

the Church Street North Precinct, which concentrated on land north of the river as shown in **Figure 1**. The now DPHI finalised the Church Street North Precinct rezoning in December 2023, with the rationale of enabling faster delivery of housing; particularly supporting investment and housing around the Parramatta Light Rail. The planning proposal site was excluded from the precinct rezoning.

The discontinuation of the NPPS placed Council in a clear position to make recommendations on the progression of the strategic planning work within the Planning Investigations Areas (PIAs), which could only occur with the completion of the Church Street North SEPP. At its meeting on 20 November 2023, Council resolved to progress technical work for the North-East Planning Investigation Area (NEPIA) in early 2024 as part of 'Phase 1' (**Attachment 2 – Council Report and Minutes**). The subject site forms part of the NEPIA.

2. Assessment of Planning Proposal

It is considered premature to progress the site-specific Planning Proposal for 23-27 Harold Street, Parramatta to Gateway determination at this time for the following reasons:

2.1 Strategic merit assessment - broader strategic work for NEPIA is being actively pursued by Council

As previously identified, discontinuation of the NPPS placed Council in a clear position to progress strategic planning for the PIAs. At its meeting on 20 November 2023, Council resolved to progress technical work for the North-East Planning Investigation Area (NEPIA) in early 2024 as part of 'Phase 1'. The NEPIA (of which the site forms part) (**refer to Figure 2**), is located between the proposed high-density corridor along the Church Street spine (rezoned under the Church Street North precinct SEPP) and the low-scale built form in the Sorrell Street Heritage Conservation Area (HCA) (**Figure 2**). The NEPIA work which has commenced, will identify strategic principles for the area and include primary land use controls such as building heights and floor space controls. The work is expected to be concluded with recommendations for detailed design controls forming part of a Council-led planning proposal that is scheduled to be reported to the Local Planning Panel and Council in Quarter 2 2024 for the purpose of seeking a Gateway Determination from DPHI to exhibit the draft planning controls in Quarter 3 2024.



Figure 2 – Context Map showing the subject site in relation to Church Street corridor and Sorrell Street HCA

It is inappropriate to progress the Planning Proposal at this time due to the risk of the proposed density being inconsistent with the strategic and design principles envisaged for the area and inconsistent with the built form outcomes to be ultimately endorsed as part of the NEPIA work which Council has committed to resolve as soon as possible. Proceeding with the proposal now would risk prejudicing the strategic planning work actively being pursued by Council staff and leading to a series of further site-specific planning proposals being submitted which, in turn, would reduce Council's capacity to progress strategic planning work for the broader area.

Notwithstanding the above, Council officers have assessed the strategic merit of the proposal (**refer to Attachment 3 – Detailed Strategic Merit Assessment**) against key strategic documents including the Greater Sydney Region Plan (Region Plan); Central City District Plan (District Plan); Parramatta Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

The detailed assessment against key strategic documents highlights the need to balance planning priorities:

- to provide housing supply, choice and affordability with access to jobs, services and public transport;
- to create and renew great places and local centres, together with respecting the district's heritage.

Ultimately, the NEPIA work will determine how growth in this locality can be appropriately accommodated while also meeting planning priorities to maintain the character, identity, and heritage values of North Parramatta. Accordingly, it is considered prudent to wait for the outcomes of the NEPIA work to provide more detailed guidance, with this work expected to be concluded with recommendations for detailed design controls forming part of a Council-led planning proposal that is scheduled to be reported to the Local Planning Panel and Council in Quarter 2 2024.

It is acknowledged that the provision of additional housing capacity is important to address the current housing supply situation; in accordance with the National Housing Accord which commits the NSW Government to deliver 377,000 homes by year 2029 (**Attachment 4 – Ministerial Letter to Council Mayor on Housing Reform**). However, it is not suitable to determine the proposal based solely on this notion considering Council's further work on the NEPIA will address this more holistically on balance with other planning considerations. It should be noted that as of 31 January 2024, Council had exceeded its housing target for the 2021-2026 period which is 23,660 dwellings, reaching a capacity of 25,187 dwellings; exceeding the target by 6% at only the halfway point of the period. The recent finalisation of the Church Street North rezoning will contribute an additional 1,800 dwellings to the overall capacity. Furthermore, Council has capacity to provide additional housing supply should dwelling targets be revised in future, with potential for a further 12,487 dwellings to be delivered via current site-specific planning proposals and precinct work.

