



Planning,
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Gateway Alteration Report PP_2019_COPAR_002_00 (PP-2020-3110)

Parramatta Local Environmental Plan 2011:
18-40 Anderson Street, Parramatta

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1 Introduction

1.1 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to land at 18-40 Anderson Street, Parramatta (Lot 20 DP792518). The site currently contains a 7 storey hotel, Holiday Inn. The site is highlighted red in Figure 1 .
Type	Site
Council	City of Parramatta Council (Council)
LGA	City of Parramatta Local Government Area (LGA)



Figure 1: Subject site.

1.2 Purpose of plan

The planning proposal seeks to amend the planning controls that apply to land at 18-40 Anderson Street, Parramatta, to facilitate a mixed-use development (**Attachment A**). The proposal identifies that the proposal would facilitate 289 dwellings and 208 full time jobs.

The planning proposal was to be supported by a Voluntary Planning Agreement which proposed to deliver monetary contributions to Council to go towards public domain improvement, public domain works including a public accessway and public park, and dedication of land for the purpose of public open space. A site-specific DCP has been prepared to ensure high quality urban design outcomes for the proposed development.

Table 2 Controls as current, proposed and under the Parramatta CBD Planning Proposal

Control	Current	Proposed	Parramatta CBD Planning Proposal
Zone	B5 Business Development	B4 Mixed Use	B3 Commercial Core
Maximum height of the building	14 m	Part 0m and Part 120 m Design excellence bonus:15% (18m) Maximum possible: 138m	Base map: part 80m and part 0m Incentive map: nil Design Excellence: 15% (12m) Maximum possible: 92m
Floor space ratio	4:1	Base FSR: 6:1 High performing building bonus: 5% (0.3:1) Design excellence bonus: 15% (0.9:1) Maximum possible: 7.2:1	Base map: 6:1 Incentive map: nil High performing building bonus: 5% (0.3:1) Design Excellence: 15% (0.9:1) Maximum possible:7.2:1

There are several site-specific provisions which are sought by the proposal, including:

- requirement for a minimum 3:1 FSR for non-residential uses;
- requirement to demonstrate Jubilee Park is not overshadowed by development of the site;
- reduced car parking rates in line with the Parramatta CBD Strategic Transport Study;
- high performing building bonus of 5% for residential uses;
- provide for dual water system (dual piping) to future proof for a recycled water system; and
- requires design excellence to be achieved with a 15% bonus for FSR and height as an incentive.

1.3 State electorate and local member

The site falls within the Parramatta state electorate. The Hon. Dr (Geoff) Geoffrey Lee MP is the State Member.

The site falls within the Parramatta federal electorate. Ms. Julie Owens MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 3/10/2019 (**Attachment B**) determined that the proposal should proceed subject to conditions.

The Gateway determination required the planning proposal to be amended prior to community consultation and required an updated urban design report and planning proposal to reflect the required changes. The changes included a requirement to address relevant Section 9.1 Directions, identification of maximum building heights and density controls that can be achieved on the site to demonstrate overshadowing and built form outcomes and a requirement to introduce a satisfactory arrangements clause for funding of regional infrastructure. Council has complied with the required amendments.

There have been no alterations to the Gateway determination.

The Gateway determination required the planning proposal to be completed by 3 October 2020.

3 Public exhibition and post-exhibition changes

3.1 Public exhibition

In accordance with Condition 2 of the Gateway determination, the proposal was publicly exhibited by Council from 26/08/2020 to 23/09/2020

Council did not receive any submissions in response to community consultation. Two agency submissions were received from Transport for NSW and Sydney Water who raised issues to be addressed through future a development application or DCP amendments.

3.2 Post-exhibition

On 26 October 2020, Council resolved to adopt the planning proposal for finalisation and make a post exhibition change requiring the building to demonstrate design excellence which will attract a 15% bonus for FSR and or height (**Attachment C**). The amendment was to clarify that the current 25% design excellence bonus contained within the existing Parramatta LEP 2011 does not apply to this site.

Council also resolved that the proposal not be forwarded to the Department for finalisation until the voluntary planning agreement (VPA) has been executed. The Department understands that the proponent has negotiated a VPA which seeks to deliver public benefits including land dedication for public recreation. However, the proponent has not been able to execute the agreement due to a commercial disagreement. At the time of writing, there is no indication of the time required to resolve these issues and it is noted that if held in abeyance, uncertainty for the way forward still remains.

4 Department's Assessment

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The Department's assessment of the planning proposal has determined that the planning proposal should not proceed, and instead be considered as part of the finalisation of the Parramatta CBD Planning Proposal, due to:

1. Council resolved to endorse the subject planning proposal for finalisation on 26 October 2020 with submission to the Department to occur following execution of the supporting planning agreement. The Gateway determination required the planning proposal be finalised by 3

October 2020, with further correspondence from the Department outlining a clear timeframe of 30 June 2021 to complete the proposal. Despite this, the proposal is yet to be submitted for finalisation and there is no indication of when this could occur.

2. The planning proposal intended to deliver public benefit through a supporting planning agreement, which sought to dedicate and embellish public recreation land to Council. Due to a commercial disagreement, the Department understands the planning agreement cannot be finalised and the public benefit cannot be delivered through this mechanism. It is considered without public benefit, the proposal has insufficient merit to proceed to finalisation.
3. An alteration to the Gateway determination of the Parramatta CBD PP is recommended to allow the Department to review the proposed outcomes sought by this planning proposal and enable further time for the resolution of the commercial dispute in relation to the ability to deliver public benefits. Any post exhibition changes to the Parramatta CBD Planning Proposal will be assessed by the Department on their merits and impacts as part of the finalisation process, noting that the subject planning proposal has been exhibited in accordance with the gateway determination and the built form outcomes in terms of FSR, car parking rates and protection of overshadowing to Jubilee Park remain consistent between both planning proposals.

5 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to alter the Gateway for the proposal to not proceed. This recommendation has been made for the reasons outlined in section 4 of this report. It is recommended that CBD Planning Proposal (PP_2017_COPAR_002) be amended to ensure further consideration of the planning proposal outcomes and enable further time for the resolution of the commercial dispute.



18 June 2021

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24 June 2021

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Attachments

Attachment	Document
A	Planning proposal
B	Gateway determination
C	Council Report and Minutes 26 October 2020