



Ms Sue Coleman
Acting Chief Executive Officer
City of Parramatta Council
PO Box 32
PARRAMATTA NSW 2124

Attention: Mr Roy Laria

Dear Ms Coleman *Sue*

Planning proposal PP_2017_COPAR_002_00 to amend Parramatta Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to prepare a new planning framework for the continued growth and development of the Parramatta central business district (CBD).

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

As requested by Council, the Department has issued a conditional Gateway determination to allow the planning proposal to be updated and consolidated. The Gateway determination therefore contains several conditions to seek further clarification or evidence to support the planning proposal.

The Gateway conditions seek to enable further understanding of the intended framework, understand the potential impacts of the proposed height, bulk and scale and ensure that this is appropriate in the context of the significant heritage values in the CBD, and to enhance public spaces. In updating the planning proposal in accordance with the gateway conditions, Council may choose to submit information to the Department for approval ahead of the consolidated planning proposal.

I have agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with section 9.1 Directions 3.1 Residential Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

I have considered Council's request for exceptional circumstances under section 9.1 Direction 4.3 Flood Prone Land which is required to enable the public exhibition of a proposed new flood planning clause that will apply to land impacted by the probable maximum flood (PMF). I have decided to grant exceptional circumstances to enable

further agency consultation and community consultation. However, consistency with section 9.1 Direction 4.3 Flood Prone Land will require further consideration and agreement from the Department's Secretary.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions 2.3 Heritage Conservation 3.5 Development Near Licensed Aerodromes, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, 6.3 Site Specific Provisions and 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan following agency and community consultation.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 24 months of the date of the Gateway determination. Council should aim to commence consultation with relevant authorities as soon as possible to enable a consolidated and updated planning proposal to be submitted to the Department for further consideration and approval prior to public exhibition. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Christine Gough to assist you. Ms Gough can be contacted on 9860 1531.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

13/12/2018

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2017_COPAR_002_00): to prepare a new planning framework for the Parramatta central business district (CBD).

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan (LEP) 2011 to prepare a new planning framework for the Parramatta CBD should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal to:
 - (a) consider sites that have been subject to a site-specific planning proposal and recommend whether the site-specific clause is to be retained in the Parramatta LEP or integrated with the proposed planning framework;
 - (b) amend the objectives and intended outcomes to reflect the description of Parramatta as Sydney's Central City in the Greater Sydney Region Plan and include an objective that refers to the need for appropriate consideration of heritage items and heritage interface areas;
 - (c) prepare a draft acquisition and strategic corridor preservation map to indicate land that may be required to be rezoned to SP2 to facilitate local and regional infrastructure projects;
 - (d) assess the planning proposal against the Greater Sydney Region Plan and the Central City District Plan and describe how the planning proposal gives effect to and complies with these plans;
 - (e) assess the planning proposal against section 9.1 Direction 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Development Plan to demonstrate consistency with this document;
 - (f) address the Community Strategic Plan 2018-2038, Culture and Our City: A Cultural Plan for Parramatta's CBD 2017-2022 and the Parramatta Smart City Masterplan and demonstrate consistency with these documents;
 - (g) review the demographic data and the job and housing numbers that could be delivered through the planning proposal;
 - (h) update the planning proposal and maps to provide a consolidated explanation of provisions and assessment of the intended outcomes as amended by this Gateway determination, and review the studies that have been prepared to support the planning proposal and update if required;
 - (i) in relation to the proposed floor space ratio (FSR) controls and incentives:
 - i. amend the base and incentive FSR maps to reflect the Gateway conditions;