2.2 Outstanding site-specific merit considerations

Council officers have concerns regarding the local impact of the Planning Proposal on the NEPIA area including Church Street North. Council officers have reviewed the proposal and are not satisfied that it adequately addresses issues relating to site-specific merit considerations including urban design, heritage, traffic and transport and infrastructure provision as outlined below.

2.2.1 Urban Design and Heritage

- a) Adjacent Development at 470 Church Street-** The applicant has submitted that the proposal has site-specific merit as the proposal refers to an approval for an adjacent development to the west (470 Church Street, Parramatta whereby a total FSR of 6.9:1 and height of 92m is permitted inclusive of bonuses) as a relevant precedent. Thus, the applicant submits that the proposal (proposed FSR of 5:1 and height of 60m inclusive of bonuses) provides a reasonable transition and step down in density compared to the approved controls for the adjacent site.
- b) Urban Design Report –**The applicant has submitted that the proposal has site-specific merit as it has considered appropriate built form controls. The submitted Urban Design report (**Attachment 5**):
 - reviewed three options: the first option being based on minimal uplift; the second option referring to a previously approved reference scheme for a maximum FSR of 6.9:1 on the site via a Design

Excellence Competition (refer Detailed Chronology in **Attachment 1** – referencing 2018 Design Excellence Competition that approved maximum FSR of 6:1 plus 15% design excellence bonus onsite); and third option referred to as a balanced scenario with a maximum FSR of 5:1);

- provides a review of urban design and visual impact matters; and
- is supported by an accompanying Heritage Report which provides that the proposal provides a good heritage and urban design outcome, with design, materiality and built form siting principles being key elements whereas height is a secondary consideration given the changing context of the locality.

Officer Assessment

While the relationship between the proposed site and 470 Church Street should be considered, the response to the existing surrounding low-scale and heritage context and the recently finalised planning controls for the Church Street North precinct needs careful consideration. This is particularly important given the direct adjacency of the local heritage item identified as Currawong House listed at 53 Sorrell Street within the HCA. The proposed height and yield should address the objective of respecting the heritage values of Currawong House and the broader HCA as a priority, and acknowledge that zoning controls at 470 Church Street are now an anomaly within the wider planning framework for the Church Street North Precinct, hence the need for the strategic planning work being actively progressed by Council for the NEPIA to be concluded. It is important that future redevelopment of the site responds to and conserves the heritage significance of the Sorrell Street HCA which demonstrates the variety of small and large dwellings built, from the mid-nineteenth to the mid-twentieth century in Parramatta, north of the river.

The proposal for 470 Church Street, Parramatta and the previous reference scheme approved in 2018 under a Design Excellence competition process should not be used as a basis to justify the proposal. This does not provide an appropriate precedent for the area and does not align with the current position of Council or DPHI; whereby it is considered inappropriate to apply a maximum incentive height of 80m and FSR of 6:1 along the Church Street spine as these controls may compromise the area's unique heritage attributes either through demolition or redevelopment of heritage sites (refer Attachment 6: Finalisation Report for CBD Planning Proposal). Council endorsed the planning proposal for 470 Church Street, Parramatta in December 2019 as it aligned with the CBD PP which had been endorsed by Council in April 2016 however, the CBD PP had not yet been finalised by the now DPHI and has since been amended giving rise to the need for more strategic planning work to be carried out for the area.

Further, the visual impact and overshadowing assessment should not assume envelopes for the NEPIA area. Representing this context at a FSR of 4:1 is misleading as the strategic planning for this area is still in progress. Basing this assumption of 4:1 on the amount of development potential required for change alone does not demonstrate any appreciation for the heritage, landscape, or urban qualities of the place. Any overshadowing analysis must also be extended to include the impact of development on the surrounding context, particularly the HCA.

It is unclear how the inclusion of Currawong House at 53 Sorrell Street as part of the proposal will improve the setting of the heritage item beyond management and maintenance. Amalgamation with the heritage site appears to serve only as justification for reduced setback from the shared boundary line, however the proposed tower location still impinges on the amenity of the HCA and may impact on the ability to provide canopy tree planting as a backdrop to the heritage item. Any proposition to use the Currawong House site within the site area calculation is considered inappropriate and is not supported.

c) Preliminary Council officer work for NEPIA

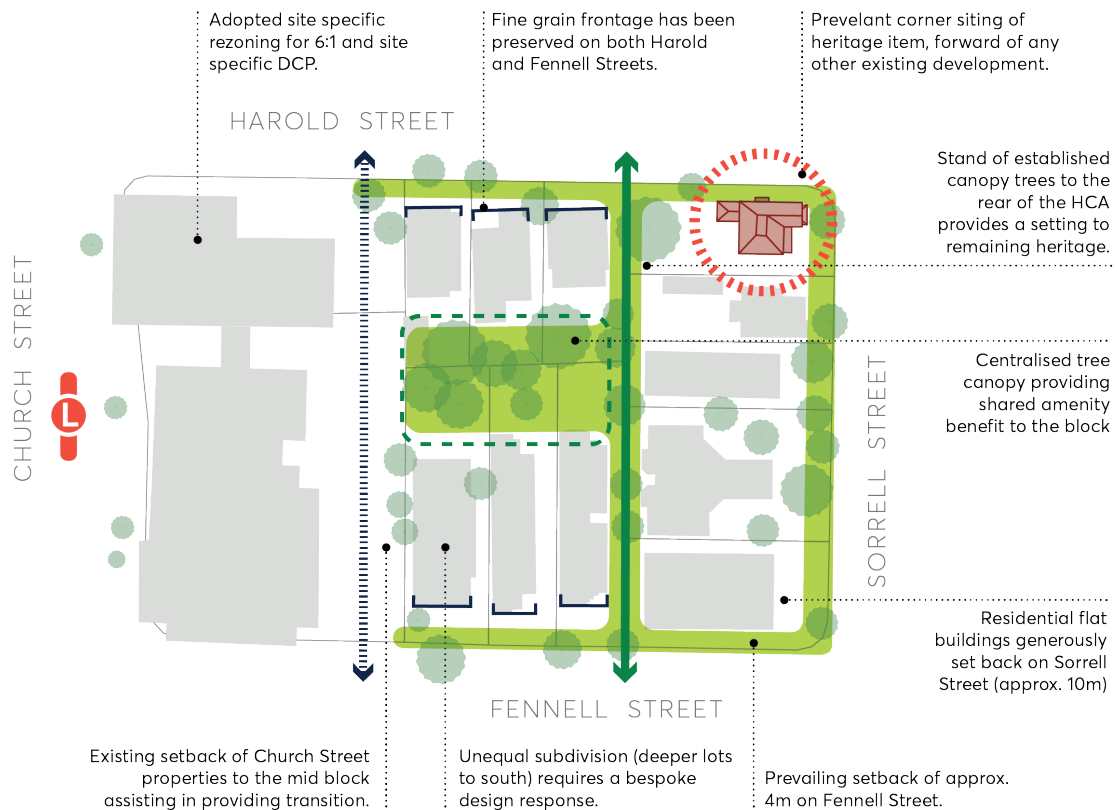
Building on Previous Work

As previously identified, Council officers are currently undertaking broader strategic planning work for the NEPIA. It is intended that the NEPIA work will consider the issues raised in submissions to the exhibition of the previous Draft NEPIA Planning Strategy in March-April 2021 (refer **Attachment 9 – Draft NEPIA Strategy 2021**). The exhibited Draft NEPIA Planning Strategy acknowledged competing planning priorities for NEPIA and for this reason, six (6) built form options were prepared to explore the case for lower built form and higher built form outcomes. This included built form options involving FSR of 0.8:1; 2:1; 3:1 plus Design Excellence; 4:1 plus Design Excellence; 5:1 plus Design Excellence; and 6:1 plus Design Excellence as detailed in **Attachment 9**. Notwithstanding, it is acknowledged that the strategic context has now changed and the ongoing NEPIA work will also focus on responding to the Church Street North rezoning work finalised by the now DPHI in December 2023 (refer to **Attachment 7 and 8** Church Street North Finalisation Report and Urban Design Report).

Current Approach for NEPIA informed by Church Street North Precinct Work

Building on previous work, Council officers are undertaking detailed urban design analysis and modelling for the broader area and developing key strategic and design principles to guide future development outcomes. The ongoing work entails a holistic review of planning outcomes in relation to heritage values, transition, built form and amenity, open space and tree canopy, solar access and connectivity. The current work is pursuing a refined approach based on an analysis of future desired outcomes in the NEPIA.

