

Rezoning Review Briefing Report – PP-2022-3132

23-27 Harold Street and 53 Sorrell Street, Parramatta

The purpose of this report is to brief the Sydney Central City Planning Panel on a rezoning review request for planning proposal PP-2022-3132 for 23-27 Harold Street and 53 Sorrell Street, Parramatta (Attachments A1-A2, B1-B4).

The report includes an outline of what is proposed, and a summary of the key issues raised by City of Parramatta Council (Council) and the Proponent to date. It does not provide a recommendation.

Element	Description
Date of request	31 January 2024
Department ref. no	RR-2023-37 / PP-2022-3132
LGA	City of Parramatta
LEP to be amended	<i>Parramatta Local Environmental Plan 2023</i> (Parramatta LEP)
Address	23-27 Harold Street and 53 Sorrell Street, Parramatta
Reason for review	<input type="checkbox"/> Council notified the Proponent it will not support the proposed amendment <input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90 days
Has council nominated PPA role	Council will not seek to nominate itself as the PPA.
Consultation	No formal consultation on the planning proposal has occurred.
Brief overview of the timeframe/progress of the planning proposal	<p>11/04/2016: Council endorses the Parramatta CBD Planning Proposal (CBD PP) PP-2020-2616 to proceed to Gateway Determination, which proposed a maximum Floor Space Ratio (FSR) of 6:1 and maximum Height of Building (HOB) of 70m to the site of 23-27 Harold Street and 53 Sorrell Street (exclusive of bonuses).</p> <p>28/09/2017: Gateway determination issued for a previous site specific planning proposal (PP-2020-2253) for 23-27 Harold Street, Parramatta. The site specific proposal sought to deliver the changes to planning controls envisaged by the broader CBD PP.</p> <p>13/12/2018: Gateway determination issued for the Parramatta CBD Planning Proposal (CBD PP) PP-2020-2616. Determination includes conditions requiring Council to carry out further investigations for heritage interface areas including the Sorrell Street Heritage Conservation Area (HCA).</p>

Element	Description
	<p>1/05/2019: Council exhibits the site specific planning proposal (PP-2020-2253), draft site-specific Development Control Plan and draft Planning Agreement.</p> <p>25/11/2019: Council resolves to remove R4 High Density Residential zones from the CBD PP which includes 23-27 Harold Street. The R4 High Density Residential area containing 23-27 Harold Street became part of the North-East Planning Investigation Area (NEPIA), in which Council resolved to further investigate the impacts of uplift whilst balancing the impacts on heritage and open space.</p> <p>9/06/2020: Council resolves to defer progression of the site specific planning proposal (PP-2020-2253) until a planning strategy for the planning investigation area has been adopted. Council also resolved to prepare a Planning Strategy for NEPIA (containing the subject site) (Figure 1).</p> <p>21/09/2020: Public exhibition of CBD PP following amendments by Council, which excluded R4 zones from the CBD boundary.</p> <p>16/03/2021: Council's Draft Planning Strategy for NEPIA publicly exhibited.</p> <p>20/03/2021: The Department determined that the site specific planning proposal (PP-2020-2253) should not proceed due to the removal of R4 zones from the CBD PP.</p> <p>06/05/2022: The Department finalised the CBD PP (Amendment 56) with post-exhibition changes removing all land north of Parramatta River, to allow further consideration of the built form outcomes and impacts on heritage, public open space, solar access and amenity.</p> <p>31/08/2022: Proponent lodges a new site-specific planning proposal at the sites of 23-27 Harold Street and 53 Sorrell Street, Parramatta (which is the subject of this rezoning review) (PP-2022-3132) to Council.</p> <p>October 2022: The Department commences work on North Parramatta Place Strategy (NPPS), following which Council pauses work on NEPIA. NPPS includes the subject site in the investigations.</p> <p>October 2023: The Department discontinues work on NPPS, and progresses the Church Street North Rezoning in its place. Church Street North Rezoning boundary is based off the previous exhibited CBD PP boundary and does not include the subject site.</p> <p>20/11/2023: Council resolved to progress work for NEPIA 'Phase 1' in early 2024.</p> <p>13/12/2023: The Department finalises Church Street North Rezoning with new controls to take effect from 1 July 2024.</p> <p>31/01/2024: Proponent requested a rezoning review for the PP-2022-3132.</p>

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Element	Description
Department contact:	Peter Pham, A/Manager Place & Infrastructure, Metro Central, Planning Land Use Strategy and Housing

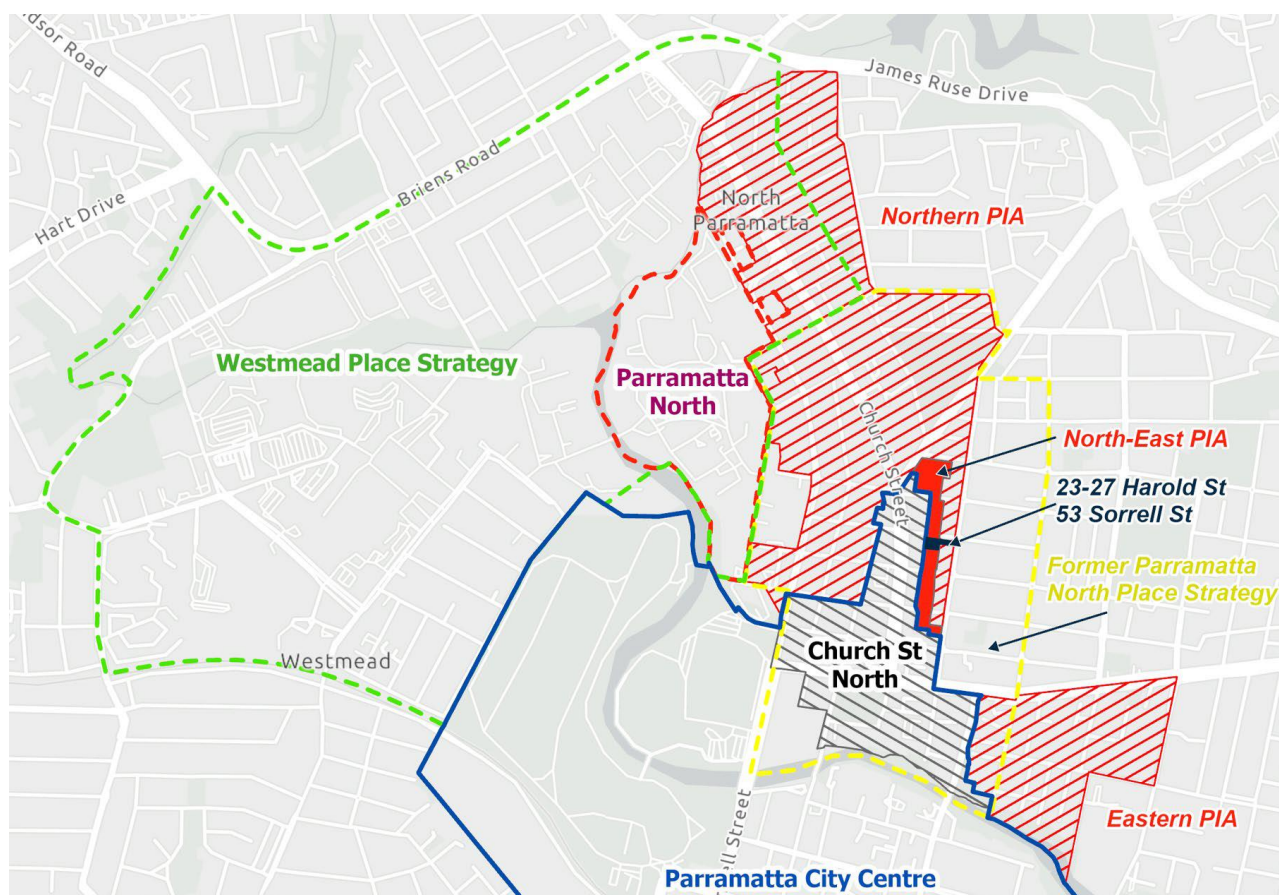


Figure 1: Subject site in the context of surrounding strategic planning (Source: Council response to rezoning review)

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	2,423m ²
Site Description	<p>The site is located at 23-27 Harold Street and 53 Sorrell Street, Parramatta and is legally described as Lot 3 DP18261, Lot 4 DP18261, Lot 5 DP18261 and Lot 1 DP19079 (Figure 2).</p> <p>The site contains three detached residential dwellings located at 23-27 Harold Street and one local heritage item (I646) known as the Currawong House located at 53 Sorrell Street. 53 Sorrell Street is also identified as part of the Sorrell Street Heritage Conservation Area (HCA) under the Parramatta Local Environmental Plan (LEP) 2023 (Figure 3).</p> <p>23-27 Harold Street are zoned R4 High Density Residential and 53 Sorrell Street is zoned R3 Medium Density Residential under the Parramatta LEP 2023.</p>
Proposal summary	<p>The planning proposal seeks to facilitate redevelopment of the site by making the following amendments to Parramatta LEP 2023:</p> <ul style="list-style-type: none">• increase the maximum Height of Buildings (HOB) from 11m to 60m (inclusive of 15% design excellence competition bonus) (23-27 Harold Street),• increase the maximum Floor Space Ratio (FSR) from 0.8:1 to 5:1 (inclusive of 15% design excellence competition bonus) (23-27 Harold Street), and <p>No changes are proposed to the planning controls for 53 Sorrell Street.</p>
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none">• Greater Sydney Region Plan 2018• Central City District Plan 2018• Future Transport Strategy 2056• Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan• Parramatta Local Environmental Plan 2023• Parramatta 2036: Local Strategic Planning Statement• Parramatta Local Housing Strategy 2020



Figure 2: Subject site (Source: planning proposal)



Figure 3: Context map showing the subject site in relation to Sorrell St HCA and Church Street (Source: Attachment C0)

The surrounding context of the site (**Figure 4**) includes:

- A five-storey commercial building on the site adjoining to the west on land zoned MU1 Mixed Use. This site has a height limit of 80m and FSR of 6:1.
- Two and three-storey residential flat buildings are adjoining the site to the south (rear) (32, 34 and 34A Fennell Street) on land zoned R4 High Density Residential.
- An additional detached dwelling adjoining to the south (51A Sorrell Street) on land zoned R3 Medium Density Residential.
- Opposite the site on the northern side of Harold Street are two medium density developments. One is a two-storey residential flat building on land zoned R4 High Density Residential, and another is a three-storey residential flat building on land zoned R3 Medium Density Residential. Adjoining these to the west is a six-storey residential building on land zoned MU1 Mixed Use.
- Opposite the site on the eastern side of Sorrell Street are detached dwellings on land zoned R2 Low Density Residential.
- Church Street is an arterial road located approximately 100m to the west, having an unsignalised intersection with Harold Street.
- The site is otherwise surrounded by residential and commercial buildings.
- The area is serviced by bus stops on Pennant Hills Road, Grose Street and Brickfield Street. Train service at Parramatta Station is approximately a 22-minute walk, and Ferry service at Parramatta Wharf approximately an 18-minute walk. Parramatta Light Rail Stage 1 (Fennell Street stop) is located on Church Street approximately 150m to the west.

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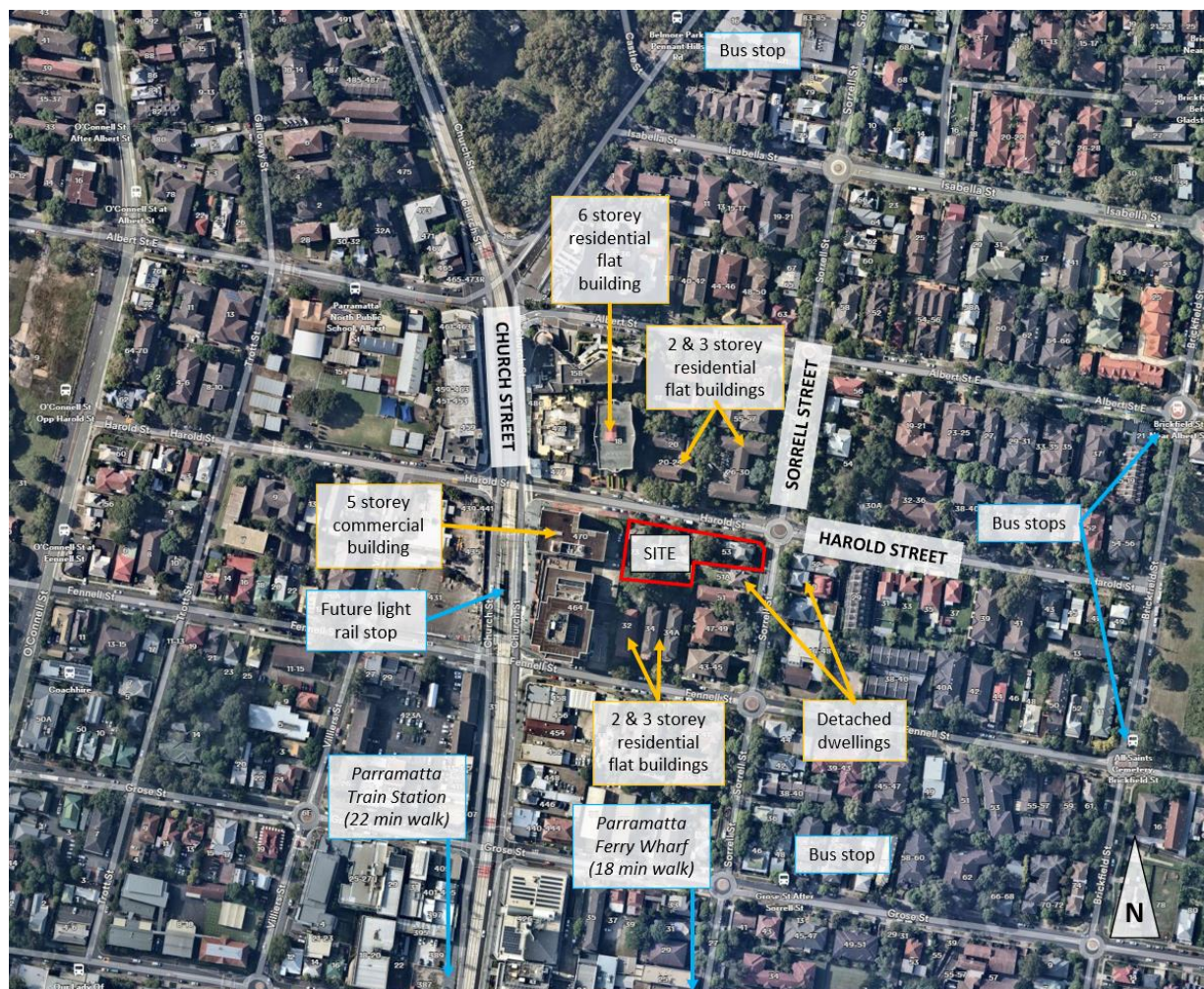


Figure 4: Site and surrounding context (Source: Nearmap and markings by the Department)

The planning proposal seeks to amend the *Parramatta LEP 2023* per the changes below in Error! R
eference source not found. below.

Table 1 Current and proposed controls

Control	Address	Current	Proposed
Zone	23-27 Harold Street	R4 High Density Residential	R4 High Density Residential
	53 Sorrell Street	R3 Medium Density Residential	R3 Medium Density Residential
Maximum height of the building (HOB)	23-27 Harold Street	11m Figure 6	60m (inclusive of design excellence competition bonus)
	53 Sorrell Street	11m	No change

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Control	Address	Current	Proposed
Maximum Floor space ratio (FSR)	23-27 Harold Street	0.8:1	5:1 (inclusive of design excellence competition bonus)
	53 Sorrell Street	0.6:1	No change

The planning proposal contains an explanation of provisions that explains how the objectives of the proposal will be achieved. The Department notes that the proposal seeks to amend the HOB Map to 60m and FSR Map to 5:1 inclusive of the design excellence competition bonus. While the outcomes are clear, the approach may warrant further review as the site has not been identified on the Design Excellence Map and bonus floor space and height is typically provided above the mapped maximum in Parramatta LEP 2023.

Current LEP maps are shown in **Figure 5** to **7**. The planning proposal does not contain proposed maps.

