



Mr G Dyer
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Your ref: RZ/15/2014
Our ref: 15/07622

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 26 February 2015, for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend the maximum height and floor space controls and introduce site specific provisions for land at 142 to 154 Macquarie Street, Parramatta.

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.

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 amend the planning proposal to consider Section 117 Direction 7.1 Implementation of a Plan for Growing Sydney.

In issuing the determination, I am mindful that the proposal may result in further overshadowing of the nearby Robin Thomas and James Ruse Reserves. An analysis of cumulative overshadowing impacts upon these reserves resulting from this proposal and a further proposal for 184 to 188 George Street, Parramatta is therefore required.

Both reserves are well placed to serve the present and future needs of workers, students and residents within the Parramatta CBD. Consequently, I have conditioned the determination to allow solar access to be thoroughly considered and would urge Council to review this aspect in keeping with its desire to provide reasonable solar access to other important open space areas, located within the CBD.

I also understand Council is currently preparing a traffic study in accordance with the Parramatta CBD Planning Strategy. Given the rate of development occurring within the CBD, I would suggest that this work be given priority by Council to ensure that the cumulative impacts of major CBD developments are thoroughly understood and managed.

I have also noted Council's request to be issued with delegation for this planning proposal. Having considered the nature of the proposal, I have decided not to issue an authorisation for Council to exercise delegation in this instance owing to the regional significance of the proposal.

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 Terry Doran, at the Department's Metropolitan (Parramatta) office, on (02) 9860 1149.

Yours sincerely



Simon Manoski
Acting General Manager
Planning Services

12.6.15

Gateway Determination

Planning proposal (Department Ref: PP_2015_PARRA_002_00): to amend the maximum height and floor space controls and introduce site specific provisions for land at 142 to 154 Macquarie Street, Parramatta.

I, the Acting General Manager (Metropolitan) 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 amend the maximum height and floor space controls and insert special clauses requiring a minimum of 21% non-residential floor space and approval for any controlled activity under the Federal Airports Act 1996 prior to granting development consent, for land at 142 to 154 Macquarie Street, Parramatta, should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended as follows:
 - (a) include overshadowing diagrams that address the Robyn Thomas and James Ruse Reserves and indicate:
 - i. the extent of overshadowing that would currently apply resulting from development of relevant sites in accordance with the existing maximum height provisions; and
 - ii. the extent of cumulative overshadowing that would arise from both this proposal and the planning proposal for 184 to 188 George Street, Parramatta, assuming that both proposals achieve a 15% height and FSR bonus.
 - (b) include maps/diagrams:
 - illustrating the site and existing and proposed planning controls;
 - a flood map of the site with corresponding legend;
 - a locality map - particularly showing the relationship between the site, the Robin Thomas and James Ruse Reserves and nearby schools;
 - an appropriate diagram(s) illustrating potential built form on the site and the relationship to the wider area, to demonstrate the strategic building form context of this proposal;
 - include the location of nearby heritage items.
 - (c) include comments within the planning proposal on the consistency (or otherwise) of the proposal with Section 117 Direction 7.1 Implementation of a Plan for Growing Sydney, within the appropriate section of the planning proposal, that deals with section 117 Directions; and
 - (d) attach flooding, heritage, contamination, traffic advice and revised overshadowing Diagrams prepared in support of the planning proposal as appendices to the proposal.
2. Prior to the commencement of community consultation, Council is to consult with the Commonwealth Department of Infrastructure and Transport, as required by Section 117 Direction 3.5 Development Near Licensed Aerodromes. The proposal is to be amended, if required, prior to exhibition, in accordance with the outcome of that consultation.

3. 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).

4. Consultation is required with the following public authorities under section 56(2)(d) of the *EP&A Act*, as follows:
 - NSW Aboriginal Land Council
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Transport for NSW - Sydney Trains
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - Telstra
 - Endeavour Energy
 - State Emergency Service
 - NSW Office of Sport
 - NSW National Trust
 - Civil Aviation Safety Authority
 - Sydney Airport
 - Bankstown Airport
 - Airservices Australia
 - Commonwealth Department of Infrastructure and Transport

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.

4. 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).

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

Dated 12th day of June 2015.



Simon Manoski
Acting General Manager, Metropolitan
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning