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Our ref: PP_2013_PARRA_002_00 (13/04067)
Your ref: F2011/00879

Mr Robert Lang
General Manager
Parramatta City Council
PO Box 32
PARRAMATTA NSW 2124

Dear Mr Lang,

Planning proposal to amend Parramatta Local Environmental Plan 2011

I am writing in response to your Council's letter dated 19 December 2012 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 amalgamate Parramatta City Centre Local Environmental Plan (LEP) 2007 into Parramatta LEP 2011 and undertake various housekeeping amendments.

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.

While I support the overall intent of the planning proposal, Council's proposal to amend Clause 22B Design Excellence to allow for greater variation to development standards if significant public benefits are generated by the development is not supported. This is because public benefit as described in the planning proposal cannot be achieved through the clause and instead falls within the parameters of section 94 of the EP&A Act or via voluntary planning agreements. Council is to remove reference to bonus provisions and instead insert a clause based on Clause 6.21 of Sydney LEP 2012, to achieve the intended outcome. Any proposed variation from Clause 6.21 is to be adequately justified in the planning proposal.

I understand that Council wishes to remove the provision allowing the Director General to waive the requirement for a design competition under Clause 22B. This position is not supported and it is recommended that the waiver remain unless Clause 22B(4) is amended to capture fewer developments, because any development with a capital value of more than \$1m on a key site will be subject to an architectural design competition.

It is noted that Council's proposed provision to prohibit restricted premises within zones B3 Commercial Core and B4 Mixed Use within the city centre is inconsistent with the Standard Instrument Order and therefore should be removed from the planning proposal.

In regards to the permissibility of sex service premises, Council's provision to prohibit sex service premises in the city centre is supported, however Clause 6.9(1)(c) regarding restrictions in relation to transport nodes is to be removed from Parramatta LEP 2011 to ensure that permissibility of sex service premises is not unduly restricted in the industrial areas.

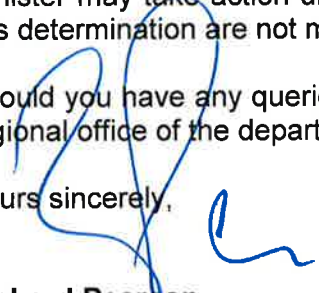
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has asked not to be issued with delegation for this planning proposal because it is of the view that the planning proposal is of regional significance. I have considered the nature of Council's planning proposal and have decided to support Council's position and not issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 9 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 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 Lillian Charlesworth of the regional office of the department on 02 9860 1101.

Yours sincerely,

 19/4/13
Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_PARRA_002_00): to amalgamate Parramatta Local Environmental Plan (LEP) 2011 and Parramatta City Centre LEP 2007.

I, the Deputy Director General, Planning Operations and Regional Delivery 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 amalgamate Parramatta City Centre Local Environmental Plan (LEP) 2007 into Parramatta LEP 2011 and undertake various housekeeping amendments including:

- (a) adding zone B3 Commercial Core and amending zones B4 Mixed Use, B5 Business Development, SP2 Infrastructure, RE1 Public Recreation and RE2 Private Recreation;
- (b) applying zoning, height and/or floor space ratio controls to currently unzoned land and zoning roads and waterways;
- (c) amending provisions relating to land amalgamation, design excellence and development standard variations and car parks within the city centre;
- (d) prohibiting sex service premises and restricted premises in the city centre; and
- (e) rezoning land at 12 Hassall Street, Parramatta to B4 Mixed Use and increasing the maximum floor space ratio for the land to 8:1

should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 9 month timeframe allocated for completing the LEP.
2. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to include a concise statement of how the objectives or intended outcomes are to be achieved by means of amending the LEP.
3. Council's proposal to amend Clause 22B Design Excellence to allow for greater variation to development standards if significant public benefits are generated by the development is not supported. Council is to remove reference to bonus provisions and instead insert a clause based on Clause 6.21 of Sydney LEP 2012 to achieve the intended outcome, prior to undertaking public exhibition. Any proposed variation from Clause 6.21 is to be adequately justified in the planning proposal.
4. Council's proposal to prohibit restricted premises within zones B3 Commercial Core and B4 Mixed Use is inconsistent with the Standard Instrument Order and therefore should be removed from the planning proposal, prior to undertaking public exhibition.
5. Council's provision to prohibit sex service premises in the city centre is supported, however the restrictions in relation to transport nodes within Clause 6.9 is to be removed to ensure that permissibility of sex service premises is not unduly restricted in the industrial areas. Council is to update the planning proposal to advise that Clause 6.9 (1)(c) is to be removed from Parramatta LEP 2011, prior to undertaking public exhibition.
6. Council's proposal to remove the provision allowing the Director General to waive the requirement for a design competition under Clause 22B is not supported. The waiver is to be maintained unless Clause 22B(4) is amended to capture fewer developments. The planning proposal is to be amended accordingly, prior to undertaking public exhibition.
7. 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 2012).

8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Transport for NSW
- RailCorp
- Roads and Maritime Services
- Sydney Water
- Endeavour Energy
- NSW Office of Environment and Heritage
- Department of Education and Communities

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.

9. 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).
10. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

19

day of

April

2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure