



Planning & Environment

Mr G Dyer
Chief Executive Officer
Parramatta City Council
PO Box 32
Parramatta NSW 2124

Contact: Lillian Charlesworth
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Your ref: RZ/3/2013
Our ref: 14/16307

Dear Mr Dyer

Planning proposal to amend Parramatta City Centre Local Environmental Plan 2007

I am writing in response to your Council's request, of 11 September 2014, for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to rezone land at 5 to 7 Charles Street and 116 Macquarie Street, Parramatta, from B3 Commercial Core to B4 Mixed Use.

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

It is noted that Council has acknowledged that there is a need to ensure the commercial core in Parramatta CBD is protected for long-term employment generating uses and growth. It is, however, accepted that not all sites within the commercial core will be suitable for commercial development given the physical constraints and inability to consolidate lots to facilitate a feasible commercial building footprint. The subject land is narrow and the building floor may not lend itself to development for commercial purposes. Therefore, in this circumstance, a mixed use development may be appropriate having regard to the constraints of the site and the lot configuration, and for this reason the planning proposal can be supported to progress to exhibition.

Currently, there is inconsistency between Council's recently exhibited City Centre Planning Framework Study and this planning proposal. I note Council's assurances that it is this planning proposal and not the exhibited draft study represent Council's strategic outcomes for this site. It is recommended that in finalising its City Centre Planning Framework Study, Council rationalise development controls for its CBD to ensure a consistent planning framework is in place and certainty is maintained for community and industry.

It is noted that a request to waive the requirement to hold a design competition and undertake an alternative design process was not approved by the Government's Architect's Office, as indicated in Council's report dated 25 August 2014. Therefore, Council is to remove Section 10.2 of the planning proposal prior to public exhibition.

I have determined that the planning proposal's inconsistencies with S117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions. Council is however, to update consideration of the planning proposal with S117 Direction 7.1 Implementation of a Plan for Growing Sydney following the release of the Government Plan on 14 December 2014.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 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 Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Rachel Cumming, at the Department's Metropolitan (Parramatta) office, on (02) 9860 1174.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

Marcus Ray
Deputy Secretary
Planning Services

19/02/2015



Gateway Determination

Planning proposal (Department Ref: PP_2014_PARRA_007_00): to rezone land at 5 to 7 Charles Street and 116 Macquarie Street, Parramatta from B3 Commercial Core to B4 Mixed Use.

I, the Deputy Secretary at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta City Centre Local Environmental Plan 2007 to rezone land at 5 to 7 Charles Street and 116 Macquarie Street, Parramatta from B3 Commercial Core to B4 Mixed Use; increase the maximum floor space ratio from 10:1 to 19:1; increase the maximum height of buildings from 120m to 136m; and insert a special clause requiring a minimum of four (4) levels of retail/commercial floor space above the basement parking, should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended as follows:
 - 1) Clearly identify the site boundary on Maps 1, 2 and 3;
 - 2) Insert the correct name of the "Department of Planning and Environment" on Page 6;
 - 3) Amend Section 9.4 Heritage to:
 - i. Include the correct name and address of the Arthur Phillip High School and indicate whether it is covered by a local, regional or State heritage listing; and
 - ii. Indicate that the site is within Parramatta Archaeological Unit No. 3182.
2. Council is to remove Section 10.2 Intended Design Excellence Outcomes from the planning proposal, as the waiver for the requirement to hold a design competition was not approved by the Government Architect's Office as identified in Councils report dated 25 August 2014.
3. Council is to update its consideration of the consistency of the planning proposal with A Plan for Growing Sydney, released on 14 December 2014 and S117 Direction 7.1 Implementation of a Plan for Growing Sydney.
4. Council is to prepare a preliminary contamination investigation in accordance with SEPP 55 Remediation of Land and demonstrate that the site can be satisfactorily remediated to enable future residential use.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a) the planning proposal must be publicly available for a minimum of **28 days**; and
 - b) the relevant planning 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 identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment 2013).

6. Consultation is required with the following public authorities under section 56(2)(d) of the and/or

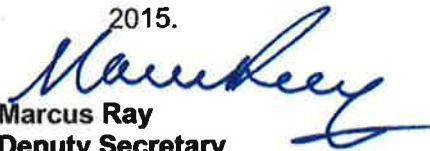
- Office of Environment and Heritage
- Transport for NSW - Roads and Maritime Services
- Transport for NSW – Sydney Trains
- Sydney Water
- Endeavour Energy

Each public authority 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.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).

8. The timeframe for finalisation of the planning proposal is to be **12 months** from the week following the date of the Gateway determination.

Dated 19 day of February 2015.


Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning