

Your Reference:
Our Reference: RZ/5/2018
Contact: R Cologna
Telephone: 9806 5144
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Christine Gough
Acting Director Metropolitan (Parramatta)
Department of Planning Industry and Environment
GPO Box 39
SYDNEY NSW 2001

13 January 2020

Dear Ms. Gough

Request for Gateway determination – St Johns Cathedral Site 195 Church Street 65-79 Macquarie Street 38 and 41-45 Hunter Street (RZ/5/2018)

Pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, please be advised that that at its Meeting of 16 December 2019, Council considered a report on a Planning Proposal for the subject site and resolved to proceed with the proposal and to request a Gateway Determination from the Department.

A copy of the full Council resolution is attached.

Please find enclosed the information required in accordance with the guidelines 'A Guide to Preparing Local Environmental Plans' together with Council's report on the matter.

I would request you note that the Planning Proposal attachments have been forwarded to you as separate PDF documents, and that Council has resolved that some of these should be updated to ensure they are consistent with Council's resolution prior to exhibition.

Should you have any questions, please contact me on 9806 5144.

Yours sincerely,



Robert Cologna
Acting Manager - Land Use Planning

Attachment – Extract from Council Minutes – 16 December 2019 Council Meeting

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE CLOISTER FUNCTION ROOMS, ST PATRICK'S CATHEDRAL 1 MARIST PLACE, PARRAMATTA ON MONDAY, 16 DECEMBER 2019 AT 6.36PM

These are draft minutes and are subject to confirmation by Council at its next meeting. The confirmed minutes will replace this draft version on the website once confirmed.

PRESENT

The Lord Mayor, Councillor Bob Dwyer and Councillors Benjamin Barrak, Phil Bradley, Donna Davis, Pierre Esber, Michelle Garrard (Deputy Lord Mayor), Steven Issa (6:47PM), Andrew Jefferies, Sameer Pandey, Dr Patricia Prociv, Bill Tyrrell, Andrew Wilson and Martin Zaiter.

1. OPENING MEETING

The Lord Mayor, Councillor Bob Dwyer, opened the meeting at 6.36PM.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL LAND OWNERS

The Lord Mayor, Councillor Dwyer, acknowledged the Burramattagal people of The Darug Nation as the traditional custodians of this land, and paid respect to their ancient culture and their elders past and present.

3. WEBCASTING ANNOUNCEMENT

The Lord Mayor, Councillor Dwyer, advised that this public meeting is being recorded and streamed live on the internet. The recording will also be archived and made available on Council's website.

The Lord Mayor further advised that all care will be taken to maintain privacy, however as a visitor in the public gallery, the public should be aware that their presence may be recorded.

4. OTHER RECORDING OF MEETING ANNOUNCEMENT

As per Council's Code of Meeting Practice, the recording of the Council Meeting by the public using any device, audio or video, is only permitted with Council permission. Recording a Council Meeting without permission may result in the individual being expelled from the Meeting.

5. CONFIRMATION OF MINUTES

SUBJECT: Minutes of the Council Meeting held on 9 December 2019

2566 RESOLVED (Tyrrell/Pandey)

That the minutes be taken as read and be accepted as a true record of the Meeting subject to an amendment to Item 19.3 NOTICE OF MOTION: Shared Usage of Council Assets and Lands for Community Events and Festivals to read as:

"That a report come back to Council investigating new opportunities for shared usage of parks, reserves and sportsgrounds within Council's asset portfolio and under Council control for community events and festivals."

6. APOLOGIES/REQUESTS FOR LEAVE OF ABSENCE

SUBJECT: Apologies/Requests For Leave of Absence

2567 RESOLVED (Esber/Tyrell)

That the apology received from Councillor Paul Han be accepted and leave of absence granted.

Note: Leave of absence had previously been granted to Councillor Lorraine Wearne for two Council Meetings, being 9 December and 16 December Council Meetings.

7. DECLARATIONS OF INTEREST

Councillor Barrak declared a non-pecuniary and less than significant interest in Item 18.5 being Post Exhibition – Planning Proposal and Draft Planning Agreement for land at 14-20 Parkes Street, Harris Park as he owns a property in Harris Park. He retired from the meeting during debate and voting on this matter.

18.4 SUBJECT FOR APPROVAL: 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 - D07149307

REPORT OF Land Use Planning Manager

2568 RESOLVED (Esber/Tyrell)

- (a) **That** Council endorse the Planning Proposal at Attachment 2 for the purpose of public exhibition 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 to Parramatta Local Environmental Plan 2011:
- 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 7 (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 7 (Recommended - FSR) of this report with no FSR being applied to the portion containing the Cathedral, also mapped in Figure 7 (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 7 of this report (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 control of 211 metres Reduced Level (approximately 60 storeys) and 12 metres (approximately 3 storeys) in the locations shown in Figure 7 (Recommended - Building Height) of this report with no building height being applied to the portion containing the Cathedral, also mapped in Figure 7 (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 existing heritage item identified as St. John's Parish Church Hall (Item 1713) be de-listed from Schedule 5 of the LEP.
 - viii. The portion of land at 41, 43 and 45 Hunter Street, as shown in Figure 10 in Attachment 1, 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 6 metre 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.
 - ix. 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 in Attachment 1, in conjunction with any redevelopment of the St John's Church Site.
 - x. 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 12pm and 2pm of the nominated area on Parramatta Square during midwinter on 21 June.
 - xi. 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;
- (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 recommended above for delisting and potential future demolition;
 - ii. A minimum 5 metre width for the new pedestrian through link (laneway) 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 retained 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 landowner 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 landowner is consistent with the abovementioned Council Policy and Framework.
 - iii. that any planning agreement 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 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 exhibition outcomes be 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) **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.
- (k) **That** Council note the advice of the Local Planning Panel of 3 December 2019 is inconsistent with the Council officer's recommendation in this report. The Panel's advice is to:
 - i. Retain the listing of the Church Hall on the heritage schedule; and
 - ii. Consult with landowners of 41 and 43 Hunter Street, prior to requesting a Gateway determination.
- (l) **Further, that** Council consult with landowners of 41 and 43 Hunter Street, in respect to any impact on their land.

The motion moved by Councillor Esber and seconded by Councillor Tyrrell on being put was declared CARRIED.

DIVISION The result being:-

AYES: Clrs Barrak, Dwyer, Esber, Garrard, Issa, Jefferies, Pandey, Tyrrell, Wilson and Zaiter

NOES: Clrs Bradley, Davis and Prociw