

5 April 2023

The Department of Planning and Environment
Anthony Witherdin
Director
Key Sites Assessment

Dear Anthony,

SSD 35538829: PARRAMATTA METRO OVER STATION DEVELOPMENT

Reference is made to the above State Significant Development Application, which seeks approval for a concept plan establishing building envelopes and associated parameters for development above and adjacent to the Parramatta Metro Station.

Dehsabzi Enterprises Pty Ltd have engaged Think Planners to review the concept plan and prepare this submission. Our clients advise that they have not received any notification of this application. Accordingly, we seek acceptance of this letter and appended submission, including its forwarding to the applicant to respond to as part of the Response to Submissions process.

This submission identifies our concerns with how the inconsistencies between the Concept Plan and the Council's DCP will negatively impact the development viability of land owned by Dehsabzi Enterprises Pty Ltd and others located west of the Parramatta Metro Station development site. Of specific concern is the impact of Building A to our clients site.

Our client's land is identified in Figure 1 below.

Figure 1: Land owned by the Dehsabzi family is outlined in blue (Source, Nearmaps, 2023)



In preparing this submission, we have worked with Turner Studio, who have reviewed the building envelopes to ascertain whether a compliant building with Council's controls can be achieved. This assessment confirms that development on the Metro Station Site unfairly constrains and reduces the development potential of our client's site if an 18m separation between buildings is applied. The proposal does not respect the setback distances established in the ADG or Council's DCP.

Accordingly, this submission outlines Dehsabzi Enterprises Pty Ltd strong objection to SSD 35538829. It requests that the Building A envelope be reduced to provide an equitable sharing of the separation between buildings (a minimum of nine metres on each site).

We would be grateful to meet with you and further discuss a resolution that appropriately balances the needs of the metro site without constraining the development potential of our client's land.

Should you require further information, I can be contacted on 9687 8899.

Yours Sincerely

Adam Byrnes
Director
Think Planners Pty Ltd
PO BOX W287
PARRAMATTA NSW 2150

CC:

- Transport for NSW
- Sydney Metro
- Parramatta City Council

SUBMISSION

STATEMENT OF OBJECTION

Think Planners and Turner Studio have reviewed the SSD Application for the Parramatta Sydney Metro Station. We understand from this review that development outcomes have been maximised on the Metro Site without considering the surrounding land. This means that buildings on the Metro Site will have development controls that ignore and turn off more demanding design standards within the Parramatta DCP 2011. This creates a two-class system where our client is responsible for ensuring that buildings have appropriate separation whilst the neighbouring State Government site maximises the gross floor area. We contend that this is both unethical and unacceptable as it is:

1. Unclear if a future design excellence process will seek to achieve the LEP bonuses, despite establishing its own unique framework.
2. Steals floor space from our client's land and redistributes it over the metro site.
3. Has not considered the impact of the development concept over our client's land, suggesting outcomes that Parramatta City Council disagree with.
4. Making our client bear responsibility for design considerations, including human scale and public amenity.
5. Reduces the scale of development on a neighbouring site to maximise floor space options over government-owned land.
6. Maximising the value of the metro site to provide a greater financial return to the Government, at the cost of private and family investors.

Urgent discussions within the Department of Planning and Environment, Transport for NSW, Sydney Metro and Parramatta City Council are requested to achieve a more equitable outcome for all parties, which critically retains the development potential of the Dehsabzi family landholdings.

COMPETITIVE DESIGN PROCESS

Parramatta LEP 2023 contains requirements for design excellence which permits developments to achieve a:

- height and FSR bonuses of 15%,

- an additional 25% FSR for non-residential floor space.

We contend that Sydney Metro must be subject to the same processes as private applicants if they seek to leverage benefits offered within the Parramatta LEP 2023. An alternative method creating one rule for Government and a separate rule for industry and lacks transparency and procedural fairness.

Whilst the concept approval establishing the building envelopes does not seek to push the boundaries and apply the bonuses permitted under the Parramatta LEP 2023, we note that a future development application could. Accordingly, we suggest that any design excellence process outside of that within *Parramatta LEP 2023* must not be able to utilise the bonuses possible under the LEP.

We also note that no 'double dipping' should exist on such a large site if bonuses are applied.

IMPACT ON OUR CLIENT'S LAND – LOSS OF DEVELOPMENT POTENTIAL

Over a number of years, our client has accumulated approximately 2,700m² of land immediately to the west of proposed Building A. This significant land volume demonstrates a clear intention to amalgamate the land into a more substantial development site. Whilst our client does not own all the land within the area, various development options exist, including a joint venture partnership with other landowners to progress a development.

It is concerning that the current scheme for the Metro Station site does not adequately address or consider the possible development outcomes on the land to the west of Building A. The largeness of the building envelopes on the Metro Site and the reduced setbacks along the western boundary led to an outcome where the impacts on the development potential of neighbouring sites should be considered in a reference design. Though basic envelopes are provided, there has been no consideration of whether this will be accepted. This, accordingly, has led to a significant reduction in development potential over our client's land through loss of floor space or building envelopes that are not economically viable.

ADG NON COMPLIANCE WITH BUILDING SEPARATION

We note that Part 2F of the ADG sets out that towers greater than 25m in height should adopt a 24m separation. This separation is to achieve amenity and a desirable urban form. The spatial arrangement between Building A and land to the west is not adequately analysed in the Concept DA with regard to complying with the ADG separation requirements, protecting amenity, providing solar access, and studying the spatial separation between towers in this part of the CBD.

Relevantly, the ADG states that office windows and balconies are to be treated as “habitable space”.

Further, when applying the building separation to adjoining sites then half the minimum separation distance is to be measured each side of the boundary.

Despite these clear requirements, and the complimentary statements of intent, the proposal fails to provide separation consistent with the ADG, nor justify the variations. The outcome is that Building A will have an impact on the built form on the adjoining site to the west, which is neither justified nor equitable. It is relevant to note that the Sydney Metro site is of significant size and there is no restriction or peculiar constraint that would force Building A to be located so close to the western site boundary. Numerous alternatives exist to provide a compliant development.

DCP NON COMPLIANCES

In broad terms, our client is concerned that the NSW Government has created a rule where it can maximise its development potential with no regard to adjacent land.

Building Separation

Parramatta Council, in their submission, noted the following regarding the separation between buildings:

Building A separation with properties to the west at Church and George Streets – The western edge of Building A has insufficient separation with the adjoining sites to the west. It is not clear in the documentation how this would be resolved with existing buildings and future development opportunities.

The potential application by Council of any building separation requirement on our client's land is of significant concern to our client. The council DCP clearly states:

C.02 For residential buildings in the B4 Mixed Use zone that have a residential ground floor, building separation must be a minimum of:

- a) 12 metres up to 4 storeys.*
- b) 18 metres over 4 storeys*

C.03 The above separation distances must be apportioned equally between adjacent sites to determine side and rear boundary setbacks.

Refer Figure 6.3.3.2.1 B Residential B4 zone.

C.04 For mixed use buildings in the B4 Mixed Use zone that have an active ground floor street frontage:

- a) *Building separation above street wall height must be a minimum of 18 metres. The separation distance must be apportioned equally between adjacent sites to determine side and rear boundary setbacks.*
- b) *An analysis of existing and possible future context must be submitted to determine the most appropriate built form below the street wall height at the side and rear boundaries.*

This provision intends to ensure that tall buildings are adequately separated to:

- Ensure that surrounding sites can be developed without being prejudiced.
- Being able to be viewed in the round
- Improve amenity for building occupants
- Improve the comfort of the public domain.

The Concept Application, however, is entirely inconsistent with the DCP separation requirements. This has been confirmed by Turner Studios, who mapped the envelopes over the Metro Site and the neighbouring properties to the west of Building A. This analysis shows that to achieve an 18 m separation, this will be applied to our clients and potential development partners' land. The impact of this change is:

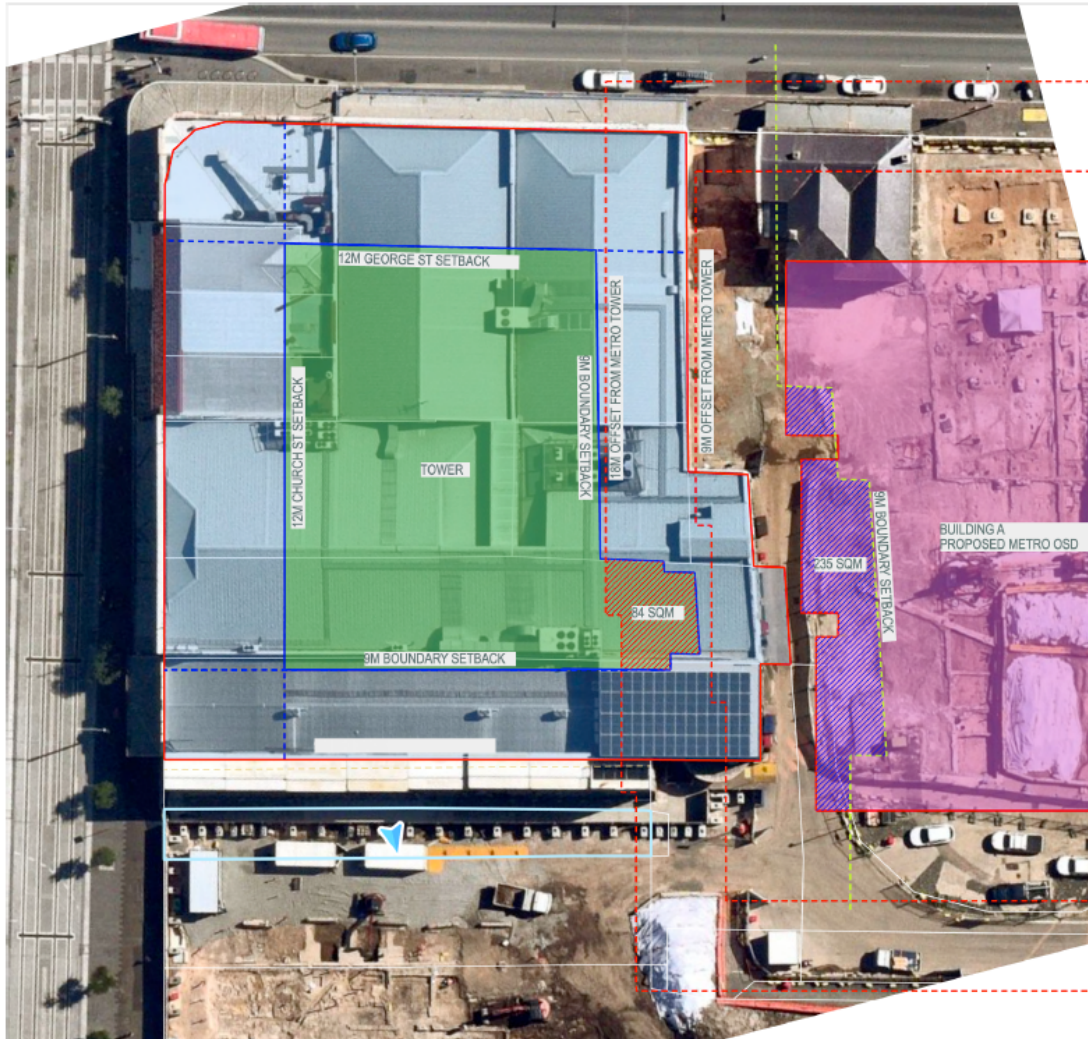
- Our client will lose of at least 84 m², equivalent to 2,285 m² over the height of the building and having a significant cost implication to development feasibility.
- Sydney Metro will gain circa 235m² which, when extrapolated over the height of the building, represents a significant additional yield on metro land.

In light of the above, the scheme put forward by the NSW Government over the Metro site, in particular, Building A, is strongly objected to as it:

- Is inconsistent with the ADG separation objectives and requirements
- Is inconsistent with the City of Parramatta DCP minimum building separation of 18m
- Does not equally apportion the separation between Building A and the site to the west as required by the ADG and the DCP
- Places the burden of a tower being able to be viewed in the round on our client's site only

It is apparent that Parramatta Council require an 18 m setback between buildings, and without amendment, our client's development potential is significantly reduced.

Figure 2: Diagram showing the separation impact between Buildin A and the site to the west (Source, Turner Studio, 2023)



TOWER FLOOR PLATE

It is noted that the tower floor plate size complies with the DCP, which in the E2 Commercial Centre zone permits a maximum area of 2,500 m². However, achieving a large floor plate depends on contextual analysis and compliance with DCP setback and separation controls.



Whilst there has been an urban design analysis that informs development over the Sydney Metro Station Site, in our view, this analysis is overly site-specific. It does not consider the broader relationship with surrounding land, including historical development patterns and lot sizes. To achieve the larger floor plate permitted on E2 Commercial Centre zoned land, the development must fit seamlessly into its context, complementing the surrounding area, rather than an overbearing dominance. This is particularly important near the historic Church Street, which is identified in the DCP as a special area and requires:


...its special identity must be retained and reinforced. Development must respond to and incorporate its fine grain, human scale, and active pedestrian character.

Large sites such as the Sydney Metro Station site have a particular responsibility to ensure that future development does not destroy the character of Church Street by being overly dominant and therefore detracting from the character and experience of the historical north-to-south spine. In our view, the current proposal by the Sydney Metro does not adequately consider its relationship with Church Street, including future development blocks fronting the street. The overly dominant floorplates of the tower buildings do not respond to the fine-grain rhythm of Church Street or the relatively shallow block depths compared to the Sydney Metro site. A more refined design approach would reconsider the relationship of the tower floorplates, including reducing their size to accommodate a floor plate more in context with its surroundings and allowing all tower blocks to be viewed in the round.

Equally the urban design analysis fails to consider what is the right separation distance to provide a positive relationship between Building A and the site to the west. This relationship needs to be examined at the macro scale of tower separation in the skyline, and the micro scale of impacts arising from adjacency.

The size of the floor plates over the Sydney Metro Station Site and their relationship with Church Street is more apparent when considering the public domain outcomes desired by Parramatta Council as part of the Civic Link. It is noted that a future laneway runs parallel to Church Street and separates our client's site from Building A on the Sydney Metro Station site. This essential link reinforces the fine grain of Church Street and ensures the historical subdivision pattern is retained by defining relatively shallow block depths.

Parramatta DCP shows building envelopes over our clients and the Sydney Metro Station sites. However, these are envelopes and not the defined building footprint area. In other words, an envelope is not the development right, with deductions made dependant on the context of the area, along with design standards to achieve better built-form outcomes that contribute to an attractive and vibrant city centre. A greater



contextual analysis of the area that considered the impact of development on the Metro Station Site would have resulted in a scheme with a smaller footprint, providing greater separation between future buildings on Church Street and facilitating more slender towers. Instead, what has been delivered on the Sydney Metro Station site is a form of such bulk and scale that it is unsuitable.

Our client does not object to the NSW Government achieving appropriate development potential over the Sydney Metro Station site. However, this must:

- Not be at the cost of other landowners.
- Comply with the setback and building separation controls of the DCP.
- Fit within its context in the Parramatta City Centre and contributes positively to the urban environment, rather than detracting as it currently is.

We accordingly request that:

- Building A be redesigned to prevent it from stealing floorspace from our client's neighbouring site.
- The floorplate of Building A be reduced to facilitate the equitable sharing of building separation of at least 9m on each respective site.
- Building A be redesigned with a smaller floorplate to fit better into its context and display a harmonious relationship with Church Street and surrounding development.

CONCLUSION

This submission objects to the Concept Development Application over the Sydney Metro Station Site at Parramatta. A review of this Concept Application has highlighted a complete disregard for the broader context, particularly the development site to the immediate west of Building A and the historic Church Street. We request that the Building A envelope be redesigned to ensure our client's site can be developed to achieve the potential envisioned *Parramatta LEP 2023* and *Parramatta DCP 2011*.