

Gateway Determination

Planning Proposal (Department Ref: PP_2016_PARRA_004_00) to amend Parramatta Local Environmental Plan 2011 to apply a maximum permissible FSR of 10:1, remove clause 7.2 (3) and amend the Special Provisions Map to remove Area 1 and Area 2 from the site at land at 48 Macquarie Street and 220-230 Church Street, Parramatta.

I, the Deputy Secretary, Planning Services as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan 2011 should proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:
 - (a) amend the Explanation of Provisions to indicate that the planning proposal will:
 - i. amend clause 7.4 Sun Access, to ensure no 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); and
 - ii. amend the proposed maximum FSR to ensure that the maximum potential FSR, including design excellence bonus, will not result in any overshadowing of the existing protected area of Parramatta Square in accordance with the current red outlined area in Figure 4.3.3.7.3 of Parramatta Development Control Plan 2011 and will enable compliance with the *State Environmental Planning Policy No.65 Apartment Design Guide*;
 - (b) update the Heritage map on page 23 and page 27 of the planning proposal to represent the current Parramatta Local Environmental Plan 2011 Heritage map (6250_COM_HER_010_010_20150122);
 - (c) include an assessment of *State Environmental Planning Policy No.55 - Remediation of Land*, within the planning proposal in relation to the site; and
 - (d) include a legible diagram in the planning proposal to indicate flood affectation.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days;
 - (b) Council 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 as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Environment 2013);
 - (c) figure 4.3.3.7.3 of Parramatta Development Control Plan 2011 is to be included within the exhibition materials; and
 - (d) include an assessment of *State Environmental Planning Policy No.55 - Remediation of Land*, within the planning proposal in relation to the site.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act, as follows:
 - Office of Environment and Heritage - Heritage Division
 - Office of Environment and Heritage
 - Department of Education and Communities
 - Transport for NSW – Ferries
 - Transport for NSW - Sydney Trains

- Transport for NSW - Roads and Maritime Services
 - State Emergency Service
 - Telstra
 - Sydney Water
 - Endeavour Energy
4. The planning proposal is to be concurrently exhibited and forwarded to public authorities for consultation under a single covering letter, together with the following six planning proposals that were issued with a Gateway determination on the same day and are identified in the Department's covering letter to Council:
- 295 Church Street, Parramatta (PP_2016_PARRA_002_00)
 - 122 Wigram Street, Harris Park (PP_2016_PARRA_006_00)
 - 14-20 Parkes Street, Harris Park (PP_2016_PARRA_007_00)
 - 2-10 Phillip Street, Parramatta (PP_2016_PARRA_010_00)
 - 66 Phillip Street, Parramatta (PP_2016_PARRA_012_00)
 - 180 George Street, Parramatta (PP_2016_PARRA_016_00)
- Each public authority is to be provided with a copy of each of the seven planning proposals, a copy of the Parramatta CBD Planning Strategy and any relevant supporting material prepared for each proposal and the Strategy, and given at least 28 days to comment on the proposals.
5. 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 example, in response to a submission or if reclassifying land).
6. Prior to submitting the proposal to the Department for finalisation the proposal should be reviewed, and amended where necessary, having regard to the mesoscopic modelling (and consultation with Transport for NSW and Roads and Maritime Services) undertaken for the Parramatta CBD planning proposal. This review should include confirmation of the appropriate site specific FSR in the context of the cumulative traffic impacts of increased FSR controls across the CBD.
7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Dated 17th day of June 2016



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney
Commission



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

Attention: Mr Rob Cologna

Dear Mr Dyer

Planning Proposals for various sites within Parramatta CBD

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 seven (7) planning proposals for land identified in the table below to amend *Parramatta Local Environmental Plan 2011* as outlined in the table below.

Planning Proposal	Max provisions (excluding design excellence bonus)
PP_2016_PARRA_002_00 295 Church Street, Parramatta	FSR: 10:1 HOB: part 12m and part 150m
PP_2016_PARRA_004_00 Greenway – 48 Macquarie Street and 220-230 Church Street, Parramatta	FSR: 10:1
PP_2016_PARRA_006_00 122 Wigram Street, Harris Park	FSR: 8:1
PP_2016_PARRA_007_00 14-20 Parkes Street, Harris Park	FSR: 6:1 HOB: 79m
PP_2016_PARRA_010_00 2-10 Phillip Street, Parramatta	FSR: 10:1 HOB: 192m
PP_2016_PARRA_012_00 66 Phillip Street, Parramatta	FSR: 6:1
PP_2016_PARRA_009_00 5 Hunter Street, Parramatta	Removal of the application of clause 22(3)

As delegate of the Greater Sydney Commission, I have now determined that six (6) of the planning proposals should proceed subject to the conditions in the attached Gateway determinations. The Gateway conditions, in some instances, require that the proposed height and/or floor space ratio controls be amended prior to public exhibition. I have determined that the proposal for, 5 Hunter Street, Parramatta, should not proceed due to its location in the highly sensitive area in relation to Old Government House and the Domain.

As you are aware, Parramatta CBD has a significant role to play as the second CBD for Sydney. A key priority identified by the Minister in establishing the Greater Sydney Commission was the Parramatta CBD. In making these decisions as delegate of the Greater Sydney Commission, I understand the importance the Commission places on Parramatta becoming Greater Sydney's other CBD by ensuring that future planning outcomes meet the vision for this area.

I note that these proposals seek to increase FSR and height, with some seeking controls consistent with those identified in Council's Parramatta CBD Planning Strategy. Given that

the CBD planning proposal is yet to be formally lodged with the Department for Gateway determination, as the traffic study is yet to be completed, it is considered appropriate that the six planning proposals be exhibited and considered by agencies simultaneously to enable stakeholders to gain a broader understanding of changes taking place within the Parramatta CBD.

The Gateway determination requires that the planning proposal be made publicly available for a minimum period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal is in a form that can be made available for community consultation.

In order that public agencies are aware of the strategic context in which these planning proposals are put forward, a copy of Council's Parramatta CBD Planning Strategy and any relevant supporting studies are to be provided with the planning proposals, to each agency nominated in the relevant Gateway determination. Furthermore, the planning proposals are to be sent to nominated agencies for comment as a package, to ensure that agencies are able to consider any potential cumulative impacts.

The planning proposal for 180 George Street, Parramatta for which Council will receive a Gateway determination under a separate covering letter, will also need to be sent to agencies as part of a single package of seven proposals. An extended agency consultation period of 28 days has therefore been set to enable agencies additional time to consider the multiple proposals.

Plan making powers were delegated to Councils in October 2012. It is noted that Council has accepted this delegation and requested to be issued with delegation for these planning proposals. I have considered the nature of Council's planning proposals and have decided not to issue an authorisation for Council to exercise delegation to make these plans in order to ensure that the proposals align with the version of the CBD planning proposal as finalised at the end of the plan making process.

The amending Local Environmental Plans (LEP) are 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 to draft and finalise the LEP should be made six (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 Commission may take action under s54(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 Lillian Charlesworth, of the Sydney Region West office of the Department of Planning and Environment on 02 9860 1510.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

Encl: Gateway determinations (x7) for:

PP_2016_PARRA_002_00 295 Church Street, Parramatta
PP_2016_PARRA_004_00 48 Macquarie Street and 220-230 Church Street, Parramatta
PP_2016_PARRA_006_00 122 Wigram Street, Harris Park
PP_2016_PARRA_007_00 14-20 Parkes Street, Harris Park
PP_2016_PARRA_010_00 2-10 Phillip Street, Parramatta
PP_2016_PARRA_012_00 66 Phillip Street, Parramatta
PP_2016_PARRA_009_00 5 Hunter Street, Parramatta