

**INNOVATIVE**

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<b>ITEM NUMBER</b>	6.1
<b>SUBJECT</b>	Request for Gateway - Planning Proposal for land at 353A-353C and part of 351 Church Street, Parramatta (Riverside Theatre site)
<b>REFERENCE</b>	F2022/01255 -
<b>APPLICANT/S</b>	City of Parramatta
<b>OWNERS</b>	City of Parramatta
<b>REPORT OF</b>	Land Use Planning Team Leader

**PURPOSE**

The purpose of the report is to seek the Parramatta Local Planning Panel's advice to Council on a request to the Department of Planning and Environment (DPE) for a Gateway Determination for a Planning Proposal for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site).

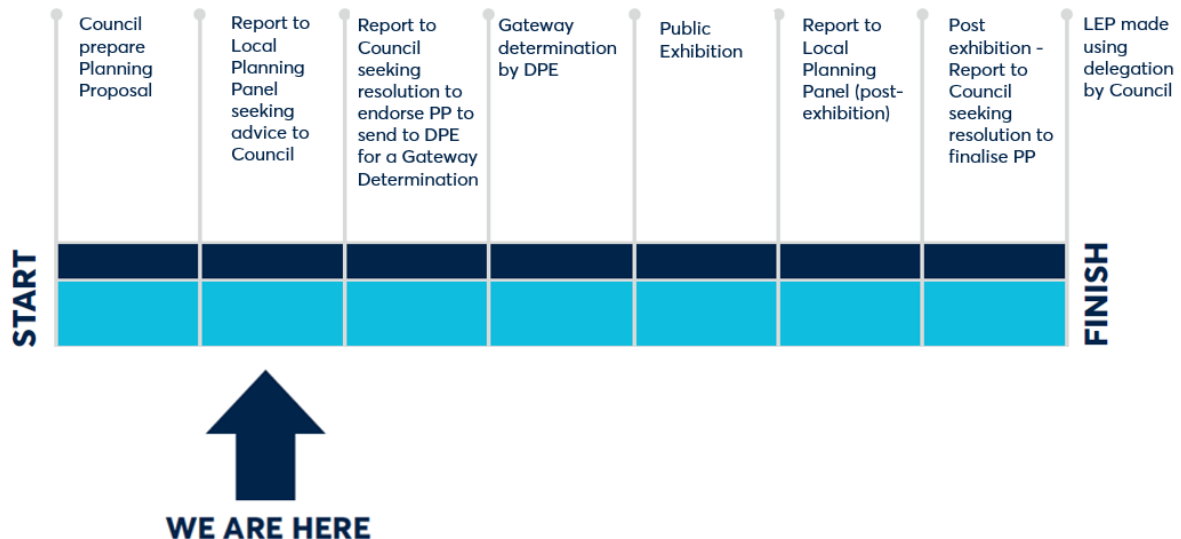
**RECOMMENDATION**

The Parramatta Local Planning Panel consider the following Council Officer recommendation in its advice to Council:

- (a) **That** Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning and Environment, the Planning Proposal at **Attachment 1** for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:
1. increase the Maximum Height of Building (HOB) from 15m to 28m;
  2. introduce a Site-Specific Clause that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between 12pm and 2pm; and
  3. requires active street frontages.
- (b) **That** the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination, requesting no public exhibition process for the following reasons:
1. to support the efficient processing of the Planning Proposal and the redevelopment of the Riverside Theatre;
  2. the CBD PP publicly exhibited controls sought a greater building height, than the subject Planning Proposal;
  3. the subject Planning Proposal seeks to implement the amenity controls from the CBD PP.
- (c) **That** Council advise the Department of Planning and Environment that the CEO will be seeking to exercise its plan-making delegations for this Planning Proposal, as authorised by Council on 26 November 2012.

- (d) **Further, that** Council delegates authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that arise during the plan-making process.

## PLANNING PROPOSAL TIMELINE



## SUMMARY

1. The Riverside Theatre is a critical anchor performing arts facility located within the Parramatta CBD. Constructed in 1988, the current Riverside Theatre building is not fit for purpose to serve the growing community.
2. The redevelopment of the Riverside Theatre to deliver a modernised and expanded performance space is an important infrastructure priority reflected in Council's Cultural Plan.
3. Council has progressed with the preparation of a visioning document, concept reference design, and committed funding to redevelop the theatre.
4. The Council endorsed Parramatta CBD Planning Proposal (CBD PP) with regard to this site, among a number of things, sought to increase the height control. This change would enable the redevelopment of the theatre in line with the vision of Council. The concept design was prepared in response to the planning controls within the Council endorsed CBD PP.
5. However, the Department of Planning and Environment deferred the area north of the river from the CBD PP during its finalisation and retained the current height control for this site. The current height control does not enable the redevelopment of the site consistent with the concept reference design.
6. As a result, a site-specific Planning Proposal is needed to implement the necessary height control to allow for the concept design and redevelopment project to progress.

7. The Planning Proposal found in **Attachment 1** should progress for the following reasons:
- To ensure the necessary planning controls are in place to allow the timely progression and redevelopment of the Riverside Theatre.
  - Waiting for a future review of the land north of the Parramatta River (which is subject to funding being provided by the State Government, is anticipated to commence in 2023 and which would take two to three years to complete) would cause delays to the progression of the Council prepared concept design for the Riverside Theatre.
  - The increase in HOB from 15m to 28m is considered a modest increase (particularly given the current theatre has building elements at 25m) and the 36m building height currently permitted for sites immediately east of the Theatre Site means the 28m height proposed is not out of context with existing controls in the precinct.
  - No change is sought to the existing FSR control.
  - The Site-Specific Clause implements the intent of the solar access protection plane and active frontage controls within the CBD PP.
  - The resulting building controls are considered to have an inconsequential impact on amenity, overshadowing, and overall bulk and scale; and is lower in height than the building height that would have resulted from the Council adopted CBD PP.
8. **Table 1** compares the existing planning controls, proposed controls under the CBD PP as endorsed by Council, the proposed controls within the Planning Proposal, and the existing building height for reference.

Control	PLEP 2011 (existing controls)	Council adopted CBD PP	Planning Proposal	Existing building
Zoning	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height	15m	Height not nominated – solar access control would allow heights of 50-60m on parts of the site.	28m	25m
FSR	3:1	3:1	3:1	Unknown

**Table 1** - Summary of existing and proposed controls

## SITE DESCRIPTION

9. The Planning Proposal applies to the land at 353A-353C Church Street (Lot 2 DP 740382) and part of 351 Church Street, Parramatta (Lot 1 DP 740382) (the site). The site is bound by Marsden Street to the west; Market Street to the north; Church Street to the east; and the Parramatta River Foreshore to the south (see **Figure 1**). The site has an approximate area of 7,000sqm.
10. The site is the location of the Riverside Theatre, which is owned and operated by the City of Parramatta Council (Council). The existing building is located on

the eastern side of the site, with a frontage to Church Street and the river foreshore. The building contains three separate theatres and event spaces. Above-ground parking is located on the western side of the site on the corner of Market and Marsden Street.

11. Prince Alfred Park is located to the north of the site and plays an important contribution to open space within the Parramatta CBD. The Old King's Parade Ground is located to the west and contributes to Parramatta's unique heritage and river setting. The land to the east of the site on Church Street is developed with approximately 5-6 storey mixed use developments. Land to the south of the site on the opposite side of the river is being redeveloped for a 192m mixed use tower (i.e. 'The Lennox' development).
12. The site is within walking distance to the Parramatta Light Rail stop located at Prince Alfred Square which is currently under construction as part of Stage 1 of the project.



Figure 1 – Site subject to the Planning Proposal

## EXISTING PLANNING CONTROLS

13. Under the provisions of the Parramatta Local Environmental Plan 2011, the following planning controls apply:
  - B4 Mixed Use zone;
  - Maximum Height of Building control of 15 metres; and
  - Maximum Floor Space Ratio (FSR) of 3:1.
14. The site itself is not heritage listed; however, it is adjacent to the following heritage items projected under Schedule 5 of the PLEP 2011:
  - Lennox Bridge (State Heritage Item I00750)
  - Alfred Square (and potential archaeological site) (Local Heritage Item I686)
  - Marsden Rehabilitation Centre (and potential archaeological site) (State Heritage Items I00826 and I00771)
15. Other controls relating to flooding and Acid Sulphate Soils are described and mapped in Part 4 of the Planning Proposal in **Attachment 1**.

## BACKGROUND

### Riverside Theatre Redevelopment

#### Role of the Riverside Theatre

16. The Riverside Theatre is a significant cultural and performing arts venue attracting more than 180,000 patrons to 1,000 performances and events every year. For nearly three decades, the Riverside Theatre has been a critical 'anchor' cultural arts asset serving the growing population of Parramatta and Greater Sydney.
17. The provision and expansion of cultural infrastructure is critical in delivering Parramatta as a livable, sustainable, and productive place for the current and future populations of both the City of Parramatta and the Greater Sydney Region. However, the historical imbalance of cultural investment across Greater Sydney presents a challenge for Parramatta to achieve rounded growth and fulfill its role as the Central River City.
18. By 2036 the City of Parramatta will be home to an additional 150,000 people; and the Parramatta CBD will host 20,000 more residents and 83,000 more workers. This growing population and the historic lack of state government investment in cultural infrastructure in Greater Sydney is placing significant pressure on the capacity limitations of the ageing Riverside Theatre.
19. The redevelopment of the Riverside Theatre to modernise its infrastructure and increase its capacity is a leading priority to support the growing population of both Parramatta and Greater Sydney.

#### Riverside Theatre Redevelopment Project

20. Council's 'A Cultural Plan for Parramatta's CBD 2017-2022' (Cultural Plan) recognises the important contribution the Riverside Theatre plays in

Parramatta's cultural identity and identifies the redevelopment of the theatre as a leading community priority.

21. The current Riverside Theatre building and facilities:

- do not satisfactorily meet current or expected future demand;
- do not have a positive and interactive relationship with Church Street, the new Parramatta Light Rail, or the eastern view of the river towards the MAAS development site;
- space restrictions which limit what populist and commercially viable events can be attracted; and overall
- does not support Parramatta's transformation into a City enriched by its culture and creativity.

22. Key milestones and decision making of Council in relation to the redevelopment project are included below in **Table 2**.

<b>Date</b>	<b>Milestone</b>	<b>Description</b>
<b>26 November 2018 Council Meeting</b>	Council adoption of 'Reimagining Riverside' visioning document	Council adopted the 'Reimagining Riverside' visioning document to commence the redesign process and provide a clear vision for the theatre in its role as a hub of performance excellence that attracts talent and investment.
<b>December 2019 – June 2021</b>	Project scoping	Council considered a Joint Venture redevelopment proposal in 2018-9 with Create NSW but ultimately withdrew from the process with an internal Council project team then established to re-scope alternative Council led schemes between January and February 2021.
<b>15 June 2021 Council Meeting</b>	Council endorses the Parramatta CBD Planning Proposal to be submitted to Department of Planning and Environment for finalisation	<p>Council endorsed the Parramatta CBD Planning Proposal (CBD PP) to be submitted to the Department of Planning and Environment for finalisation following the public exhibition process held from 21 September to 2 November 2020.</p> <p>The Council endorsed CBD PP included changes to the building height control for the Riverside Theatre site.</p> <p><i>More detail on the CBD PP is included below under 'Parramatta CBD Planning Proposal'.</i></p>
<b>26 July 2021 Council Meeting</b>	Council considers the Riverside Theatres Redevelopment Concept Proposal, and	The Riverside Theatres Redevelopment Concept Proposal was presented to Council and addressed the core elements of the 'Reimagining Riverside' visioning document.

	resolves to prepare concept design and budget commitments.	<p>Council resolved to progress the next stages of the concept proposal development, which was to explore concept design options, develop functional specifications, and validate cost estimates.</p> <p>Financial decisions were also made by Council at this meeting, including funding be committed to engaging specialist consultants to undertake the work required to progress the development of the Concept Proposal.</p>
<b>9 May 2022 Council Meeting</b>	Council approves concept design and validation work, and resolves to progress to detailed business case and funding commitments.	<p>Council approved the concept proposal validation work for the redevelopment of Riverside Theatres, which included a concept reference design and functional aspirations, and approved for the Riverside Theatre Redevelopment Project team to proceed with the development of a detailed business case, project plan and budget for Council's review.</p> <p>Council committed to preparing for the launch of a Design Competition process to ensure the future architectural design delivers a world class building.</p> <p>Council also noted the project has a preliminary cost estimate of \$175.4M, and approved a funding strategy to allow the project to proceed.</p>

**Table 2** – Key milestones in Riverside Theatre Redevelopment Project

23. Timeframes have also been assigned to funding allocations, and the Riverside Theatre Redevelopment Project team are progressing with a detailed business case and preparing for the next key milestones of the project, including the Design Excellence Competition.

#### Riverside Theatre Concept Reference Design

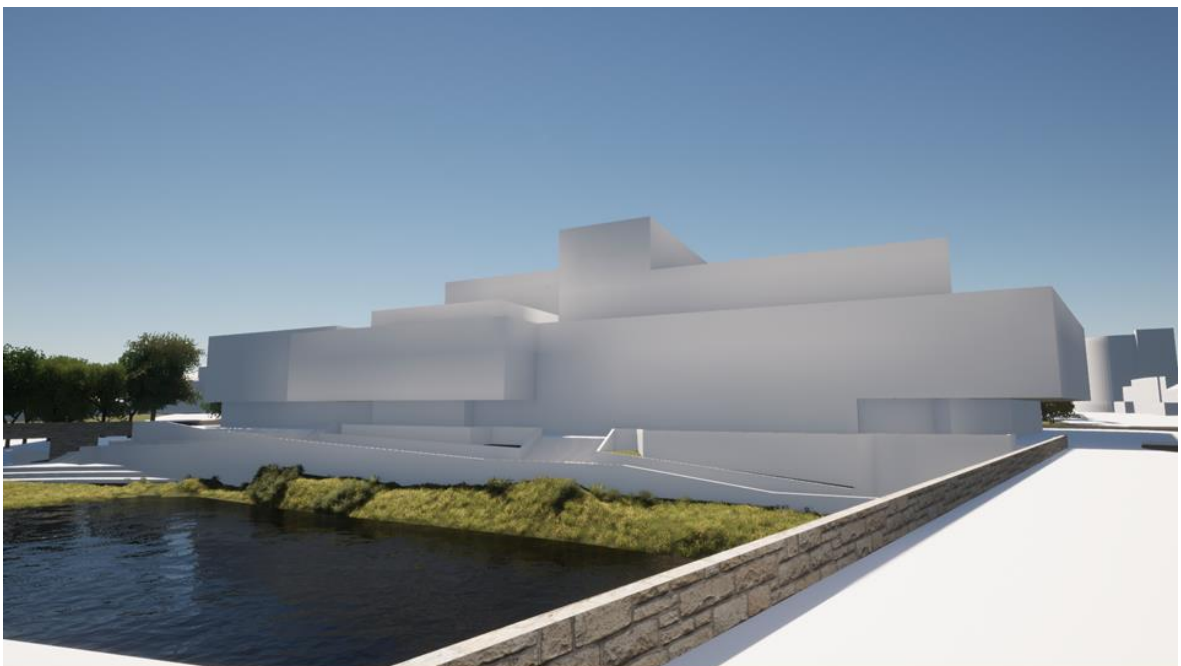
24. As outlined in **Table 2**, a concept reference design was adopted by Council on 9 May 2022. This concept reference design explored the building envelope needed to deliver on Council's functional aspirations for the redevelopment of the Riverside Theatre, whilst responding to the draft planning controls contained within the Council endorsed Parramatta CBD Planning Proposal (see 'Parramatta CBD Planning Proposal' for more detail).
25. The concept reference design includes a hybrid redevelopment scheme with heights varying from approximately 13m along the riverfront and 28m towards Market Street. The concept includes the retention and upgrade of a portion of the existing facility (primarily the 700-seat riverside space) and demolishes the remainder of the existing site to construct a new state-of-the-art multi venue

arts centre that fully integrates with the retained and upgraded theatre elements.

26. The concept reference design will be used as the basis for future detailed architectural design work, with the final detailed design being determined as part of a Design Excellence Competition process.
27. **Figures 2 - 5** show the indicative building envelope from multiple perspectives, noting that the next phase of the redevelopment project will further embellish design features, building articulation, and integration with the public domain along the river foreshore. The perspectives are to provide Council and the community with an indicative form only.



**Figure 2** – Concept design render looking north-east from Marsden Street bridge, Parramatta



**Figure 3** – Concept design render looking north-west from Lennox bridge, Parramatta





**Figure 4** – Concept design render looking south-west from corner of Church Street and Market Street, Parramatta



**Figure 5** – Concept design render looking southeast from corner of Marsden Street and Market Street, Parramatta

## **Parramatta CBD Planning Proposal**

### Background

28. Initiated in 2013, the Parramatta CBD Planning Proposal (CBD PP) was a Council led planning proposal to support Parramatta's transform as Sydney's Central City.
29. The CBD PP proposed changes to the land use mix and built form controls within the PLEP 2011 to deliver 46,000 new jobs and 15,000 new dwellings over the next 40 years. New controls to support this growth and protect key elements that make a city liveable, sustainable, and productive were also proposed.

Parramatta CBD Planning Proposal (as endorsed by Council on 15 June 2021)

30. On 15 June 2021, Council endorsed the CBD PP to be submitted to the Department of Planning and Environment (DPE) for finalisation following the public exhibition process held from 21 September to 2 November 2020. The Council endorsed CBD PP included the land north of the river (i.e. North Parramatta)
31. The CBD PP proposed changes to the built form controls across the North Parramatta precinct (including the Riverside Theatre site). These changes were informed by specialist studies pertaining to urban design and heritage to help deliver appropriate built form outcomes that allow for new development whilst limiting additional overshadowing to key public spaces (including the Parramatta River Foreshore) and that achieved a suitable transition to sensitive areas such as Heritage Conservation Areas and Prince Alfred Park.

Parramatta CBD Planning Proposal (as finalised by DPE on 6 May 2022)

32. On 6 May 2022, DPE finalised the CBD PP via the making of Amendment No 56 to the Parramatta Local Environmental Plan 2011. The new provisions are not due to take effect until 14 October 2022 to allow for the draft Parramatta CBD Local Infrastructure Contributions Plan to be finalised.
33. As part of the finalisation process, DPE made some key policy changes to the CBD PP as adopted by Council on 15 June 2021. The policy change most relevant to the Riverside Theatre site was the removal of the land north of the Parramatta River (i.e. North Parramatta) from the CBD PP with the existing land use and built form controls to be retained.
34. The redevelopment of the Riverside Theatre as per Council's concept design was contingent on the Council endorsed version of CBD PP being finalised. The Council adopted CBD PP established the height control needed to redevelop the theatre in line with the vision of Council - the removal of North Parramatta from the CBD PP by DPE puts the development timetable at risk.
35. Council considered its position on the changes made to the Council endorsed CBD Planning Proposal when the Minister finalised the plan at its meeting of 25 July 2022. The portion of the Council resolution relevant to North Parramatta and the subject site reads:-

*"North Paramatta**(d) That Council write to the Minister for Planning and the Department:*

- (1) Seeking funding for a Study for North Parramatta that incorporates urban design, heritage and economic analysis and additional temporary staff to manage the project (estimated at up to \$500,000).*
- (2) Advising that Council will not commence the Study until confirmation of funding and in-kind support has been provided.*
- (3) Seeking advice on how Council manage any new SSPPs lodged for sites north of the river prior to completion of the Study and associated plan amendment.*

**EXCEPTIONS**

*(e) Further, that Council note that new SSPPs for sites within any part of the CBD that do not:*

- 1 seek any increase in FSR, or*
- 2 seek to amend other planning controls that are being considered in the SEPP process(es) described in (c) above*

*will be processed by Council (examples include proposals for minor changes in height with no increase in FSR or changes to parking rates or land reservation acquisitions)."*

36. The subject Site Specific Planning Proposal meets the criteria to be considered as an exception. Proceeding with this Planning Proposal ahead of the work proposed to review the controls for North Parramatta is consistent with Councils 25 July 2022 resolution.

**DESCRIPTION OF PLANNING PROPOSAL**

37. The Planning Proposal seeks the following amendments to the PLEP 2011:
- a. Increase the Maximum Height of Building (HOB) from 15m to 28m.
  - b. Introduce a Site-Specific Clause that:
    - i. prevents new development generating any additional overshadowing to the Parramatta River Foreshore;
    - ii. requires active street and river frontages.
38. No changes are proposed to the land use zoning or FSR controls.

**PLANNING PROPOSAL ASSESSMENT**

39. The following section details Council's assessment of the Planning Proposal based on strategic merit and site-specific planning issues. The Planning Proposal detailed in **Attachment 1** provides a full assessment of the proposal's consistency against relevant State Planning Policies and Ministerial Directions.

**Strategic Merit**

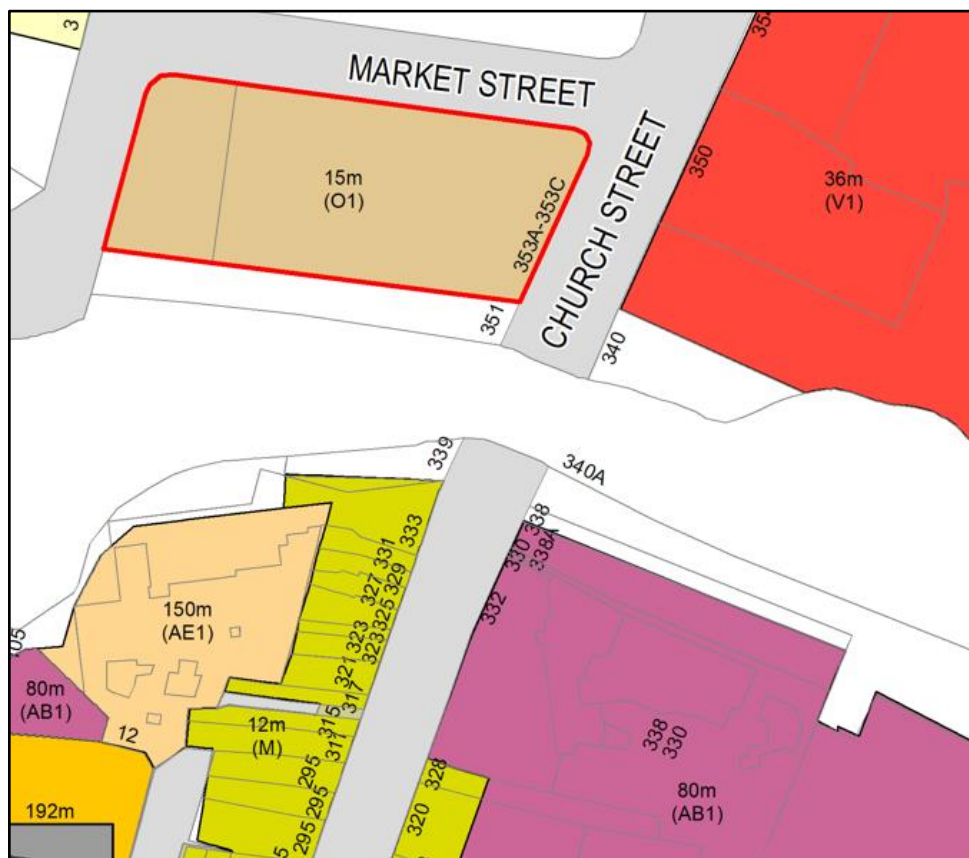
40. The redevelopment of the Riverside Theatre, as facilitated by this Planning Proposal, aligns with the overarching policy position across state and local planning frameworks to deliver a '30-minute city' where people can live, work, and recreate within 30 minutes of their home; and to deliver cities that are productive, livable, and sustainable.
41. The Planning Proposal will enable the efficient redevelopment of critical cultural infrastructure that service the local and broader communities. The expanded and diversified cultural offering will support the Parramatta CBD as a destination for entertainment, will help reduce the need for travel to the Sydney CBD, the eastern harbour city.
42. As detailed in **Attachment 1**, Council officers consider the Planning Proposal to be aligned with key state policies including the Greater Sydney Region Plan and the Central City District Plan; and key local policies including the Local

Strategic Planning Statement, Cultural Plan, Community Infrastructure Strategy, and Parramatta CBD Planning Strategy.

## Urban Design

### Height

43. The Planning Proposal seeks an increase in height to provide a more flexible and appropriate building envelope that will enable the design concept for a modernised theatre, fit for purpose and demand, to be achieved.
44. **Figure 6** shows the existing height map from the Parramatta LEP 2011. The increase in height from 15m to 28m is considered a suitable increase in context of the current permitted height of 36m on the eastern side of Church Street. The increase in 28m would result in a gradual stepping down of heights moving west, and as explained within this report, is a modest increase considering the site has existing building elements at 25m.
45. In addition, **Figures 2 - 5** above show the intended building envelope of the concept design the Planning Proposal seeks to deliver. As seen in these figures, the concept design is for a building with taller and shorter elements across the site. In essence, the future built form will not result in a consistent 28m height across the site. The variation in height expression further demonstrates the low impact of the height increase.



**Figure 6** – Existing height map from the Parramatta LEP

### Floor Space Ratio

46. No changes are sought to the FSR control (i.e. density), therefore, the change will not result in greater yield than what is already permitted on the subject site. The Planning Proposal strictly addresses the envelope constraints of the current site in accommodating key theatre design elements (such as the fly tower) and deliver an upgraded theatre suitable for a diverse range of performing arts.
47. In addition, the prepared concept design that the Planning Proposal seeks to facilitate, has a Gross Floor Area (GFA) (for FSR calculation purposes) of approximately 10,000sqm. This is less than half of the GFA permitted on the site under the existing FSR of 3:1.

### Overshadowing

48. The increase in HOB to 28m is considered a modest increase (particularly given the current theatre has building elements at 25m); and would deliver a height less than what would have been permitted under the CBD PP as the Council endorsed CBD PP included changes to the building height control for the Riverside Theatre site.
49. Whilst the existing LEP control contains a maximum building height in metres (i.e. 15m), the CBD PP proposed that a sun access protection clause be applied to govern the distribution of height across the site.
50. As adopted by Council, draft Clause 7.4 'Sun access protection' (and the associated Sun Access Protection Map) required any new development on the site to be designed to prevent additional overshadowing to the southern side of the Parramatta River Foreshore between the hours of 12:00pm and 2pm.
51. The use of such a control would allow for the architectural design process to determine the future building height with the objective of protecting open space from additional overshadowing leading the process versus a prescribed control in metres (i.e. outcome driven design versus numerical control driven design).
52. Preliminary analysis by Council officers indicated that heights between 19m Relative Level (RL) at the riverfront and 60-70m (RL) at the Market St frontage could be achieved under the Sun Access Protection surface control. When the height of the sloping terrain (which approximately ranges between 4m (RL) at the riverfront and 8m (RL) at the Market St frontage) is subtracted from the RL heights an approximate measurement above ground level (existing) can be calculated. Based on the RLs above, a 15m height at ground level at the riverfront and 52-62m height at the Market Street frontage can be approximated.
53. The concept design included in **Figures 2-5** reflect a height of approximately 13m along the riverfront and a height of 28m towards Market Street. Using the calculations above to get an approximate measure above ground level (existing), the concept design at 28m sits comfortably underneath the solar

access protection plane (including any bonus from a Design Excellence competition process).

54. In summary, the CBD PP would have allowed for greater heights across the site (i.e. between 15m and 52-62m) and allowed for a substantially taller building envelope compared to the building envelope of the proposed concept design (where the tallest element is 28m) as shown in **Figures 2-5**.
55. The Planning Proposal seeks to introduce a 28m height control on the site in conjunction with a Site-Specific Clause requiring no additional overshadowing to the southern side of the Parramatta River Foreshore between the hours of 12:00pm and 2:00pm. These hours are consistent with the Council adopted policy position relating to additional overshadowing to the southern side of the river foreshore in the Council endorsed CBD PP.
56. It is important to acknowledge that the concept design to be delivered via the Planning Proposal exceeds the solar access protection requirements of the CBD PP by protecting solar access to the southern side of the river foreshore by an additional three hours compared to the Council adopted CBD PP. The concept design will not cause any additional overshadowing between the hours of 10:00am and 3:00pm. A series of shadow diagrams demonstrating this are included in Planning Proposal at **Attachment 1**.
57. Whilst the Planning Proposal will deliver greater solar access protection to the southern side of the river foreshore, for consistency with the CBD PP, the Planning Proposal seeks to retain what Council previously adopted with the draft wording for the Site-Specific Clause seeking to protect the foreshore from additional overshadowing from 12:00pm to 2:00pm.
58. Draft wording for the Site-Specific Clause is based on the existing Sun Access Protection clause in the PLEP 2011, and is included below:

*Notwithstanding the maximum Height of Building control shown on the Height of Buildings Map, development consent must not be granted to development on land to which this clause applies that results in any part of a building causing additional overshadowing, on 21 June in any year, on the Parramatta River Foreshore (Lot 102 DP 1259228, Lot A DP 333263, Lot 1 DP 788637, and Lot 1 DP 1247122) between 12.00 and 14.00.*
59. The site will also be included on the Key Sites Map to enact the Site-Specific Clause, as explained within Part 4 of the Planning Proposal in **Attachment 1**.
60. The concurrent application of the height control and site-specific clause is the simplest way to update the LEP to implement the intent of the CBD PP, and provide the framework needed for the Riverside redevelopment to progress.
61. As demonstrated in this Council Report, and in Part 3 of the Planning Proposal in **Attachment 1**, the increase in height and resulting building envelope is considered to have an inconsequential impact on amenity, overshadowing, and overall bulk and scale; and is lower than the building height that would have resulted from the Council adopted CBD PP (as explained above in Paragraph 52 – 54).

### Active frontages

62. The CBD PP introduced a clause to promote uses that attract pedestrian traffic along certain ground floor street frontages, public space frontages and river foreshore frontages. An Active Frontages Map identified the streets where active frontages were required, and therefore where the clause applied.
63. The site's street frontages of Church, Market, and Marsden Street were included on the Active Frontages Map (as endorsed by Council). However, DPE's removal of North Parramatta from the finalised CBD PP has resulted in the active frontage clause not applying.
64. For consistency with the Council endorsed CBD PP, a site-specific clause requiring active frontages is also proposed to ensure the ground floor of the future development engages with the surrounding streets and public domain. This will also need to be responded to as part of a future Design Excellence process.

### Design Excellence

65. A Design Excellence Competition will be facilitated to guide the detailed reference design process for the site. The concept design will be used as the basis of the future design process. A 15% FSR bonus can be awarded to the winning design, bringing the maximum permitted height from 28m to 32m (i.e. 28m + 15%), which is still well below the height that could have been achieved if the CBD PP was finalised as adopted by Council.

### **Heritage**

66. As outlined above under 'Existing Planning Controls', the site is adjacent to local and state heritage items including Lennox Bridge, Prince Alfred Square, and Marsden Rehabilitation Centre. These items were carefully considered as part of the specialist heritage studies completed as part of the preparation of the CBD PP.
67. These studies were carried out to help inform a suite of planning controls to allow renewal and some intensification of development, whilst still achieving a suitable transition to sensitive areas such as Heritage Conservation Areas and Prince Alfred Park and limiting additional overshadowing to key public spaces (including the Parramatta River Foreshore).
68. Specifically, the Hector Abraham heritage study of the interface areas for North Parramatta and the riverbank did not raise objection, or recommend any changes, to the application of the Solar Access Protection control and the likely resulting heights for the Riverside site when assessing the impact of the proposed controls on heritage values. This work formed part of the CBD PP package endorsed by Council on 15 June 2021 and sent to the DPE for finalisation in July 2021.

69. As the concept reference design has responded to the Solar Access Protection control of the CBD PP, the heritage assessment undertaken as part of the CBD PP is considered applicable and transferrable for this Planning Proposal.
70. As the concept design would deliver a height less than what the CBD PP could have delivered, Council officers consider the proposal to have even less of an impact on the surrounding area and heritage context. In addition, as discussed under 'Urban Design', the proposed height of 28m presents a modest increase given there are existing building elements at 25m, further limiting the heritage implications of the planning proposal.
71. Whilst the Planning Proposal is considered acceptable from a heritage perspective as outlined above, the Design Excellence process will need to respond to the unique heritage and archaeological context of North Parramatta and Old Government House to ensure the heritage values of the city continue to be celebrated and protected.

## **Flooding**

72. Reflective of the site's location adjacent to the Parramatta River, the site is flood affected. The entire site is located within the Probable Maximum Flood for the Upper Parramatta River, and the western side of the site is affected by the 100 year flood event
73. As detailed within this report, the Planning Proposal does not seek any changes to the FSR control (therefore, the change will not result in greater yield than what is already permitted on the subject site).
74. As the Planning Proposal is not intensifying development yield, and strictly addressing urban design considerations through the alteration of building height, Council officers consider this Planning Proposal to be consistent with Ministerial Direction 4.1: Flooding (that sits under Direction Focus Area 4: Resilience and Hazards).
75. Any future development on the site will need to respond to the Flood Risk Development Manual and the relevant controls contained within the PLEP 2011 and the Parramatta Development Control Plan 2011.

## **PLAN MAKING DELEGATIONS**

76. Plan making delegations were announced by the then Minister for Planning and Infrastructure in October 2012 allowing councils to make LEPs of local significance. On 26 November 2012, Council resolved to accept the delegation for plan making functions, and for these functions be delegated to the Chief Executive Officer.
77. It is recommended that Council request to the Department of Planning and Environment to exercise its plan making delegations for this Planning Proposal. This means that after the Planning Proposal has received a Gateway Determination, complied with any conditions (including any requirements for public exhibition), Council officers can deal directly with the Parliamentary Counsel on the legal drafting and finalisation of the amendment to the LEP facilitated by this Planning Proposal.



78. This will support the efficient processing of the Planning Proposal, and in turn, the redevelopment of the Riverside Theatre. Council officers consider this suitable due to the nature and unique context of the change which are of local significance.

### **FINANCIAL IMPLICATIONS FOR COUNCIL**

79. As discussed within **Table 2**, the redevelopment of the Riverside Theatre has spent Council monies in preparing the concept design and validation work. Council has also allocated funding to the delivery of the project.
80. Should Council wait for any future precinct wide review of North Parramatta, the project will be stalled, and considerations will need to be made in relation to the committed funds.
81. The Planning Proposal will help ensure the efficient progression of the redevelopment process, and the use of the committed funds to deliver this critical piece of infrastructure for the City of Parramatta.

### **CONCLUSION AND NEXT STEPS**

82. Council officers recommend Council endorse the Planning Proposal in **Attachment 1** to ensure the necessary planning controls are in place to allow the timely progression and redevelopment of the Riverside Theatre.
83. It is recommended that Council endorse, and forward, the Planning Proposal in **Attachment 1** to the Department of Planning and Environment for a Gateway determination.
84. It is also recommended that Council request no public exhibition process to enable the efficient processing of the Planning Proposal. This is because the CBD PP exhibited controls to allow greater building heights, and as this Planning Proposal seeks a lower height and implements the amenity controls from the CBD PP, a public exhibition process is not considered necessary.

Sonia Jacenko  
**Land Use Planning Team Leader**

Robert Cologna  
**Group Manager, Strategic Land Use Planning**

Jennifer Concato  
**Executive Director City Planning and Design**

### **ATTACHMENTS:**

- |   |  |             |
|---|--|-------------|
| 1 | Planning Proposal - Land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre Site) | 53<br>Pages |
|---|--|-------------|

### **REFERENCE MATERIAL**

PRESENT

Julie Walsh (Chairperson), Richard Thorp, Alison McCabe and Maree Turner.

ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

The Chairperson acknowledged the Burramattagal people of The Dharug Nation as the traditional land owners of land in Parramatta and paid respect to their ancient culture and to their elders past, present and emerging.

WEBCASTING ANNOUNCEMENT

The Chairperson advised that this public meeting is being recorded. The recording will be archived and made available on Council's website.

APOLOGIES

There were no apologies made to this Local Planning Panel.

DECLARATIONS OF INTEREST

There were no declarations of interest made to this Local Planning Panel.

REPORTS - DEVELOPMENT APPLICATIONS

5.1           SUBJECT           PUBLIC MEETING:  
32 Moseley Street, CARLINGFORD NSW 2118 (Lot 34  
DP 251044)

DESCRIPTION Demolition of an existing single storey administration building and construction of a new two-storey Ministry Centre with associated signage to be used concurrently with the existing church and associated landscaping works.

REFERENCE   DA/14/2022 - D08603101

APPLICANT/S St Paul's Anglican Carlingford and North Rocks

OWNERS       Anglican Church Property Trust (Carlingford)

REPORT OF   Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.1 and attachments to Item 5.1.

Public Forum

1.   Ross Baker spoke against the report recommendation to approve the development application.

2. John Deller spoke against the report recommendation to approve the development application.
3. Thomas West from DFP Planning spoke in favour of the report recommendation to approve the development application and answered questions from the Panel in relation to the development application.
4. Sam Perera from Fernway Engineering spoke in favour of the report recommendation to approve the development application and answered questions from the Panel in relation to the development application.
5. Rev Dr Raj Gupta from St Paul's Anglican Church answered questions from the Panel in relation to parking on Trigg Avenue.
6. David Kettle from DFP Planning answered questions from the Panel in relation to the Plan of Management.
7. Shayne Evans from Stanton Dahl Architects was available to answer questions from the Panel in relation to the development application.
8. Philip Gunning from St Paul's Anglican Church was be available to answer questions from the Panel in relation to the development application.

## **DETERMINATION**

- (a) **That** the Parramatta Local Planning Panel, exercising the function of the Council pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant development consent to DA/14/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent in Attachment 1, with the following amendments;
1. Deletion of Condition 51;
  2. Deletion of "in the Station Plaza" in Condition 60;
  3. Condition 63 – Delete "Sunday before Christmas Eve and Christmas Day only: 07:30 am to 01:00 am" and replace with:  
  
"Only on the Sunday before Christmas Day, and Christmas Eve: 07:30 am to 01:00 am".  
*NOTE:* Should the Sunday before Christmas day, and Christmas Eve coincide on the same day, then only one Christmas service shall occur that year.
  4. Amendment of Condition 64 by inserting the following at the end of the first sentence:  
  
"unless otherwise specified in these conditions of consent."

And by inserting the following as the second sentence:

“The approved Plan of Management is to be amended as follows:

- a) Delete these words in the first sentence of clause 14 : “If in the future the number of attendees does grow towards the proposed 550 on a Sunday morning”;
- b) Insert at the end of clause 14 (e) “and not park on Trigg Avenue”;
- c) Amend Clause 23 to include a requirement for the church to provide contact details (phone and email) of a designated person for the lodgment of complaints and a programme for advising the community of this.”

(b) **Further, that** the submitters be advised of the decision.

### **REASONS FOR APPROVAL**

1. The development is permissible in the R2 Low Density Residential zone pursuant to the Parramatta former Hills Local Environmental 2012 and generally satisfies the requirements of all applicable planning framework.
2. The development will be compatible with the emerging and planned future character of the area.
3. The development will provide facilities and services which meet the day to day needs of residents.
4. The amenity impacts can be appropriately managed.
5. For the reasons given above, approval of the application is in the public interest.

The Panel decision was UNANIMOUS.

5.2 SUBJECT PUBLIC MEETING:  
63-67 Pine Street, RYDALMERE NSW 2116 (Lot 10 Sec 5 DP 977669, Lot 12 Sec 5 DP 977669, Lot 11 Sec 5 DP 977669)

DESCRIPTION Demolition of existing dwellings, tree removal, lot consolidation and construction of a 4-storey residential flat building comprising 35 residential units including 12 affordable housing units pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with basement car parking and associated Strata subdivision.

REFERENCE DA/317/2021 - D08605602

APPLICANT/S Mr N Abboud

OWNERS      Wattle Pine Developments Pty Ltd

REPORT OF    Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.2 and attachments to Item 5.2.

Public Forum

1. Michael Sobb submitted written correspondence against the report recommendation to defer commencement consent of the development application for the Panel's consideration.

## **DETERMINATION**

- (a) **That**, the Parramatta Local Planning Panel is satisfied, following consideration of a written request from the applicant, made under clause 4.6 (3) of Parramatta Local Environmental Plan 2011 ("the LEP"), that has demonstrated that:
  1. Compliance with clause 4.3 (height of buildings) of the LEP is unreasonable or unnecessary in the circumstances; and
  2. There are sufficient environmental planning grounds to justify contravening the development standard.
- (b) **That** the Parramatta Local Planning Panel, exercising the function of the Council pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, approve development consent to DA/317/2021 for the 'demolition of existing dwellings, tree removal, lot consolidation and construction of a 4-storey residential flat building comprising 35 residential units including 12 affordable housing units pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with basement car parking and associated Strata subdivision' on land at 63-37 Pine Street, Rydalmere, subject to conditions of consent in Attachment 1, amended as follows;
  1. Insertion of new Condition 124A, in part E, as follows;

"A restriction is to be registered, before the issue of an occupation certificate, against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure compliance with the requirements of condition 128 of this consent."
- (c) **Further, that** the submitters be advised of the decision.

## **REASONS FOR APPROVAL**

1. The Panel is satisfied with the applicants Clause 4.6 written request to vary the building height standard.

2. The development is permissible in the R4 zone pursuant to Parramatta Local Environmental Plan 2011 and generally satisfies the requirements of the applicable planning framework.
3. The development will be compatible with the emerging and planned future character of the area.
4. The development will provide housing that accommodates the needs of the existing and future residents, workers and visitors of Parramatta.
5. The amenity impacts can be appropriately managed.
6. The Panel is satisfied that:
  - a. The applicant's written request adequately addresses the matters required to be addressed under clause 4.6 (3) of the LEP; and
  - b. The development is in the public interest because it is consistent with the objectives of clause 4.3 (Height of Buildings) of the LEP and the objectives for development in the R4 High Density Residential zone.
7. For the reasons given above, approval of the application is in the public interest.

The Panel decision was UNANIMOUS.

5.3 SUBJECT PUBLIC MEETING  
45 Mobbs Lane, CARLINGFORD NSW 2118 (Lot 14 DP 30791)

DESCRIPTION Section 8.3 Review of DA/725/2020 for the demolition of existing structures, earthworks, removal of seven (7) trees and construction of a child care facility for 56 children (17 x 0-2 year olds, 15 x 2-3 year olds & 24 x 3-6 year olds) with basement level car parking level for fourteen (14) vehicles and associated landscape works. The Section 8.3 Review of Determination application relies upon previously submitted amended plans for 56 children with 14 car parking spaces.

REFERENCE DA/725/2020 - D08615891

APPLICANT/S Planning Lab

OWNERS Child Care Property Holdings Pty Ltd

REPORT OF Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.3 and attachments to Item 5.3.

Public Forum

1. Simon Brownlow spoke in favour of the report recommendation to refuse the development application.
2. David Conway spoke in favour of the report recommendation to refuse the development application.
3. Shivanthan Balendra spoke in favour of the report recommendation to refuse the development application.
4. Kenneth Hollyoak from TTPP Transport Planning spoke against the report recommendation to refuse and answered questions from the Panel in relation to the development application.
5. Giovanni Cirillo from Planning Lab spoke against the report recommendation to refuse the development application.
6. Joe El-sabbagh from Design Corp Architects was available to answer questions from the Panel in relation to the development application.

## DETERMINATION

- (a) **That** the Parramatta Local Planning Panel (PLPP), exercising the functions of Council, pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/725/2020 for Section 8.3 Review of DA/725/2020 for the demolition of existing structures, earthworks, removal of seven (7) trees and construction of a child care facility for 56 children (17 x 0-2 year olds, 15 x 2-3 year olds & 24 x 3-6 year olds) with basement level car parking level for fourteen (14) vehicles and associated landscape works on land at Lot 14 in DP 30791, 45 Mobbs Lane, Carlingford.
- (b) **Further, that** submitters be advised of the decision.

## REASONS FOR REFUSAL

1. Parramatta Local Environmental Plan 2011
  - a) The proposed development is inconsistent with the aims and objectives of the R2 Low Density Residential zoning applying to the land, as the proposed works are not located in a context and setting that minimises impacts on the amenity of the residential environment.
2. Child Care Planning Guideline
  - a) The proposed development does not meet the following objectives of *Section 3.1 Site selection and location* of the Child Care Planning Guideline:
    - i. *'To ensure that appropriate zone considerations are assessed when selecting a site'*, as the traffic and

parking as a result of the proposal would have a negative impact on the residential amenity.

- ii. *'To ensure that the site selected for a proposed child care facility is suitable for the use'*, as the location of the site on Mobbs Lane is inappropriate and unsafe for the proposed use.
- b) The proposed development does not meet the following objective of *Section 3.8 Traffic, Parking and Pedestrian Circulation* of the Child Care Planning Guideline:
    - i. *'To provide vehicle access from the street in a safe environment that does not disrupt traffic flows'*, as the proposal does not ensure that safe vehicular access can be provided to and from the site.
3. Parramatta Development Control Plan 2011
    - a) The proposed development does not meet the objectives of *Section 3.6.2 Parking and Vehicular Access* of Parramatta Development Control Plan 2011, as the proposal does not ensure the location and design of the driveway and basement is safe.
  4. The site is unsuitable for the proposed development, having regard to the traffic and parking issues.
  5. The acoustic mitigation measures in the form of 2.1 to 2.5 metre high barriers on lot boundaries are not compatible with the character of the surrounding low density residential area.

The Panel decision was UNANIMOUS.

5.4	SUBJECT	OUTSIDE PUBLIC MEETING 3 Farmhouse Road, WESTMEAD NSW 2145 (Lot 4 DP 1227281)
	DESCRIPTION	Alterations and additions to the approved residential development including an additional 4 floors to Buildings D and F, and internal and external facade changes.
	REFERENCE	DA/932/2021 - D08602823
	APPLICANT/S	Combined Projects Westmead Pty Ltd
	OWNERS	Combined Projects (Westmead) Pty Ltd
	REPORT OF	Group Manager Development and Traffic Services

The Panel considered the matter listed at Item 5.4 and attachments to Item 5.4.

Public Forum



1. Aaron Sutherland from Sutherland & Associates Planning answered questions from the Panel in relation to the development application.
2. James McCarthy Architect from Turner was available to answer questions from the Panel in relation to the development application.
3. Greg Colburn Architect from Combined Projects was available to answer questions from the Panel in relation to the development application.

## **DETERMINATION**

The Panel refuses the application for the following reasons;

- (a) The Panel is not satisfied that compliance with clause 4.3 (building height) and clause 4.4 (floor space ratio) of the Parramatta Local Environmental Plan 2011 ( "the LEP") is unreasonable or unnecessary in the circumstances and it is not satisfied that there are sufficient environmental planning grounds to justify contravening these development standards; and
- (b) The applicant's written request has not adequately addressed the matters required to be addressed under clause 4.6 (3) of the LEP; and
- (c) The development is not in the public interest because it is not consistent with the objectives of clause 4.3 (height of buildings) and clause 4.4 (floor space ratio) of the LEP and the objectives for development in the B4 Mixed Use zone.

The Panel decision was UNANIMOUS.

## INNOVATIVE

6.1 **SUBJECT** Request for Gateway - Planning Proposal for land at 353A-353C and part of 351 Church Street, Parramatta (Riverside Theatre site)

**REFERENCE** F2022/01255 – D08524695

**APPLICANT/S** City of Parramatta

**OWNERS** City of Parramatta

**REPORT OF** Team Leader Land Use Planning

The Panel considered the matter listed at Item 6.1 and attachments to Item 6.1.

There were no public forum submissions for Item 6.1.

## **ADVICE**

