

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

Dear Ms Coleman

Planning PP_2017_COPAR_013_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) and additional information received on 18 April 2018 in respect of the planning proposal to amend the height and floor space ratio provisions and apply a site-specific clause to land at 2 O'Connell Street, Parramatta.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 4.1 Acid Sulfate Soils is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of relevant section 9.1 Directions 2.3 Heritage Conservation, 3.5 Development Near Licenced Aerodromes and Direction 6.3 Site Specific Provisions. Council should ensure this occurs prior to the plan being made.

The Department notes the potential cumulative overshadowing impacts on the northern sections of the South Parramatta Heritage Conservation Area and residential neighbourhoods to the south of the CBD as a result of the subject proposal, together with other site-specific planning proposals and the intended outcomes within the Parramatta CBD planning proposal.

The Gateway determination requires that Council further assess this impact to ensure the cumulative impacts of the proposed planning controls are understood at the plan-making stage, rather than deferring this issue to the development application stage where there is a reduced ability to consider cumulative impacts. The

Department requires that any impact be understood before community consultation commences.

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 due to the need to strategically coordinate planning proposals within the Parramatta CBD and provide additional information to support the subject planning proposal proceeding to community consultation.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. The Department is willing to work with Council to resolve the issues raised above. 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

 5 October 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2017_COPAR_013_00): to amend the height and floor space ratio provisions and apply site-specific provisions to 2 O'Connell Street, Parramatta

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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 amend the height and floor space ratio (FSR) and apply site-specific provisions to 2 O'Connell Street, Parramatta should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to:
 - (a) address the Greater Sydney Region Plan and the Central City District Plan;
 - (b) assess the potential cumulative overshadowing impact on the northern section of the South Parramatta and Harris Park West heritage conservation areas. This should include an assessment of the impact of the proposed height of building, any approved surrounding buildings and the proposed increase in FSR and height under the Parramatta CBD planning proposal (inclusive of additional FSR provisions). The results of this analysis may require the urban design outcomes for the site to be reviewed;
 - (c) address the comments provided by Roads and Maritime Services (dated 13 February 2018);
 - (d) update the urban design study to reflect a maximum FSR of 16.2:1 and include a 3.5m setback for local road widening;
 - (e) update the explanation of provisions to articulate:
 - i. that while the 14.5:1 FSR is inclusive of a design excellence bonus, the future development will be required to undergo a design excellence process in accordance with Clause 7.10 of the Parramatta LEP 2011;
 - ii. that the minimum 1:1 FSR commercial floor space is required to be provided within the 14.5:1 FSR;
 - iii. the uses that will be permissible in the non-residential floor space component (i.e. commercial premise and retail premises); and
 - iv. that the site will be subject to Clause 7.6 Airspace Operations;
 - (f) include a provision requiring the application of a satisfactory arrangements clause to enable contributions towards the funding of state infrastructure; and
 - (g) include the high-performing buildings study submitted with the Parramatta CBD planning proposal with the exhibition material.
2. Council is to consult with the federal Department of Infrastructure and Regional Development prior to exhibition, as required by Section 9.1 Direction 3.5 Development Near Licenced Aerodromes. The proposal is to be amended, if required, in accordance with the outcome of that consultation.

3. The amended planning proposal, supporting studies and related documentation are to be referred to the Department for endorsement by the Director, Sydney Region West prior to the commencement of community consultation.
4. Community consultation 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).
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW;
 - Roads and Maritime Services;
 - Office of Environment and Heritage – Heritage Division;
 - Heritage Council of NSW;
 - federal Department of Infrastructure and Regional Development; and
 - Civil Aviation Safety Authority.

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.
6. 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).
7. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 5th day of October 2018.



Stephen Murray
Executive Director, Regions
Planning Services

Department of Planning and Environment

Delegate of the Greater Sydney Commission