

Parramatta Local Environmental Plan 2011 - Amendment - 163-165 George Street, Parramatta

Proposal Title : Parramatta Local Environmental Plan 2011 - Amendment - 163-165 George Street, Parramatta

Proposal Summary : The planning proposal is to rezone 163-165 George Street, Parramatta (the former Parramatta Workers Club) from zone RE2 Public Recreation to SP1 Special Uses (Place of Public Worship/Educational Establishment) and the insertion of a Schedule 1 Additional permitted use provision or local clause to permit function centres, child care centres, community facilities, restaurant or cafe, and office premises with development consent, to enable the Hellenic Orthodox Community of Parramatta and Districts to provide a range of services and facilities to the community.

PP Number : PP_2014_PARRA_008_00

Dop File No : 14/06788

Proposal Details

Date Planning 02-Oct-2014

Proposal Received :

LGA covered :

Parramatta

Region : Metro(Parra)

RPA :

Parramatta City Council

State Electorate : PARRAMATTA

Section of the Act :

55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 163-165 George Street

Suburb : Parramatta

City :

Postcode : 2150

Land Parcel : Lot 1 DP 78716, Lot 1 DP 113513, Lot 1 DP 650704, and Lot 3 DP 10735

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	In relation to the lobbyist code of conduct there is no record of contact with lobbyists regarding this matter. The NSW Government Lobbyist Code of Conduct has been complied with.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Lobbyist Contact Register was checked on 5 November 2014. No registered meetings with lobbyists were identified.		

Supporting notes

Internal Supporting
Notes :

POLITICAL DONATIONS

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

To the best of the Regional team's knowledge, the Department has not received any disclosure statements for this Planning Proposal.

DELEGATIONS

Council has requested delegation of Plan making powers with this planning proposal. This request is supported.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives identifies that the planning proposal intends to enable a variety of uses on the site, principally Place of Public Worship and Educational Establishments, and related social, cultural, charitable and administrative functions.**

It is considered that the current RE2 Private Recreation zone does not permit all the proposed future uses on the site and does not appropriately reflect the future planning objectives for the site.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **It is proposed to rezone 163-165 George Street, Parramatta from zone RE2 Public Recreation to zone SP1 Special Activities (Place of Public Worship/ Educational Establishments) under the Parramatta Local Environmental Plan 2011. It is also proposed to include additional permitted uses on the site through the insertion of Schedule 1 additional permitted use provision on the site to also permit with consent child care centres, community facilities, function centre, office premises, and, restaurant or cafe or through the use of a site specific local clause that would permit additional permitted uses on the site. Council has utilised Schedule 1 Additional Permitted Use provisions on other sites in the Local Government Area, and in this case, the use of Schedule 1 is considered a suitable mechanism to permit the additional land uses.**

It is proposed to maintain the existing height controls.

There is currently no floor space ratio on the site and no floor space ratio is proposed for the site with the rezoning. A general review of existing sites zoned SP1 (Places of Public Worship) or SP1 (Places of Public Worship/ Educational Establishments) indicates no consistent approach from Council with including floor space ratios for sites zoned SP1 (Places of Public Worship) or SP1 (Place of Public Worship/ Educational Establishments). Without Floor Space Ratio controls, a future development application would be assessed on its merits in that regard.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Section 117 Direction 2.3 - Heritage Conservation

Council has identified that the site is not an identified heritage item or within an identified conservation area. The site is adjacent to a local heritage item and the Robin Thomas Reserve archaeological site. Council has not provided any assessment of whether the planning proposal is consistent with this direction or not.

It is considered that as the site does not contain a heritage item and is not identified within a heritage conservation area identified in the Parramatta Local Environmental Plan 2011, that the planning proposal is consistent with this direction.

Section 117 Direction 4.1 - Acid Sulfate Soils

The Direction applies as the site has been identified as possibly containing Acid Sulfate Soils.

The Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

The planning proposal proposes an intensification of land uses, and Council has not provided a acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. Therefore the planning proposal is inconsistent with this direction.

This inconsistency is justified as minor significance, as the soils are identified as class 4 and this matter will be further addressed at the development application stage under clause 6.1 of the Parramatta Local Environmental Plan 2011.

Section 117 Direction 4.3 - Flood Prone Land

The Direction applies as the site has been identified as partially flood prone, and the planning proposal is inconsistent with this direction as it proposed in the planning proposal to rezone the site from RE2 Private Recreation to SP1 Special Activities (Place of Public Worship/ Educational Establishment).

The planning proposal is also inconsistent with Council's Flood Risk Management Plan Floodplain Matrix, as some of the land uses proposed to be permitted with consent on the site are not considered to be suitable on a potentially flood prone site, including educational establishments and child care centres.

It is to be noted that child care centres are permissible with consent on the site under the current RE2 Private Recreation zone.

As such, Council has requested a Gateway condition requiring that additional information be provided prior to public exhibition to address the inconsistency with this direction. This approach is supported.

Section 117 Direction 6.3 - Site specific provisions

This direction applies as the planning proposal requires an additional permitted use provision as the proposed SP1 Special Activities zone does not permit all the intended land uses.

Council has identified that the inconsistency of the planning proposal with this direction is of minor significance as there is no suitable zone that permits all of the proposed land uses, and with zone objectives that appropriately reflect the future intent of the site. The only zone that permits all the proposed uses for the site is the B4 Mixed use zone, although the use of this zone was not supported as the objective and intent of the zone did not appropriately reflect the intended future uses on the site.

Further the choice of the SP1 Special Activities zone for Places of Public Worship and Educational Establishments has previously been used in Parramatta Local Environmental Plan 2011, therefore the use of this zone is consistent with Council's zoning approach.

The zoning options for the site are discussed later in the report.

It is considered that the inconsistency with this direction is of minor significance and should be supported.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided a current zoning map and proposed zoning map in appendix 2. The current and proposed zoning maps should be amended prior to exhibition to include a legend.

Council has not provided an additional permitted uses maps consistent with the notified Parramatta Local Environmental Plan 2011. Council should consider the need to prepare this map prior to exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Community consultation has been proposed, including a newspaper advertisement, notification via Council's website and letters to adjoining land owners, however no suggested length of exhibition has been provided.

It is considered that a minimum 28 day public exhibition period is appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **There is adequate information to assess the planning proposal.**

Proposal Assessment

Principal LEP:

Due Date : **October 2011**

Comments in relation to Principal LEP : The Parramatta Local Environmental Plan 2011 was notified in October 2011. The planning proposal intends to amend this Plan.

Assessment Criteria

Need for planning proposal : The planning proposal is required as the current zone RE2 Private Recreation zone does not permit the land uses proposed for the future development on the site. The proposed change of zone to SP1 Special Activities (Place of Public Worship/ Educational Establishments) with additional uses permitted through the insertion of a Schedule 1 Additional Permitted Use provision, will enable the future development of the site.

Other zoning options:

It is possible to achieve the intended planning outcomes with other zoning options, including:

Maintain the RE2 Private Recreation zone, and permit Place of Public Worship, Educational Establishments and Office Premises as additional permitted uses. However, this approach is not considered appropriate as Place of Public Worship and Educational Establishments are intended to be the primary uses on the site, and the zone objectives of the RE2 Private recreation zone do not reflect this intention.

It is possible to zone the site Zone B4 Mixed Use, without the need to include any of the proposed uses as additional permitted uses in Schedule 1.

This zone under the Parramatta Local Environmental Plan 2011 permits all of the land uses intended for the site. That being said, Council does not support the use of this zone as the zone objective includes "the integration of residential with business, retail and other development" which is not intended for the site, and it also permits additional uses including residential development that Council does not encourage on the site.

Other planning mechanisms:

Council also considered the use of a site specific local clause to permit the additional uses on the site. A site specific clause is not considered appropriate as there is an existing planning mechanism (Schedule 1) which can achieve this outcome. No supporting information was provided promoting one approach instead of another, as such, it is considered utilising an existing approach with an amendment to schedule 1 is considered the more suitable approach.

Therefore, the proposed future development of the site requires additional uses to be permitted on the site, and the change of zone to SP1 Special Activities (Place of Public Worship/ Educational Establishments) with additional uses permitted through an amendment to schedule 1 under Parramatta Local Environmental Plan is the best mechanism to achieve this outcome.

Consistency with
strategic planning
framework :

This planning proposal is not a result of a Council Strategy or Study.

The proposed use of zone SP1 Special Activities is consistent with Council's previous approach with zoning Places of Public Worship and Educational Establishments, with 46 other Places of Public Worship being zoned SP1 Special Activities under Parramatta Local Environmental Plan 2011.

The choice of zone is consistent with Council's zoning approach to other Places of Public Worship.

Environmental social
economic impacts :

ENVIRONMENTAL

Flora and Fauna

The site is not known to contain any critical habitats or threatened species.

Flooding

The site is partially flood affected by the 1:100 year flood event in the north west corner of the site and lies within a Low Flood Risk Precinct. Council has not provided a map that identifies the extent of the flood affectation of the site, only a written explanation.

Council has advised that it requires the proponent to provide further justification that the planning proposal is consistent with section 117 Direction 4.3 or that the inconsistency is of minor significance.

Consultation with Office of Environment and Heritage and State Emergency Services may assist with the assessment of the planning proposal against Section 117 Direction 4.3 - Flood prone land.

This matter should be further considered once Council has considered the further justification. Council should also include a map identifying the area of flood affectation on the site.

Traffic

Council has identified that any future development may result in traffic or parking issues. Despite this Council is satisfied that will be addressed at the development application stage.

SOCIAL

The proposal will enable development that will contribute to the social fabric of the area, enabling a range of social and cultural activities to be undertaken on the site.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Other		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal 163-165 George Street, Parramatta.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**
4.1 Acid Sulfate Soils
4.3 Flood Prone Land

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

DELEGATION OF PLAN MAKING FUNCTIONS

Council has requested that it exercise the Minister's plan making functions for this planning proposal. Given the relatively minor nature of this proposal, this request is supported.

Accordingly, it is recommended that the delegate agree to delegation to Council.

SECTION 117 DIRECTIONS

It is considered that the inconsistencies with Section 117 Directions 4.1 - Acid Sulfate Soils and 6.3 - Site Specific Provisions, are justified as minor significance.

It is recommended the delegate agree that these inconsistencies are of minor significance.

It is recommended the planning proposal proceed subject to the following conditions:

1. Prior to exhibition :

a) Council is to amend the planning proposal to:

- i) include a legend on the maps in appendix 2;
- ii) include a map identifying the flood prone areas on the site; and
- iii) consider whether the preparation an additional permitted use map is appropriate.

2. Prior to public exhibition, Council is to:

- (a) prepare the necessary flood study to further consider the consistency of the planning proposal with Section 117 Direction 4.3 – Flood Prone Land.
- (b) upon completion of the necessary flood study to the satisfaction of Council, Council is to consult with Office of Environment and Heritage and State Emergency Services on the outcomes of the flood study; and
- (c) the planning proposal is to be updated with the outcome of agency consultation and include sufficient additional information to adequately demonstrate consistency or justify any inconsistency Section 117 Direction 4.3 – Flood Prone Land.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- Office of Environment and Heritage
- State Emergency Services
- Endeavour Energy
- Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

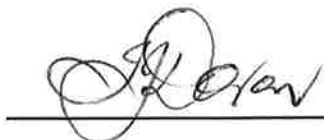
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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Parramatta**

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

Signature:



Printed Name:

T DORAN

Date:

7/11/14