- ii. amend the planning proposal and the FSR sliding scale to reflect option FSR-1 in Council's report of 14 December 2015, unless further evidence is provided to demonstrate that alternative thresholds would be appropriate;
 - iii. amend the planning proposal and the FSR out clause to reflect ALT-1 in Council's report of 14 December 2015, but only for isolated sites and where design excellence is achieved;
 - iv. amend the planning proposal to clearly define what constitutes an isolated site;
 - v. enable unlimited office premises FSR in the B3 Commercial Core on sites greater than 1800m². Council may reduce this threshold subject to urban design testing and demonstration of the achievement of appropriate commercial floor plates;
 - vi. review the proposed opportunity sites having regard to site depth, site isolation and impacts on heritage areas and historic streetscapes. Opportunity sites should be removed from the planning proposal where the additional bulk and scale could have an adverse impact on the amenity of surrounding localities and areas of heritage significance; and
 - vii. carry out environmental analysis and feasibility testing to demonstrate that sites with an FSR greater than 6:1 are suitable for the intended 5% FSR high performing buildings bonus and incorporate the intended policy into the explanation of provisions of the planning proposal;
- (j) in relation to the proposed height of building controls:
- i. liaise with the Civil Aviation Safety Authority and the federal Department of Infrastructure, Regional Development and Cities to either determine the maximum mapped height of building that can be applied in the Parramatta CBD or provide further justification for the removal of height controls on unconstrained land;
 - ii. provide further assessment of the overshadowing impact of the proposed controls on public open spaces surrounding the CBD compared to the existing controls;
 - iii. incorporate an assessment of the potential overshadowing impacts on Experiment Farm that may result from the proposed planning controls (outside the proposed sun access plane of 10am–2pm);
 - iv. provide further analysis to inform a sun access plane for the protected area of Parramatta Square between 12pm and 2pm, including the times of year that the proposed controls would apply;
 - v. update the planning proposal to address the proposed permissibility of minor intrusions into the protected area of Parramatta Square, the intended outcomes and an analysis of potential impacts;

- (k) in relation to heritage matters, which may also influence the height and FSR outcomes:
 - i. carry out further investigations of heritage interface areas and clearly identify where there are inconsistencies between the intended outcomes in the planning proposal and the heritage reports that have been prepared. Council is to provide further information to identify where the inconsistencies exist, the extent of the inconsistencies and how they are proposed to be addressed;
 - ii. carry out an urban design study of the southern interface areas to ensure that excessive cumulative shadow impacts are not created across the northern sections of adjoining heritage conservation areas (HCA), including the Harris Park HCA, the Experiment Farm HCA, the Tottenham Road HCA and the South Parramatta HCA. These areas should receive a minimum of two hours' direct sunlight between 9am and 3pm at midwinter (21 June). If required, heights and FSRs are to be adjusted accordingly; and
 - iii. along Church Street between Lennox Bridge and Macquarie Street, retain the FSR of 3:1, the height limit of 12m and the podium setback of 18m unless a heritage, urban design and commercial feasibility study is carried out to demonstrate that a reduced tower podium setback has merit from a heritage, urban design and commercial feasibility perspective, and consider removing opportunity sites in this precinct if additional height and FSR will have an adverse impact on heritage values;
- (l) prepare a mesoscopic model and integrated transport plan in consultation with Transport for NSW, Roads and Maritime Services, Parramatta Light Rail and Sydney Metro West, taking into account planned transport infrastructure improvements;
- (m) in relation to infrastructure funding:
 - i. amend the planning proposal to introduce a satisfactory arrangements clause to fund regional infrastructure;
 - ii. change all references to 'value sharing' in the planning proposal to 'provision of community infrastructure';
 - iii. amend the explanation of provisions to clarify that community infrastructure is only able to be provided on the development site; and
 - iv. consider a funding mechanism to support the provision of community infrastructure, such as the preparation of a new section 7.11 contributions plan or a potential increase to the levy under the current 7.12 contributions plan.

The planning proposal is to be submitted to the Department for approval prior to public exhibition.

2. Prior to public exhibition and resubmitting the planning proposal to the Department for approval, Council is to consult with the following public authorities to further refine the planning proposal in accordance with the Gateway determination:
 - Transport for NSW;
 - Roads and Maritime Services;
 - Office of Environment and Heritage – Heritage Division;
 - NSW Heritage Office;
 - NSW State Emergency Service;
 - Government Architect NSW;
 - Civil Aviation Safety Authority; and
 - federal Department of Infrastructure, Regional Development and Cities.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).
4. Further consultation is required with the public authorities listed in condition 2 and the following additional public authorities/organisations under section 3.34(2)(d) of the Act:
 - Department of Family and Community Services;
 - Department of Education;
 - Department of Industry – Trade and Investment;
 - Fire and Rescue NSW;
 - Department of Health;
 - NSW Police Force;
 - Sydney Water;
 - adjoining local government area councils;
 - federal Department of the Environment and Energy;
 - National Trust of Australia;
 - Department of Defence;
 - Deerubbin Aboriginal Land Council;



Planning & Environment

- Western Sydney Local Health District;
- Greater Sydney Local Land Services;
- NSW Aboriginal Land Council;
- relevant service providers; and
- UrbanGrowth NSW.

Each public authority/organisation 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 3.34(2)(e) of the 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).
6. The time frame for completing the LEP is to be 24 months following the date of the Gateway determination.

Dated *13th* day of *December* 2018.

Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning