



CITY OF PARRAMATTA

Mr Stephen Barry
Planning Director
Office of the Independent Planning Commission
NSW
Sydney

via email: [REDACTED]

Your Reference	PP-2021-5178
Our Reference	RZ/5/2016
Contact	Paul Kennedy
Telephone	[REDACTED]
Email	[REDACTED]

16 March 2022

Dear Mr Barry

RE: Gateway Determination Review – Parkes and Harris Streets, Harris Park (PP-2021-5178), Questions on Notice

I refer to your letter of 10 March 2022 seeking a Council response to nine listed matters by 5 pm on Monday, 14 March 2022.

Council's response to the questions raised are detailed in the attached table.

We regret that we were unable to meet the timetable outlined in the letter that was due to other critical work priorities at our office. In addition, we would also note that at the conclusion of the meeting of the Independent Planning Commission on Wednesday, Council staff took five questions on notice. The extra four questions listed in the letter has entailed additional work, requiring a longer timeframe to complete.

It is noted that the potential draft LEP provisions in the CBD Planning Proposal upon which this Site-Specific Planning Proposal is based are yet to be finalised by the Department, and therefore the draft LEP provisions may be subject to change.

If you require any further clarification on Council's response, please contact Mr Paul Kennedy at the details listed above or Janelle Scully on [REDACTED] or [REDACTED]

Yours sincerely

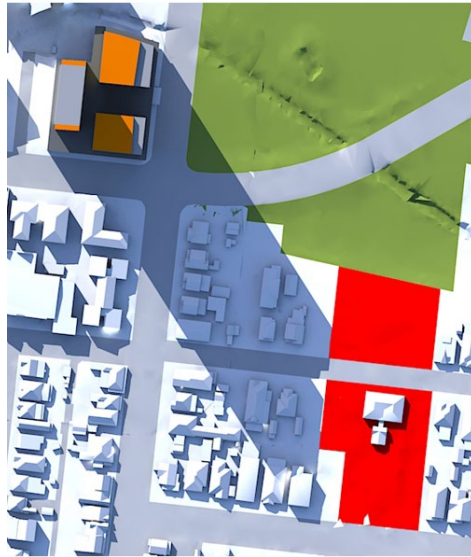
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Robert Cologna
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Questions from IPC	Council staff response
1. Any built-form testing of a one-site scenario in which all three of the subject sites are amalgamated into one	There was no amalgamation option which tested the three adjoining lots. Whilst Council encouraged this scenario, noting the site area of 114 – 116 Harris Street at 1776 m ² , there was limited uplift incentive to encourage amalgamation with adjoining owners.
2. Council's consideration of solar access impacts upon the parkland to the east	<p>As part of the preparation of the Parramatta CBD Planning Proposal, overshadowing of public open space surrounding the Parramatta CBD was undertaken in response to Gateway Condition 1. (j) ii. Detailed analysis of the overshadowing impacts on each of the ten open spaces as well as background information to the comparable benchmark criteria is outlined in the relevant documents below.</p> <ul style="list-style-type: none"> - Overshadowing in the Parramatta CBD, Technical Paper, Version 3, Revised 12 August 2020. See 'Chapter 7 Assessing Cumulative Overshadowing of Open Space Areas outside the Parramatta CBD'. - Supplementary Paper to Version 3, above, documenting additional testing undertaken in response to submissions lodged to the public exhibition, 7 April 2020. See 'Chapter 5 Impacts to open space areas' <p>Copies of the documents referenced above are provided in the email that accompanied this letter. Refer also to the Parramatta CBD Planning P as submitted to the Department of Planning and Environment for finalisation, available here: PLANNING PROPOSAL (nsw.gov.au) – see page 22</p>
3. Appropriateness of indicative building heights at the site with reference to any relevant objectives in the Parramatta CBD Planning Proposal	<p>The appropriateness of the building height controls in the Parramatta CBD including the sites that are the subject of this SSPP were determined in response to analysis and testing in various technical studies (planning, urban design, heritage and overshadowing), stakeholder consultation and council resolutions as part of the broader work associated with the CBD Planning Proposal as well as balancing housing delivery that complements the economic significance of the city with protecting and managing heritage values and ensuring good solar access.</p> <p>The research and technical study process informing the CBD Planning Proposal is outlined on page 7 of the Parramatta CBD Planning Proposal available here: PLANNING PROPOSAL (nsw.gov.au), with a full list of the relevant studies on page 8 and 9.</p>
4. Potential for development on the subject site(s) to comply with solar access height limits and any non-compliance indicated in the Council's reference scheme; or any other scheme proposed or preferred by the Proponent	<p>The position of the LPP report is reiterated in that development can comply with the requirements of the Parramatta CBD Planning Proposal for solar access to Experiment farm. However, further refinement and detail will need to be provided at the Design Competition phase Excellence process and later at the Development Application stage to ensure compliance.</p> <p>Council's preferred concept plan for the site has been retested for overshadowing of the Experiment Farm Protection Area. Council staff concluded that Council's solar plane has been determined using an approximation of the base geometry which has resulted in a minor inaccuracy when it meets the terrain (west boundary). As a consequence, the proposed built form results in a minor degree of overshadowing as shown in Council's preferred concept plan.</p> <p>The retested referred concept plan, with slightly reduced built form, is included below and shows no overshadowing of the Experiment farm site.</p>



The reductions required to built form to achieve a greater confidence that the maximum envelope does not overshadow the Experiment Farm site are as follows:

- **114-118 Harris St** needs to be lowered by 1 floor (max 32 floors); this results in a reduction of 599 M2, bringing the total maximum FSR to **11.4:1**
- **26-30 Parkes St** needs to be lowered by 2 floor (max 32 floors); this results in a reduction of 835 M2, bringing the total maximum FSR to **11.2:1**
- **24 Parkes St** needs to be lowered by 3 floors (max 41 floors); this results in a reduction of 863 M2, bringing the total maximum FSR to **11.3:1**

It is acknowledged that the reference schemes included with the LPP report, i.e. 26 – 30 Parkes Street and 114 – 116 Harris Street, show some minor overshadowing on the western boundary of the Experiment Farm protection area. Nevertheless, the proponent was advised on 12 May 2021 that this overshadowing of Experiment Farm Protected Area was not supported by Council staff and that they would take a position recommending compliance with the CBD Planning Proposal through both the LEP and DCP controls for the sites. It was stated that to achieve compliance, building height could be slightly decreased or an upper tower setback could be introduced.

It is also noted that the proponent’s Gateway Determination Review report of November 2021 states that there is agreement that the Experiment Farm Protected Area is to be free of overshadowing.

5. Building separation standards for buildings of similar height and scale in the Parramatta city centre – the proponent in the meeting with the Commission indicated that in the CBD, the ‘norm’ is to reduce the ADG building separation setback of 24m to 18m. Is this the case?

The starting point for establishing setbacks for developments in the CBD are provisions of Council’s DCP and the NSW Apartment Design Guide (ADG) that aim to resolve amenity, solar and privacy issues. These provisions must also take into account the site circumstances of each proposal and applicants’ requests to enable sites in the Parramatta CBD to realise their maximum development potential, particularly under the CBD Planning Proposal, while still ensuring acceptable design and planning outcomes and amenity for future residents.

There have been instances in the Parramatta CBD where building separation distances have been reduced from 24 m to 18 m.

Below is a list of a number of site-specific DCPs, together with a number of site-specific Planning Proposals for mixed use developments in the Parramatta CBD, that includes their setback requirements. This list shows a number of cases

	<p>where inter- building separation is 18 m but also where tower setbacks on a site are 12 m, particularly where it adjoins residential uses. It is acknowledged a number of cases also show on-site tower setbacks of approximately 9 m.</p> <ul style="list-style-type: none"> - 197 and 207 Church Street and 89 Marsden Street, Parramatta - for residential uses provides for setbacks of 9 m to adjoining properties and inter-building separation of 18 m setbacks - 12 Hassall Street, Parramatta – provides for tower setback of 6 m to western boundary and setback of 12 m to eastern boundary. Also states tower setback to be in accordance with separation distance requirements of Apartment design guide and should ensure compliant solar access to proposed units. - 2 O’Connell Street (also known as 5 Aird Street) – provides for minimum inter-building separation of 18 m and 12 m setback to southern boundary - 33 – 43 Marion Street, Parramatta – minimum tower setback of 12 m to western boundary - 470 Church Street, Parramatta – tower setback 12 m to eastern boundary (residential uses) and 9 m to southern boundary (commercial uses) - 184 – 188 George Street, Parramatta – 7.5 m tower setback to eastern boundary and 12.5 m tower separation to western boundary of heritage building (Harrisford House) - 14 – 20 Parkes Street, Harris Park – reference scheme in support of Planning Proposal shows 9.8 m tower setback from eastern boundary - 12A Parkes Street, Harris Park – Council report of 23 November 2015 on Planning Proposal for purposes of seeking a Gateway determination notes that applicants reference design shows setbacks of between 6 – 9 m from northern boundary and that 18 m separation could be achieved between future residential tower on adjoining land to the north at 124 Wigram Street.
<p>6. Clarify if the proposed ‘sliding scale out clause’ (referenced on p.59 of the CBD Planning Proposal) for ‘isolated sites’ would apply to any of the subject sites</p>	<p>It is noted that clause 7.2 floor space ratio of the potential draft LEP provisions for the Parramatta CBD Planning Proposal provides that: <i>land with a site area of between 1000 and 1800 m² is subject to the sliding scale. However, a consent authority may grant consent to development to achieve the maximum floor space ratio shown on the Incentive Floor Space Ratio Map where:</i></p> <ul style="list-style-type: none"> • <i>the site is greater than 1000 m² and up to 1800 m²</i> • <i>the site is an isolated site, and</i> • <i>the development has been subject to competitive design process and exhibits design excellence.</i> <p><i>Isolated site means a site:</i></p> <ul style="list-style-type: none"> <i>(a) where amalgamation with adjoining sites is not physically possible; or</i> <i>(b) where amalgamation with adjoining sites is not reasonably feasible due to the nature of surrounding development; or</i> <i>(c) that will be unable to reasonably achieve its development potential due to its size, shape and location.</i> <p>The ‘sliding scale out clause’ for ‘isolated sites’ would not apply to the subject sites in the current context. They are all greater than 1000 m² and up to 1800 m² in size, they are physically capable of amalgamation and amalgamation is not affected by the nature of surrounding development or by their size, shape and location. It is noted that the proponent is not proposing to use the ‘sliding scale out clause’ for isolated sites.</p> <p>However, if two of the sites were to be developed independently with the sliding scale applied at the time those sites when they are developed the remaining site could be considered to be isolated when it is developed as there would be no</p>

	<p>opportunity for that site to be amalgamated due to the nature of the surrounding development.</p> <p>It is noted that the potential draft LEP provisions in the CBD PP upon which this SSPP is based are yet to be finalised by the Department, and therefore the draft LEP provisions may be subject to change, including the above quoted clause.</p>
<p>7. Confirm that the 'reference design' as shown in paragraph 37 (Figures 11 and 12 on pp.363 & 364) in the Report to the LPP on 16 June 2021 is the development concept supported by the Council (as is stated in the caption to Figure 11), and that this shows development at FSR 12.5:1</p>	<p>It is confirmed that the Figures 11 and 12 shown in paragraph 37 of the report to the LPP on 16 June 2021 is the development concept supported by Council. However, there is no reference in the report that this shows an FSR of 12.5:1. FSRs aligned with this concept are outlined in the response to question 4 above. Note that these FSRs are based on gross site area, and includes the area to be dedicated for road widening.</p>
<p>8. Confirm that a site specific DCP would be required for this site - the proponent indicated this was not required</p>	<p>Council at its meeting on 26 July 2021, resolved to endorse the Planning Proposal for the subject land for the purposes of seeking a Gateway determination, and also resolved:</p> <p><i>(c) That a draft site-specific Development Control Plan (DCP) for the subject sites be prepared and reported back to Council prior to its public exhibition. The draft DCP should address, at a minimum:</i></p> <ul style="list-style-type: none"> <i>i. Built form and massing;</i> <i>ii. Building setbacks;</i> <i>iii. Flooding;</i> <i>iv. Traffic and parking issues; and</i> <i>v. Road widening.</i> <p>In an email to the Applicant on 19 August 2021, the applicant was requested to prepare the first draft of a site-specific DCP for Council officers' review. Further requests for the preparation of a site-specific DCP were forwarded to the applicant on 8 September 2021 and 15 October 2021, but there is no record that a response was received to these requests.</p> <p>The SSPP could not proceed to public exhibition unless the matter is reported back to Council so that it can either resolve to endorse a Draft DCP for exhibition or proceed without a Site Specific DCP and instead rely on the Draft CBD DCP which was recently exhibited.</p>
<p>9. Any examples of other planning proposals in the Parramatta LGA that have sought exemption from the FSR sliding scale</p>	<p>In the time available we have been able to identify four examples where exemptions have been granted from the FSR sliding scale provisions. Each of these examples have their own context and site specific issues that were part of Council's consideration when granting the exemption.</p> <ul style="list-style-type: none"> • 12A Parkes Street in 2016 • 20 Macquarie Street in 2019, • 470 Church Street, Parramatta in 2019 • 11 Hassall Street, Parramatta in 2015 <p>Council can provide additional information on the context and sites specific issues if required.</p>