

Ms Christine Gough
Director, Central (GPOP)
Central River City and Western Parkland City
Department of Planning, Industry and
Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Your Reference	PP_2017_COPAR_002_01
Our Reference	F2021/00318
Contact	Roy Laria
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1 July 2021

Dear Ms Gough,

RE: Submission for consideration for finalisation – Parramatta CBD Planning Proposal – Amendment to Parramatta Local Environmental Plan 2011

Please find enclosed a Planning Proposal seeking to amend the *Parramatta Local Environmental Plan 2011* (PLEP 2011) as it applies to the Parramatta CBD.

On 13 December 2018, a conditional Gateway determination was issued by the Department of Planning, Industry and Environment (DPIE) to Council, determining that the Planning Proposal to prepare a new planning framework for *Parramatta Local Environmental Plan 2011* should proceed, subject to conditions.

On 27 July 2020, the DPIE provided endorsement of the Parramatta CBD Planning Proposal for public exhibition, subject to further amendments as outlined in the accompanying Alteration to the Gateway Determination. Subsequently, the Planning Proposal was placed on public exhibition from 21 September 2020 until 2 November 2020.

On 21 April 2021, the DPIE provided Council with a letter and Alteration of the Gateway Determination with a revised timeframe to complete the PLEP2011 Amendment for the Parramatta CBD Planning Proposal. The Alteration made an amendment to Condition 6 of the Gateway Determination, with Council required to submit the Planning Proposal to the Department for finalisation by 1 July 2021.

Council at its meeting on 15 June 2021 considered the Parramatta CBD Planning Proposal and resolved:

- (a) **That Council note:**
- (i) *The submissions made in response to the public exhibition of the Parramatta CBD Planning Proposal (CBD PP), summarised at Attachments 12 to 15 of the Local Planning Panel (LPP) Report;*
 - (ii) *The LPP Report at Attachment 2 to this report.*
- (b) **That Council:**
- (i) *Approve the requested changes to the CBD PP set out in Table 1 of Attachment 1 ('Changes that are supported (via Decision Pathway 1 - Green)');*
 - (ii) *Note not making any of the requested changes to the CBD PP summarised in Table 2 of Attachment 1 ('Changes that are not supported (via Decision Pathway 2 - Red)');*

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- (iii) *Approve further investigation of the requested changes to the CBD PP set out in Table 3 of Attachment 1 ('Changes that have merit for further investigation (via Decision Pathway 3 - Orange)').*
- (b1) **That** Council approve the inclusion in Table 3 of Attachment 1 ('Changes that have merit for further investigation (via Decision Pathway 3 - Orange)') consideration of an additional subclause in Clause 7.3 (parking) requiring the provision of parking spaces for car share vehicles in each new development.
- (b2) **That** despite parts (b) and (d) of this resolution, that Council approve the following amendments to Tables 1, 2 and 3 to Attachment 1 and changes to the CBD PP to be submitted to DPIE accordingly:

 - (i) *Not progress with the proposed "Phillip Street Block Street Study" and instead reinstate the draft controls for this block as per the exhibition version of the CBD PP when sending to the DPIE for finalisation (and make necessary updates to the CBD PP documentation accordingly).*
 - (ii) *For 60 Phillip Street, undertake further urban design investigations under Decision Pathway 3 – Orange to determine if additional bonus FSR (under the high performing buildings, unlimited commercial floor space and Opportunity Sites clauses) can potentially be achieved within the height established under the exhibition version of the CBD PP, despite its size of approximately 1,580sqm (i.e. less than the 1,800sqm normally required to meet these FSR bonuses), given this site's unique circumstances as an isolated site bound by three public roads and the river foreshore.*
 - (iii) *That as part of the preparation of the Draft Parramatta CBD Development Control Plan that controls be investigated to ensure that there are separations between buildings for the Phillips Street block (referred to in (i) above) from ground level upwards and including the tower elements to maintain visual and physical connectivity between the river and the broader CBD to the south.*
 - (iv) *Reinstate the exhibited draft height control for the Roxy Theatre (69 George Street) of 18m when sending the CBD PP to DPIE for finalisation and undertake further investigations at a later stage (under Decision Pathway 3 – Orange), including heritage investigations, to determine if this height could potentially be increased to respond to strategic planning work for Civic Link and Sydney Metro, and also to allow possible transition of the building to a larger, modern theatre venue.*
- (c) **That** Council note that on 27 April 2015 and on 25 November 2019, Council approved further investigation on a number of "Planning Investigation Areas" (PIAs) to consider amendment of the planning controls in those areas and known respectively as the Northern, North – East, Eastern and Southern PIAs (see Figure 3 in paragraph 33 of this report) and that no change is required to the PIAs in response to submissions received on the CBP PP.
- (d) **That** Council approve:

 - (i) *The revised CBD PP (in Attachments 1 to 9 of the LPP Report); and*
 - (ii) *Forwarding the CBD PP to the Department of Planning, Industry and Environment (DPIE) for finalisation.*
- (e) **That** Council note the application to DPIE, will also request the CBD PP amend Parramatta Local Environmental Plan 2011 (PLEP 2011), in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979.
- (f) **That** Council writes to the Secretary of DPIE seeking an exemption from the State Environmental Planning Policy Amendment (Build-to-rent Housing) 2021 in the B3 Commercial Core zone as this is inconsistent with the employment objectives of the commercial core in the Parramatta CBD and also noting that there is adequate B4 Mixed Use zoned land in the

Parramatta CBD to allow for build-to-rent housing and subdividable residential mixed use development.

