



Dr Robert Lang  
Chief Executive Officer  
Parramatta City Council  
P O Box 32  
PARRAMATTA NSW 2124

Our ref: 13/15079  
Your ref: F2012/01665

Attention: Ms Jennifer Concato

Dear Dr Lang

**Planning Proposal to amend Parramatta City Centre LEP 2007**

I am writing in response to your Council's letter dated 29 August, 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to place a height of buildings limit on the RSL Club site at 2 Macquarie Street, Parramatta.

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

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make the plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office at least 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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 EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Shane Nugent of the Sydney West regional office of the Department on 02 9860 1173.

Yours sincerely,

**Terry Doran**  
**Acting Regional Director**  
**Sydney West**  
**Planning Operations and Regional Delivery**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2013\_PARRA\_009\_00):** to place a maximum height of buildings limit of 10 metres on the RSL Club site located at 2 Macquarie Street, Parramatta (Lot 362 DP752058).

I, the Acting Regional Director, Sydney Region West Team at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Parramatta City Centre LEP to place a height of buildings limit of 10 metres on the RSL Club site should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal must be made 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 as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Office of Environment and Heritage;
  - Parramatta Park Trust (Western Parklands Trust);
  - Department of Sustainability, Environment, Water, Population and Communities (SEWPaC).

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.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).



4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 18th day of October 2013.

**Terry Doran**  
**Acting Regional Director**  
**Sydney Region West**  
**Planning Operations and Regional Delivery**  
**Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and Infrastructure**

**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Parramatta City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name                                                                                                                       |
|----------------------|----------------------------------------------------------------------------------------------------------------------------|
| PP_2013_PARRA_009_00 | Planning proposal to restrict the height of buildings to 10 metres on the RSL Club site at 2 Macquarie Street, Parramatta. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 18 October 2013



**Terry Doran**  
**Acting Regional Director**  
**Sydney Region West**  
**Department of Planning and Infrastructure**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

| Stage                               | Date/Details         |
|-------------------------------------|----------------------|
| Planning Proposal Number            | PP_2013_PARRA_009_00 |
| Date Sent to Department under s56   | 29/08/2013           |
| Date considered at LEP Review Panel | N/A                  |
| Gateway determination date          | 18/10/2013           |

**Table 2 – To be completed by the RPA**

| Stage                                           | Date/Details | Notified Reg Off |
|-------------------------------------------------|--------------|------------------|
| Dates draft LEP exhibited                       |              |                  |
| Date of public hearing (if held)                |              |                  |
| Date sent to PCO seeking Opinion                |              |                  |
| Date Opinion received                           |              |                  |
| Date Council Resolved to Adopt LEP              |              |                  |
| Date LEP made by GM (or other) under delegation |              |                  |
| Date sent to DP&I requesting notification       |              |                  |

**Table 3 – To be completed by the department**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

**Additional relevant information:**

**Parramatta City Centre LEP 2007 (RSL Club Site)**

Proposal Title : **Parramatta City Centre LEP 2007 (RSL Club Site)**

Proposal Summary : **This planning proposal seeks to amend the Parramatta City Centre LEP 2007 by including a height limit of 10 metres for the RSL site at 2 Macquarie Street, Parramatta.**

PP Number : **PP\_2013\_PARRA\_009\_00**

Dop File No : **13/15079**

**Proposal Details**

Date Planning : **14-Oct-2013**

Proposal Received :

LGA covered :

**Parramatta**

Region : **Sydney Region West**

RPA :

**Parramatta City Council**

State Electorate : **PARRAMATTA**

Section of the Act :

**55 - Planning Proposal**

LEP Type : **Housekeeping**

**Location Details**

Street : **2 Macquarie Street**

Suburb : **Parramatta**

City : **Parramatta**

Postcode : **2150**

Land Parcel : **Lot 362 DP752058**

**DoP Planning Officer Contact Details**

Contact Name : **Tai Ta**

Contact Number : **0298601567**

Contact Email : **tai.ta@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Sue Stewart**

Contact Number : **0298065550**

Contact Email : **sstewart@parracity.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name : **Terry Doran**

Contact Number : **0298601149**

Contact Email : **terry.doran@planning.nsw.gov.au**

**Land Release Data**

Growth Centre :

Release Area Name :

Regional / Sub : **Metro West Central**

Consistent with Strategy : **N/A**

Regional Strategy : **subregion**

## Parramatta City Centre LEP 2007 (RSL Club Site)

MDP Number :

Date of Release :

Area of Release  
(Ha) :

Type of Release (eg  
Residential /  
Employment land) :

No. of Lots : 0

No. of Dwellings 0  
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes  
Lobbyists Code of  
Conduct has been  
complied with :

If No, comment :

Have there been No  
meetings or  
communications with  
registered lobbyists? :

If Yes, comment : At this point in time, and to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.

### Supporting notes

Internal Supporting Notes : The regional team supports the proposal, in principle, as it will protect the visual integrity of the Old Government House and Domain, and provide an appropriate interface between the world heritage item and the RSL site.

#### DELEGATION

Delegation is recommended to be given to Council to exercise the Minister's plan making powers.

Note: While the planning proposal was received in September 2013 by the Department of Planning and Infrastructure, further information was requested and received on 14 October 2013.

External Supporting Notes : The planning proposal seeks to protect world and national heritage values within the Parramatta City Centre and is generally consistent with applicable regional and sub-regional strategies.

### Adequacy Assessment

#### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

#### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Currently the Parramatta City Centre LEP 2007 does not stipulate a maximum building height in relation to the RSL site. A study prepared by Planisphere in 2012 for Parramatta Council indicates that new development on the RSL site should create a positive interface between the Old Government House and Domain and the Parramatta CBD, and respect the heritage values of its setting.

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

\* May need the Director General's agreement

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? No

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous  
Exempt and Complying Development

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Western Sydney Parklands) 2009

e) List any other  
matters that need to  
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? N/A

If No, explain :

**DIRECTION 6.1 APPROVAL AND REFERRAL REQUIREMENTS**

This planning proposal complies with this direction as it does not seek to introduce any new or additional levels of concurrence from external authorities in the assessment and determination.

**DIRECTION 6.3 SITE SPECIFIC PROVISIONS**

While the planning proposal seeks to introduce a site specific planning control (i.e. a maximum height), it is not considered that the proposal is inconsistent with the direction.

**DIRECTION 7.1 IMPLEMENTATION OF THE DRAFT METROPOLITAN PLAN FOR SYDNEY 2031**

This planning proposal is not considered to be inconsistent with the objectives and strategies of the draft Metropolitan Plan.

**Mapping Provided - s55(2)(d)**

Is mapping provided? Yes

Comment :

**Community consultation - s55(2)(e)**

Has community consultation been proposed? Yes

Comment :

It is proposed that the planning proposal be placed on public exhibition for a minimum period of 28 days, with the following groups to be consulted:

-Property owner, 2 Macquarie Street, Parramatta

-Surrounding land owners

-Parramatta Park Trust (Western Sydney Parklands Trust)

-National Trust

-NSW Office of Environment and Heritage

-Department of Sustainability, Environment, Water, Population and Communities  
(SEWPaC).

### Additional Director General's requirements

Are there any additional Director General's requirements? N/A

If Yes, reasons :

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

### Proposal Assessment

#### Principal LEP:

Due Date :

Comments in relation to Principal LEP : Parramatta Local Environmental Plan 2011, which predominately applies to the remainder of the local government area, was notified on 7 October 2011.

This planning proposal is an amendment to the height of buildings map of Parramatta City Centre LEP 2007 which is a 'free standing' LEP. The City Centre LEP is currently proposed to be merged with the Parramatta LEP 2011.

#### Assessment Criteria

Need for planning proposal : The planning proposal is necessary in order to specify maximum building height on the site.

The site is in close proximity to the Old Government House and Domain, Parramatta. The planning proposal is required in order to limit the building height on the RSL site to 10 metres. The limit is proposed as a means of mitigating significant impacts of development on the world and heritage values of the Old Government House and Domain.

Consistency with strategic planning framework : SECTION 117 DIRECTIONS

#### DIRECTION 2.3 HERITAGE CONSERVATION

The planning proposal complies with this direction as it seeks to facilitate the conservation of items that are of heritage significance by minimising the impact of future development on the setting of the Old Government House and Domain (OGHD). The planning proposal is consistent with Council's strategic planning framework.

The 2038 Parramatta Strategic Plan recognises Parramatta's heritage assets. By adopting a maximum height of 10 metres on the subject site, in line with the terms of Draft OGHD Conservation Agreement and the recommendations of the Planisphere Study, an appropriate planning control will be put in place to ensure the protection of the OGHD, its heritage values and the role it plays in contributing to Parramatta's cultural identity.

Environmental social economic impacts : The proposed maximum building height is in keeping with the existing height of the existing RSL club building and in accordance with the likely scale of development associated with the current range of permissible uses.

The proposal will provide a means of mitigating significant impacts of development on the world and national heritage values of OGHD and provide greater certainty for the future development of the RSL club site.

In this regard it is considered that positive impacts will be facilitated by the implementation of the proposal.

## Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage**  
**Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

## Documents

| Document File Name                                           | DocumentType Name        | Is Public |
|--------------------------------------------------------------|--------------------------|-----------|
| Council Letter.pdf                                           | Proposal Covering Letter | Yes       |
| Maps.pdf                                                     | Map                      | Yes       |
| Planning Proposal.pdf                                        | Proposal                 | Yes       |
| Draft DCP controls.pdf                                       | Study                    | Yes       |
| Planisphere OGHF FINAL report.pdf                            | Study                    | Yes       |
| Colour Map - Site - existing and proposed height control.pdf | Map                      | Yes       |

## Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**  
**6.1 Approval and Referral Requirements**  
**6.3 Site Specific Provisions**  
**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

**1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A**

Parramatta City Centre LEP 2007 (RSL Club Site)

Act 1979 for a period of 28 days;

2. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway Determination;

3. Council is to consult with:

- . the Office of Environment & Heritage,
- . Parramatta Park Trust (Western Sydney Parklands Trust),
- . National Trust,
- . Department of Sustainability, Environment, Water, Population and Communities (SEWPaC), and
- . the owners of the site and surrounding land owners.

Further, it is recommended that delegation be given for Council to exercise the Minister's plan making powers.

Supporting Reasons :

The planning proposal seeks to limit the height of buildings on the RSL site to a maximum of 10 metres. This height limit proposes to protect the visual integrity of Old Government House and Domain as a world and national heritage item.

It is considered that the planning proposal will assist in enhancing Parramatta's heritage by ensuring that a positive interface is maintained between the OGHD and the RSL site.

Signature:



Printed Name:

SHANE NUGENT

Date:

18/10/13