

**REPORTS TO COUNCIL - FOR COUNCIL DECISION**

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<b>ITEM NUMBER</b>	13.1
<b>SUBJECT</b>	Gateway Request: Planning Proposal for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site)
<b>REFERENCE</b>	F2022/00105 - D08649901
<b>APPLICANT/S</b>	City of Parramatta
<b>OWNERS</b>	City of Parramatta
<b>REPORT OF</b>	Team Leader
<b>CSP THEME:</b>	<b>INNOVATIVE</b>

**WORKSHOP BRIEFING DATE:** 21 September 2022

**DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL** Nil

**PURPOSE**

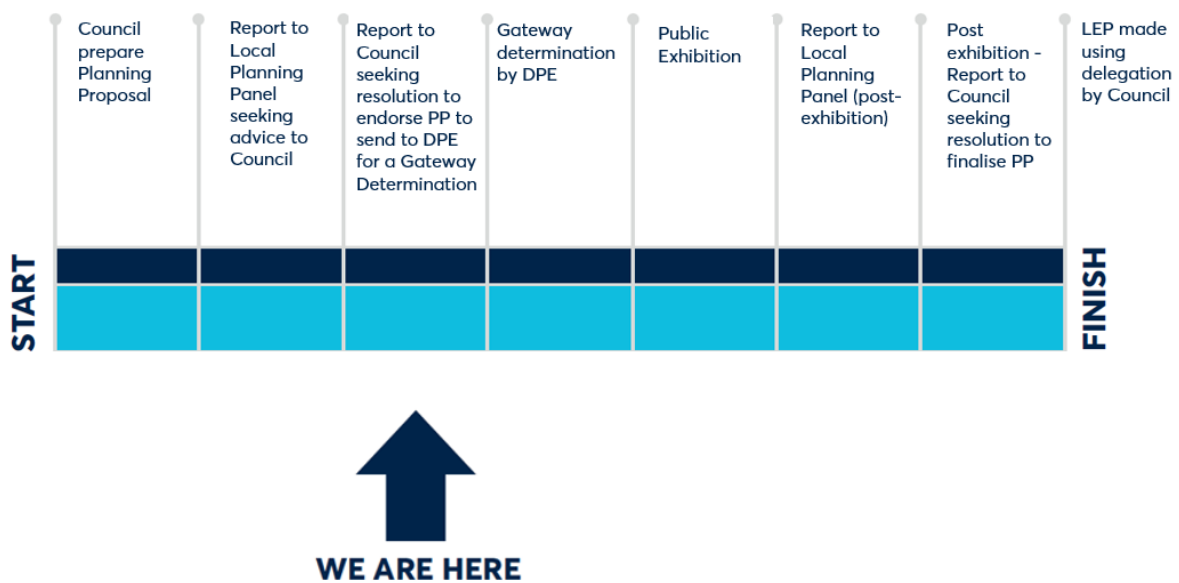
To seek Council's approval to forward the Planning Proposal for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) to the Department of Planning and Environment (DPE) with a request to issue a Gateway determination.

**RECOMMENDATION**

- (a) **That** Council approve the Planning Proposal at **Attachment 1** for the purposes of it being forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:
1. increase the Maximum Height of Building (HOB) from 15m to 28m;
  2. introduce a Site-Specific Clause that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between 12pm and 2pm; and
  3. requires active street frontages.
- (b) **That** the Department of Planning and Environment be requested that no public exhibition process be required in the Gateway Determination for the following reasons:
1. to support the efficient processing of the Planning Proposal and the redevelopment of the Riverside Theatre;
  2. the Parramatta CBD Planning Proposal publicly exhibited controls sought a greater building height, than the subject Planning Proposal;
  3. the subject Planning Proposal seeks to implement the amenity controls from the Parramatta CBD Planning Proposal.

- (c) **That** Council request the Department of Planning and Environment to authorise its Chief Executive Officer to exercise their plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (d) **That** Council note the Parramatta Local Planning Panel’s (LPP) advice to Council to seek a Gateway Determination for the Planning Proposal (**Attachment 1**) as per Part (a) of Council Officers’ recommendation above; however the LPP recommends a public exhibition which is inconsistent with Council Officers’ recommendation in Part (b).
- (e) **Further, that** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

**PLANNING PROPOSAL TIMELINE**



**SUMMARY**

1. The Riverside Theatre is a critical anchor performing arts facility located within the Parramatta CBD. Constructed in 1988, the current Riverside Theatre building is not fit for purpose to serve the growing community.
2. The redevelopment of the Riverside Theatre to deliver a modernised and expanded performance space is an important infrastructure priority reflected in Council’s Cultural Plan.
3. Council has progressed with the preparation of a visioning document, concept reference design, and committed funding to redevelop the theatre.
4. The Council endorsed Parramatta CBD Planning Proposal (CBD PP), among a number of things, sought to increase the height control on this site. This change would enable the redevelopment of the theatre in line with the vision of Council. The concept design was prepared in response to the planning controls within the Council endorsed CBD PP.

5. However, the Department of Planning and Environment (DPE) deferred the area north of the river from the CBD PP during its finalisation and retained the current height control for this site. The current height control does not enable the redevelopment of the site consistent with the concept reference design.
6. As a result, a site-specific Planning Proposal is needed to implement the necessary height control to allow for the concept design and redevelopment project to progress.
7. The Planning Proposal found in **Attachment 1** is required for the following reasons:
  - To ensure the necessary planning controls are in place to allow the timely progression and redevelopment of the Riverside Theatre.
  - Waiting for a future review of the land north of the Parramatta River (which is subject to funding being provided by the State Government, is anticipated to commence in 2023 and which would take two to three years to complete) would cause delays to the progression of the Council prepared concept design for the Riverside Theatre.
  - The increase in HOB from 15m to 28m is considered a modest increase (particularly given the current theatre has building elements at 25m) and the 36m building height currently permitted for sites immediately east of the theatre site. The 28m height proposed is not out of context with existing controls in the precinct.
  - No change is sought to the existing FSR control.
  - The Site-Specific Clause implements the intent of the solar access protection plane and active frontage controls within the CBD PP.
  - The resulting building controls are considered to have an inconsequential impact on amenity, overshadowing, and overall bulk and scale; and is lower in height than the building height that would have resulted from the Council adopted CBD PP.
8. **Table 1** compares the existing planning controls, proposed controls under the CBD PP as endorsed by Council, the proposed controls within the Planning Proposal, and the existing building height for reference.

Control	PLEP 2011 (existing controls)	Council adopted CBD PP	Planning Proposal	Existing building
Zoning	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height	15m	Height not nominated – solar access control would allow heights of 50-60m on parts of the site.	28m	25m
FSR	3:1	3:1	3:1	Unknown

**Table 1** - Summary of existing and proposed controls

**SITE DESCRIPTION**

- The Planning Proposal applies to the land at 353A-353C Church Street (Lot 2 DP 740382) and part of 351 Church Street, Parramatta (Lot 1 DP 740382) (the site). The site is bound by Marsden Street to the west; Market Street to the north; Church Street to the east; and the Parramatta River Foreshore to the south (see **Figure 1**). The site has an approximate area of 7,000sqm.



**Figure 1** – Site subject to the Planning Proposal

- The site is the location of the Riverside Theatre, which is owned and operated by the City of Parramatta Council (Council). The existing building is located on the eastern side of the site, with a frontage to Church Street and the river foreshore. The building contains three separate theatres and event spaces. Above-ground parking is located on the western side of the site on the corner of Market and Marsden Street.

11. **Table 1** above include the existing key planning controls that apply to the site. Further detail on the site's context, strategic positioning within the Parramatta CBD, and other planning controls are contained within the LPP report found in **Attachment 2** and the Planning Proposal found in **Attachment 1**.

## BACKGROUND

12. Council's 'A Cultural Plan for Parramatta's CBD 2017-2022' (Cultural Plan) recognises the important contribution the Riverside Theatre plays in Parramatta's cultural identity. The redevelopment of the Riverside Theatre to modernise its infrastructure and increase its capacity is a leading priority to support the growing population of both Parramatta and Greater Sydney.
13. As detailed in **Attachment 2**, Council has progressed with the preparation of a visioning document, concept reference design, and committed funding to redevelop the theatre.
14. **Attachment 2** also includes a series of figures that show the indicative building envelope of the concept reference design from multiple perspectives, noting that the next phase of the redevelopment project will further embellish design features, building articulation, and integration with the public domain along the river foreshore. The perspectives are to provide Council and the community with an indicative form only.
15. The redevelopment of the Riverside Theatre as per Council's concept reference design was contingent on the Council endorsed version of CBD PP being finalised. The Council adopted CBD PP established the height control needed to redevelop the theatre in line with the vision of Council - the removal of North Parramatta from the CBD PP by DPE puts the development timetable at risk.
16. Council considered its position on the changes made to the Council endorsed CBD Planning Proposal when the Minister finalised the plan at its meeting of 25 July 2022. The portion of the Council resolution relevant to North Parramatta and the subject site reads:

### *"North Paramatta*

*(d) That Council write to the Minister for Planning and the Department:*

- (1) Seeking funding for a Study for North Parramatta that incorporates urban design, heritage and economic analysis and additional temporary staff to manage the project (estimated at up to \$500,000).*
- (2) Advising that Council will not commence the Study until confirmation of funding and in-kind support has been provided.*
- (3) Seeking advice on how Council manage any new SSPPs lodged for sites north of the river prior to completion of the Study and associated plan amendment.*

### *EXCEPTIONS*

*(e) Further, that Council note that new SSPPs for sites within any part of the CBD that do not:*

- 1 seek any increase in FSR, or*
- 2 seek to amend other planning controls that are being considered in the SEPP process(es) described in (c) above*

*will be processed by Council (examples include proposals for minor changes in height with no increase in FSR or changes to parking rates or land reservation acquisitions)."*

17. The subject site-specific Planning Proposal meets the criteria to be considered as an exception. Proceeding with this Planning Proposal ahead of the work proposed to review the controls for North Parramatta is consistent with Council's 25 July 2022 resolution.

## DESCRIPTION OF PLANNING PROPOSAL

18. The Planning Proposal (**Attachment 2**) seeks the following amendments to the PLEP 2011:
  - a. Increase the Maximum Height of Building (HOB) from 15m to 28m.
  - b. Introduce a Site-Specific Clause that:
    - i. prevents new development generating any additional overshadowing to the Parramatta River Foreshore;
    - ii. requires active street and river frontages.
19. No changes are proposed to the land use zoning or FSR controls.

## PLANNING PROPOSAL ASSESSMENT

20. The Planning Proposal in **Attachment 1** has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the DPE's *A Guide to Preparing Planning Proposals*. The Planning Proposal demonstrates consistency against the relevant State Planning Policies and Ministerial Directions.
21. The LPP report in **Attachment 2** includes Council Officers' assessment of the Planning Proposal based on strategic merit and site-specific planning issues. The LPP report specifically addresses the following considerations in detail:
  - Urban Design, (including height, floor space ratio, overshadowing, active frontages, and design excellence);
  - Heritage; and
  - Flooding.
22. The Council Officer assessment considered the building height that would have resulted from the Council adopted CBD PP. **Attachment 2** explains that the increase in height and resulting building envelope from the Planning Proposal is lower than the building height that would have resulted from the Council adopted CBD PP; and overall is considered to have an inconsequential impact on amenity, overshadowing, and overall bulk and scale.
23. Refer to the LPP report at **Attachment 2** and the Planning Proposal at **Attachment 1** for comprehensive details of the assessment, and for figures of the concept design and a description of the proposed redevelopment.

## PARRAMATTA LOCAL PLANNING PANEL

24. The Planning Proposal was considered by the Parramatta Local Planning Panel (LPP) at the meeting of 16 August 2022. **Attachment 2** includes the LPP report and minutes.
25. The LPP unanimously provided the following advice:
- (a) *The Panel is supportive of the recommendation that Council seek a Gateway Determination from the Department of Planning and Environment, for the Planning Proposal at Attachment 1 for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:*
    - 1. *increase the Maximum Height of Building (HOB) from 15m to 28m;*
    - 2. *introduce a Site-Specific Clause that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between 12pm and 2pm; and*
    - 3. *requires active street frontages.*
  - (b) *The Panel is of the view that Planning Proposal should be publicly exhibited in the usual manner.*
  - (c) *The Panel in supporting the progression of the Planning Proposal had regard to the existing policy framework heights adjacent to Prince Alfred Square.*
26. The LPP supported the Council Officer recommendations except in relation to the request for no public exhibition process. Part (b) of the recommendation above shows the LPP's advice to proceed with a public exhibition process in the "usual manner".
27. Council officers recommend that Council request no public exhibition process to enable the efficient processing of the Planning Proposal. This is because the CBD PP exhibited controls to allow greater building heights, and as this Planning Proposal seeks a lower height and implements the amenity controls from the CBD PP, a public exhibition process is not considered necessary. Given the previous exhibition of the CBD PP and the fact the proposed height is consistent with existing controls on adjoining sites any exhibition would unnecessarily delay progression of the project.
28. Ultimately the decision on whether exhibition will be required and how long the consultation period will run will be determined by the DPE via a condition of any Gateway Determination they may issue for this Planning Proposal.

## PLAN MAKING DLEGATIONS

29. Plan making delegations were announced by the then Minister for Planning and Infrastructure in October 2012 allowing councils to make LEPs of local

significance. On 26 November 2012, Council resolved to accept the delegation for plan making functions, and for these functions be delegated to the Chief Executive Officer.

30. It is recommended that Council request to the Department of Planning and Environment to exercise its plan making delegations for this Planning Proposal. This means that after the Planning Proposal has received a Gateway Determination, complied with any conditions (including any requirements for public exhibition), Council officers can deal directly with the Parliamentary Counsel on the legal drafting and finalisation of the amendment to the LEP facilitated by this Planning Proposal.
31. This will support the efficient processing of the Planning Proposal, and in turn, the redevelopment of the Riverside Theatre. Council officers consider this suitable due to the nature and unique context of the change which are of local significance.

### FINANCIAL IMPLICATIONS FOR COUNCIL

32. As discussed within Table 2 of the LPP report in **Attachment 2**, Council has spent monies in preparing the concept design and validation work for the redevelopment of the Riverside Theatre. Council has also allocated funding for the delivery of the project which is considered separately in other reports to Council.
33. This report seeks to amend the planning controls to enable the redevelopment but does not commit Council to any expenditure to redevelop this site. For this reason the table below does not show any financial impact. The costs of processing this Planning Proposal will be funded from the existing City Planning and Design budget.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
<b>Revenue</b>				
Internal Revenue				
External Revenue				
<b>Total Revenue</b>	N/A	N/A	N/A	N/A
<b>Funding Source</b>	N/A	N/A	N/A	N/A
<b>Operating Result</b>				
External Costs				
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	N/A	N/A	N/A	N/A
<b>Funding Source</b>	N/A	N/A	N/A	N/A
<b>CAPEX</b>				
CAPEX				
External				
Internal				



Other				
<b>Total CAPEX</b>	N/A	N/A	N/A	N/A

## CONCLUSION AND NEXT STEPS

34. Council officers recommend Council approve the Planning Proposal at **Attachment 1** to ensure the necessary planning controls are in place to allow the timely progression and redevelopment of the Riverside Theatre.
35. It is recommended that Council forward the Planning Proposal at **Attachment 1** to the Department of Planning and Environment for a Gateway determination.
36. It is also recommended that Council request no public exhibition process to enable the efficient processing of the Planning Proposal. This is because the CBD PP exhibited controls to allow greater building heights, and as this Planning Proposal seeks a lower height and implements the amenity controls from the CBD PP, a public exhibition process is not considered necessary.

Sonia Jacenko  
**Team Leader**

Robert Cologna  
**Group Manager, Strategic Land Use Planning**

Jennifer Concato  
**Executive Director City Planning and Design**

John Angilley  
**Chief Financial and Information Officer**

Brett Newman  
**Chief Executive Officer**

### **ATTACHMENTS:**

- |                   |   |          |
|-------------------|---|----------|
| <a href="#">1</a> | ↓ Planning Proposal - 353A-353C Church Street and part of 351 Church Street, Parramatta - Riverside Theatre site. | 53 Pages |
| <a href="#">2</a> | ↓ Local Planning Panel Report and Meeting Minutes 16 August 2022  | 81 Pages |

## REFERENCE MATERIAL

13.1 SUBJECT Gateway Request: Planning Proposal for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site)  
REFERENCE F2022/00105 - D08649901  
APPLICANT/S City of Parramatta  
OWNERS City of Parramatta  
REPORT OF Team Leader Strategic Land Use Planning

MOTION (Bradley/Humphries)

(a) **That** Council approve the Planning Proposal at Attachment 1 for the purposes of it being forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:

1. increase the Maximum Height of Building (HOB) from 15m to 28m;
2. introduce a Site-Specific Clause that prevents new development generating any additional overshadowing to the Parramatta River Foreshore between 12pm and 2pm; and
3. requires active street frontages.

(b) **That** Council request the Department of Planning and Environment to authorise its Chief Executive Officer to exercise their plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.

(c) **That** Council note the Parramatta Local Planning Panel's (LPP) advice to Council to seek a Gateway Determination for the Planning Proposal (Attachment 1) as per Part (a) of Council Officers' recommendation above; however the LPP recommends a public exhibition which is inconsistent with Council Officers' recommendation in Part (b).

(d) **Further, that** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

AMENDMENT (Valjak/ Garrard)

(a) **That** Council approve the Planning Proposal at **Attachment 1** for the purposes of it being forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:

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- (c) **That** Council request the Department of Planning and Environment to authorise its Chief Executive Officer to exercise their plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
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- (e) **Further, that** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

The Amendment when put was declared LOST:

*DIVISION*            *A division was called, the result being:-*

**AYES:**                Councillors Davis, Garrard, Green, Valjak, Wang and Wearne

**NOES:**                Councillors Bradley, Darley, Esber, Humphries, Maclean, Noack, Pandey and Proxiv

As the Amendment moved by Councillor Valjak and seconded by Councillor Garrard was declared LOST, debate resumed on the Motion.

The Motion when put was declared CARRIED:

4005 RESOLVED (Bradley/Humphries)

- (a) **That** Council approve the Planning Proposal at Attachment 1 for the purposes of it being forwarded to the Department of Planning and Environment to request the issuing of a Gateway Determination for the land at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre site) which seeks the following changes to the Parramatta Local Environmental Plan 2011:
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- (c) **That** Council note the Parramatta Local Planning Panel's (LPP) advice to Council to seek a Gateway Determination for the Planning Proposal (Attachment 1) as per Part (a) of Council Officers' recommendation above; however the LPP recommends a public exhibition which is inconsistent with Council Officers' recommendation in Part (b).
- (d) **Further, that** Council delegate authority to the Chief Executive Officer to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

*DIVISION* A division was called, the result being:-

*AYES:* Councillors Bradley, Darley, Davis, Esber, Garrard, Green, Humphries, Maclean, Noack, Pandey, Prociv, Valjak and Wang

*NOES:* Councillor Wearne

13.5 SUBJECT RESPONSE TO URGENT MATTER: Parramatta Eels Celebrations  
REFERENCE F2022/00105 - D08702857  
REPORT OF Executive Director, City Engagement & Experience

4006 RESOLVED (Garrard/Wearne)