- (g) **That Council:**
- (i) *Approve the preparation of a new Section 7.12 development contributions plan for the Parramatta CBD within 12 months; and*
 - (ii) *Note the plan will include a new contributions levy rate set higher than the current 3% rate, subject to feasibility testing of the levy rate.*
- (h) **That Council request DPIE not finalise the amendments to PLEP 2011 until:**
- (i) *Council has exhibited and endorsed a new Section 7.12 development contributions plan for the Parramatta CBD; and*
 - (ii) *DPIE has amended clause 25K of the Environmental Planning and Assessment Regulation 2000 to allow the higher Section 7.12 development contributions rate.*
- (i) **Further, that Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan amendment process relating to the Parramatta CBD Planning Proposal (and supporting documentation), Draft PLEP 2011 Amendment Instrument and Draft PLEP 2011 Amendment Maps.**

Please note this resolution was subject to a rescission motion, which was considered by Council at an Extraordinary Meeting held on 23 June 2021. The rescission motion did not pass, and therefore the original resolution of Council from 15 June 2021 (as provided above) still stands.

With regards to part (f) of the resolution regarding the drafting of a letter seeking exemption from the *State Environmental Planning Policy Amendment (Build-to-rent Housing) 2021*, a separate letter is being sent to Marcus Ray, Deputy Secretary Planning and Assessment. A copy of this letter will be provided to you.

The revised Parramatta CBD Planning Proposal and its supporting appendices, including the revised indicative draft instrument and maps, and a document summarising the changes to the planning proposal, will be provided to the Department reflecting Council's decision of 15 June 2021 via the DPIE Planning Portal together with this letter. We will advise on the allocated LEP amendment number once DPIE are ready to refer it to Parliamentary Counsel.

As well, the Parramatta CBD Planning Proposal is required to satisfy clause (4) of Ministerial Direction 6.2 – Reserving Land for Public Purposes (refer to Table 17 - Consistency of planning proposal with relevant Section 9.1 Directions (pp.55 and 96)). To that end, Council seeks approval from the relevant *public authority and the Director-General of the Department of Planning* regarding land proposed to be rezoned from RE1 Public Recreation to B4 Mixed Use which is approximately 1065 sqm in size and is situated adjacent to the Barry Wilde Bridge and Parramatta River. Specifically, the land includes part of 30B Phillip Street, Parramatta (Lot 1 DP 1247122) owned by the NSW Government and part of 46 Phillip Street, Parramatta (Lot 3 DP 1247122) owned by the City of Parramatta Council. The intent of the rezoning is to rationalise and align the land zones in this area, so as to provide a consistent alignment along the foreshore. Thus Council seeks approval in order to make this proposed zoning change as part of the Parramatta CBD Planning Proposal.

Consistent with the Council resolution of 15 June 2021, Council requests that the DPIE do not finalise the amendments to PLEP2011 until:

1. Council has exhibited and endorsed a new Section 7.12 development contributions plan for the Parramatta CBD; and
2. DPIE has amended clause 25K of the *Environmental Planning and Assessment Regulation 2000* to allow the higher Section 7.12 development contributions rate.

Further to the above, Council notes receipt of your correspondence dated 25 June 2021 in relation to the Planning Proposal at 18-40 Anderson Street, Parramatta, where you state the following:

"I have also determined as the delegate of the Minister, in accordance with section 3.34(7) of the Environmental Planning and Assessment Act 1979, to alter the Gateway determination dated 13 December 2018 for Council's Parramatta CBD Planning Proposal PP_2017_COPAR_002_03 to require further consideration for the planning outcome for this site prior to finalisation. There is no requirement for Council to amend the CBD planning proposal to reflect this outcome at this point in time. The merits and impacts of any post exhibition amendments will be considered as part of the finalisation process."

In accordance with this statement, no amendments have been made to the Parramatta CBD Planning Proposal to reflect the above at this point in time. If Council is able to successfully enter into a Voluntary Planning Agreement in relation to the site at 18-40 Anderson Street, Council will provide further advice that the Parramatta CBD Planning Proposal could be updated accordingly at that time.

In undertaking your final assessment of the Parramatta CBD Planning Proposal, should you require any further information, please do not hesitate to get in touch. Council officers will provide further advice in relation to the finalisation of the Draft Integrated Transport Plan, Draft Floodplain Risk Management Plan Update and Draft S7.12 Development Contributions Plan during the finalisation of your assessment process and prior to the LEP amendment being made by DPIE. Council will also progress work on a CBD DCP amendment which will support the new provisions in the LEP amendment.

Should you have any queries in relation to the matter, please contact Roy Laria, Land Use Planning Manager, on 9806 5679 or rlaria@cityofparramatta.nsw.gov.au.

Regards,



Robert Cologna
Acting Group Manager City Planning