Preliminary Council officer work in relation to the analysis of the Harold Street block (of which the subject site forms part) and identified strategic principles are provided in **Figures 3 to 4**. The preliminary work undertaken by Council officers takes into consideration the urban design approach adopted by the now DPHI for the Church Street North rezoning, whereby the finalised mapped building heights for the precinct were derived from a viewshed analysis. The viewshed analysis was found by DPHI to be a suitable approach on the basis that the visual impact of tower development on the Sorrell Street HCA could be minimised if views to sky and tops of buildings could be viewed from the public domain within a human peripheral view cone (Church Street North Urban Design Report prepared by Hassell for DPHI – Section 1.2 pg. 61-62 in **Attachment 8**). This approach is especially relevant to the subject site as it is adjacent to Currawong House at 53 Sorrell Street, and this approach may be applied to other areas of NEPIA depending on the site context. Application of the viewshed methodology by Council officers to the preliminary NEPIA background work is shown in **Figure 4**.



Principles for Site Planning

- Use **space as the primary method of 'transition'** between building types. This should be achieved through setbacks, separation and courtyard spaces.
 - Create **amenity to the centre of the block**, preserving mature, large canopy trees.
 - Allow the free-standing **corner siting of heritage to be dominant**, forward of any future development on Harold Street or Sorrell Street.
 - Address the existing and future residential nature of the block, **maximising residential amenity**.
 - Maintain the **residential amenity of the heritage item** to enable its continued use and longevity.
 - Acknowledge this area will undergo incremental change over a long period of time, and respond to this
- **maintaining setbacks between properties** on Church Street, the mid block and Heritage Conservation Area.
 - Where lot size and orientation permits, orientate development so that the short edge of towers are parallel to Sorrell and Church Street to minimise the visual impact of development on the Heritage Conservation Area.
 - Where development is residential at ground, provide a minimum **street setback of 6 metres** to accommodate canopy tree planting within the front setback zone.
 - Use **tree planting as a backdrop / setting to heritage items** and the broader heritage conservation area. This should prioritise the retention of existing canopy trees.

Figure 3 - Draft Strategic Principles for the Harold Street Block (part of the ongoing NEPIA work)

Principles for Building Height

- **Create three distinct height datums across the block** which create a transition between development on Church Street, the mid block and the heritage conservation area.
- Respond to the significance of the conservation area's setting and minimise the perception of a visual barrier between the HCAs by **containing development well within the human view plane** (referenced from the CSN Urban Design Report).
- Provide only **one step in the built form between the street wall and tower**. Ziggurat tower forms are not supported.

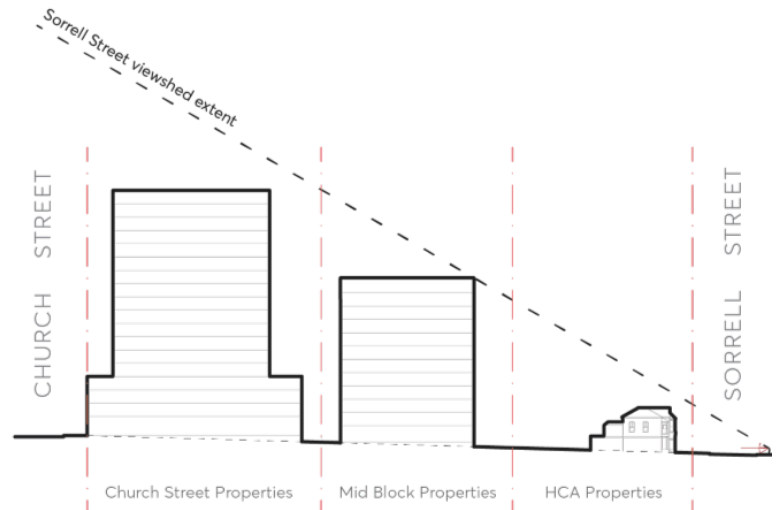


Figure 4 – Viewsshed approach from Church Street North rezoning applied to subject site (Source: Principles from Hassell Urban Design Report for Church Street North Rezoning p.61-62)

Council officer recommendation for the subject site

Based on preliminary work, the Council officer preferred scenario for the subject site as illustrated in **Figure 5** is for a maximum height of 40m (12 storeys) and a maximum FSR of 3.6:1. This aligns with the building height principles and viewsshed analysis approach applied under the Church Street North rezoning by the now DPHI. It also considers the draft strategic principles identified for the Harold Street block provided in **Figures 3 and 4**. It is considered that the appropriate transition to heritage items (Currawong House in this instance) and broader HCA should employ a combination of stepped building heights, greater setbacks, slender tower footprints and, where the heritage context is particularly sensitive, a lower scale building typology.

