

MINUTES OF THE LOCAL PLANNING PANEL HELD IN RYDALMERE
OPERATIONS CENTRE, 316 VICTORIA RD, RYDALMERE ON TUESDAY, 3
DECEMBER 2019 AT 3.38PM

PRESENT

Stephen O'Connor in the Chair, David Johnson, Deborah Sutherland and Maree Turner.

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Chairperson Stephen O'Connor, acknowledged the Burramattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

WEBCASTING ANNOUNCEMENT

The Chairperson Stephen O'Connor 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 Independent Hearing and Assessment Panel.

DECLARATIONS OF INTEREST

There were no declarations of interest made to this Independent Hearing and Assessment Panel.

INNOVATIVE

5.1 SUBJECT Pre-Gateway - Planning Proposal for land at 195 Church Street, 65-79 Macquarie Street, 38 and 45 Hunter Street, Parramatta (St John's Anglican Church)

REFERENCE RZ/5/2018 - D07104155

REPORT OF Land Use Planning Manager

The Panel considered the matter listed at Item 5.1, attachments to Item 5.1 and the matters observed at the site inspection

PUBLIC FORUM

- Tina Tang speaking in support of the planning proposal.
- Matthew Baldry speaking against the planning proposal.
- Cheryl Bates speaking against the planning proposal.
- Lou Wehbe speaking against the planning proposal.

Note: The Panel adjourned the meeting at 4.08pm during consideration of this matter and returned at 4.35pm.

2057 **DETERMINATION**

That the Local Planning Panel provides the following advice to Council:

- a) **That** Council endorse the Planning Proposal at **Attachment 1** to amend Parramatta LEP 2011 for land at 195 Church Street, 65-79 Macquarie Street, 38 and 41, 43 and 45 Hunter Street, Parramatta, to pursue the following amendments:
- i. The land be rezoned from part B4 - Mixed Use and SP1 – Special Activities (Place of Public Worship) to part B3 - Commercial Core, part B4 Mixed Use and part SP1 Special Activities (Place of Public Worship) as shown in Figure 12 (Recommended - Zoning) of this report.
 - ii. The Floor Space Ratio (FSR) map be amended to apply a maximum incentive FSR of 10:1 in the location shown in Figure 13 (Recommended - FSR) of this report with no FSR being applied to the portion containing the Cathedral, also mapped in Figure 13 (Recommended - FSR) of this report.
 - iii. An additional site-specific local provision be included, which allows unlimited FSR for office development on the portion of the site labelled 10:1* in Figure 13 (Recommended - FSR) of this report.
 - iv. The sliding-scale provisions contained within Parramatta LEP 2011 remain applied to the subject site.
 - v. The Height of Building Map be amended to apply a maximum building height controls of 211 metres Reduced Level and 12 metres in the locations shown in Figure 14 (Recommended - Building Height) of this report with no building height being applied to the portion containing the Cathedral, also mapped in Figure 14 (Recommended - Building Height) of this report.
 - vi. The site is identified on the Special Provisions map to permit the application of Clause 7.6 Airspace operations.
 - vii. The portion of land at 41, 43 and 45 Hunter Street, as shown in Figure 10 of this report, is identified on the Land Reservation Acquisition Map to facilitate the creation of a 6 metre wide laneway to provide future vehicle access to these three sites and 181 Church Street, Parramatta. Noting that 41 and 43 Hunter Street have only been included in the Planning Proposal for the purposes of identifying the 6m wide laneway land on the Land Reservation Acquisition Map and that no other changes will be made to the planning controls that apply to these two sites.
 - viii. An additional site-specific provision to allow car-parking as a permissible use on a small portion of the land zoned SP1 – Special Activities (Place of Public Worship), shown in Figure 9 of this report, in conjunction with any redevelopment of the St John's Church Site.
 - ix. Is consistent with Council's policy position (endorsed 25 November 2019) in relation to Sun Access Plane – Parramatta Square where any new development on affected land must not result in any additional overshadowing between

the hours of 12pm to 2pm within the nominated area on Parramatta Square during midwinter on 21 June.

- x. Maximum parking rates be adopted as an additional local provision, consistent with the Parramatta CBD Planning Proposal Strategic Transport Study rates endorsed by Council on 10 April 2017.
- b) **That** the revised Planning Proposal be forwarded to the DPIE with a request for a Gateway Determination after consultation with the property owners of 41 and 43 Hunter Street;
- c) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to exhibition, in accordance with the following principles:
 - i. Significant heritage interpretation of the Church Hall for potential future demolition;
 - ii. A minimum 5 metre width for the new active site-through link (pedestrian laneway from Macquarie Street) with no building overhangs and activation of the laneway;
 - iii. Requirements for the new civic square including scale, treatment, tree planting and deep soil;
 - iv. Controls consistent with the Parramatta CBD Planning Proposal flood requirements, basement design (flood-proofing), requirement for an overland flow study, water sensitive urban design requirements, no habitable floor space to be provided below the ground level;
 - v. Vehicular access and servicing arrangements for the site; and
 - vi. Built form controls relating to the tower forms on the site including but not limited to tower setbacks from adjoining properties, and setbacks from heritage items.
- d) **That** the CEO be authorised to negotiate a Planning Agreement with the landowner that takes into consideration:
 - i. the public benefits offered by the landowner in submissions to Council to date;
 - ii. Council's Planning Agreements Policy and Parramatta CBD Planning Proposal Community Infrastructure Framework acknowledging that the public benefits offered by the Applicant are proposed to offset the demolition of the Church Hall. The works proposed to offset the loss of the Church Hall should not be taken into consideration when determining whether any offer from the Applicant is consistent with the abovementioned Council Policy and Framework.
 - iii. that any contribution is in addition to the development contributions required under Council's CBD Development Contributions Plan.
- e) **That** an assessment of whether the eastern portion of Hunter Street adjoining the subject site's western boundary should be

closed and sold to the Church for inclusion in the new civic space, be considered concurrently with Planning Agreement negotiations with the Applicant/ landowner.

- f) **That** the outcome of negotiations on the Planning Agreement and the assessment of the closure of the eastern portion of Hunter Street be reported back to Council for endorsement prior to public exhibition of any Planning Agreement, at the same time the contents of the draft site-specific DCP is reported to Council for exhibition purposes.
- g) **That** prior to any exhibition the Applicant be requested to provide urban design analysis and other supporting documents for the Planning Proposal that are consistent with the Council's resolved position and any conditions of the Gateway Determination to ensure the exhibition material is consistent.
- h) **That** upon the issue of a Gateway Determination the Planning Proposal, draft DCP, and Planning Agreement be exhibited concurrently and that the outcomes are reported back to Council.
- i) **That** Council officers commence negotiations with the owners of 181 Church Street, Parramatta to seek agreement to the implementation of alternate vehicle access arrangements to this site from Hunter and/or Marsden Street.
- j) **Further, that** Council authorise the CEO to amend the Planning Proposal to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

The Panel decision was unanimous.

REASONS FOR DECISION

The Panel did not consider the delisting of a heritage item as an appropriate course of action.

The Panel supports the remainder of the findings in the report and endorsed the reasons contained in that report.