



Mr Gregory Dyer  
Interim General Manager  
City of Parramatta Council  
PO Box 32  
PARRAMATTA NSW 2124

Dear Mr Dyer *Greg*

**Planning Proposal to amend Parramatta Local Environmental Plan 2011**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Parramatta Local Environmental Plan 2011 by changing the floor space ratio and height of building controls for land at 197 and 207 Church Street and 89 Marsden Street, Parramatta.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

As you are aware, Parramatta CBD has a significant role to play as the second CBD for Sydney. A key priority identified by the Government in establishing the Greater Sydney Commission was to ensure that the planning outcomes the future vision of Parramatta CBD are achieved.

As you are aware, the unique circumstances regarding the timing of this proposal has required comprehensive assessment of solar access in relation to Parramatta Square. The Department thoroughly considered options, including a proposed technical solution (heliostat), to deliver the planning proposal. However on balance, the strategic importance of the protected area of Parramatta Square to achieve the future vision for the emerging CBD did not support the inevitable reduction in amenity that would result to that area from the use of a heliostat. This is particularly important given the remainder of the Square will already be overshadowed in mid winter.

Direct solar access will maintain the quality of sunlight to this important public space, and will achieve the planning outcomes envisaged since 1999 when solar access controls were included in the former Sydney Regional Environmental Plan No 28—Parramatta.

As such, I have conditioned the determination to allow Council to give consideration to an appropriate maximum floor space ratio and maximum height of buildings control taking into consideration the importance of maintaining adequate sun access to the protected area of Parramatta Square. The Gateway determination requires Council to

amend clause 7.4 Sun Access, to ensure that no additional overshadowing will occur between 12pm and 2pm of the protected area of public domain within Parramatta Square.

A satisfactory arrangements clause will be required to provide for contributions towards the provision of designated State public infrastructure. This is envisaged to be a temporary measure until the GOP Special Infrastructure Contributions Plan is finalised.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 117 Direction 6.3 Site Specific Provisions is of minor significance. Following the consultation period, Council is to be satisfied that the planning proposal is consistent with section 117 Direction 2.3 Heritage Conservation. Any inconsistency with this Direction will require the approval of the Secretary prior to finalisation.

Plan making powers were delegated 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 the planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make the plan in order to ensure that the proposal aligns with the version of the CBD planning proposal as finalised at the end of the plan making process.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 of Planning and Environment to draft and finalise the LEP should be made 8 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 Commission may take action under s54(2)(d) of the Act if the timeframes outlined in this determination are not met.

Should you have any queries regarding this matter, I have arranged for Ms Catherine Van Laeren, Director, Sydney Region West, to assist you. Ms Van Laeren can be contacted on 02 9860 1520.

Yours sincerely



**Marcus Ray**  
**Acting Secretary**

*13/07/2017*  
**Delegate of the Greater Sydney Commission**

Encl: Gateway determination