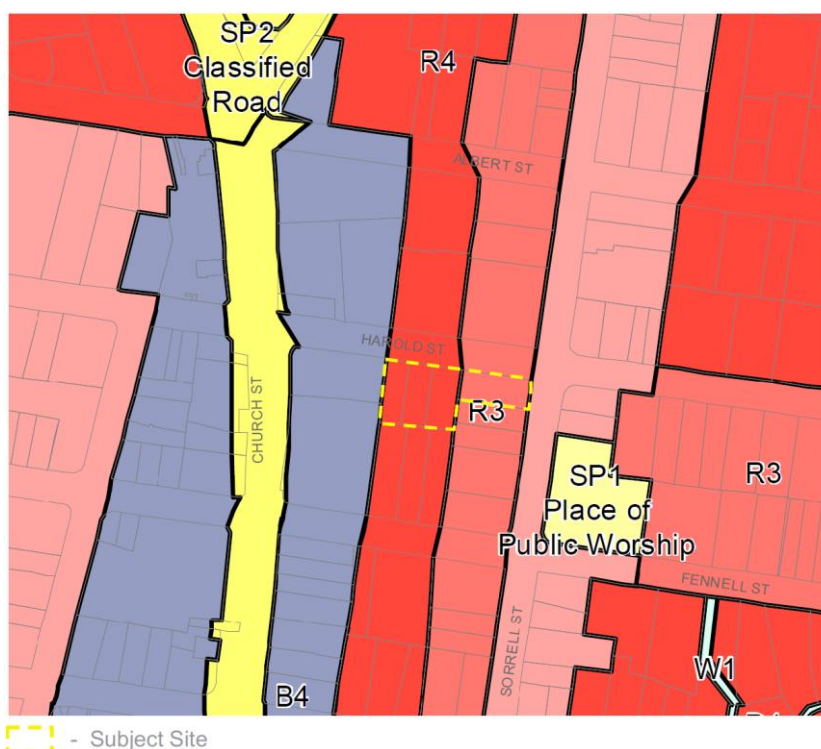
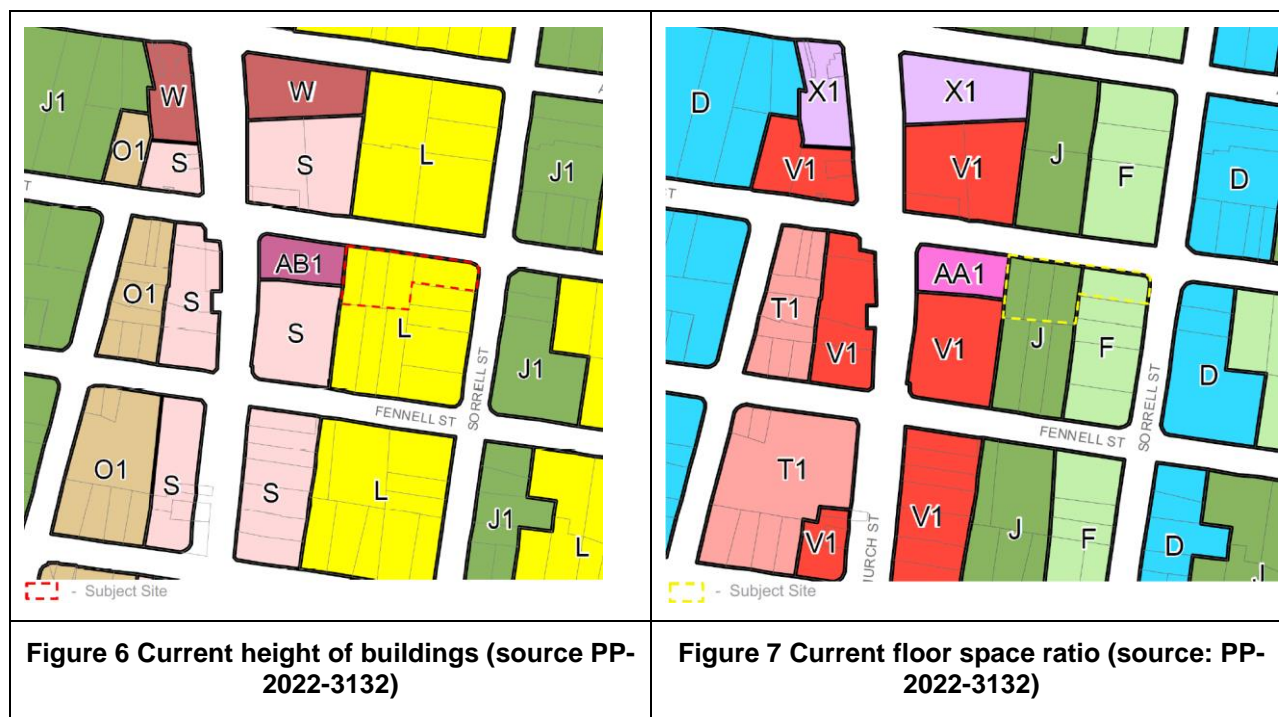


Figure 5 Current zoning (source: Planning Proposal PP-2022-3132)



Draft Voluntary Planning Agreement

The Proponent provided a letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council in relation to the planning proposal in December 2023 (**Attachment C11**). The VPA intent is to provide a contribution to affordable housing in the LGA.

The VPA comprises the dedication of 2 one-bedroom apartments to Council to be incorporated into the Council's affordable housing stock, managed by a Community Housing Provider (CHP). The Proponent has noted that the VPA is relative to the proposal, and any change in the proposal would result in amendment to the VPA.

The Department advises that this is a separate issue between the proponent and Council and does not require this Panel to make any recommendations relating to the proposed VPA.

Key Issues

The Department notes that the following views provided by Council officers represent the officers' views only and not those of the Council, as this planning proposal has not been subject to Council consideration.

Strategic Merit

Issue no. 1: Consistency with planning framework (strategic merit)

Council officers' view

- Council officers consider that progressing the planning proposal would be premature. This is due to the ongoing strategic planning work being undertaken for the NEPIA which includes the site. Council officers argue that the NEPIA strategy must be completed

before new planning controls can be established. Furthermore, Council officers note the following:

- The NEPIA strategy will identify principles for the area as well as primary land use controls including building heights and floor space controls.
 - The proposed planning controls and recommendations identified in the NEPIA strategy is anticipated to be exhibited later in 2024 in a Council-led planning proposal, subject to Council endorsement.
- Council officers consider that progressing the planning proposal would incur the risk of the proposed density being inconsistent with the future strategic and design principles, and built form outcomes envisaged for the area.
- Council officers also consider that proceeding with the planning proposal could set a precedent leading to additional site-specific planning proposals, reducing Council's capacity to progress strategic planning work.
- Council officers acknowledge that the planning proposal is consistent with some aspects of the broader strategic framework including providing well-located housing supply. However, specific considerations raised include:
 - Greater Sydney Region Plan (Region Plan) and Central City District Plan (District Plan) identify the site as being in an urban renewal area, however there are accompanying objectives and priorities to conserve and enhance the district's heritage. Council officers note that the Region Plan and District Plan highlights the need to balance planning priorities, among which include providing accessible housing supply, as well as creating and renewing great places together with respecting the district's heritage.
 - Similarly, the Local Strategic Planning Statement (LSPS) priorities 5 and 9 note the need to balance growth with maintaining character, identity and heritage values.
- Council officers acknowledge the importance of providing additional housing capacity in addressing the housing supply situation and in meeting National Housing Accord targets. Council officers note that the NEPIA work will determine how growth can be appropriately accommodated in North Parramatta while holistically balancing other planning considerations such as maintaining character, identity and heritage values.

Proponent view

- The Proponent considers that the strategic merit of the site and its surrounds has been established, noting various strategic documents advocate for the renewal of the site as a mixed use and housing precinct, with an increase in density. These documents include:
 - *Greater Sydney Region Plan* (March 2018),
 - *Central City District Plan* (March 2018),
 - *Greater Parramatta and Olympic Peninsula* (October 2018),
 - *Parramatta LSPS* (March 2020),
 - *Parramatta CBD Strategy and Planning Proposal* (Gateway in 2018) and supporting studies.
- The planning proposal notes that the justification to remove R4 zoned land from the CBD PP rested on the need for further consideration of planning controls responding primarily to the heritage areas to the site's east. The Proponent considers that this planning proposal has undertaken the necessary investigations to identify and incorporate planning controls which appropriately respond to these issues.

Site Specific Merit

Issue no. 2 Urban Design and Heritage

Council officers' view

- Council officers acknowledge that the *Draft NEPIA Planning Strategy* (exhibited 2021) explored six built form options with FSR up to 6:1 (plus Design Excellence) and note that the strategic context has since changed. Ongoing planning investigations for the NEPIA strategy will respond to the finalised Church Street North rezoning. Council will holistically review planning outcomes of heritage values, transition, built form and amenity, open space and tree canopy, solar access and connectivity.
- Council officers do not agree with proponent's justification of the proposed controls (maximum HOB 60m and FSR 5:1) in providing a reasonable transition in density and built form between 470 Church Street (HOB 92m and FSR 6.9:1) and the Sorrell Street HCA (low-rise). Furthermore, Council officers do not agree with referencing the approved 2018 design excellence competition as justification for the proposed controls given the changing context of the CBD.
- Council officers are unclear as to how the inclusion of Currawong House (53 Sorrell Street) as part of the planning proposal will improve its setting, beyond maintenance and management considerations. They note the potential for its inclusion to justify reduced setback for the development from the shared boundary line (with 27 Harold Street), and do not support using 53 Sorrell Street as part of the site area calculation.
- Council officers consider that the planning proposal provides inappropriate assumptions regarding building envelopes to determine visual impact and overshadowing, as the NEPIA investigations are still underway. Further, Council officers suggest that based on preliminary NEPIA work undertaken to date:
 - Visual impacts of tower development on the Sorrell Street HCA could be minimised if views to tops of buildings and sky are visible from the public domain. This approach is consistent with the viewshed analysis prepared for Church Street North Urban Design Report (**Figure 8**).
 - Based on this work, Council officers preferred scenario is for a maximum height of 40m (12 storeys) and FSR of 3.6:1, subject to further refinement.
 - Council officers consider that an appropriate transition to heritage items should employ a combination of stepped building heights, greater setbacks, slender tower footprints, and a lower scale building typology for particularly sensitive heritage contexts.

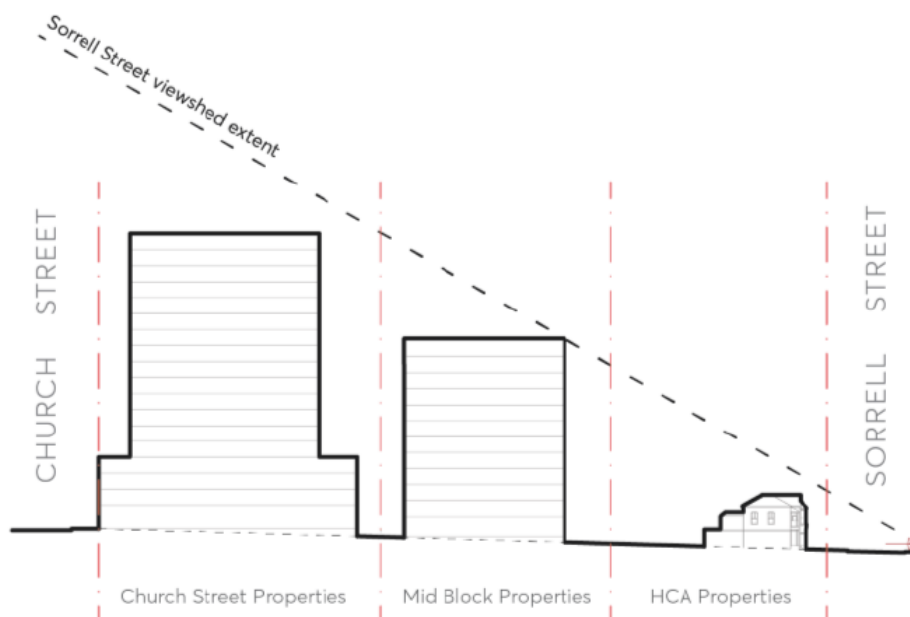


Figure 8 Viewshed analysis applied to subject site (Source: Attachment C0)

Proponent view

- The Proponent considers that the merit for the proposed additional building height and FSR for should be seen in the context of the surrounding development. The neighbouring site adjoining to the west at 470 Church Street has recently been rezoned to allow a height of 80m and FSR of 6:1 (with bonuses allowing HOB 92m and FSR 6.9:1). The planning proposal seeks to provide a transition between the higher-density Church Street corridor to the west and the local character and heritage to the east of the site.
- The Proponent contends that this planning proposal responds to heritage considerations in a way that protects and maintains character, including:
 - The proposed design incorporating key principles guided by the Heritage Report (**Attachment B2**) including setbacks, creation of setting and public space, building form, height, orientation and façade design.
 - An appropriate transition between high density residential and heritage is provided by the proposal through a 'stepped' height transition between the Church Street corridor and HCA, as well as through urban design methods using separation and open space.
 - Incorporating the local heritage item 'Currawong House' located at 53 Sorrell Street will facilitate its ongoing protection as a direct responsibility of the proposal.
- The Proponent notes that the Heritage Report (**Attachment B2**) lists factors such as quality, setbacks and design as being more impactful on surrounding areas than height, for buildings with heights above three to four storeys.
- The proponent acknowledges that the approved controls for 470 Church Street will remain, thus the primary concerns are less about determining the correct height for the subject site. Instead the primary focus should be providing an appropriate built form response to 53 Sorrell Street local heritage item and the HCA.
- The proposed controls are supported by an Urban Design report (**Attachment B4**) which includes an assessment of multiple design options for the site and recommends the 'balanced' option providing a transition from the Church Street corridor to the HCA.

- The supporting Heritage Report views the inclusion of the Currawong House (53 Sorrell Street) as improving streetscape outcomes and the view setting for the heritage building.

Issue no. 3 Design Excellence Competition Bonus

Council officers' view

Council officers note the proposed controls in the planning proposal (maximum FSR of 5:1 and maximum HOB of 60m) are inclusive of the design excellence bonus. Council officers note that the subject site does not benefit from the design excellence bonuses as the site is outside the CBD boundary. Therefore, the subject site is not entitled to the design excellence bonuses under Part 7 of the Parramatta LEP 2023 and clause 6.13 Design Excellence does not permit additional HOB and FSR bonuses for the site.

Proponent view

The Proponent notes that the Department and Council had previously supported a planning proposal (PP-2020-2253) for 23-27 Harold Street which included a FSR of 6:1 and a 15% design excellence bonus, issuing a Gateway determination to proceed and endorsing it for public exhibition. While PP-2020-2253 did not proceed, following Council resolving to remove the R4 zoned land from the CBD PP, the proponent suggests that the proposed design excellence bonus is driven by a desire to deliver a better built form outcome for the site supported by an urban design and heritage reports.

Issue no. 4 Traffic and Transport Assessment

Council officers' view

The planning proposal is supported by a traffic and transport assessment (**Attachment B3**). Council's response centres on car parking rates noting Council's traffic and transport team do not have concerns given its proximity to the Parramatta Light Rail stop on Church Street. Council officers note that the traffic generation rates used are lower than those prescribed by TfNSW's and the future parking rates will need to be higher than those adopted for Parramatta CBD. Council suggest that further investigations as part of the NEPIA work will determine appropriate parking rates for the site.

Proponent view

The Proponent notes that the proposal will not present any unsatisfactory traffic implications, as it incorporates suitable and appropriate parking provisions, suitable vehicle access, circulation and servicing arrangements, and makes appropriate provision for cyclists and pedestrians.

Other issues:

Issue no. 5 Community infrastructure

The Department notes that Council has provided commentary on the potential impacts of community infrastructure generated by the development. This matter may be explored further between Council and the proponent as part of the negotiations of the draft VPA. Should a draft VPA progress, this would be a matter for Council.

Council officers' view

- Council officers noted that the proposal has not sought to contribute towards meeting the specific additional community infrastructure demands generated by the development.

Council's response requests the proposal provides additional information on how it addresses the cumulative impacts on community infrastructure and recommends contributions are provided to relevant infrastructure items in the area.

- Furthermore, Council officers note that the proposal would generate demand for 4-9 affordable dwellings based on a preliminary review. In contrast, the Proponent's VPA offer is for 2 x single bedroom apartments to be dedicated to Council's affordable housing stock.

Proponent view

The Proponent did not make provide comment regarding contribution to the provision of community infrastructure.

Issue no. 6 Time taken in progressing the rezoning for the subject site

Whether the time taken in finalising a strategic framework covering the subject site warrants the progression of this site-specific planning proposal.

Council officers' view

- Council resolved in late 2019 to amend the CBD PP and remove R4 High Density Residential zoned areas for further planning work. These areas formed part of future planning investigation work, including the NEPIA containing the subject site.
- Council officers note that work commenced on a draft planning strategy for the NEPIA in June 2020. However, the strategic planning work for the NEPIA was paused following the Department's decision to prepare the North Parramatta Place Strategy in October 2022. It wasn't until the Department discontinued work on the North Parramatta Place Strategy in October 2023 and finalised the Church Street North SEPP in December 2023 that Council was in a position to progress the NEPIA.
- Council resolved in November 2023 to progress technical work for the NEPIA in early 2024 (Phase 1).
- Council officers note that this work is anticipated to be reported to Council by Quarter 2 2024 with a recommendation for a Council-led planning proposal to be submitted for Gateway determination. Council anticipates the draft planning controls would then be exhibited in Quarter 3 2024.

Proponent view

- The Proponent notes that multiple planning investigations for the area containing the site have been undertaken and not resulted in changes to planning controls. The Proponent considers that there is an uncertain timeframe for finalising the NEPIA studies and this would not necessarily translate into a planning proposal for the site.
- The Proponent believes that there is currently no agreed pathway, timeframe or funding mechanism for progressing the investigation of the NEPIA. Therefore, the proponent argues that the planning proposal is necessary to facilitate urban revitalisation and deliver housing, including affordable housing at this site in a timely manner.
- The Proponent contends that some of the relevant enabling work has already been undertaken to facilitate the timely development of the site following a successful Gateway. This includes:
 - A draft DCP previously having been adopted by Council for the site (2017);
 - A design excellence competition held for the architectural design of the site (2018);
 - A Development Application was prepared and lodged in full for the site (subsequently withdrawn at Council's request).

Attachments

Proponent documentation package

Attachment A1 – Rezoning Review submission form (22/12/2023)

Attachment A2 – Rezoning Review cover letter (16/01/2024)

Attachment B1 – Planning Proposal (PP-2022-3132) (31/08/2022)

Attachment B2 – Heritage Report (24/08/2022)

Attachment B3 – Traffic Report (31/08/2022)

Attachment B4 – Urban Design Report (31/08/2022)

Council documentation package

Attachment C0 – Council response to rezoning review (letter to DPHI) (04/03/2024)

Attachment C1 – Detailed chronology (Council)

Attachment C2 – Council Meeting Minutes (PIA Work) (20/11/2023)

Attachment C3 – Council officers' Strategic Merit Assessment of Planning Proposal

Attachment C4 – Letter from Planning Minister to Council Mayor (Housing Accord)
(30/10/23)

Attachment C5 – Urban Design Report - 23-27 Harold St and 53 Sorrell St

Attachment C6 – Parramatta CBD PP Finalisation Report

Attachment C7 – Church Street North Finalisation Report

Attachment C8 – Church Street North Urban Design Report by Hassell

Attachment C9 – Draft Strategy North-east Planning Investigation Area (NEPIA) 2021

Attachment C10 – Traffic Report - 23-27 Harold Street and 53 Sorrell St

Attachment C11 – Initial Letter of Offer - 23-27 Harold St and 53 Sorrell St (22/12/2023)



27/03/2024

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