
INNOVATIVE

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| ITEM NUMBER | 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 - |
| APPLICANT/S | City of Parramatta |
| OWNERS | City of Parramatta |
| REPORT OF | 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).

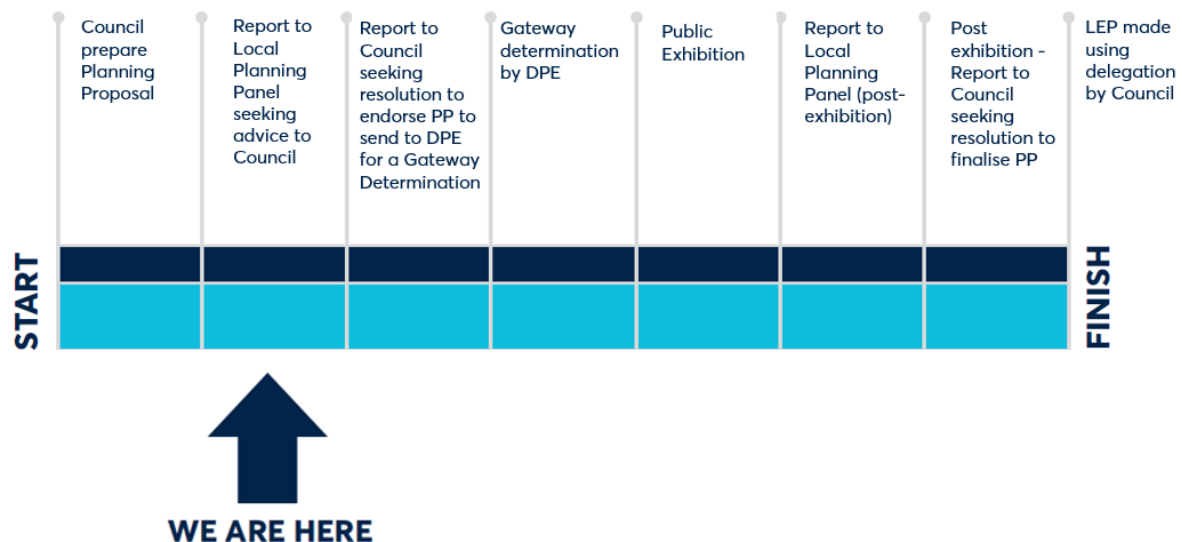
RECOMMENDATION

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.
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- (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.

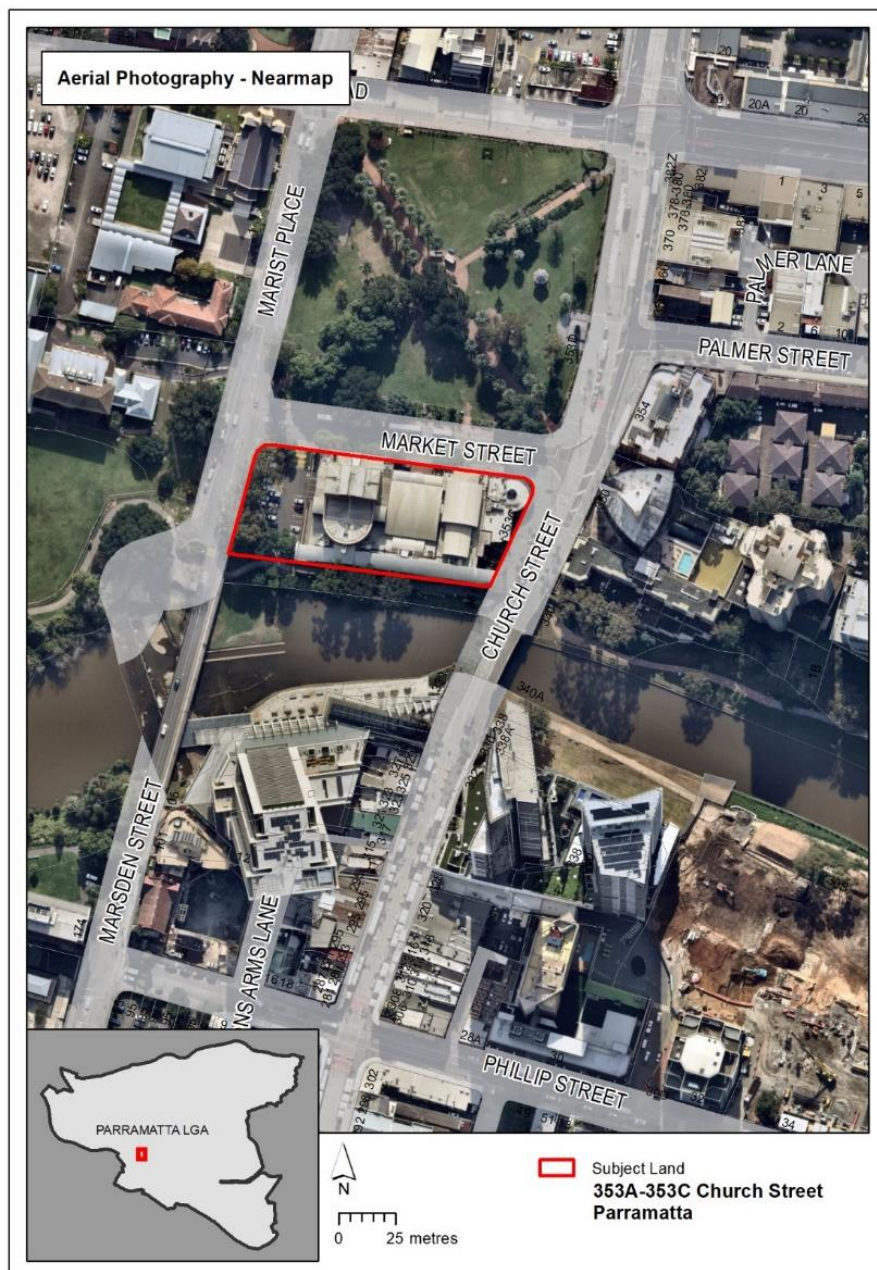


Figure 1 – Site subject to the Planning Proposal

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**.

| Date | Milestone | Description |
|---|---|--|
| 26 November 2018 Council Meeting | 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. |
| December 2019 – June 2021 | 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. |
| 15 June 2021 Council Meeting | 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> |
| 26 July 2021 Council Meeting | Council considers the Riverside Theatres Redevelopment Concept Proposal, and resolves to prepare concept design and budget commitments. | <p>The Riverside Theatres Redevelopment Concept Proposal was presented to Council and addressed the core elements of the 'Reimagining Riverside' visioning document.</p> <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> |

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| 9 May 2022 Council Meeting | 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> |
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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

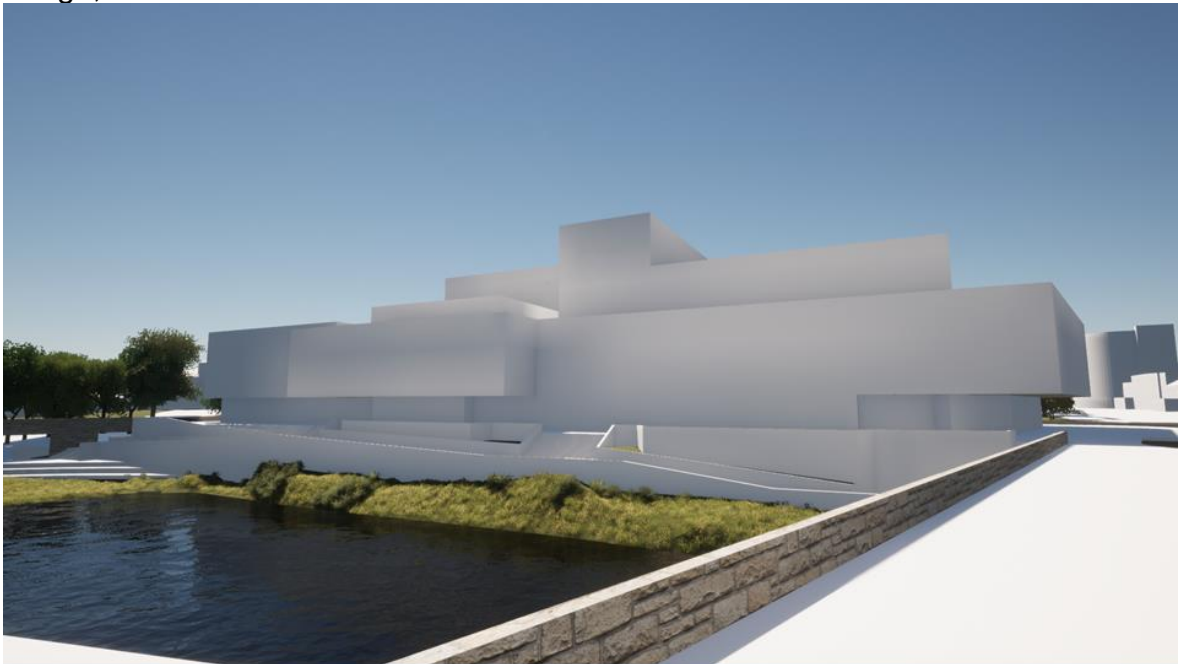


Figure 3 – Concept design render looking north-west from Lennox bridge, Parramatta



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 Council's 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.

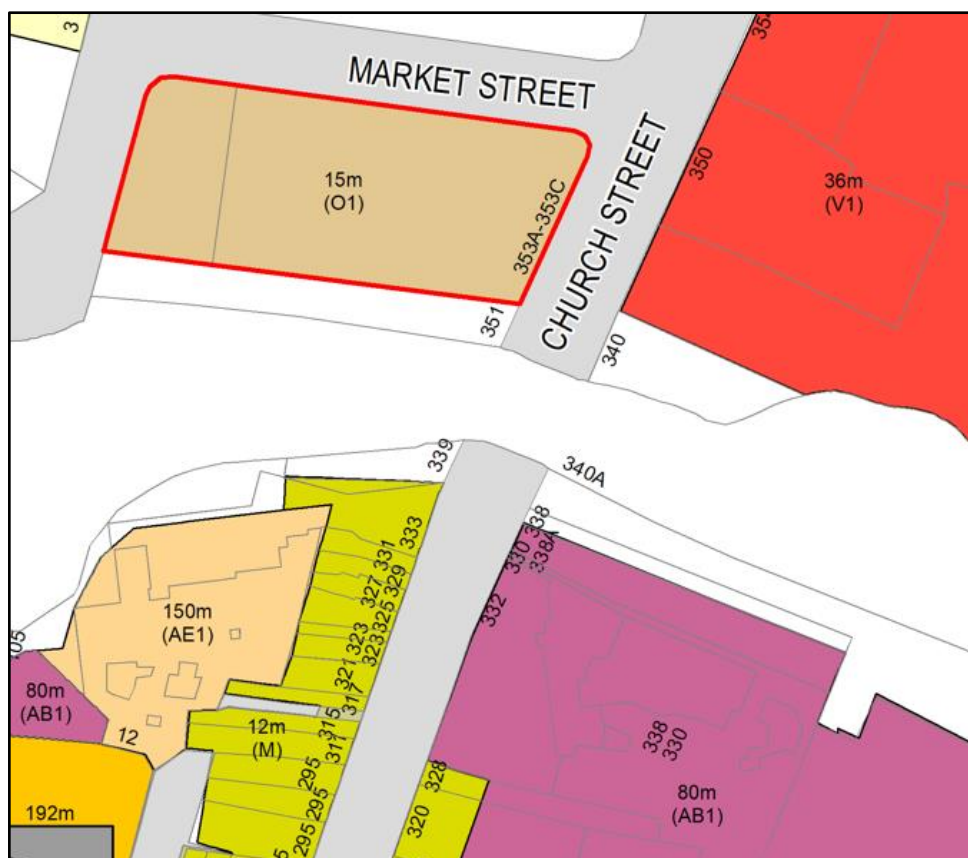


Figure 6 – Existing height map from the Parramatta LEP

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. $28\text{m} + 15\%$), 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
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Robert Cologna
Group Manager, Strategic Land Use Planning

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

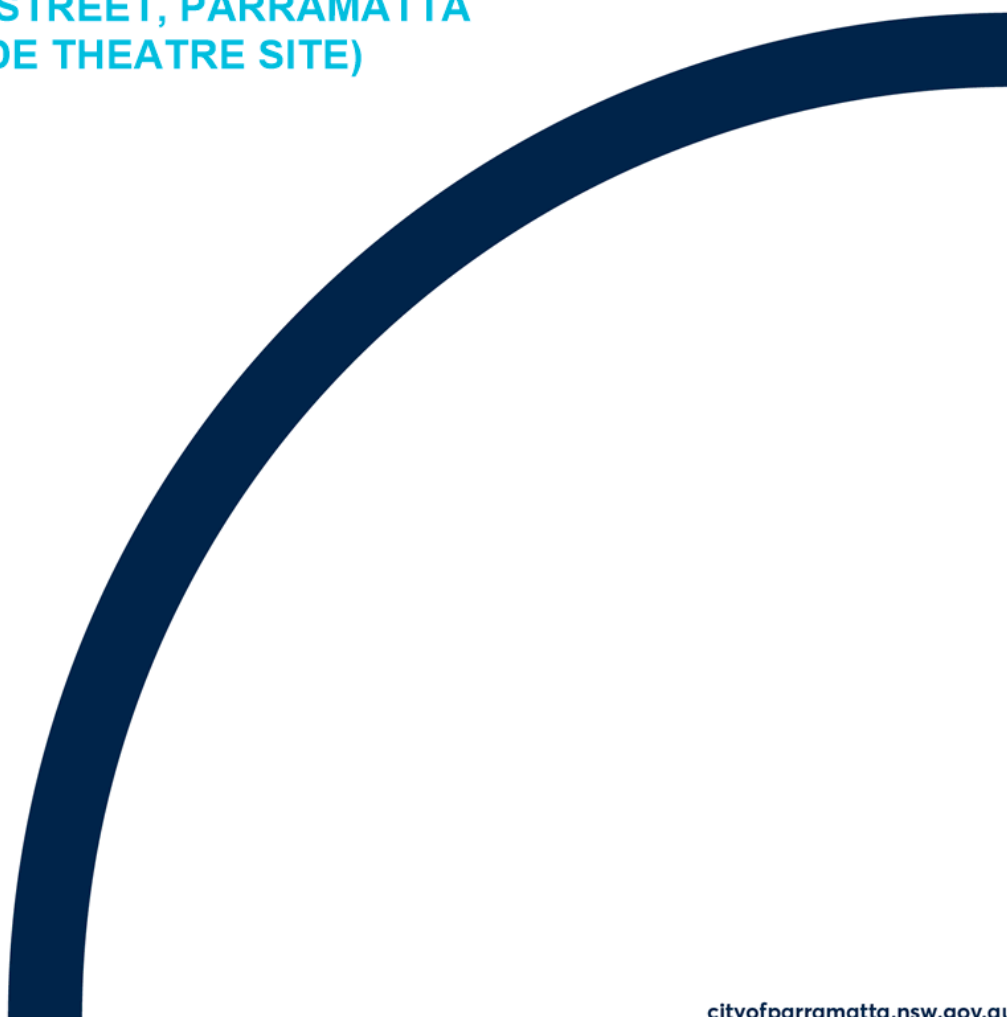
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REFERENCE MATERIAL



PLANNING PROPOSAL

LAND AT 353A-353C CHURCH STREET AND PART OF 351
CHURCH STREET, PARRAMATTA
(RIVERSIDE THEATRE SITE)



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Planning Proposal Drafts

| No. | Author | Version |
|-----|--------------------|--|
| 1. | City of Parramatta | August 2022: Version attached to Local Planning Panel Meeting dated 16 August 2022 seeking advice to Council |

INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to Parramatta Local Environmental Plan 2011 relating to the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site).

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment (DPE) guidelines, 'Local Plan Making Guideline (December 2021).

Background

The Parramatta CBD is a hub of economic activity, essential services, natural assets, history, culture, and creativity. Constructed in 1988, the Riverside Theatre has served the community of Parramatta and Greater Sydney as a critical anchor performing arts facility for the last three decades. However, the current Riverside Theatre building is not fit for purpose in catering to the needs of the growing population.

The redevelopment of the Riverside Theatre to deliver a modernised and expanded performance space is an important infrastructure priority reflected in the City of Parramatta Council's cultural infrastructure plan titled 'A Cultural Plan for Parramatta's CBD 2017-2022'. Council has progressed with the preparation of a visioning document, concept reference design, and committed funding to redevelop the theatre. The redevelopment will give effect to the 'Reimagined Riverside Theatres' which is leveraging off considerable investments to increase the vibrancy of the CBD and boost the tourism offering along the Parramatta River foreshore.

The Parramatta CBD Planning Proposal (CBD PP) sought to establish the height controls needed to redevelop the theatre in line with the vision of Council. The concept design was prepared in response to the planning controls within the CBD PP. However, the DPE 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.

As a result, a Planning Proposal is needed to implement the necessary height and building envelope controls to allow for the concept design and redevelopment project to progress; and deliver a significant cultural asset within the Parramatta CBD.

Land affected by this Planning Proposal

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.

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 that attract more than 180,000 patrons to up to 1000 performances and events every year. Above-ground parking is located on the western side of the site on the corner of Market and Marsden Street.

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

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south of the site along the southern edge of the river foreshore has undergone significant renewal. Specifically, the land directly opposite the site at 2 Phillip Street is being redeveloped for a 192m mixed use tower (i.e. 'The Lennox' development).

The site is shown in **Figure 1** below.

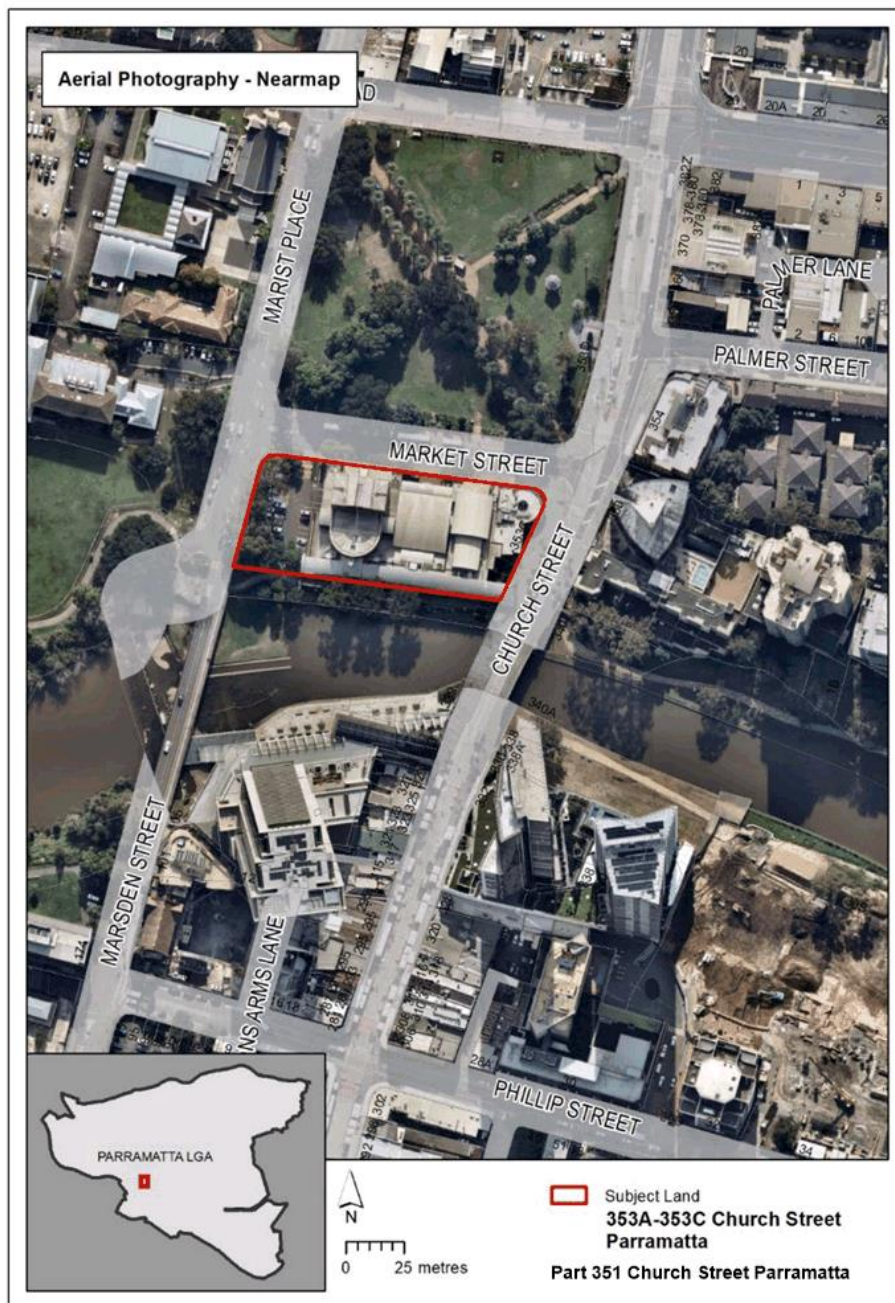


Figure 1 – Site subject to the Riverside Theatre Planning Proposal

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Current Planning Controls

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.

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)

Other controls relating to flooding and Acid Sulphate Soils are described and mapped in Part 4 of the Planning Proposal.

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Objective

To amend the Parramatta LEP 2011 to implement the necessary height and building envelope controls to:

- allow for the concept design and redevelopment project for the Riverside Theatre to progress following the site's removal from the Parramatta CBD Planning Proposal at finalisation.
- enable the timely delivery of a critical piece of cultural, social, and community infrastructure to meet the needs of the current and future population of the City of Parramatta and Greater Sydney.
- Fulfill the actions of Council's cultural infrastructure plan titled 'A Cultural Plan for Parramatta's CBD 2017-2022'

Intended outcomes

To deliver a hybrid Riverside Theatre redevelopment scheme that has heights varying from approximately 13m along the riverfront and 28m towards Market Street; and includes the retention and upgrade of a portion of the existing theatre 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.

The redevelopment compliments the Commbank Stadium, the imminent delivery of Powerhouse Parramatta, and the revitalised Eat Street Dining destination as the performing arts element of a major cultural, entertainment and dining precinct that serves Greater Sydney and leverages the significant investment in new transport infrastructure and links

PART 2 – EXPLANATION OF PROVISIONS

In order to achieve the desired objectives and outcomes detailed in Part 1, the following amendments to the Parramatta LEP 2011 (PLEP 2011) need to be made:

1. Amend the Maximum Height of Buildings Map (Sheet HOB_009) to show a maximum building height of 28m from 15m (Refer to **Figure 12** in Part 4 of this Planning Proposal).
2. Amend the Key Sites Map to include the site and introduce a Site-Specific Clause within 'Part 7 Additional local provisions – Parramatta City Centre' that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between 12pm and 2pm; and requires active street frontages. (Refer to Part 4 for draft wording).

The increase in HOB from 15m to 28m is considered a modest increase (particularly given the current theatre has building elements at 25m); and no change is sought to the existing FSR control.

The concurrent application of the height control and site-specific clause is the simplest way to update the Parramatta LEP 2011 to implement the intent of the CBD PP, and provide the framework needed for the Riverside redevelopment to progress.

All other planning controls applying to the site will remain unchanged

Notes

Given that a design competition is required for the proposed development, the 15% bonus FSR provided by the Design Excellence Clause in PLEP 2011 is relevant but does not represent an increase in the FSR currently permitted on the site.

PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the Planning Proposal.

3.1 Section A - Need for the Planning Proposal

This section establishes the need for a Planning Proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims of the proposal.

In its current form, the building does not support the Riverside Theatre's ambition to grow its capacity, change, and adapt to new performance types and opportunities nor does it respond to the City's vision to reconnect with its river foreshore and public spaces. This Planning Proposal is critical to the progression and timely delivery of the Riverside Theatres redevelopment project.

3.1.1 Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Yes

Whilst the Planning Proposal is the direct result of the Department of Planning and Environment's (DPE) policy changes to the Parramatta CBD Planning Proposal (CBD PP) at finalisation, the Planning Proposal, and the intended outcome to deliver a new fit for purpose theatre, is to support the implementation of Council's endorsed LSPS and other state and local strategies.

The Planning Proposal will result in the delivery of critical cultural infrastructure needed to service the current and future population of both Parramatta and Greater Sydney. The LSPS emphasises the importance of cultural and social infrastructure in supporting growth and access to the arts for the LGA and district, and the Planning Proposal will deliver on the LSPS's objective to match growth with infrastructure to make Parramatta a liveable, sustainable, and productive city. More detail with the alignment of the Planning Proposal with the local and state planning framework is contained in Section 3.2.1.

3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes

The Planning Proposal is needed to implement the necessary height control to allow for the concept reference design and redevelopment project for the Riverside Theatre to progress in line with the vision of Council.

The Planning Proposal is a consequence of the Department of Planning and Environment's (DPE) finalisation of the Parramatta CBD Planning Proposal (CBD PP). The CBD PP established the height control needed to redevelop the theatre in line with the vision of Council. The concept design was prepared in response to the planning controls within the CBD PP. However, the DPE 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.

Waiting for a future review of the land north of the Parramatta River (which is anticipated to commence in 2023 and would take two to three years to complete) would cause delays to the progression of the Council prepared concept design for the Riverside Theatre. Therefore, a Planning Proposal is the most effective way of providing certainty to Council and the local community; and allows for the orderly and economic development of the land.

3.2 Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the NSW Government's Plan for Growing Sydney and subregional strategy, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

3.2.1 Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal has strategic merit with both state and local planning frameworks. The redevelopment of the Riverside Theatre to modernise and increase its capacity supports Parramatta's growth as the Central River City and aligns with the overarching policy position to deliver cities that are productive, liveable, and sustainable. The growing population of the City of Parramatta and Greater Sydney emphasise the necessity of the redevelopment to ensure the venue is 'fit for purpose'. The Planning Proposal will enable the efficient redevelopment of critical cultural infrastructure that services the local and broader communities.

Strategies relevant to this Planning Proposal are discussed below.

A Metropolis of Three Cities

The *Greater Sydney Region Plan: A Metropolis of Three Cities* (the GRSP) released by the State Government in March 2018 promotes the transformation of Sydney into a city of cities where people can access their place of work, education, and recreation within 30 minutes of their home.

The three cities framework includes: the Eastern Harbour City, the Central River City and the Western Parkland City. The Parramatta CBD is identified as the metropolitan centre for the Central River City, and the Parramatta LGA is one of four LGA's making up the Central City District (along with The Hills Shire, Cumberland, and Blacktown).

In addition to the '30-minute city' initiative, among other policies, the GRSP provides a clear directive to:

- Grow Greater Parramatta as the Central River City core, building on its increasingly strong economic function;
- Enhance arts and cultural spaces in the Parramatta CBD, making the CBD a centre of cultural life; and
- Improve the environment to support better liveability and environmental services.

The redevelopment of the Riverside Theatre, as facilitated by this Planning Proposal, aligns with the objectives of the Greater Sydney Region Plan in delivering a '30 minute city' where people can live, work, and recreate within 30 minutes of their home. The redevelopment and expansion of the theatre will reinforce the theatre's role as an anchor venue in Parramatta; attract a large network of performers; house larger audiences; and offer more

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productions. This 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 harbor city. This aligns with the key policy framework of the GSRP.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions which each contain a Potential Indicator and, generally, a suite of objective/s with each objective supported by a Strategy or Strategies. This Planning Proposal is consistent with the vision and directions of the GSRP.

Infrastructure and Collaboration

An assessment of the Planning Proposal's consistency with the GSRP's relevant Infrastructure and Collaboration objectives is provided in Table 3a.

Table 3a – Consistency of Planning Proposal with relevant GSRP Actions – Infrastructure and Collaboration

| Infrastructure and Collaboration Direction | Relevant Objective | Comment |
|--|---|--|
| A city supported by infrastructure | O1: Infrastructure supports the three cities O3: Infrastructure adapts to meet future need O4: infrastructure use is optimised | <p>This Planning Proposal contributes to the delivery of critical cultural infrastructure that is needed to support Greater Sydney's growth as a city of three cities. The redevelopment of the theatre supports the '30-minute city' by providing cultural infrastructure to the population of the Central River City area (and Greater Sydney more broadly). This removes the need to travel to the Eastern Harbour City for cultural and social experiences. The Planning Proposal supports both O1 and O3 in providing expanded and 'fit for the future' critical infrastructure. It also plays an important contribution to the cultural infrastructure precinct formed by the new Museum of Applied Arts and Sciences (MAAS) being delivered on the southern side of the Parramatta River. The co-location of the two cultural institutions optimises visitation and the likely patronage of both facilities.</p> <p>The Planning Proposal also responds to O4 by supporting and increasing patronage on State Government infrastructure investment in the way of Parramatta Light Rail (PLR) Stage 1 (currently under construction and is expected to open in 2023) and the future Sydney Metro West.</p> <p>The Planning Proposal will facilitate the revitalisation of significant cultural infrastructure on a site that is within 350m from the Parramatta Light Rail stop at Prince Alfred Park. This gives future users optimum access to Light Rail and bus services, consistent with the direction and objective.</p> |

Liveability

An assessment of the Planning Proposal's consistency with the GSRP's relevant Liveability objectives is provided in Table 3b, below.

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Table 3b – Consistency of Planning Proposal with relevant GSRP Actions – Liveability

| Liveability Direction | Relevant Objective | Comment |
|------------------------|--|---|
| A city for people | O6: Services and infrastructure meet communities' changing needs | This Planning Proposal supports the unprecedented growth planned under the Parramatta CBD Planning Proposal; key strategic precincts across Greater Parramatta; and more broadly, Greater Sydney. |
| | O7: Communities are healthy, resilient and socially connected | The Planning Proposal will enable the delivery of an iconic cultural venue and provide an opportunity for residents and visitors to connect and access an expanded Riverside Theatre. |
| | O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods | State Government investment in Bankwest Stadium and the Museum of Applied Arts and Sciences (MAAS) will also support Parramatta CBD as an active, innovative and creative hub as will local investment such as the Civic Link and Parramatta Square redevelopment. |
| | O9: Greater Sydney celebrates the arts and supports creative industries and innovation | In addition, Council's cultural infrastructure plan titled 'A Cultural Plan for Parramatta's CBD 2017-2022' (Cultural Plan) recognises and emphasises the important contribution the Riverside Theatre plays in Parramatta's cultural identity, and the need to ensure it continues to offer a diverse range of social and cultural infrastructure and experiences to support its growth as the Central River City. |
| A city of great places | O12: Great places that bring people together | The Planning Proposal will showcase our cultural identity and asset with world-class facilities, creating an opportunity to bring people together, consistent with the direction and objective. This will also create opportunities to boost the Night Time Economy. |

Productivity

An assessment of the Planning Proposal's consistency with the GSRP's relevant Productivity objectives is provided in Table 3c, below.

Table 3c – Consistency of Planning Proposal with relevant GSRP Actions – Productivity

| Productivity Direction | Relevant Objective | Comment |
|------------------------|---|---|
| A well-connected city | O14: The plan integrates land use and transport creates walkable and 30 minute cities | The Planning Proposal will facilitate the redevelopment of the Riverside Theatre and support the '30-minute city' by providing cultural infrastructure to the population of Greater Parramatta (and Greater Sydney more broadly). This removes the need to travel to the Eastern Harbour City for cultural and social experiences. The Planning Proposal will facilitate an increase in cultural and entertainment space |

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| | | within the Parramatta CBD, and connects the CBD's workers, residents, and visitors to an expanded cultural facility. The location of the site near a light rail stop at Prince Alfred Square, and other bus routes, integrates land use and transport consistent with this direction and objective. |
| | O15: The Eastern, GOPP and Western Economic Corridors are better connected and more competitive | The Planning Proposal would deliver an expanded cultural facility and help drive further investment in the arts by providing a 'fit for purpose' theatre space that is flexible, inclusive and suitable for exhibitions and performances. The co-location of the theatre to the MAAS and other retail offerings of the Parramatta CBD will support the competitiveness of the economy and the city. The Planning Proposal would also contribute to the strength of the Parramatta CBD by providing additional employment opportunities in a manner that supports the recently finalised Parramatta CBD Planning Proposal. |
| Jobs and skills for the city | O19: Greater Parramatta is stronger and better connected | The Planning Proposal will contribute to the role of Greater Parramatta as a metropolitan centre; and support the significant infrastructure investments led by local and state government designed to improve connectivity to Greater Parramatta from other strategic centres including Parramatta Light Rail (Stage 1 and 2) and Sydney Metro West. The redeveloped theatre will attract further investment in the performing arts, form an extension of the cultural precinct formed by the MAAS, and encourage visitation to the Parramatta CBD by both Greater Parramatta and Greater Sydney. The Planning Proposal is consistent with this direction and objectives, and will assist in strengthening the local economy, job creation, and long term investment in the performing arts. |
| | O22: Investment and business activity in centres | |

Implementation

An assessment of the Planning Proposal's consistency with the GSRP's relevant Implementation objectives is provided in Table 3d, below.

Table 3d – Consistency of Planning Proposal with relevant GSRP Actions – Implementation

| Implementation Direction | Relevant Objective | Comment |
|--------------------------|---|--|
| Implementation | O39: A collaborative approach to city planning | This Planning Proposal aims to promote orderly development that aligns with local, district and regional planning frameworks. The Planning Proposal will help address the historical imbalance of cultural investment across Greater Sydney, which currently presents a challenge for Parramatta to achieve rounded growth and fulfill |

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| | | <p>its role as the Central River City and deliver on the State Government's '30 minute city' policy within the GSRP.</p> <p>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.</p> <p>The Planning Proposal will support the implementation of elements of the Parramatta CBD strategic planning work completed by Council. The Planning Proposal also supports State led initiatives that integrate land use planning with cultural infrastructure planning.</p> |
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Central City District Plan

The *Central City District Plan* (CCDP) is a 20-year plan to guide the implementation of the *Greater Sydney Region Plan - A Metropolis of Three Cities* at a district level and is a bridge between regional and local planning. The Central City District comprises of The Hills, Blacktown, Cumberland and Parramatta local government areas.

Taking its lead from the GSRP, the CCDP is also structured in four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities which are each supported Action. Those Planning Priorities and Actions relevant to this Planning Proposal are discussed below.

Infrastructure and Collaboration

An assessment of the Planning Proposal's consistency with the CCDP's relevant Infrastructure and Collaboration Priorities and Actions is provided in Table 4a, below.

Table 4a – Consistency of Planning Proposal with relevant CCDP Actions – Infrastructure and Collaboration

| Infrastructure and Collaboration Direction | Planning Priority/Action | Comment |
|--|---|--|
| <p>A city supported by infrastructure</p> <p>O1: Infrastructure supports the three cities</p> <p>O2: Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p>O3: Infrastructure adapts to meet future need</p> <p>O4: Infrastructure use is optimised</p> | <p>PP C1: Planning for a city supported by infrastructure</p> <ul style="list-style-type: none"> A1: Prioritise infrastructure investments to support the vision of <i>A metropolis of three cities</i> A3: Align forecast growth with infrastructure A4: Sequence infrastructure provision using a place based approach A5: Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans A6: Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes to reduce the demand for new infrastructure, supporting the development of adaptive and | <p>The Planning Proposal would enable the delivery of an expanded Riverside Theatre within an area well serviced by existing public transport infrastructure in the way of trains along the Western Line, an extensive bus network, and a ferry service up and down the Parramatta River. These services are currently utilised by theatre patrons.</p> <p>However, importantly, the site is within walking distance to the future Parramatta Light Rail stop located at Prince Alfred Square, which is currently under construction as part of Stage 1 of the project and is expected to open in 2023.</p> <p>Parramatta Light Rail is one of the NSW Government's major infrastructure projects that will connect Westmead to Carlingford via the Parramatta CBD and Camellia with a two-way track spanning 12</p> |

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| | flexible regulations to allow decentralised utilities | <p>kilometres. The route will link Parramatta's CBD and train station to the Westmead Health Precinct, Cumberland Hospital Precinct, CommBank Stadium, the Camellia Town Centre, the MAAS site, Telopea, Rosehill Gardens Racecourse, and three Western Sydney University campuses.</p> <p>Parramatta Light Rail Stage 1 will be completed in 2023, prior to the redevelopment of the Riverside Theatre. The completion of this infrastructure in advance of the new theatre opening will result in the site being more accessible to visitors across Greater Parramatta, and assists in providing active and public transport options.</p> <p>The utilisation of existing and future transport infrastructure; timeline for development; and support for current and future growth align with the Planning Priority and Actions.</p> |
| O5: Benefits of growth realized by collaboration of governments, community and business | <p>PP C2: Working through collaboration</p> <ul style="list-style-type: none"> • A7: Identify prioritise and delivery collaboration areas | <p>State and local planning has identified the need to deliver additional and expanded cultural infrastructure within Parramatta as the Central River City to support the '30-minute city' and provide anchor facilities for world class performing arts. The distribution of cultural infrastructure is well recognised across state and local planning frameworks and would deliver on previous commitments to support the arts within Greater Sydney.</p> <p>This Planning Proposal delivers on this priority and the delivery of a new cultural facility will also generate positive benefits to the local economy through increased retail trade, visitation, and jobs. These are all deliverables captured within the CCDP and align with the Planning Priority and Actions.</p> |

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Liveability

An assessment of the Planning Proposal's consistency with the CCDP's relevant Liveability Priorities and Actions is provided in Table 4b, below.

Table 4b – Consistency of Planning Proposal with relevant CCDP Actions – Liveability

| Liveability Direction | Planning Priority/Action | Comment |
|--|--|---|
| A city for people O6: Services and infrastructure meet communities' changing needs | PP C3: Provide services and social infrastructure to meet people's changing needs <ul style="list-style-type: none"> • A8: Deliver social infrastructure that reflects the need of the community now and in the future • A9: Optimise the use of available public land for social infrastructure | <p>The Planning Proposal addresses Council's cultural infrastructure plan titled 'A Cultural Plan for Parramatta's CBD 2017-2022' (Cultural Plan) that recognises and emphasises the important contribution the Riverside Theatre plays in Parramatta's cultural identity, and the need to ensure it continues to offer a diverse range of social and cultural infrastructure and experiences to support its growth as the Central River City.</p> <p>The Planning Proposal also responds to the cultural and social infrastructure needs identified within the Parramatta Community Infrastructure Strategy 2020, which outlines the social infrastructure required to meet the needs of Parramatta's current and future community.</p> <p>The provision and expansion of cultural infrastructure is critical in delivering Parramatta as a liveable, sustainable, and productive place for the current and future populations of both the City of Parramatta and the Greater Sydney Region. This meets the Planning Priority and Actions of the CCDP.</p> |
| O7: Communities are healthy, resilient and socially connected O8: Greater Sydney's communities are culturally rich with diverse neighbourhoods O9: Greater Sydney celebrates the arts and supports creative industries and innovation | PP C4: Working through collaboration <ul style="list-style-type: none"> • A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d). • A11: Incorporate cultural and linguistic diversity in strategic planning and engagement. • A14: Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden including (a-c). • A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places | <p>The growing population of Parramatta, as well as the population from the surrounding district will create a demand for arts and cultural services and facilities within the Parramatta CBD as advocated in the City's Cultural Plan. Therefore the Planning Proposal is consistent with the vision for a well-connected city and will respond to the growing demand for new cultural facilities.</p> <p>As stated above, the Planning Proposal is consistent with the objectives outlined in Culture and Our City: A Cultural Plan for Parramatta's CBD 2017-2022.</p> |

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Productivity

An assessment of the Planning Proposal's consistency with the CCDP's relevant Productivity Priorities and Actions is provided in Table 4c, below.

Table 4c – Consistency of Planning Proposal with relevant CCDP Actions – Productivity

| Productivity Direction | Planning Priority/Action | Comment |
|---|--|--|
| A well-connected city O19: Greater Parramatta is stronger and better connected | PP C7: Growing a stronger and more competitive Greater Parramatta <ul style="list-style-type: none"> A23: Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged] A26: Prioritise infrastructure investment [abridged] | <p>Consistent with this Planning Priority, the Planning Proposal would strengthen Parramatta's position as the metropolitan centre of the Central River City by creating opportunities to support the delivery of infrastructure investments.</p> <p>The Planning Proposal will also contribute to the night-time economy of Greater Parramatta and attract visitors, strengthening the economic competitiveness of Parramatta.</p> <p>See response above to O14 of the GRSP.</p> |
| Jobs and skills for the city O15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive | PP C8: Delivering a more connected and competitive GPOP Economic Corridor <ul style="list-style-type: none"> A29: Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GPOP Economic Corridor A30: Prioritise transport investments that enhance access to the GPOP between centres within GPOP | <p>The Planning Proposal will deliver upgraded cultural infrastructure in close proximity to existing and future public transport infrastructure. This will allow the communities within the GPOP Economic Corridor to access cultural infrastructure within 30 minutes of their homes, reducing the reliance on the Eastern Harbour City.</p> <p>The upgraded Riverside Theatre will deliver a high quality cultural venue that will improve access to, and grow, the creative industry of the GPOP corridor. This will support the needs of the growing population and creative sector, and have a positive economic impact.</p> <p>The Riverside Theatre's location on the Parramatta Light Rail network, and other existing and future public transport, will result in the population of the GPOP corridor being well connected to resulting job and economic opportunities.</p> <p>These include:</p> <ul style="list-style-type: none"> Patron visitations growth forecast to reach 200,000 in 2026/27, growing to over 350,000 by 2035. Minimum \$20m direct positive impact to City of Parramatta's local and night-time economy from box office, dining and ancillary visitor spend annually. Over 6,900 visitor room nights booked annually, growing to >10,000 by 2035 |

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| | | <ul style="list-style-type: none"> Over 600 jobs created in the construction, theatre operations and creative arts industries over the next 5 years Over 100 jobs created annually ongoing <p>See response above to O15 of the GRSP.</p> |
| O14: The plan integrates land use and transport creates walkable and 30 minute cities | PP C9: Delivering integrated land use and transport planning and a 30-minute city <ul style="list-style-type: none"> A32: Integrate land use and transport plans to deliver a 30-minute city | <p>The Planning Proposal will facilitate an increase in cultural and entertainment space and provide opportunities for additional jobs within walking distance to the Prince Alfred Light Rail stop, integrating land use and transport, consistent with this direction and objective.</p> <p>See response above to O19 and O22 of the GRSP.</p> |

3.2.2 Is the Planning Proposal consistent with the local council's LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

This Planning Proposal is consistent with Council's strategic planning framework and other endorsed local strategies. The following local strategic planning documents are relevant to the Planning Proposal.

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the City and the region, including the following:

- the development of Parramatta CBD, Westmead, Camellia and Rydalmere;
- a Light Rail network and Local and Regional Ring Roads;
- the Parramatta River entertainment precinct; and
- a connected series of parks and recreation spaces.

The Planning Proposal is considered to meet the strategies and key objectives identified in the plan including to help build the City as a centre of high, value-adding employment and a driving force behind a generation of prosperity for Western Sydney.

Parramatta Local Strategic Planning Statement 2020

The City of Parramatta's Local Strategic Planning Statement (LSPS) 'City Plan 2036' came into effect on 31 March 2020. The LSPS sets a 20-year land use planning vision for the City. It balances the need for housing and economic growth, while also protecting and enhancing housing diversity, heritage, local character and the City's environmental assets as well as improve the health and liveability of the City.

This Planning Proposal meets the planning priorities and policy directions in the LSPS. One of the Local Planning Priorities in the LSPS is to provide strategic direction on expanding Parramatta's economic role as the Central City of Greater Sydney. The proposed redevelopment of the Riverside Theatre represents one of many cultural infrastructure projects that are needed to enable Parramatta to thrive as the Central City.

PLANNING PROPOSAL –Riverside Theatre

This Planning Proposal is fundamental to improving the social and cultural offering of the City to residents, visitors and workers. The proposed redevelopment responds to the provision of community infrastructure and recreation opportunities within the City of Parramatta, one of the Local Planning Priorities in the LSPS. The site will provide an enhanced community asset that benefits from convenient access to key transport nodes, including the Parramatta Light Rail, bus stop interchanges and public spaces. Therefore, this Planning Proposal is consistent with the priorities and supports the delivery of the strategic vision for Parramatta.

A copy of the LSPS as endorsed by Council and assured by the GSC in March 2020 can be accessed via <https://www.cityofparramatta.nsw.gov.au/lsp>.

Community Infrastructure Strategy 2020

The City of Parramatta's Community Infrastructure Strategy (CIS) was approved by Council on 13 July 2020. The CIS outlines the City's long term direction for community infrastructure provision across the City of Parramatta. It aims to support the City of Parramatta's fast-paced growth by identifying priorities for future community infrastructure; and will be used to inform planning, funding, delivering and negotiating for community infrastructure.

The CIS identifies five key considerations for community infrastructure planning in the Parramatta CBD:

1. Meeting demand from a growing community
2. Supporting a diverse community
3. Providing local and metropolitan level community infrastructure
4. Meeting the needs of residents living in high density
5. Fostering equity

The Planning Proposal responds to the cultural and social infrastructure needs and considerations identified within the CIS. The provision and expansion of cultural infrastructure is critical in delivering Parramatta as a liveable, sustainable, and productive place for the current and future populations of both the City of Parramatta and the Greater Sydney Region. The expanded theatre will contribute to cultural investment within the Central River City and deliver greater access to the performing arts for the population of Greater Sydney.

A copy of the CIS can be accessed via <https://www.cityofparramatta.nsw.gov.au/cis>

Parramatta Cultural Plan and Our City: A Cultural Plan for Parramatta's CBD 2017-2022

'Cultural Plan for Parramatta's CBD 2017-2022' (Cultural Plan) sets a long-term vision for the City of Parramatta to support the role of Parramatta as Sydney's Central City. The Cultural Plan includes directions, goals and actions for cultural activation and a creative community, identifying that 'Diversity is our strength and everyone is welcome' as a key goal for culture in the city.

The 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.

The current Riverside Theatre building and facilities:

- do not satisfactorily meet current or expected future demand;

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- 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.

This Planning Proposal is required to enable the redevelopment of the Riverside Theatres by providing the planning controls needed to achieve the concept design for the redevelopment project. The concept design (as described in Part 2 intended outcomes) will meet future demand for high quality, diverse performance from Australia and the world, as well as providing an outlet for local professional and community performance activity and content. This will deliver on the objectives of the Cultural Plan.

Reimagining Riverside Theatres: Vision, Priorities, Design 2018

Expanding on the objectives of the Cultural Plan, Council developed the 'Reimagining Riverside Theatres; Vision, Priorities, Design' visionary document. This was endorsed by Council on 26 November 2018 and sets out the vision and priorities for the new theatre and provides principles to guide design towards a compelling performing arts centre fit for the Central City. The case for redevelopment is supported by project initiatives related to the Museum of Applied Arts and Sciences, which collectively, form anchor venues in the Parramatta CBD located outside the Eastern City.

This Planning Proposal gives effect to the strategic intent of the Reimagining Riverside Theatres and aligns with the needs of the City and future growth.

Parramatta City River Strategy 2015

Endorsed by Council in 2015, the Parramatta City River Strategy (City River Strategy) is a comprehensive plan to transform the City River Foreshore into a vibrant public space that connects to the city, celebrates the history and culture of the Parramatta River, and is resilient to flooding.

The City River Plan as outlined in the City River Strategy proposes a world class public domain and high quality of new buildings that connect active spaces around the Parramatta River Foreshore (City River Corridor). Further, the City River Strategy provides a framework for public domain works along the river foreshore. The revitalisation of Parramatta Quay is being realised through several landmark projects, including the Parramatta Ferry Wharf Upgrade (completed), the Escarpment Boardwalk (construction 2020), and the Charles Street Square Upgrade (design 2020).

The Riverside Theatre is identified as part of the Cultural Quarter of the series of distinctive river quarters in the City River Strategy. This Planning Proposal is consistent with the City River Strategy in that the increased height of building controls will enable the delivery of a new Riverside Theatre, and contribute to the realisation of the City River Strategy and overall vision for the river foreshore.

Parramatta CBD Local Infrastructure Contributions Plan 2021

As part of the Parramatta CBD Planning Proposal framework, Council prepared the Parramatta CBD Local Infrastructure Contributions Plan 2021 (Contributions Plan). This Contributions Plan includes a program of cultural facility projects which includes the knock down and rebuild of the existing Riverside Theatres (\$200 million).

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The Planning Proposal is needed to deliver on the program of works relating to the Riverside Theatre within the Contributions Plan, and provide the necessary infrastructure needed to support the anticipated growth from the Parramatta CBD PP and Greater Sydney. The works and estimated costs relevant to the Riverside are included in **Table 5** below. These have been informed by Council's Community Infrastructure Strategy and Cultural Plan.

Table 5 - Summary of schedule of works relevant to Planning Proposal as listed in CBD Local Infrastructure Contributions Plan 2021

| Community Facilities Strategy | | | |
|---|--|----------------|-------------------|
| Performing Arts Facilities | | | |
| Item/description | Location | Estimated Cost | Timing |
| Item 8. Anchor Facility: Knock down and rebuild of the existing Riverside Theatres to deliver modernised facility that includes rehearsal, presentation, and production spaces. | Existing site on river foreshore (Riverside Theatre site) | \$200,000,000 | Short (1-5 years) |
| Item 9. Riverside Performing Arts Rehearsal and Training Studio (1,000sqm) | Close to public transport is essential; ideally in City Centre | \$1,720,520 | Short (1-5 years) |
| Item 10. Performing Arts Rehearsal and Training Space with capacity to accommodate First Nations Dance and ballet (1,000sqm) | Close to public transport is essential; ideally in City Centre | \$1,720,520 | Short (1-5 years) |
| Open Space and recreation Works | | | |
| Parramatta River Foreshore Parcel upgrades | | | |
| Item/description | Location | Estimated Cost | Timing |
| Item 8. Riverside Theatre foreshore upgrade to support the Riverside Theatre and provide a terrace along the river corridor to support a range of outdoor cultural events. | North Bank between Bernie Banton and Lennox Bridge | \$17,974,000 | Short (1-5 years) |

(Source: Endorsed CBD Local Infrastructure Contributions Plan 2021)

The Planning Proposal is needed to ensure the necessary planning controls to redevelop the theatre and deliver on the work items within the Contributions Plan.

Parramatta Night City Framework 2020-2024

The Parramatta Night City Framework sets out the strategic plan for the development of a night city that supports the economy, the social and cultural offering of the City, and environment. The Night City Framework is key to guiding Council as it transitions to becoming a 24-hour city centred on the Parramatta CBD, supported by strategic and local centres, to cement Parramatta as the Central City of Greater Sydney.

The Night City Framework identifies the redevelopment of the Riverside Theatres as a central component to the realisation of a night city in Parramatta that celebrates arts, culture and performance at its core.

The Planning Proposal will support the delivery and achievement of the Night City Framework and deliver a critical anchor performing arts facility that will active the river foreshore, attract visitors, supplement retail along Eat Street, and continue to build on the 30- year legacy of the existing theatre.

Parramatta CBD Planning Proposal

Background

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.

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. The CBD PP was to enable and support the significant growth planned for the CBD, with the planning proposal being recognised as priorities in the GSRP and CCDP.

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

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)

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)

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.

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.

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.

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).

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- (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)."

This 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 Council's 25 July 2022 resolution.

In addition, waiting for a future review of the land north of the Parramatta River (which is subject to funding being provided by the State Government, and 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.

This Planning Proposal is considered necessary to enable the timely progression of the redevelopment of the Riverside Theatre, and to deliver integrated and coordinated land use and infrastructure delivery.

3.2.3 Is the Planning Proposal consistent with any other applicable State and Regional studies or Strategies?

Yes.

This Planning Proposal is consistent with State and Regional strategic planning framework. These are further addressed below.

A City Supported by Infrastructure – A Place-based Infrastructure Compact (PIC) Pilot

The former Greater Sydney Commission (GSC) prepared the 'A City Supported by Infrastructure' – A Place-based Infrastructure Compact' (PIC) Pilot for the Greater Parramatta and Olympic Peninsula (GPOP) area. The GPOP PIC was exhibited by the GSC from 7 November to 18 December 2019 who then released their final recommendations on the GPOP PIC to the NSW Government.

The GPOP PIC is a strategic planning model that seeks to better align growth of jobs and housing with the provision of infrastructure and services centred around transport; housing diversity; job creation and enterprise; culture, leisure, tourism, sport and recreation assets; education, health and research; and open spaces, waterways and natural assets and amenities. The GPOP area is at the core of the Central City, and the centre of Greater Sydney. The GPOP PIC outlines GPOP's role as a major generator of new jobs and housing and identifies the requirement for sequencing of growth and supporting infrastructure projects in a logical way to ensure that the area becomes more liveable, productive and sustainable as it grows.

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The Planning Proposal is consistent with the GPOP PIC vision as it aims to strengthen the Parramatta CBD's role in the GPOP corridor as a connected and competitive CBD for Greater Sydney. This Planning Proposal aligns the timely delivery of cultural infrastructure with already committed infrastructure projects, including the Parramatta Light Rail which connects Westmead to Carlingford via Parramatta CBD (Stage 1). The Riverside Theatre's location on the Parramatta Light Rail network, and other existing and future public transport, will result in the population of the GPOP corridor being well connected to resulting job and economic opportunities.

The upgraded Riverside Theatre will deliver a high-quality cultural venue that will improve access to, and grow, the creative industry of the GPOP corridor. This will support the needs of the growing population and creative sector and have a positive economic impact on the region.

NSW Cultural Infrastructure Plan 2025

The Cultural Infrastructure Plan 2025+ (The NSW Cultural Plan) is the NSW Government's guide for the planning and delivery of cultural infrastructure that will support a thriving and dynamic cultural sector. Cultural infrastructure for a collaborative and thriving cultural sector is one of the key strategic priorities identified in the NSW Cultural Plan.

The NSW Cultural Plan builds on Infrastructure NSW's Advice in the *NSW Cultural Infrastructure Strategy: Advice to the NSW Government* (2016) where it was identified that Parramatta Riverside Theatre is part of the strategic vision for a vibrant Parramatta Cultural Precinct. The Parramatta Cultural Precinct includes the MAAS Powerhouse Museum site along the Parramatta River Foreshore.

The NSW Cultural Plan echoed the need for redevelopment of the Riverside Theatre as it was recognised in the Cultural Infrastructure Strategy that the Riverside Theatre is nearing the end of its asset life. This Planning Proposal is consistent with the strategic cultural infrastructure priorities in the NSW Cultural Plan.

3.2.4 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

Yes

The following State Environmental Planning Policies (SEPPs) are of relevance to the site, refer to **Table 6** below.

Table 6 – Consistency of Planning Proposal with relevant SEPPs

| State Environmental Planning Policies (SEPPs) | Consistency: Yes = ✓ No = x N/A = Not applicable | Comment |
|---|---|--|
| SEPP No 1 Development Standards | ✓ | Consistent. |
| SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development | | This Planning Proposal does not contain provisions that contradict or would hinder the application of these SEPPs. |

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| | | |
|---|-----|--|
| SEPP (BASIX) 2004 | | |
| SEPP (Exempt and Complying Development Codes) 2008 | | |
| SEPP 60 – Exempt and Complying Development | | |
| SEPP No 65 Design Quality of Residential Flat Development | N/A | This Planning Proposal seeks to facilitate the development of a theatre and is not proposing residential uses. Therefore, this SEPP is not relevant to proposed amendment. |
| SEPP (Planning Systems) 2021 | ✓ | Consistent. This Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP. The intended theatre development to result from the Planning Proposal will be assessed as a State Significant Development under Schedule 1 Clause 13 (1) (c) entertainment facility under the SEPP as it has a capital investment value of more than \$30 million. Compliance with the SEPP will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal. |
| SEPP (Housing) 2021 | N/A | This Planning Proposal seeks to facilitate the development of a theatre and is not proposing residential uses. Therefore, this SEPP is not relevant to proposed amendment. |
| SEPP (Resilience and Hazards) 2021 | ✓ | Consistent. This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP. As part of the CBD PP, Council engaged JBS&G to prepare a preliminary (desktop) investigation of the area within the Planning Proposal boundary, and also a site-specific contamination study for Auto Alley. The findings from both studies were that no issues were identified that will preclude additional density (by way of increased height and FSR controls) and rezoning (including to more sensitive land uses including residential). Based on this advice, and given the Planning Proposal is not increasing density or rezoning the land, Council does not consider the Planning Proposal to generate any risk in relation to site contamination. As such the Planning Proposal is consistent. |
| SEPP (Transport and Infrastructure) 2021 | ✓ | Consistent. This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP. In addition, this Planning Proposal is not increasing density or rezoning the land. |

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|--|-----|--|
| SEPP (Biodiversity and Conservation) 2021 | ✓ | Consistent. This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP. Any potential impacts as a result of future development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. |
| SEPP (Industry and Employment) 2021 | ✓ | Consistent. This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP. |
| SEPP (Precincts – Central River City) 2021 | N/A | Not relevant to proposed amendment as the site is not contained in one of the precincts of the SEPP. |

3.2.5 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)

Yes. In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing Planning Proposals for new LEPs. The directions are listed under the following categories:

1. Planning Systems and Planning Systems – Place Based
2. Design and Place (This Focus Area was blank when the Directions were made)
3. Biodiversity and Conservation
4. Resilience and Hazards
5. Transport and Infrastructure
6. Housing
7. Industry and Employment
8. Resources and Energy
9. Primary production

The following directions are considered relevant to the subject Planning Proposal.

The following State Environmental Planning Policies (SEPPs) are of relevance to the site, refer to **Table 7** below.

Table 7 – Consistency of Planning Proposal with relevant Section 9.1 Directions

| Relevant Direction | Comment | Compliance |
|---|---|------------|
| 1. Planning Systems and Planning Systems – Place Based | | |
| Direction 1.1 – Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. | The Planning Proposal applies to land within Sydney's Central City. The Planning Proposal is consistent with the goals, directions and actions contained in the Greater Sydney Region Plan as discussed in Section 3.2.1 and 3.2.2 of this Planning Proposal. | Yes |

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|--|---|-----|
| Direction 1.3 – Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. | The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral. | Yes |
| Direction 1.4 – Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. | This Planning Proposal introduces a site specific clause that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between the hours of 12pm and 2pm; and that requires active street and river frontages. These policies were incorporated as part of the CBD PP and would have been introduced via controls applicable across the CBD. However, due to the changes introduced to the CBD PP via the DPE as explained in Section 3.2.2, a site specific clause is needed to implement the intent of the CBD PP due to the site's exclusion from the CBD wide LEP changes. The site specific clause will ensure the policy intent of the CBD PP is applied on the site as per the previous resolution of Council. | Yes |
| Direction 1.7 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the Interim Plan). | The Planning Proposal achieves the overall intent of the Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Greater Parramatta Priority Growth Area. The Planning Proposal introduces critical infrastructure to support the growth of Greater Parramatta. | Yes |
| 2. Design and Place | | |
| <i>This Focus Area was blank at the time the Directions were made.</i> | <i>This Direction was blank when made.</i> | |
| 3. Biodiversity and Conservation | | |
| Direction 3.1 – Conservation Zones The objective of this direction is to protect and conserve environmentally sensitive areas. | The Planning Proposal is consistent with this direction, in that it does not apply to environmentally sensitive areas or alter provisions for land in a conservation zone. | Yes |

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|--|---|-----|
| Direction 3.2 – Heritage Conservation The objective of this direction is to protect and conserve environmentally sensitive areas. | The site is not within a Heritage Conservation Area and is not listed as a Heritage Item. The site is adjacent to a Heritage item, known as Prince Alfred Park. The Planning Proposal does not conflict with the directions. | Yes |
| Direction 3.5 – Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. | The Planning Proposal is consistent with this direction, in that it is not proposing to enable land to be developed for the purpose of a recreation vehicle area. | Yes |
| 4. Resilience and Hazards | | |
| Direction 4.1 – Flooding The objectives of this direction are to: <ul style="list-style-type: none"> (a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) Ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. | <p>The site is adjacent to the Parramatta River and, like most of the Parramatta CBD, is flood affected.</p> <p>The 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.</p> <p>As the Planning Proposal is not intensifying development yield, and strictly addressing urban design considerations through the alteration of building height, the Planning Proposal is considered consistent with this Direction.</p> <p>Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage. This will also include any design detail required to ensure compliance with Flood Risk Development manual and Council's water management controls within the PLEP 2011 and Parramatta DCP 2011.</p> | Yes |
| Direction 4.3 Planning for Bushfire Protection The objectives of this direction are to: <ul style="list-style-type: none"> (a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and | The land is not identified as bush fire prone land under Section 10.3 of the Environmental Planning and Assessment Act. | Yes |

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| | | |
|--|---|-----|
| (b) Encourage sound management of bush fire prone areas. | | |
| Direction 4.4 – Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. | The land is not within an investigation area within the meaning of the Contaminated Land Management Act 1997 and has not been subject to development as described in Table 1 of the contaminated land planning guidelines. | Yes |
| Direction 4.5 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. | As shown in Figure 5 , the majority of the site is mapped as Class 5 on the Acid Sulphate Soils Map in the PLEP 2011. The south-eastern corner near the river foreshore is mapped as Class 1. Acid sulfate soils are generally not found in Class 5 areas however this will be addressed further at the development application stage. Clause 6.1 of the PLEP 2011 will be applied to appropriately respond to acid sulfate soils. In addition to the above, the Planning Proposal is not rezoning or intensifying development yield on the site. Therefore, the Planning Proposal is not considered to generate any additional environmental impact in the event acid sulphate soils are present. As a result, the Planning Proposal is consistent with this Direction. | Yes |
| 5. Transport and Infrastructure | | |
| Direction 5.1 – Integrating Land Use and Transport The objective of this direction is to ensure that development reduces dependence on cars, increases the choice of available transport and improves access to housing, jobs and services by walking, cycling and public transport. | The Planning Proposal is delivering critical cultural infrastructure adjacent to existing and future public transport infrastructure. Parramatta Light Rail Stage 1 route travels adjacent to the site, with the closest stop being at Prince Alfred Park. The light rail network is nearing completion and will provide greater connectivity across Greater Parramatta and will form an attractive transport option for visitors to the site. Parramatta Light Rail Stage 2 and Sydney Metro West will also increase public transport options and the redevelopment of the theatre will be accessible to the GPOP area and Greater Parramatta. The Planning Proposal is considered consistent with this Direction as it delivered integrated land use and transport delivery. | Yes |
| 6. Housing | | |
| Direction 6.1 Residential Zones The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services and minimise the impact of residential development. | This Planning Proposal seeks to facilitate the development of a theatre and is not proposing residential uses. However, the Planning Proposal will enable the delivery of critical cultural infrastructure close to housing within the Parramatta CBD and will contribute to the liveability of residential development and zones. | Yes |

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| 7. Industry and Employment | | |
|--|--|-----|
| Direction 7.1 – Business and Industrial Zones The objectives of this direction are to: <ul style="list-style-type: none"> (a) Encourage employment growth in suitable locations; (b) Protect employment land in business and industrial zones; and (c) Support the viability of identified centres. | The Planning Proposal is not rezoning the site and the B4 Mixed Use land use is being retained. The redevelopment of the Riverside Theatre to result from this Planning Proposal will retain, and provide additional, jobs within the performing arts sector; encourage world class performers to the Parramatta CBD; and provide additional facilities to encourage and promote local performers. The delivery of this cultural infrastructure supports the Parramatta CBD and assists in delivering balanced growth that provides for the social and cultural needs of the community within the Parramatta CBD and Greater Sydney. This anchor facility will attract greater visitation to the Parramatta CBD, support the Eat Street precinct, and the viability of retailers within the centre. It will also bring greater activation to North Parramatta and support the cultural precinct formed by the MAAS development. As a result, the Planning Proposal is consistent with the Direction, and is considered to deliver a vital contribution to the Parramatta CBD. | Yes |
| 8. Resources and Energy – <i>not applicable</i> | | |
| 9. Primary Production – <i>not applicable</i> | | |

3.3 Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

NO

The site is located within a highly urbanised environment, and it is unlikely to contain critical habitat or threatened species, populations or ecological communities or their habitats. The site is unlikely to impact on any threatened flora or fauna species or threatened species habitat.

3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

This section addresses the following environmental elements:

- Urban Design and Built Form
- Overshadowing
- Heritage impacts
- Flooding

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Urban Design and Built Form

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. No changes are sought to the FSR control, therefore, the change will not result in greater yield than what is already permitted on the subject site.

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 is a modest increase considering the site has existing building elements at 25m.

Figures 2 - 5 below show the intended building envelope of the concept design the Planning Proposal from multiple perspectives. 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 2 – Concept design render looking north-east from Marsden Street bridge, Parramatta

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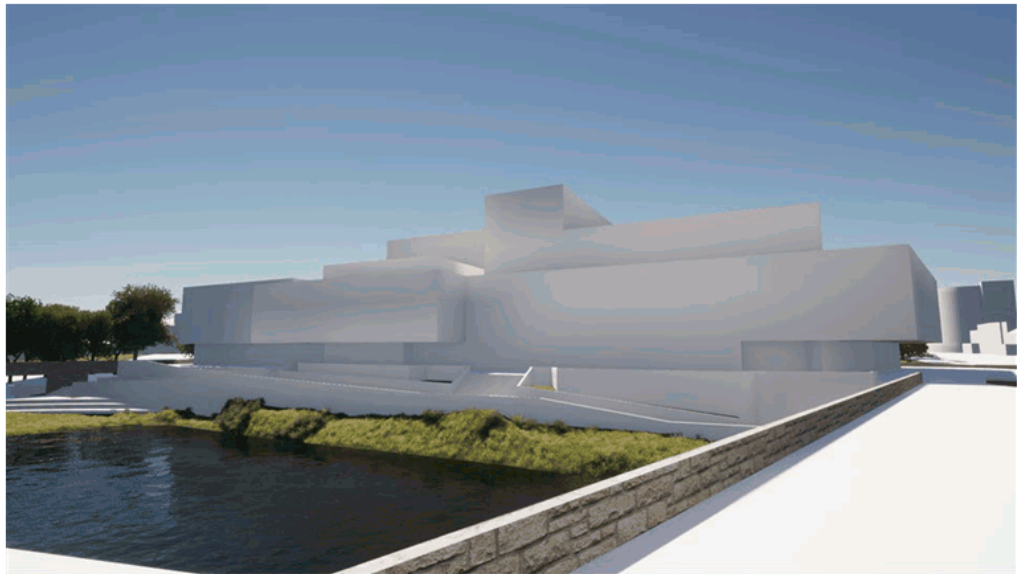


Figure 3 – Concept design render looking north-west from Lennox bridge, Parramatta



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

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

A Design Excellence Competition will be facilitated to guide the detailed reference design process for the site. This next phase of the redevelopment project will further embellish design features, building articulation, and integration with the public domain along the river foreshore

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.

The Planning Proposal will also result in active frontages around the site to attract pedestrian traffic and 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.

The modest height increase and requirements for design excellence and active frontages support the delivery of an expanded theatre with minimal impact (particularly in comparison to the existing and surrounding development).

Overshadowing

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.

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. This was supported by a draft clause in the within the CBD PP (i.e. Clause 7.4 'Sun access protection' and the associated Sun Access Protection Map). This clause 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.

PLANNING PROPOSAL –Riverside Theatre

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).

Preliminary analysis 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.

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).

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.

However, 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 as shown in the shadow diagrams in **Appendix A**.

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. Draft wording for the Site-Specific Clause is included within Part 4 of the Planning Proposal.

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**. As a result, this Planning Proposal will have less of an impact on overshadowing compared to the CBD PP and maintain sun access for more hours (as demonstrate in **Appendix A**).

Heritage

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)

PLANNING PROPOSAL –Riverside Theatre

These items were carefully considered as part of the specialist heritage studies completed as part of the preparation of the CBD PP. 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).

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 sent to the DPE for finalisation in July 2021.

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.

As the concept design would deliver a height less than what the CBD PP could have delivered, the Planning Proposal is considered to have even less of an impact on the surrounding area and heritage context. As discussed above 'Urban Design and Built Form', 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.

Whilst the Planning Proposal is considered acceptable from a heritage perspective, 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

As discussed above under Ministerial Direction 4.1: Flooding, like the majority of the Parramatta CBD, 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.

As detailed in this Planning Proposal, there is no change proposed to the FSR control (therefore, the Planning Proposal will not result in greater yield than what is already permitted on the subject site).

As the Planning Proposal is not intensifying development yield, and strictly addressing urban design considerations through the alteration of building height, the resulting development is not considered to intensify flooding risks. 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.

3.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

This Planning Proposal will deliver an expanded Riverside Theatre that will be fit for the future and attract world class performances. The redevelopment will contribute to the critical cultural infrastructure needed to support the growing community of Greater Parramatta, the Central City District, and Greater Sydney. This will also stimulate a number of economic benefits including:

- Increased economic activity;

PLANNING PROPOSAL –Riverside Theatre

- Increase permanent and temporary jobs;
- Increased capacity to facilitate cultural and entertainment activities at the Riverside Theatre;
- Increased opportunities to boost night-time activities and further support the Eat Street Precinct along Church Street;
- Delivery of anchor performing arts centre to attract world class acts and also increase tourism along the Parramatta River foreshore;
- Utilisation and patronage of major infrastructure projects such as the Parramatta Light Rail;
- Provision of improved and expanded cultural facilities in the Central City, reducing the need for travel to the Eastern Harbour City.
- Delivery on the '30 minute city' policy of the GSRP.

The timely delivery of the Planning Proposal will support the Parramatta CBD grow into a sustainable, liveable and productive CBD as it is expected to have the following positive social and economic impacts:

3.4 Section D – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the Planning Proposal?

Public transport

Existing or soon to be completed infrastructure

The site is well serviced by existing public transport infrastructure in the way of trains along the Western Line, an extensive bus network, and a ferry service up and down the Parramatta River. These services are currently utilised by theatre patrons.

However, importantly, the site is within walking distance to the future Parramatta Light Rail stop located at Prince Alfred Square, which is currently under construction as part of Stage 1 of the project. and is expected to open in 2023.

Parramatta Light Rail is one of the NSW Government's major infrastructure projects that will connect Westmead to Carlingford via the Parramatta CBD and Camellia with a two-way track spanning 12 kilometres. The route will link Parramatta's CBD and train station to the Westmead Health Precinct, Cumberland Hospital Precinct, CommBank Stadium, the Camellia Town Centre, the MAAS site, Telopea, Rosehill Gardens Racecourse, and three Western Sydney University campuses.

Parramatta Light Rail Stage 1 will be completed in 2023, prior to the redevelopment of the Riverside Theatre. The completion of this infrastructure in advance of the new theatre opening will result in the site being more access to visitors across Greater Parramatta, and assists in providing active and public transport options.

Future planned infrastructure

Planning work is underway for Parramatta Light Rail Stage 2, which will connect Stage 1 and Parramatta's CBD to Sydney Olympic Park via Camellia, Ermington, Melrose Park and Wentworth Point.

Construction also started for Sydney Metro West in 2020, which is a new 24km underground railway that will connect Greater Parramatta and the Sydney CBD with stations confirmed

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at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays, Pyrmont and Hunter Street in the Sydney CBD.

Both projects will further increase the site's accessibility via public transport to the wider community of Parramatta and Greater Sydney.

Utilities

The full range of utility services including electricity, telecommunications, water, sewer and stormwater are all currently available across the site.

The Planning Proposal is not seeking to increase density on the site, and as indicated by the concept design, the intended outcome is to deliver an upgrade theatre. Whilst permitted under the B4 Mixed Use zone, no residential uses are proposed. As such, the intended outcome for the site facilitated by this Planning Proposal would pose less demand on utility infrastructure compared to if the site was redeveloped for a combination of residential and non-residential uses as permitted under the existing Parramatta LEP 2011.

As such, the Planning Proposal will have a modest increase on demand for utilities and any adjustments that may be needed to accommodate the new theatre design will be addressed as part of any future Development Application process.

Other

In addition, Section 7.12 contributions would be levied at the Development Application stage to support the delivery of necessary local infrastructure within the Parramatta CBD.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the State and Commonwealth public authorities has not been undertaken for this Planning Proposal. However, as explained throughout this Planning Proposal document, the Planning Proposal is a consequence of the finalisation of the CBD PP.

As the CBD PP undertook extensive consultation with public authorities as part of its preparation and progression, changes to the planning controls (more broadly) on the subject site have occurred as part of the CBD PP, with the following:

- Office of Environment and Heritage – Heritage Division
- Transport for NSW
- Roads and Maritime Services
- NSW Heritage Office
- NSW State Emergency Services
- Government Architect NSW
- Civil Aviation Safety Authority
- Federal Department of Infrastructure, Regional Development and Cities.
- Department of Industry – Trade and Investment
- Department of Education
- Department of Family and Community Services
- Fire and Rescue NSW
- Department of Health
- NSW Police Force
- Sydney Water
- Adjoining Local Government Area Councils
- Federal Department of the Environment and Energy
- National Trust of Australia

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- Department of Defence
- Deerubbin Aboriginal Land Council
- Western Sydney Local Health District
- Greater Sydney Local Land Services
- NSW Aboriginal Land Council
- Relevant Services Providers
- Urban Growth NSW.

Feedback received was not specific to the Riverside Theatre site and was general in relation to North Parramatta and impact of new development on heritage. Heritage NSW made comment about the need to retain solar access to Prince Alfred Square; and the National Trust of Australia (NSW Branch and Parramatta Branch) raised issues and objected to the incentive Height of Building (HOB) controls proposed for North Parramatta, particularly regarding the impact on existing heritage items and HCAs.

The National Trust recommended a 24m HOB control for land north of the Parramatta River to which Council responded as part of the post-exhibition report process that the relevant supporting heritage studies for the CBD PP did not raise concern to the controls proposed and that appropriate management will be via Clause 7.6K and detailed DCP controls.

Whilst the site is included within the land north of the Parramatta River, as demonstrated within this Planning Proposal in Section 3.3.2, this Planning Proposal is increasing the height from 15m to 28m which 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 is a modest increase considering the site has existing building elements at 25m. In addition, the concept design shown in **Figures 2-5** 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 and the suitability of the Planning Proposal in achieving the intended outcomes.

PLANNING PROPOSAL –Riverside Theatre

PART 4 – MAPPING

This section contains the mapping for this Planning Proposal in accordance with the DPE's guidelines on LEPs and Planning Proposals.

4.1 Existing controls

This section illustrates the current *PLEP 2011* controls which apply to the site. The following maps are provided:

- Land Use Zoning Map
- Floor Space Ratio Map
- Height of Buildings Map
- Heritage Map
- Acid Sulfate Soils Map
- Flooding

PLANNING PROPOSAL –Riverside Theatre

Figure 6 illustrates the existing B4 Mixed Use zone over the site.

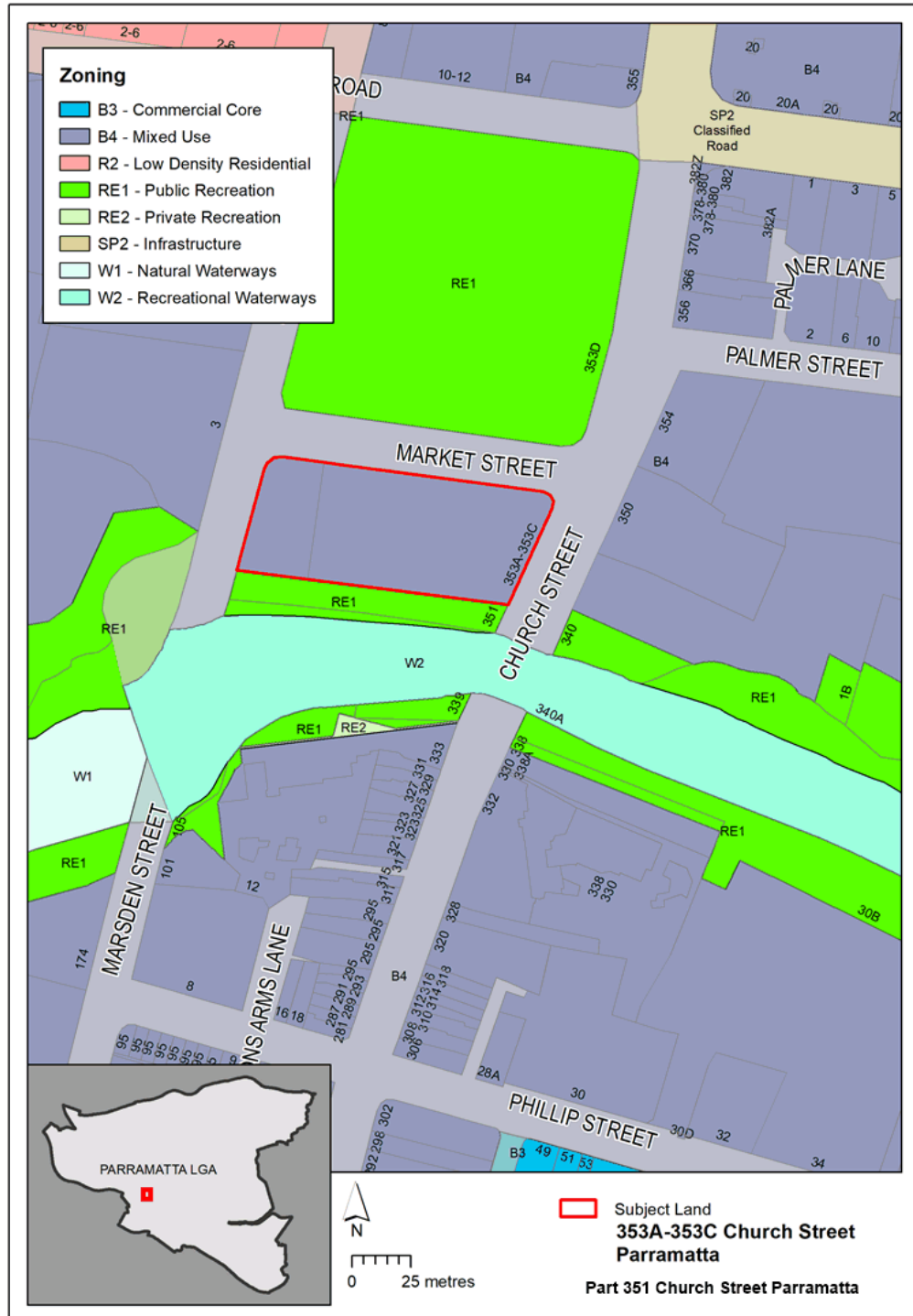


Figure 6 – Existing zoning extracted from Parramatta LEP 2011 Land Zoning Map

PLANNING PROPOSAL –Riverside Theatre

Figure 7 illustrates the existing 3:1 FSR over the site.

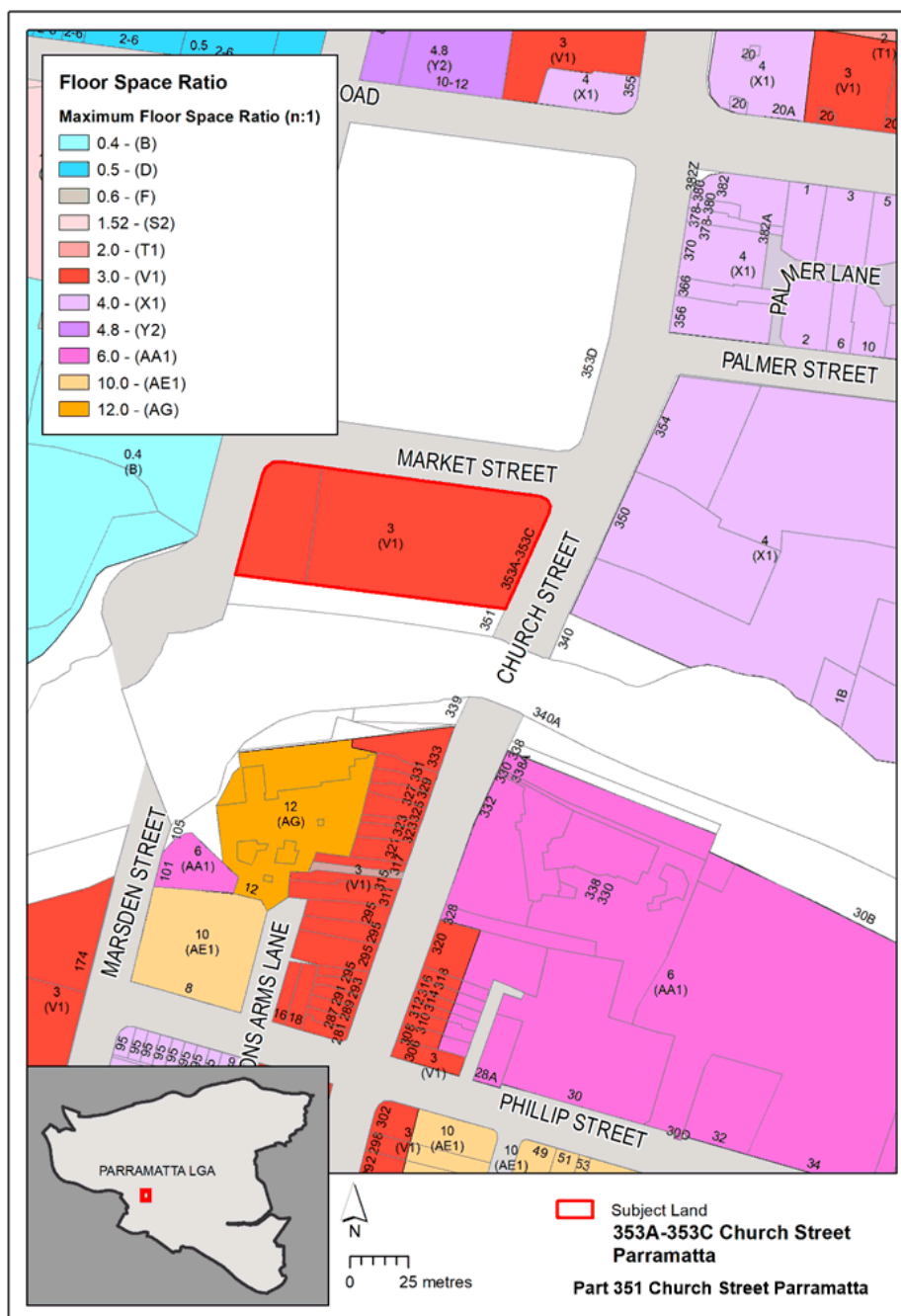


Figure 7 – Existing Floor Space Ratio extracted from Parramatta LEP 2011 Floor Space Ratio Map.

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Figure 8 illustrates the existing 15 m height of buildings control over the site.

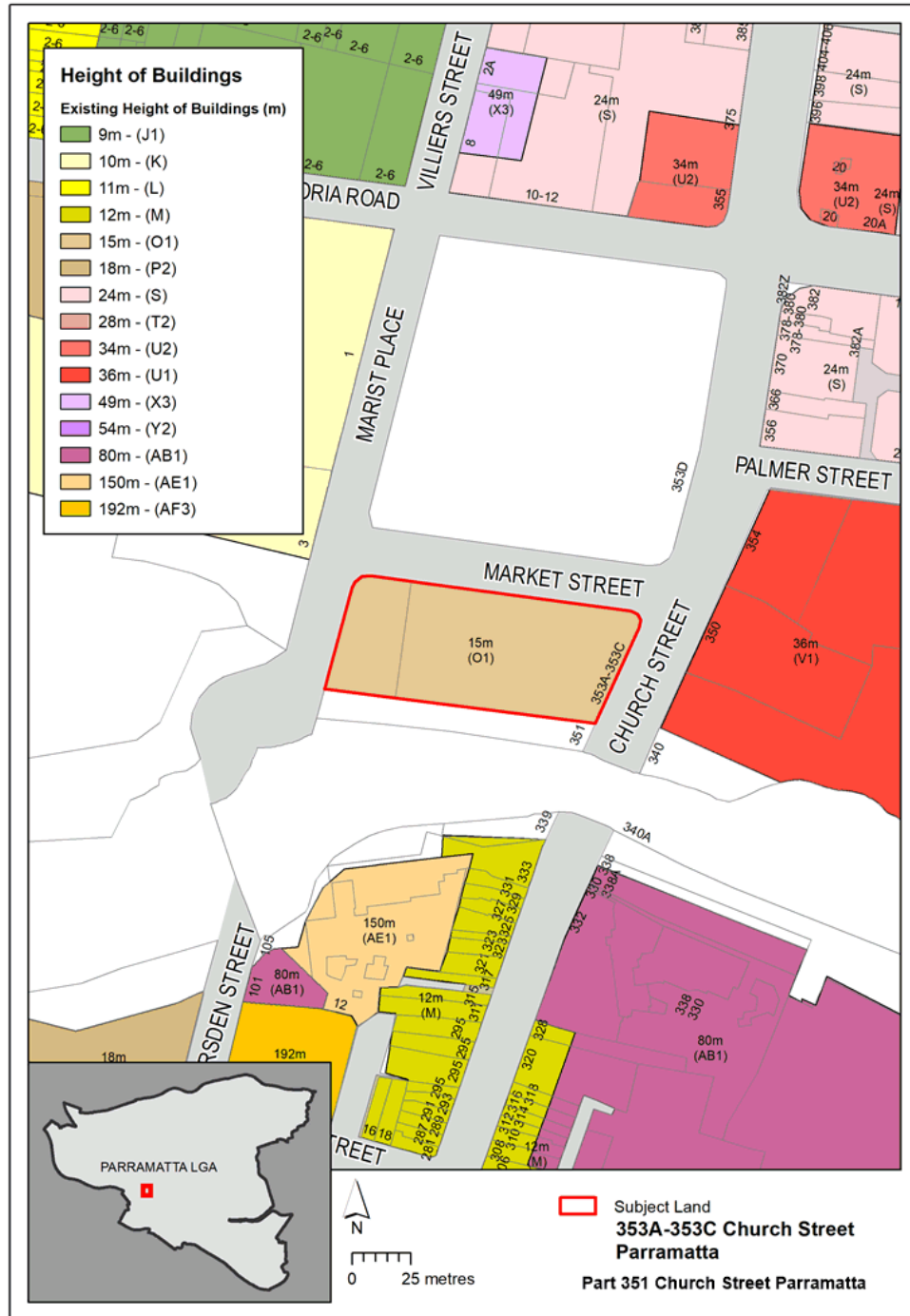


Figure 8 – Existing building heights extracted from the *Parramatta LEP 2011* Height of Buildings Map.

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Figure 9 illustrates the class of acid sulfate soils over the site.

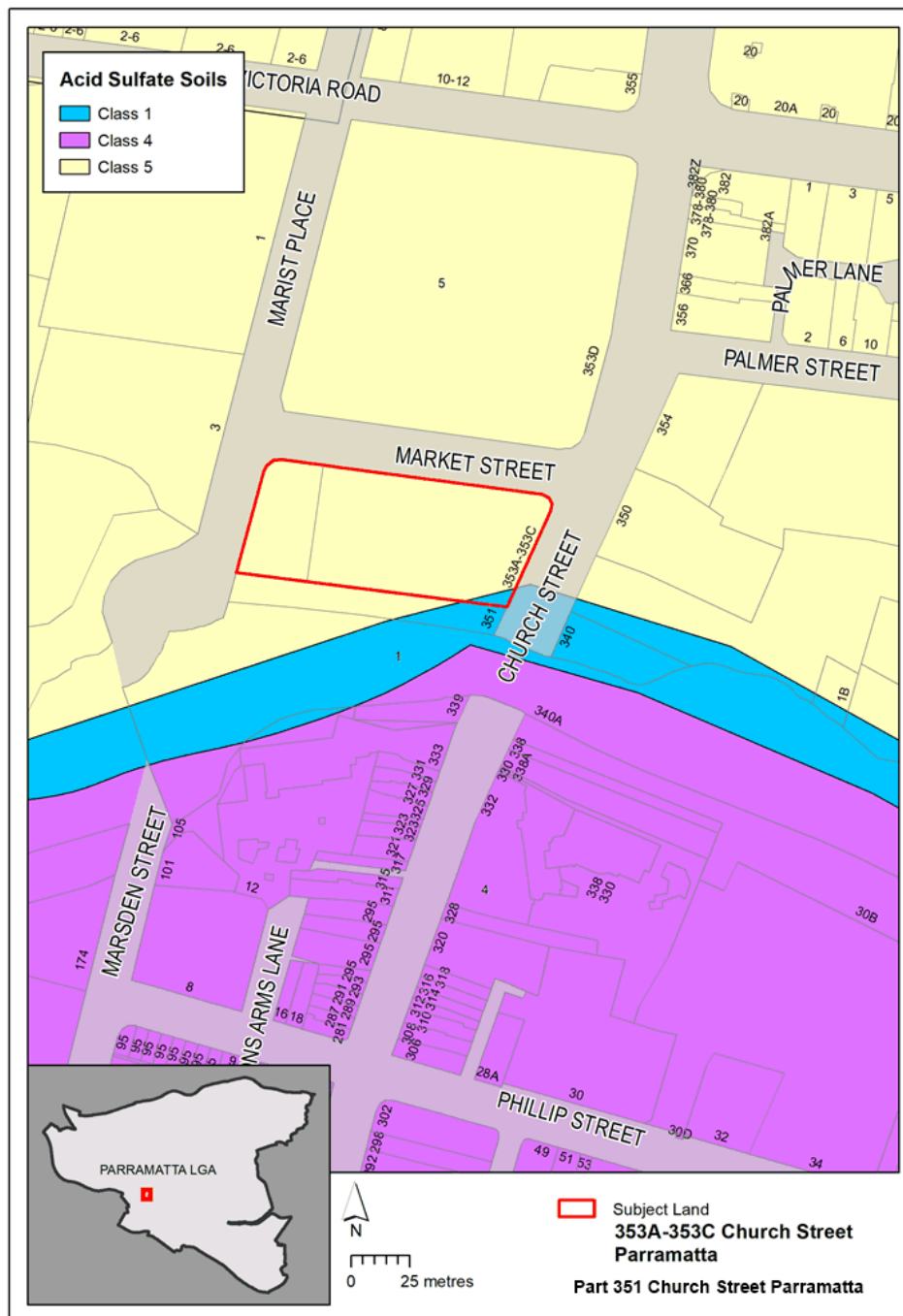


Figure 9 – Existing Acid sulfate Soils extracted from the *Parramatta LEP 2011 Acid Sulfate Soils Map*.

PLANNING PROPOSAL –Riverside Theatre

Figure 10 illustrates the heritage areas within the vicinity of the site.

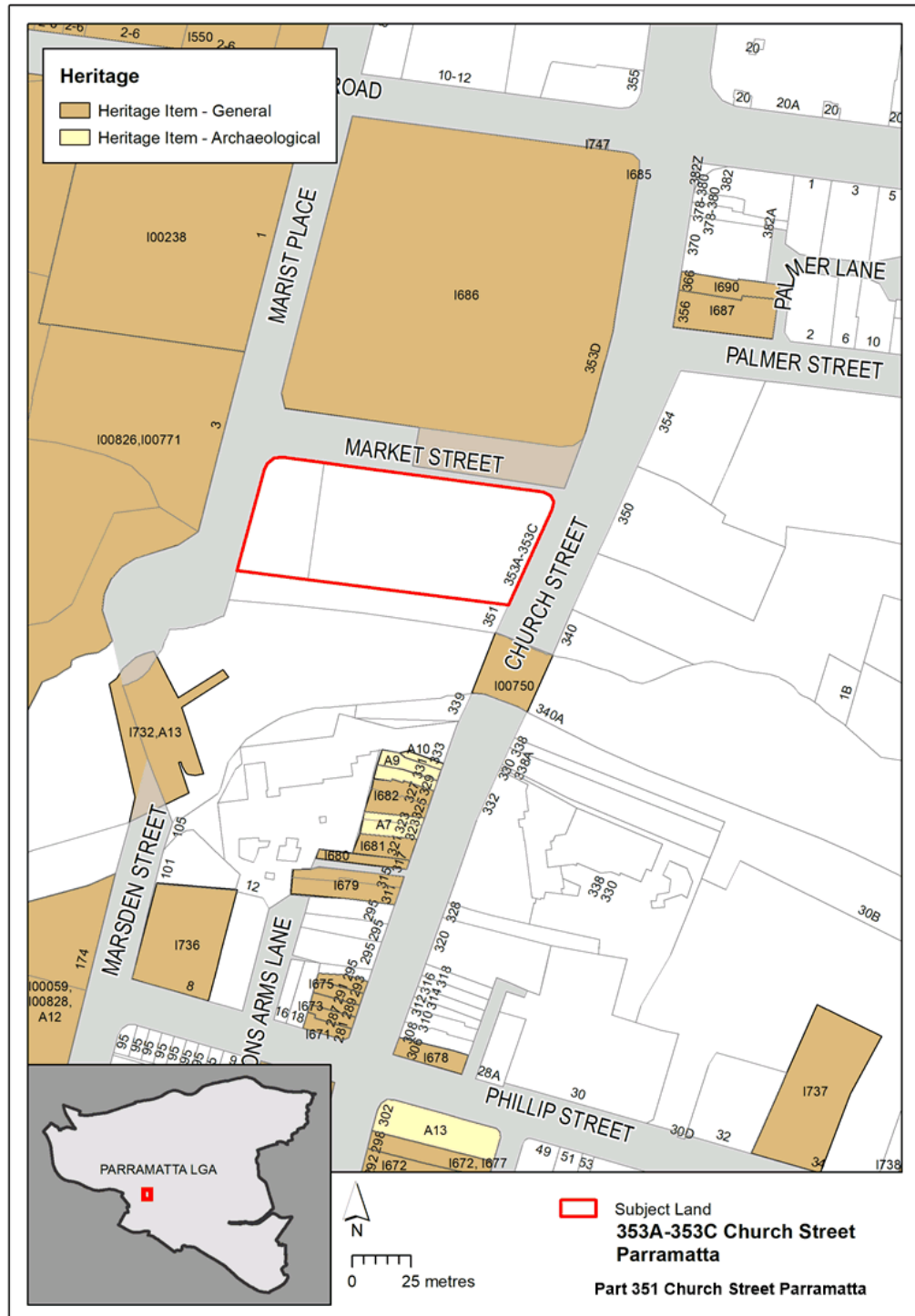


Figure 10 – Existing Heritage Map from the from the Parramatta LEP 2011 Heritage Map.

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Figure 11 above illustrates the flooding extent in the vicinity of the site.

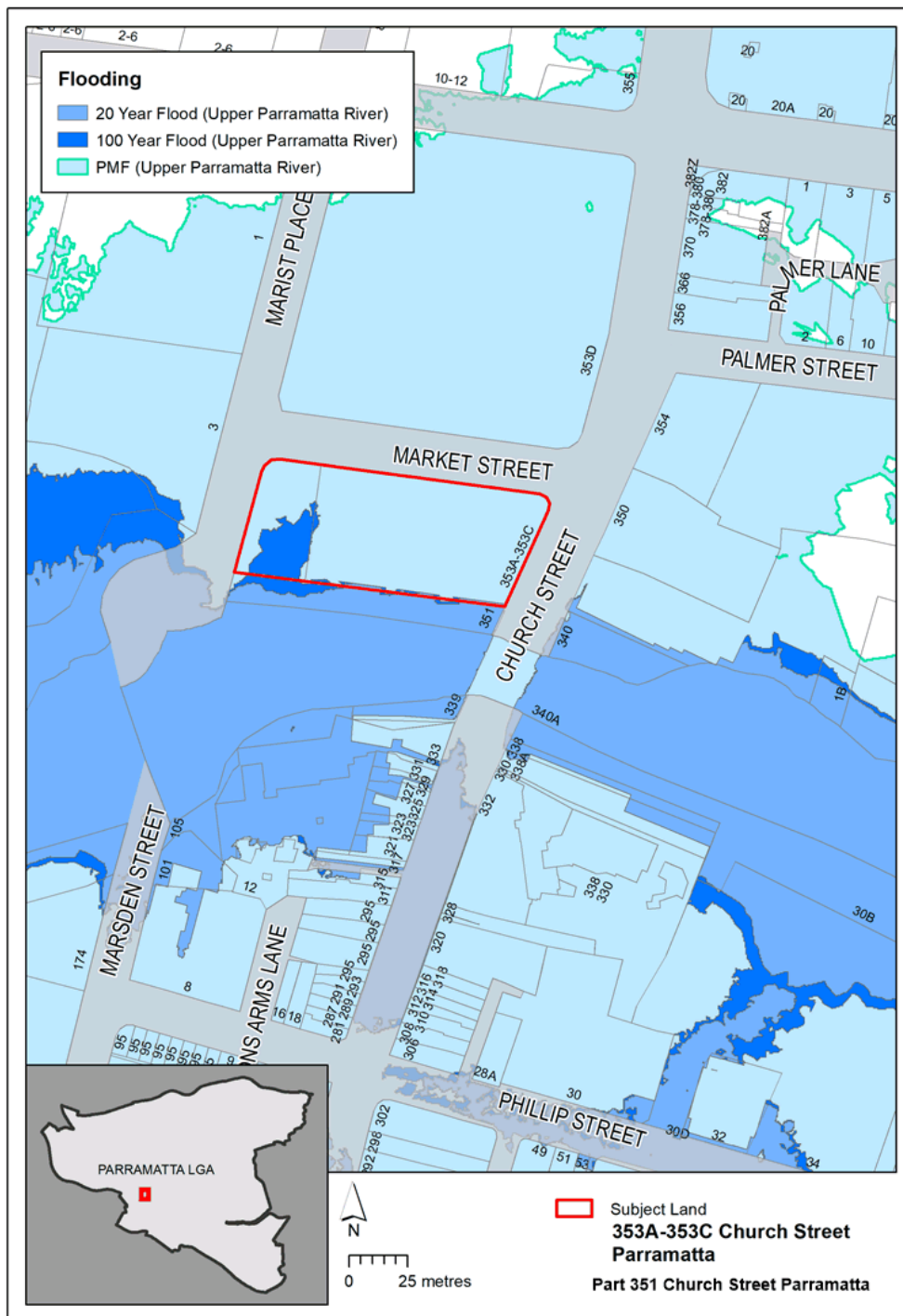


Figure 11 – Existing flooding extent extracted from the *Parramatta LEP 2011* Flooding Map.

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4.2 Proposed controls

The Planning Proposal seeks to introduce a 28m height control on the site in conjunction with a Site-Specific Clause requiring no additional shadowing to the southern side of the Parramatta River Foreshore between the hours of 12:00pm and 2pm, and active street frontages.

Maximum Height of Building Map

Figure 12 shows the proposed building height of 28m.

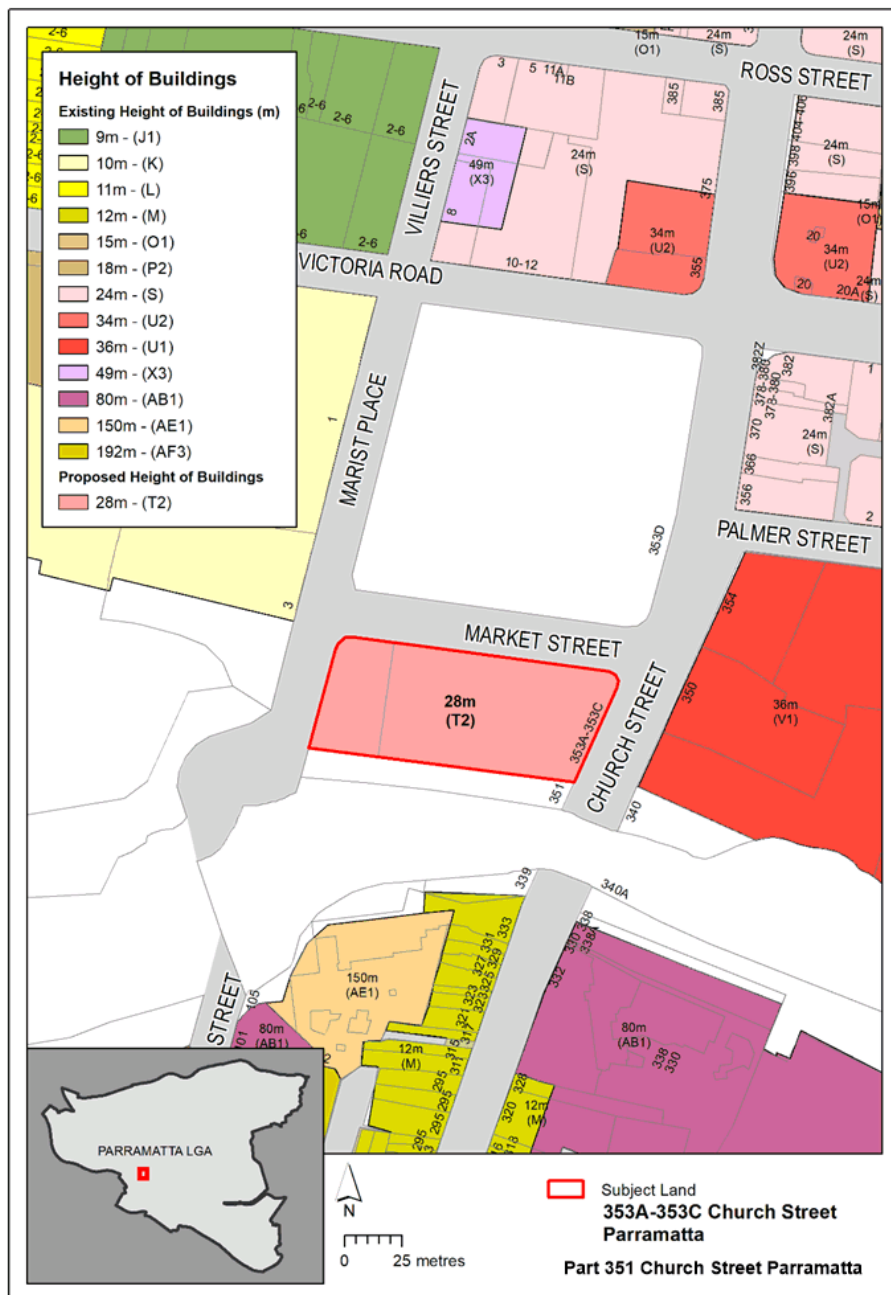


Figure 12 – Proposed amendment to the *Parramatta LEP 2011* Height of Building Map

PLANNING PROPOSAL –Riverside Theatre

Site Specific Clause

Draft wording for the site-specific clause is included below and has been drafted in alignment with the draft wording included in the Council endorsed Parramatta CBD Planning Proposal so that the clause is delivering on the intent of the CBD PP:

Part 7 Additional local provisions – Parramatta City Centre

7.26 Development on land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site)

(1) The objectives of this clause are as follows -

- (a) to protect the public open space along the Parramatta River Foreshore from overshadowing*
- (b) to promote uses that attract pedestrian traffic along the ground floor street, public space and river foreshore frontages.*

(2) This clause applies to land identifies as Area X on the Key Sites Map Special Provisions Area Map

(3) 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.

(4) A building resulting from development is taken to create additional overshadowing if the amount of overshadowing on the land after the development is carried out, during the period specified in subclause (3) as the case requires, will be greater than the amount of overshadowing on the land immediately before the commencement of this clause.

(5) Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied the building will have an active frontage for the part of the ground floor of the building facing the street, river or a public space.

(4) An active frontage is not required for the part of a building used for one or more of the following -

- (a) entrances and lobbies, including as part of mixed use development,*
- (b) access for fire services,*
- (c) electrical services,*
- (d) vehicular access.*

Figure 13 shows the proposed key sites map

PLANNING PROPOSAL –Riverside Theatre

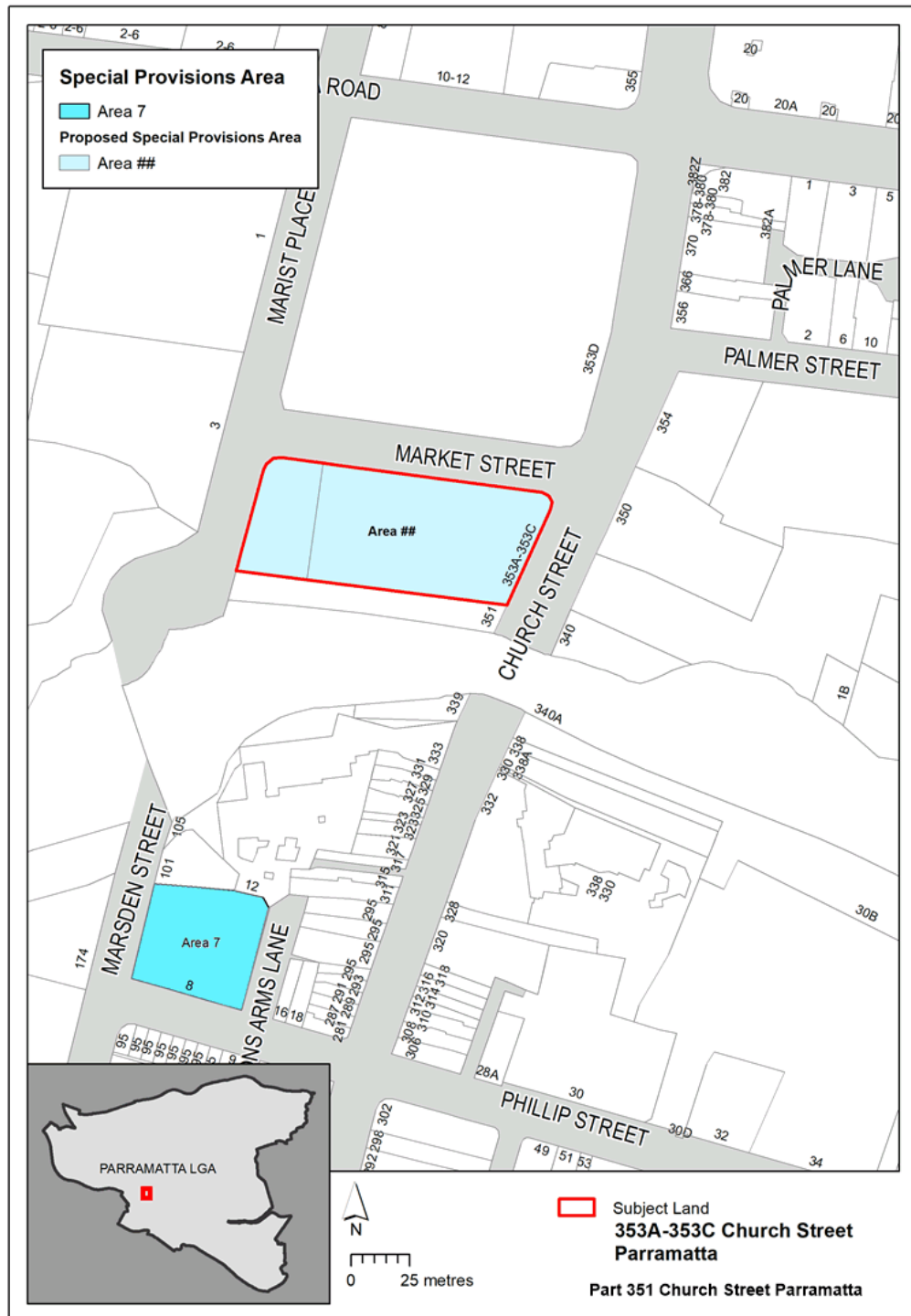


Figure 13 – Proposed amendment to the Parramatta LEP 2011 Key Sites Map

PART 5 – COMMUNITY CONSULTATION

As explained in the Introduction and Part 3, the need for this Planning Proposal is in response to the removal of the site (and all the land north of the Parramatta River in North Parramatta) from the Parramatta CBD Planning Proposal (CBD PP) as part of its finalisation by the DPE. This resulted in the existing land use and built form controls for the site to be retained within the Parramatta LEP 2011.

Council exhibited the CBD PP from 21 September to 2 November 2020. The exhibited CBD PP included changes to the building height via the application of a sun access protection control (as explained within Part 3) for the Riverside Theatre site that would allow for a substantially taller building than in comparison to the 28m nominated building height proposed as part of this Planning Proposal.

The exhibition of the CBD PP resulted in a total of 310 submissions being received by Council. The submissions were categorised into the following:

- Residents and Individuals: 234 Submissions,
- Institutions, Organisations and Other Interest Groups: 12 Submissions,
- Developers, Major Landowners, and Planning Consultants: 51 Submissions,
- Public Authorities and Service Providers: 12 Submissions.

The outcome of the public exhibition process did not result in any changes being made to the planning controls affecting the Riverside Theatre site. The submissions did not raise specific issues with the changes that were proposed via the CBD PP to the Riverside Theatre site. Rather the submissions related to issues with proposed controls for the North Parramatta area more broadly.

In light of the extensive consultation that occurred as part of the preparation and exhibition of the CBD PP, Council is of the view that further consultation is not required. This is because the CBD PP exhibited controls that would have allowed 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.

Council requests no public exhibition process to enable the efficient processing of the Planning Proposal.

PART 6 – PROJECT TIMELINE

Once the Planning Proposal has been referred to the Minister for review of the Gateway Determination and received a Gateway determination, the anticipated project timeline will be further refined. It will also be further refined at each major milestone throughout the Planning Proposal's process. The project timeline excludes public exhibition as requested in Part 5.

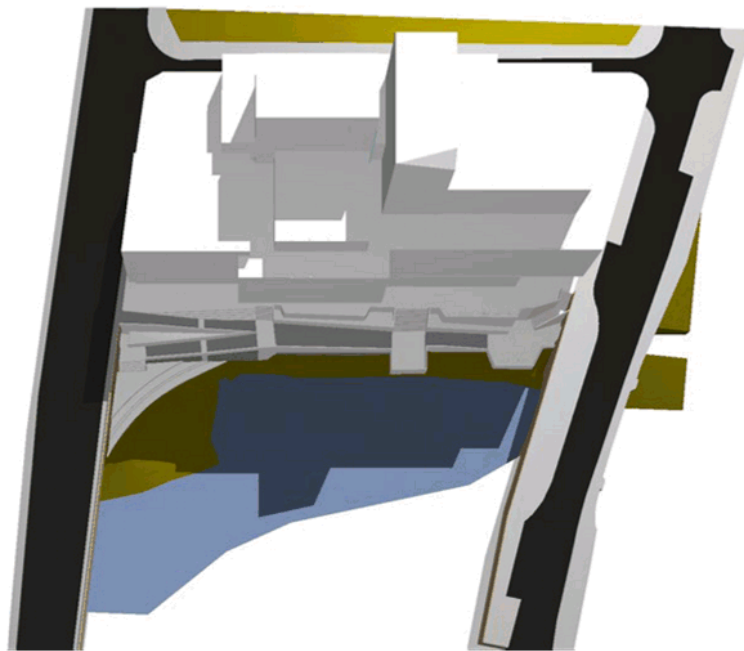
Table 8 below outlines the anticipated timeframe for the completion of the Planning Proposal.

Table 8 – Anticipated delivery of the Planning Proposal

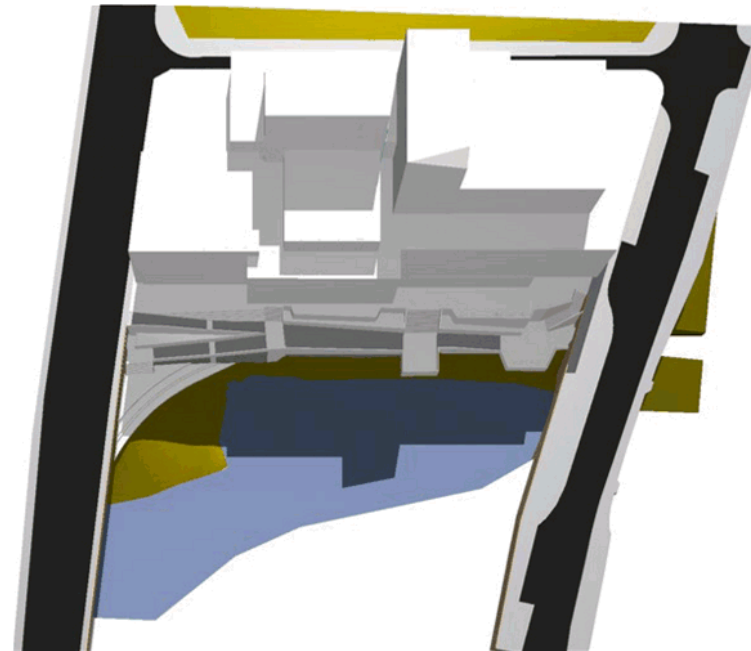
| Milestone | Anticipated Timeframe |
|--|-----------------------|
| Report to Local Planning Panel on the assessment of the PP | August 2022 |
| Report to Council on the assessment of the Planning Proposal | September 2022 |
| Referral to Minister for review of Gateway determination | September 2022 |
| Receipt of Gateway Determination | November 2022 |
| Parliamentary Counsel drafting of LEP amendment | December 2022 |
| Gazettal of LEP amendment | January 2023 |

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APPENDIX A – SHADOW DIAGRAMS

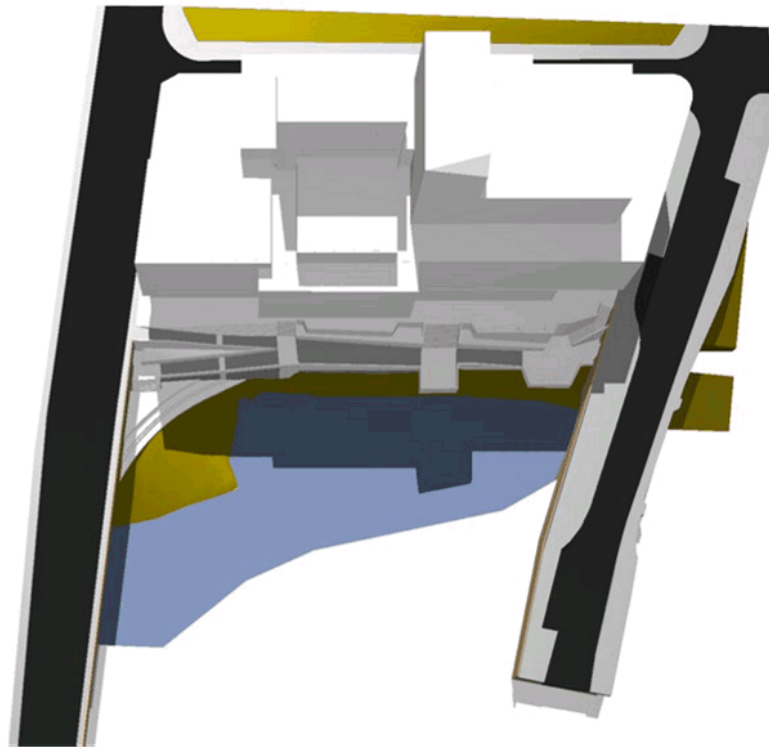


Shadow cast at 10:00am 21 June

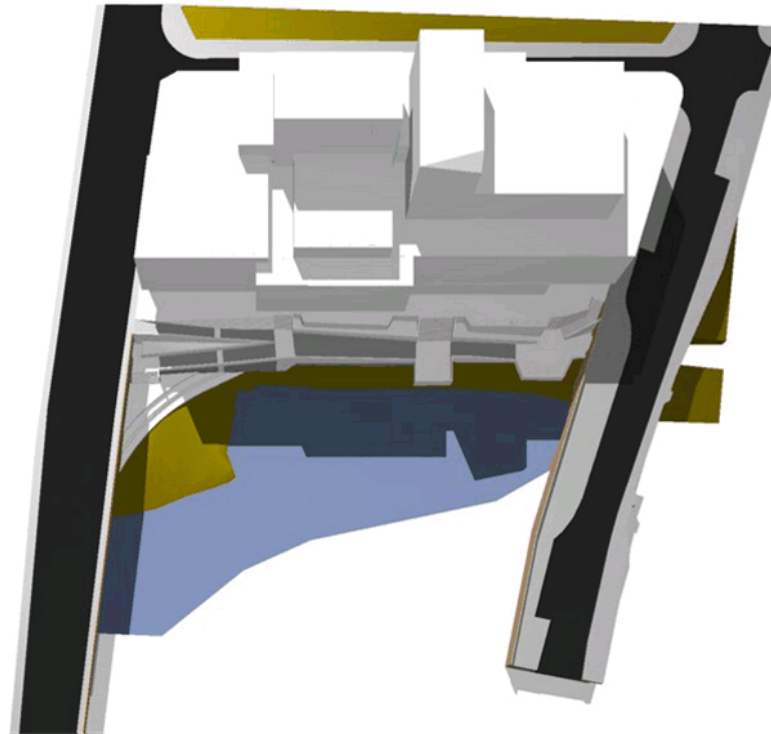


Shadow cast at 11:00am 21 June

PLANNING PROPOSAL –Riverside Theatre

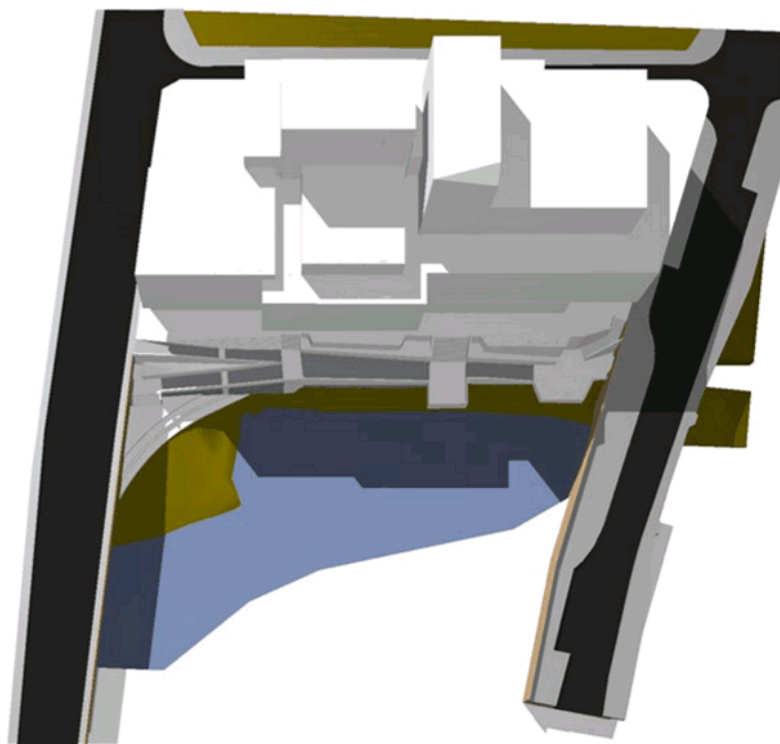


Shadow cast at 12:00pm 21 June

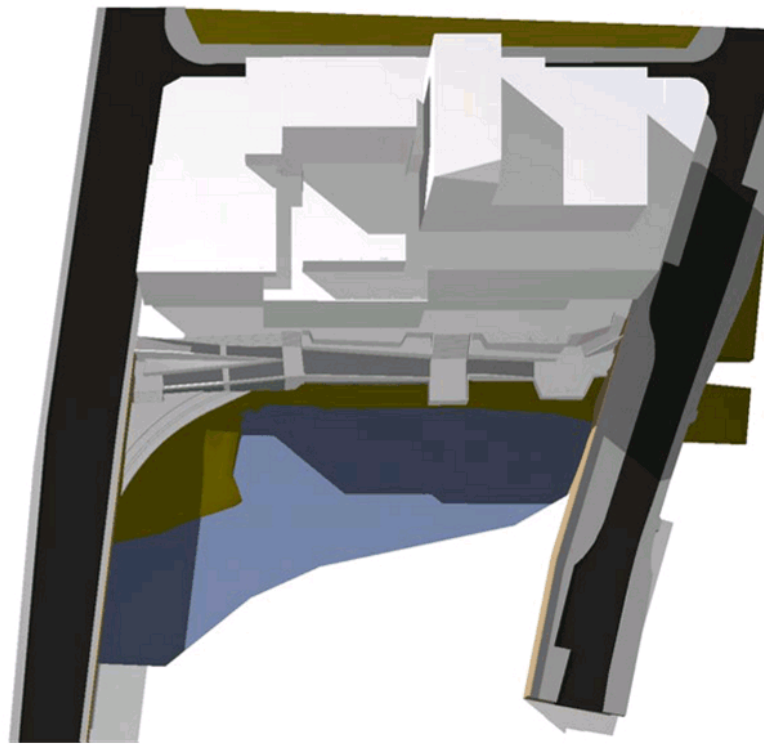


Shadow cast at 1:00pm 21 June

PLANNING PROPOSAL –Riverside Theatre



Shadow cast at 2:00pm 21 June



Shadow cast at 3:00pm 21 June

MINUTES OF THE LOCAL PLANNING PANEL HELD VIA AUDIO-VISUAL MEANS
ON TUESDAY, 16 AUGUST 2022 AT 3:30PM

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.

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|-----|-------------|--|
| 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

The Parramatta Local Planning Panel provides the following advice;

- (a) The Panel is supportive of the recommendation that Council seek a Gateway Determination from the Department of Planning and Environment, for 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) The Panel is of the view that Planning Proposal should be publicly exhibited in the usual manner.
- (c) The Panel in supporting the progression of the Planning Proposal had regard to the existing policy framework heights adjacent to Prince Alfred Square.

The Panel decision was UNANIMOUS.

6.2 SUBJECT Refusal of the Planning Proposal for land at 169 Pennant Hills Road, Carlingford

REFERENCE RZ/3/2022 – D08592468

APPLICANT/S Urbanism Pty Ltd

OWNERS Mr Lorenzo Biordi

REPORT OF Team Leader Land Use Planning

Item 6.2 was deferred to the next meeting, scheduled on 20 September 2022.

The meeting terminated at 5:57 pm.

A handwritten signature in blue ink, appearing to read "Jui Wah", is positioned above a horizontal line.

Chairperson