The Council officer preferred scenario forms part of ongoing work and has not been considered by Council and therefore does not represent a Council-endorsed position. This work also suggests minor changes to the footprint of 470 Church Street after determining a zero-lot setback between Church Street properties and the mid-block is an inappropriate method for enabling transition over time.

It is considered that the ongoing broader strategic planning work needs to be completed before a final recommendation on a holistic approach to the street block that includes the subject site that will facilitate optimal outcomes for the blocks within the NEPIA. The applicant's proposal seeks a higher built form density than the preliminary Council officer recommended scenario in **Figure 5**. As such, it is considered inappropriate to progress the site-specific proposal due to the risk of the proposed density being incongruous with that to be ultimately endorsed for the NEPIA and inconsistent with strategic and design principles envisaged for the area.



Figure 5 - Draft Council Officer Recommendation - Block Bound by Church, Harold, Sorrell and Fennell Streets

2.2.2 Traffic and Transport Assessment

The applicant submitted a Traffic and Transport Assessment (**Attachment 10**) to support the proposal. The traffic report provides that the proposal will not present any unsatisfactory traffic implications; does incorporate suitable and appropriate parking provisions; does incorporate suitable vehicle access, circulation and servicing arrangements; and makes appropriate provision for cyclists and pedestrians.

Officer Assessment

Council's Traffic and Transport Officer has reviewed the proposal and does not raise any concerns regarding the application of maximum parking rates to the site given it is within walking distance of the Parramatta Light Rail stop on Church Street. Minor comments were made in relation to traffic generation rates being lower than what is applied by technical directions prescribed by Transport for NSW and future parking rates needing to be higher than Parramatta CBD rates. Broadly, Council's work on the NEPIA will review and determine the appropriate parking rates for the area, informed by recommendations regarding the future desired character for the NEPIA and taking into consideration access to public transport options.

2.2.3 Community Infrastructure Assessment

To date, the applicant has submitted that future residential development envisaged for the site will be fully serviced by existing infrastructure. The proposal is not supported by a Community Infrastructure Assessment Report. Notwithstanding, the applicant's initial letter of offer (**Attachment 11**) seeks to dedicate 2 x single bedroom affordable housing units to Council. While the initial offer is supported in-principle, the applicant has not proposed to contribute towards meeting additional community infrastructure demands resulting from future development of potentially 92 new dwellings on the site.

Officer Assessment

The proposal seeks to facilitate an 18-storey residential building comprising 92 apartment dwellings. This will include a mix of 14 one-bedroom apartments, 65 two-bedroom apartments and 13 three-bedroom apartments. While the proposal is not supported by a Social Impact Assessment, Council's Strategic Planner has undertaken a preliminary review of the infrastructure demand generated by the proposal. Based on an occupancy rate of 2.1 persons per dwelling, the future development envisaged by the proposal would accommodate approximately 193 residents. The proposal would generate demand for:

- 15.44sqm of community space;
- 0.01 libraries or 9sqm library space;
- 0.6 ha of open space (comprising 0.2ha parks, 0.2 ha sportsfields, 0.2ha natural areas);
- 0.1 play spaces;
- 0.01 indoor courts; and
- 4 – 9 affordable dwellings approximately (considering 5- 10% targets).

The applicant is required to provide additional information on how the proposal can better address the cumulative impacts of the proposal on community infrastructure demand in the local area; also noting its proximity to Church Street North and the Parramatta CBD. To address this, it is recommended that the proposal should provide contributions to relevant infrastructure items in the area, specifically flexible community space (identified as item C3 in the Parramatta CBD Contributions Plan) and/or the new district play space in North Parramatta (identified as item PS13 in the Outside CBD Contributions Plan), in addition to the two affordable single bedroom apartments identified in the initial letter of offer.

Conclusion

Council officers request that the submitted planning proposal does not progress ahead of the broader strategic work outlined in this correspondence, particularly Council's work on the NEPIA. Should you wish to discuss this matter further please contact Jema Samonte, Senior Project Officer at 9806 5753.

Regards,



David Birds

Group Manager – Major Projects and Precincts