



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2017_COPAR_002_01)

I, Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 13 December 2018 for the proposed amendment to the Parramatta Local Environmental Plan 2011 as follows:

1. Delete:

“condition 1 (l)”.

2. Insert:

new condition 1 (n): “remove proposed drafting for high performing building clause and reflect the intent of proposed clause only.”

new condition 1(o): “ensure protection of compensatory area of solar access at the eastern end of Parramatta Square at the Spring and Autumn equinox.”

new condition 7: “Prior to finalisation, prepare a mesoscopic model and integrated transport plan in consultation with Transport for NSW, Parramatta Light Rail and Sydney Metro West, taking into account planned transport infrastructure improvements.”

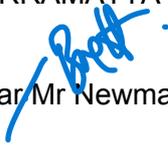
Dated day of July 2020.

Brett Whitworth
Deputy Secretary, Greater Sydney,
Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces



Mr Brett Newman
Chief Executive Officer
City of Parramatta Council
PO Box 32
PARRAMATTA NSW 2124


Dear Mr Newman

Endorsement of Parramatta CBD Planning Proposal for public exhibition

I refer to the Gateway determination (PP_2017_COPAR_002_01) issued by the Department of Planning, Industry and Environment (the Department) on 13 December 2018 which required amendments and further studies to support the Parramatta CBD Planning Proposal prior to exhibition.

I note Council has amended the planning proposal and supporting documentation in accordance with Condition 1 of the Gateway determination. The amended planning proposal has been reviewed by the Department and I have determined to endorse the amended proposal for exhibition, subject to the removal of the proposed drafting of the high performing building clause, updated to reflect the intent only.

I have also considered the overshadowing analysis undertaken by Council to support the planning proposal and the recommendation that solar access be protected for Parramatta Square at midwinter. I understand from Council's analysis that as the period of solar access protection is extended through the year additional lots would be impacted, primarily to the west, reducing potential capacity for commercial floorspace.

Council has demonstrated that the proposed maximum built form under the Parramatta CBD proposal would result in overshadowing to approximately half of the protected area of Parramatta Square between 1.30pm and 2pm at the Spring and Autumn Equinoxes. Council has also identified that during this period, an equivalent period of the eastern end of Parramatta Square is in sun which provides compensatory solar access.

I have therefore considered that the amended planning proposal provides sufficient information to allow it to proceed to public exhibition, subject to an amendment protecting solar access to the eastern end of Parramatta Square. This decision does not suggest that site specific planning proposals, such as the St Johns proposal, in the affected area shall proceed. These proposals will be assessed on their merits and will need to demonstrate that they do not significantly worsen overshadowing.

I acknowledge the substantial work undertaken by Council to understand and plan for community infrastructure to support the growing Central City. Council has amended the planning proposal to reflect the intent to incentivise delivery of infrastructure on development sites through the provision of additional floor space. This approach would require the negotiation of a planning agreement at the development application stage and I understand work is still underway to develop a policy to guide this process.

The draft planning agreements policy framework released by the Department in April 2020 provides a point of tension in applying Council's intended approach. The framework seeks to provide certainty of development outcomes while ensuring that development is supported by

infrastructure through good strategic planning. The framework discourages the use of planning agreements for value capture.

I have determined to allow public exhibition of this component to occur in acknowledgement of Council's work and the history of developing this planning proposal. I understand that Council is still investigating other contribution mechanisms which will support the planned growth. I note further resolution of this matter will be required at the finalisation of the planning proposal.

I encourage Council to continue this work to ensure a transparent contributions framework is developed which delivers public benefit to support growth. Any resulting framework should also acknowledge that future development will likely need to contribute towards State infrastructure. This will need to be considered in any feasibility modelling of contributions. In this respect, the Department looks forward to working with the City of Parramatta in delivering a contributions framework that will support the growing City.

Council has identified a need for the Central City to be sustainable and that a shift in 'business as usual' is required to foster this. In response, Council has prepared a draft high performing building provision which seeks to enshrine waste and energy savings in the LEP. The intent of this provision is supported but the Department has reservations regarding the subjectivity of current drafting and how it would be measured at the development application stage. To allow exhibition to proceed, I seek that only the intent of this provision be identified in the planning proposal.

I note Council was required to consult with NSW Heritage prior to endorsement and that a submission has been recently received. I understand Council will consider this submission following public exhibition of the proposal.

In response to Council's request to amend the Gateway determination in relation to the timing of traffic and transport studies, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 13 December 2018 for PP_2017_COPAR_002_01. The Alteration of Gateway determination is enclosed.

I note that in considering the updated planning proposal, Council resolved to remove areas zoned R4 High Density Residential from the CBD proposal. I understand that this resolution allows for future investigation for uplift in these areas whilst balancing the impacts on heritage and open space.

I have considered this amendment and determined that this is suitable, in order to allow public exhibition to progress. I encourage Council to continue to work to resolve the future character of development in these areas, noting they will adjoin a CBD in transition.

If you have any questions, I have arranged for Ms Jazmin van Veen, Acting Director, Central (GPOP) to assist you. Ms van Veen can be contacted on 9373 2877.

Yours sincerely



27 July 2020

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure
Encl: Alteration of Gateway Determination