

ATTACHMENT 3: Council officer’s assessment of resubmitted Planning Proposal against Gateway conditions (as altered)

Table 1. Original Gateway conditions (including effects of Gateway alteration, where relevant) relating to work required prior to community consultation:

Original Conditions	Altered?	Council officer response
<i>1a. consult with the Department of Infrastructure and Regional Development as required by Section 117 Direction 3.5 Development near Licensed Aerodromes. The proposal is to be amended, prior to exhibition, in accordance with the outcome of that consultation</i>	Deleted in alteration dated 29/7/2020	Condition deleted, no action required.
<i>1b. Consider whether supporting studies need to be updated to reflect the nature of the planning proposal as amended by condition 1c. below</i>	No	Please see Table 2 below for a detailed response table to this Gateway condition.
<i>1c. amend the planning proposal to:</i>		
<i>1c.i. address the consistency of the proposal with the Draft West Central District Plan</i>	No	The resubmitted Planning Proposal addresses the various documents that form the relevant strategic planning framework, which Council officers note has developed significantly since the original issuing of this Gateway.
<i>1c.ii. change the Explanation of Provisions to indicate a provision will require a maximum car parking rate in accordance with the Parramatta CBD Strategic Transport Study</i>	No	The resubmitted Planning Proposal contains the maximum parking rates that are specified in the current draft Parramatta CBD Planning Proposal. These rates are precautionary rates that are generally being employed on new site-specific Planning Proposals and on the Parramatta CBD Planning Proposal as a result of the Strategic Transport Study (prior to finalisation of the forthcoming Integrated Transport Plan for the Parramatta CBD).
<i>1c.iii. change the Explanation of Provisions and proposed height of buildings maps to indicate</i>	No	Clause 7.4 has been amended since the issuing of this Gateway determination, and now applies to “any land” – i.e. not just to those particular sites which

<p><i>that the maximum height of buildings for the site is subject to clause 7.4 Sun Access</i></p>		<p>indicate on their height map notation that Clause 7.4 applies. (Though it is acknowledged that there are remain particular sites that make reference to this clause through their height map notation.)</p> <p>Therefore, it is not considered that the height map notation for this particular site needs to make specific reference to being subject to Clause 7.4, because Clause 7.4 as written now covers all land in the city centre.</p> <p>Furthermore, Council has resolved that the Planning Proposal applies a numeric height control of part 105m and part 12m, which is consistent with the sun access provisions laid out in Clause 7.4 (as demonstrated in the supplementary urban design study).</p> <p>Therefore, whilst technical compliance with this Gateway condition is not achieved, it is considered that the outcomes sought by this condition are met by the resubmitted Planning Proposal.</p>
<p><i>1c.iv. change the Explanation of Provisions to amend clause 7.4 Sun Access to ensure direct access of natural sunlight, and no additional overshadowing occurs between 12pm-2pm of the protected area of public domain within Parramatta Square (Note: this is not intended as a site-specific control but will apply to all land affected by clause 7.4)</i></p>	<p>Deleted in alteration dated 29/7/2020</p>	<p>Condition deleted, no action required.</p>
<p><i>1c.v. amend the proposed maximum FSR to ensure consistency with the FSR controls proposed for the site in the Parramatta CBD</i></p>	<p>Replaced with new condition in alteration dated 29/7/2020: <i>1c.v. amend the proposed maximum FSR to ensure consistency with the</i></p>	<p>Given the changing context of provisions of Clause 7.4, and the Applicant's plans for this site, Council officers</p>

<p><i>Planning Proposal (PP_2016_PARRA_015_00), and to ensure that the maximum potential FSR, including design excellence bonus, will comply with clause 7.4 Sun Access (as amended by condition 1(c) above) and the State Environmental Planning Policy 65 Apartment Design Guide</i></p>	<p><i>FSR controls proposed for the site in the Parramatta CBD Planning Proposal (PP_2016_PARRA_015_00), and to ensure that the maximum potential FSR, including design excellence bonus, will comply with clause 7.4 Sun Access and the State Environmental Planning Policy 65 Apartment Design Guide</i></p>	<p>consider that the intentions of this Gateway condition have been generally satisfied, as follows:</p> <ul style="list-style-type: none"> • The resubmitted Planning Proposal has been amended to be consistent with the Parramatta CBD Planning Proposal’s FSR controls. • As noted above, Clause 7.4 was amended after this Gateway was issued, and now applies to all land in the city centre. Therefore, it is considered that consistency with Clause 7.4 will necessarily be achieved because of the way Clause 7.4 is now written. • The applicant is now proposing a commercial development at this site. The consideration of the appropriate FSR is now not solely dependent on SEPP65 and the Apartment Design Guide, as a different FSR may be achieved under a commercial reference design (as the applicant is now proposing). <p>As noted in the Planning Proposal document, if the proposal was to revisit an earlier mixed-use residential tower design, it would not be possible for the applicant to achieve the maximum FSR on this site and still satisfy SEPP65 guidelines; the likely FSR in this scenario would likely be in the range of 8.06:1 and 8.21:1. By putting in place <u>maximum</u> FSRs, however, the NSW planning system acknowledges that the maximum FSR that applies to the site may not be achieved given the specifics of the development (i.e. such as whether the land use is residential or</p>
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		<p>commercial, which have different requirements in terms of built form).</p> <p>Technical compliance with this aspect of the Gateway condition would mean that the Planning Proposal would be limited to only the maximum FSR achievable under SEPP65/ADG, and this would preclude development of the commercial development option which the applicant now prefers at an appropriate maximum FSR for that development option.</p> <p>Due to the above considerations, whilst technical compliance with this component of the Gateway condition is not achieved, the proposed maximum FSR is considered acceptable, and Council officers consider that the general intentions of this clause have been met.</p>
<i>1c.vi. include a satisfactory arrangements clause for contributions towards the provision of designated State public infrastructure</i>	No. (Note: Council requested that this condition be removed; DPIE did not remove this condition as part of the Gateway alteration that responded to that request.)	The resubmitted Planning Proposal includes a satisfactory arrangements clause for contributions towards the provision of designated State public infrastructure.
<i>1c.vii. include an assessment of the State Environmental Planning Policy No.55 – Remediation of Land in relation to the site</i>	No	The resubmitted Planning Proposal includes an assessment against this SEPP.
<i>1c.viii. include the Council logo on the cover page</i>	No	The resubmitted Planning Proposal has been converted to Council's Planning Proposal template, which includes Council's logo.
<i>1c.ix. include the entire street address for the site on the cover page</i>	No	The resubmitted Planning Proposal includes the entire street address on the cover page.

<i>1c.x. incorporate the tables identifying consistency with s117 directions and SEPPs into the body of the planning proposal (rather than attached as appendices)</i>	No	The resubmitted Planning Proposal includes this information in tables, as is standard in Council's Planning Proposal template.
<i>1d the amended planning proposal is to be submitted to the Department of Planning and Environment for endorsement</i>	No	This correspondence relates to the resubmission of the amended planning proposal and supporting documentation.

Table 2. Council officer response relating to Condition 1b. Consider whether supporting studies need to be updated to reflect the nature of the planning proposal as amended by condition 1c. below

Original Appendix	Council Officer Response	Council Officer's recommendation regarding exhibition
1 Site Survey	This site survey can be included in exhibition; no changes are considered necessary.	Include
2 Urban Design Report	The Applicant has provided an addendum Urban Design Study, which is included along with the resubmitted Planning Proposal.	Include both original and addendum
3 Statement of Heritage Impact	The Applicant has provided an addendum to the original heritage study, which is included along with the resubmitted Planning Proposal.	Include both original and addendum
4 Traffic Assessment	<p>Council officers have prepared a covering explanatory addendum to the original traffic assessment submitted at the Gateway request stage. This addendum explains how the Parramatta CBD traffic and transport planning process has evolved since the original Planning Proposal was initially submitted to DPIE.</p> <p>To summarise, this Planning Proposal has been amended to insert precautionary maximum car parking rates that are consistent with the Parramatta CBD Planning Proposal (which has been endorsed by Council and approved by DPIE for exhibition). The parking rates in this Planning Proposal are considered acceptable based on their consistency with this broader policy framework, not based on the results of a traffic study. Therefore, Council officers consider that an update to the originally submitted traffic study is not required.</p>	Include both original and explanatory addendum
5 Structural Advice	Both of these original appendices were included mainly in response to the scale of the original proposal. The resubmitted Planning Proposal has brought down the scale of the proposal significantly, and it is considered that these appendices are no longer relevant or required for exhibition as a result.	Do not include
6 Wind Shear Assessment		Do not include

7 Letter of Offer	A VPA is currently being negotiated between the Applicant and Council, in response to Council's resolution of 11 May 2020 on the matter. The VPA will be exhibited concurrently with the Planning Proposal, therefore, this Letter of Offer is not required to be updated for exhibition or exhibited.	Do not include
8 SEPPs	An updated assessment against SEPPs and Section 117 Directions is now included in the resubmitted Planning Proposal, therefore Council consider that these documents are not required to be updated for exhibition or exhibited.	Do not include
9 Section 117 Directions		Do not include
10 Flood Impact Statement	<p>The amendments to the Planning Proposal in response to this Gateway determination have the overall effect of lessening the impacts on site, as the overall scale of the Planning Proposal has been reduced. Therefore, it is considered that the original flood statement is acceptable.</p> <p>Council officers and the Applicant have agreed that an overland flow study will be required for a new Design Competition brief. If this study is available prior to exhibition, it can be exhibited alongside the rest of the documents; however, Council officers do not think it is necessary to include as part of the exhibition due to the reasoning outlined above.</p>	Include (and also include overland flow study if available by the time of exhibition)
11 Design Excellence Competition Brief and Addendum including Flooding Measures	This brief is no longer relevant, as the Applicant will be completing a new Design Excellence competition that relates to the amended controls. As stated above, Council officers and the Applicant have agreed that an overland flow study is required for the new competition brief.	Do not include