

Gateway Determination

Planning proposal (Department Ref: PP-2024-381): to increase the height of buildings (HOB) and floor space ratio (FSR) controls and remove the application of site-specific HOB and FSR bonus controls in Clause 7.28A for land at 90-94 Phillip Street, Parramatta.

I, the Acting Director, Local Planning (Central, West and South) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 2023 to increase the height of buildings (HOB) and floor space ratio (FSR) controls and remove the application of site-specific HOB and FSR bonus controls in Clause 7.28A for land at 90-94 Phillip Street, Parramatta should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 28 November 2025.

Gateway Conditions

1. Prior to community consultation, the planning proposal is to be updated as follows:
 - (a) Ensure there is consistency across all documents that outline the proposed floor space ratio control, gross floor area and the intended built form outcomes;
 - (b) Correct the classification of the acid sulfate soils mapping from Class 5 to Class 4; and
 - (c) Include an updated timeline in line with the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (d) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and
 - (e) 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- State Emergency Service NSW (SES NSW)
- Transport for NSW (TfNSW)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. 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).
5. Prior to finalisation:
- (a) Ensure an appropriate mechanism is identified which facilitates the intended urban design outcomes; and
 - (b) Ensure an appropriate mechanism to deliver the proposed community benefits, including the publicly accessible open space and affordable housing units, is identified.

Dated 16 December 2024



Peter Pham
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Local Planning & Council Support
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Delegate of the Minister for Planning and Public Spaces