

Mr Gavin Carrier
Head of Development
Holdmark Property Group
Suite 2/2-4 Giffnock Ave
MACQUARIE PARK NSW 2113

Dear Mr Carrier *Gavin*

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 achieve the planning outcomes to meet the future vision of Parramatta CBD. The Gateway determination is based on ensuring the amenity of the public domain, achieved through maintaining the quality of sunlight. This is central to achieving the Greater Sydney Commission's vision for Parramatta.

I have closely reviewed your submissions and other information regarding the potential use of a heliostat to address solar access to Parramatta Square. After careful consideration I consider that the strategic importance of Parramatta Square, particularly the protected area, and its role in achieving the future vision for the Parramatta CBD, would not justify the inevitable reduction in amenity that would result from the use of a heliostat.

Research indicates that use of a heliostat will not provide the same quality of light as direct sunlight and therefore will not achieve the desired level of protection and amenity set by the Greater Sydney Commission. There are also legitimate unresolved concerns regarding the long-term effectiveness in relation to heliostat performance being potentially compromised by future development of adjoining or surrounding sites.

In reaching this decision, I have also considered the recently approved development and heliostat at Marquet Street, Rhodes. There are two key differences between the use of a heliostat at Rhodes, and a potential heliostat at Parramatta. First the heliostat at Rhodes was necessary to mitigate the adverse impact of overshadowing arising from with the existing planning controls for FSR and building heights. Secondly, the heliostat

at Rhodes is in relation to a relatively small, local square, whereas Parramatta Square is a regionally significant, premier public space, which has limited existing solar access that can be protected into the future.

While it is considered that the site demonstrates strategic merit for an increase in height and FSR, this increase should be consistent with the broader strategic considerations outlined in A Plan for Growing Sydney and by the Greater Sydney Commission for the protection, enhancement and delivery of a public space of the highest quality. The appropriate stage to ensure that the planning controls are consistent with the strategic intent for Parramatta Square is at this Gateway determinate stage.

It is important the Gateway determination does not create unachievable expectations for FSR and building height. It is clear from the evidence that a future development at the maximum proposed FSR and height controls and reliant on a heliostat would not meet the standards set by the Greater Sydney Commission for public amenity in the protected area of the Parramatta Square. In the circumstances and for the reasons set out in my decision I do not believe there would be any utility in allowing a development application to be considered that could not meet those standards for public amenity in relation to the protected area.

While I appreciate the considerable time and resources that have been expended on this Planning Proposal in response to Council's changing policy position regarding solar access, it is appropriate that the Gateway assessment had due regard to the strategic outcomes envisaged by the State government and the Greater Sydney Commission for Parramatta. The Chief Commissioner of the Greater Sydney Commission articulated the importance of the public domain to the emerging Parramatta CBD, and the protection of the amenity of that public domain. Therefore, I consider it would be inappropriate to support a Planning Proposal that is inconsistent with this strategic intent and would result in a reduction of solar access to the protected area of Parramatta Square.

The use of a heliostat would also create expectations from a range of other land owners as a solution to maintaining light in Parramatta Square and could lead to a number of unsatisfactory outcomes.

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 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 also be required to provide for contributions towards the provision of designated State public infrastructure. This is envisaged to be a temporary measure until the GPOP Special Infrastructure Contributions Plan is finalised.

Council has been advised that the amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council has been requested to commence the exhibition of the planning proposal as soon as possible.

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