



Our Reference: F2011/00879
Contact: Jennifer Concato
Telephone: 9806-5767
Fax: 9806-5913

Mr Peter Goth
Regional Director
Department of Planning & Infrastructure
PO Box 404
PARRAMATTA NSW 2124

6 March 2013

Dear Peter

**Re: Planning Proposal – Parramatta LEP 2011 and Parramatta City Centre
LEP 2007 consolidation**

Reference is made to a request for additional information/clarification made by Department of Planning and Infrastructure officers at a recent meeting (27 February 2013) in relation to a Planning Proposal submitted to the DP&I on 19 December 2012.

Please find attached a document responding to the matters raised in this meeting. Also attached is a hard copy of the map supplied to your office electronically today.

If you have any queries in relation to this information please contact Jennifer Concato on 9806-5767.

Yours sincerely

Jennifer Concato
Team Leader – Land Use Planning

Planning Proposal – Parramatta LEP 2011 & Parramatta City Centre LEP 2007 consolidation - Additional information request

6 March 2013

Introduction

Reference is made to a request for additional information/clarification made by DP&I officers at a recent meeting (27 February 2013) in relation to a Planning Proposal submitted to the DP&I on 19 December 2012.

Item 1 - Sex Services & Restricted Premises

Please find attached a map as requested illustrating the areas of the Parramatta LGA where sex services are currently permissible (pursuant to PLEP 2011 and CCLEP 2007).

In accordance with Council resolution the current planning proposal seeks to prohibit sex services and restricted premises within the Parramatta City Centre.

The reasoning for this is, in summary;

- That sufficient land area is provided for permissibility of sex services premises within the Parramatta LGA (approximately 26.8 hectares excluding the City Centre lands). These areas are identified in the accompanying map.
- The further proliferation of sex services and restricted premises will have detrimental accumulative effects on the amenity of the Parramatta City Centre and compromise its ability to attract and retain businesses and investment which is required to help Parramatta realise its potential as a thriving, vibrant, Regional City.
- Specific concern is raised that sex services and restricted premises will also have a detrimental impact upon the residential amenity and wellbeing of residents who live within the City Centre. In this regard it is noted that an increased number of residential apartments have been approved to be constructed within the City Centre.
- The Parramatta LGA already has a significant number of sex services premises (refer to list below). The exclusion of these land uses will not be contrary to the Circular issued by the (then) Department of Urban Affairs and planning dated 29 December 1995 (your reference S91/04511/003) in that it does not seek the blanket prohibition of sex service premises.
- This circular also states that brothels are most suitable in commercial and industrial areas that are not adjacent to schools or facilities frequently used by children. The Parramatta City Centre contains several schools, child care centres, and public recreation facilities (parks, pools, theatres etc) that are regularly used by children.
- The prohibition of these land uses is however consistent with the contents of a further circular issued by your office dated 16 July 1996 (your reference S91/04511) namely that *councils now have more scope in nominating which areas are suitable for the location of brothels.*

- The accumulative impacts of further land uses of this nature will give rise to, as recently reported, the notion that Parramatta is the '*red light capital of the west.*' This is not conducive to Parramatta's identified vision, brand and future role.
- If this element of the planning proposal is not agreed to by the DP&I it will necessitate the creation of a local provision/clause to prohibit the land use within the B4 (Mixed Use) & B5 (Business Development) land located outside of the City Centre. This may be contrary to the Standard Instrument Order as an effective sub-zone would be created. Alternately, if it were included as a permissible land use within all land zoned B4 & B5, the effect of existing clauses 6.8 & 6.9 within PLEP 2011 would likely create an effective prohibition of the land uses which again may be contrary to the Standard Instrument Order and departmental directions.
- Current approved and operating sex services premises in the Parramatta LGA;
 1. 18 Ferndell Street South Granville
 2. 19A Brodie Street Rydalmere
 3. 12 Euston Street Rydalmere
 4. 8 Wentworth Street 3-7 Kendall street Granville
 5. 55 Aird Street Parramatta
 6. 5/5 Clyde Street Rydalmere
 7. 7 Cowper Street Granville
 8. 22A Hunter Street Parramatta
 9. 26 George Street Clyde
 10. 32 Berry Street Clyde
 11. 21A Berry Street Clyde
 12. 9 Seville Street Nth Parramatta
 13. 10 Marsh Street Clyde
 14. 1 Nirvana Street Pendle Hill
 15. 1/112 Ballandella Road Pendle Hill
 16. 22 Brodie Street Rydalmere
 17. 55 Bridge Street Rydalmere
 18. 7/1-3 Sutherland Clyde
 19. 45 George Street Clyde
 20. 25 Wentworth Street Parramatta

NB — There are a further ten (10) premises approved as providing therapeutic massage services which are regularly monitored by Council's Regulatory Services team.

Item 2 – Design Excellence

It has been requested that Council elaborate and clarify on its desired outcome with respect to the operation of the design excellence clause. Clause 6.21 (Design Excellence) of the recently made Sydney City LEP has also been reviewed as suggested.

In this regard the Sydney City LEP Design Excellence Clause would meet the majority of PCC's preferences in relation to the objectives, matters for determining design excellence and the competitive design process. However it does not allow for the extent of and same nature of variation that is sought under the planning proposal as submitted. It is suggested that a slightly revised clause could meet the desired outcome that achieves the following:

Proposed degree of variation	Proposed requirements	Development standard	Applicable zone in the City Centre (only)
<5%	Comply with 'exception to development standards' clause. No design competition required.	Any development standard, including Height & FSR	All zones
<15%	Design competition Public benefit High level energy & water efficiency	Height & FSR	B4, B5
<15%	Design competition High level energy & water efficiency	Height & FSR	B3
>15%	Design competition Significant public benefit High level energy & water efficiency	Height only	B4
>15%	Design competition High level energy & water efficiency	Height only	B3, B5
<25%	Design competition High level energy & water efficiency	Height & FSR	B4 & B5 – Where undertaking 100% non- residential
All City Centre	Design competition for a building greater than 55 metres/13 storeys; \$1,000,000 on a key site; development the applicant has chosen to have such a competition	Above criteria as relevant to proposal	All zones

With regard to design excellence the planning proposal also seeks to:

- Allow proposals for above ground level car parking to be considered in certain circumstances (land affected by the 1 in 100 year flood and/or subject to archaeological significance) and when the proposal is the result of a design competition and demonstrates design excellence. Proposals must contain an appropriate level of ground floor activation as well as high quality screening treatment of the car park.
- Allow proposals on sites less than 1,800sqm but greater than 1,000sqm that cannot amalgamate due to physical constraints such as heritage, laneways or strata subdivision to

achieve the maximum FSR identified on the FSR map where the building has undergone a design competition and demonstrated design excellence.

These two provisions may best sit as separate local clauses which trigger the need for a design competition to be undertaken.

The above table should be read in conjunction with the explanation provided in part 2 of the planning proposal submitted, in particular pages 7 - 11 entitled 'Local clauses'.

Item 3 – Car Parking

Please find below some further commentary intended to clarify what is sought under the current planning proposal with respect to car parking in the City Centre.

- The planning proposal seeks to continue to maintain the current position whereby car parks (as a stand alone use on a site) are only permitted within the City Centre where carried out by or on behalf of Council.
- This will be achieved by the removal of the current qualifier contained within the City Centre Land Use tables (a requirement of the Standard Instrument Order) and creation of a clause to achieve the desired outcome.
- It is also proposed that in circumstances where existing commercial buildings can demonstrate a quantum of parking surplus to requirements that these spaces may be able to be used (leased) to persons not associated with the building within which the spaces are located, subject to development consent.

Item 4 – Flood Map

The planning proposal seeks to not include the City Centre Flood Map in Parramatta LEP 2011. Parramatta LEP 2011 does not include a Flood Map as Council's flood data for certain catchments is inaccurate and/or incomplete. Council is in the process of reviewing its Flood Policy and flood related development controls and is also conducting flood studies for certain catchments. As part of this process Council will investigate the most appropriate location for this data.

Summary

The above is intended to respond to the recent queries of DP&I officers. As stated previously, Council officers are available to meet to further discuss this complex planning proposal further if required.