



IRF23/125

Gateway determination report – PP-2021-5082

8 Lincluden Place, Oatlands – Rezoning from SP2
Infrastructure (Educational Establishment) to R2 Low
Density Residential (+ 4 dwellings)

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

| Relevant reports and plans |
|---|
| Attachment A – Council planning proposal |
| Attachment B – Local Planning Panel report and Advice –8 October 2022 |
| Attachment C – Council Report and Minute – 28 November 2022 |
| Attachment D – Proponent Planning Proposal Report –13 August 2021 |
| Attachment E – Traffic Assessment Study – TTPP Transport Planning – 9 August 2021 |
| Attachment F – Heritage Statement – Weir Phillips Heritage and Planning – 5 August 2021 |

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

| | |
|---------------------------------|--|
| LGA | City of Parramatta |
| PPA | City of Parramatta |
| NAME | 8 Lincluden Place, Oatlands – Rezoning from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential |
| NUMBER | PP-2021-5082 |
| LEP TO BE AMENDED | Parramatta (former The Hills) LEP 2012 |
| ADDRESS | 8 Lincluden Place, Oatlands |
| DESCRIPTION | Lot 3 DP 775621 |
| RECEIVED | 22/12/2022 |
| FILE NO. | IRF23/125 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal |

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal (**Attachment A**)

The objective of the planning proposal is to amend the Parramatta (former The Hills) Local Environmental Plan (LEP) 2012 to enable the rezoning of the site to R2 Low Density Residential, to facilitate redevelopment of an underutilised site for future low density residential housing, consistent with the surrounding area in Oatlands. The proposed uplift will allow for approximately four additional new dwellings in comparison to the current controls.

Council officers note that a Voluntary Planning Agreement (VPA) will be negotiated to increase public benefits such as pedestrian upgrades as part of the planning proposal.

The Department is currently finalising a new LEP for Parramatta. It is likely that this plan will be in place prior to the finalisation of this planning proposal.

1.3 Explanation of provisions

The planning proposal seeks to amend the Parramatta (former The Hills) LEP 2012 per the changes below:

Table 3 Current and proposed controls

| Control | Current | Proposed |
|--------------------------------|--|--|
| Zone | SP2 Infrastructure (Educational Establishment) SP2 Infrastructure (Classified Road) | R2 Low Density Residential SP2 Infrastructure (Classified Road) |
| Maximum height of the building | 9m | No change |
| Floor space ratio | N/A | No change |
| Minimum lot size | 700 square metres (sqm) | No change |
| Number of dwellings | Nil | Additional four dwellings |
| Number of jobs | N/A | Nil |

The subject site is also within the existing Burnside Homes Heritage Conservation Area, which is not proposed to be amended. The site includes land zoned SP2 Infrastructure (Classified Road) mapped on the Land Reservation Acquisition map which is not proposed to be amended.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The planning proposal is supported by technical reports which assess the impacts of matters such as traffic and heritage matters. These supporting documents will be exhibited with the planning proposal. The impacts of the proposed amendments are discussed in Section 4 of this report.

It is noted that as the Department is currently finalising a new LEP for Parramatta. The Harmonisation planning proposal suggests a 0.5:1 FSR for the adjoining R2 Low Density Residential land. It is recommended that the planning proposal is reviewed against the proposed controls for the new LEP prior to exhibition.

1.4 Site description and surrounding area

The site is known as 8 Lincluden Place, Oatlands and is legally known as Lot 3 DP 775621. It is irregular in shape and has an area of approximately 4,249m² (**Figure 1**). The site is located at the northern end of Lincluden Place cul-de-sac (**Figure 2**). The site is bound by Gollan Avenue to the north-east (**Figure 3**), Pennant Hills Road and Cumberland Highway to the north-west and neighbouring properties at 6 and 9 Lincluden Place (**Figure 4**).



Figure 1 Subject site (source: Council planning proposal, edited by the Department)

The site is currently zoned SP2 Infrastructure (Educational Establishment) and includes several existing buildings previously used as a Royal Institute for the Deaf and Blind school (Garfield Barwick School). The existing building onsite includes an education building, carparking and play spaces. The site is not currently in use as a school and has been vacant since its sale in 2019.



Figure 2 Street view of subject site from Lincluden Place (source: Council planning proposal)



Figure 3 Street view of subject site from Gollan Avenue (source: Council planning proposal)



Figure 4 Street view of subject site from Pennant Hills Road (source: Council planning proposal)

Immediate surrounding land uses include:

- To the north of the site, located north on the northern side of Pennant Hills Road: sites zoned SP2 Infrastructure (Educational Establishment) containing The Kings School, Charles Sturt University (Parramatta Campus), Burnside Public School and Tara Anglican School for Girls (**Figure 5**);
- To the east and south of the site: established low density residential neighbourhood, dominated by 1-2 storey detached dwellings;
- To the west: adjoining western site is zoned SP2 Infrastructure (Educational Establishment) occupied by Alan Walker College. Further west of the site includes a small neighbourhood centre, zoned B1 and located on the western side of Glencoe Avenue.

The site is also located approximately 3.07km north of Parramatta Train Station (a major interchange for the T1 Western, T2 Inner West and Leppington lines and bus services), 3.16km east of Westmead Hospital and Westmead Train Station and 7.1km north-west of Sydney Olympic Park (**Figure 6**).

Bus stops are located on Pennant Hills Road providing access to Parramatta Station and Pennant Hills Station, and Parramatta Station and Macquarie Park via Epping Station.

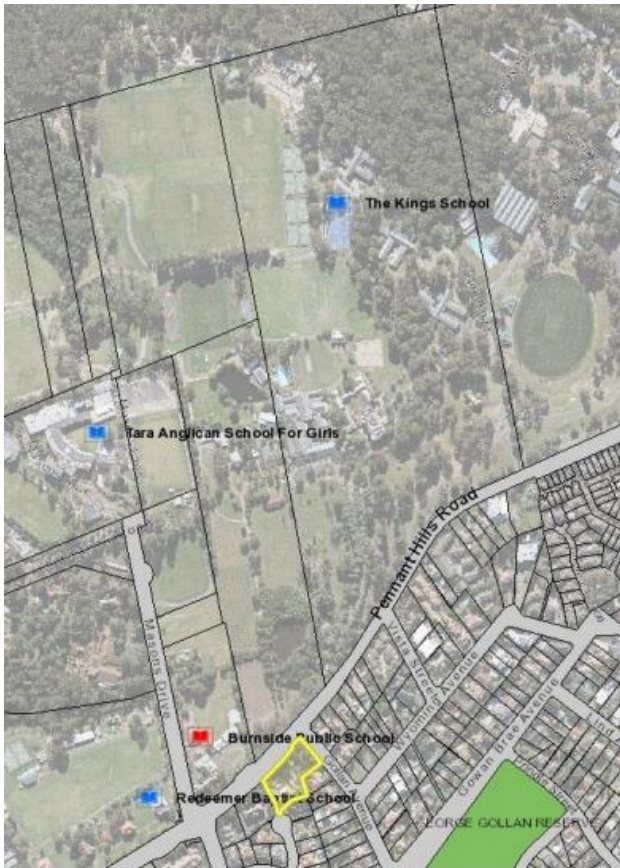


Figure 5 Surrounding Educational Establishments within the vicinity of the site (source: Council planning proposal)



Figure 6 Site Context (source: Nearmap (2023), edited by the Department)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning maps (**Figure 7**), which are suitable for community consultation. No further amendments are proposed.

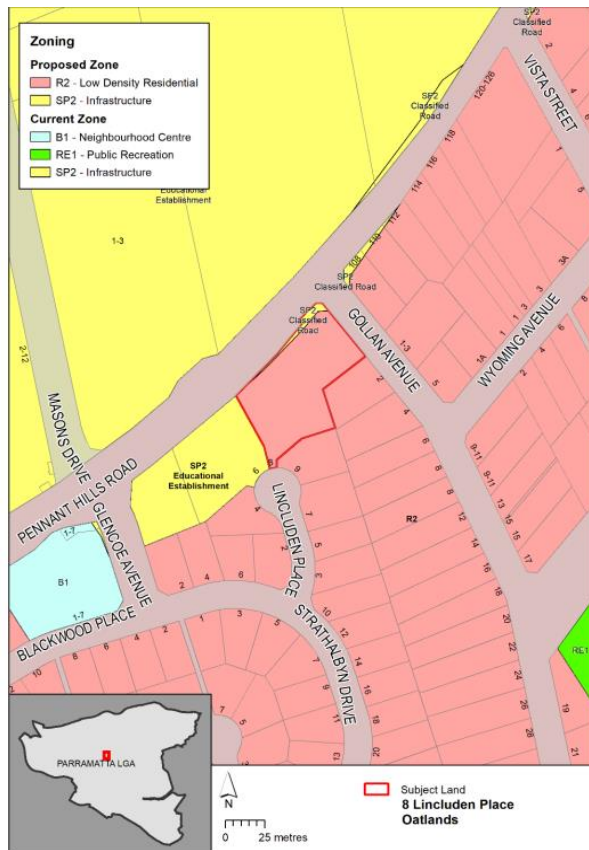


Figure 7 Current zoning map (source: Council planning proposal)

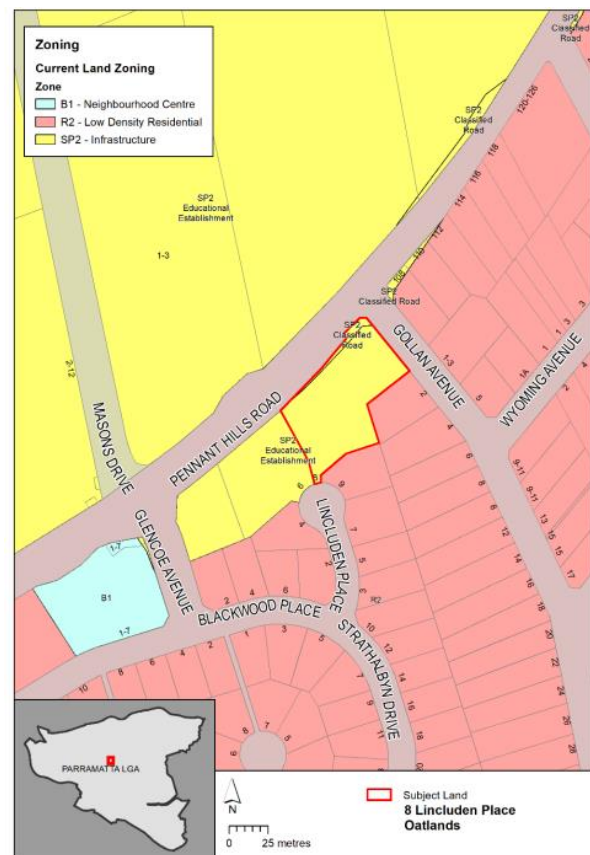


Figure 8 Proposed zoning map (source: Council planning proposal)

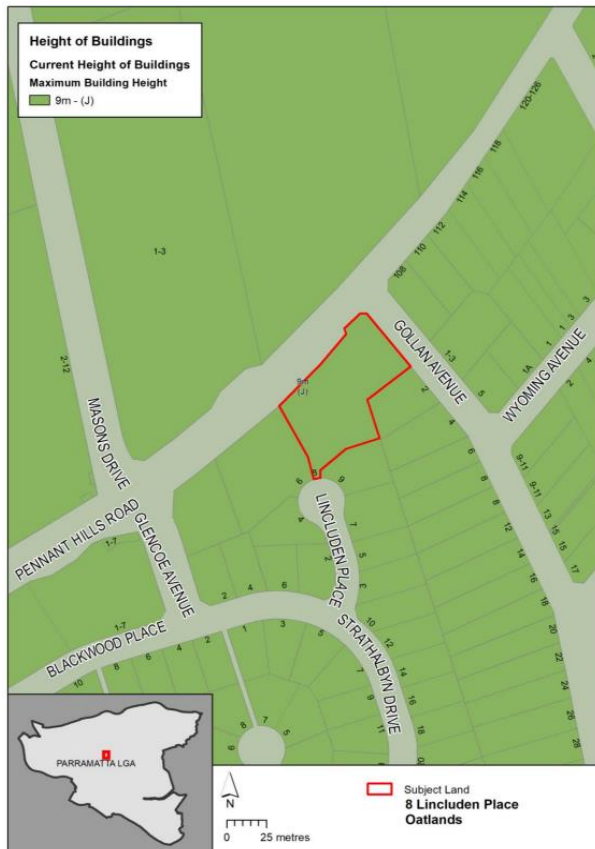


Figure 9 Current height of building map (source: Council planning proposal)

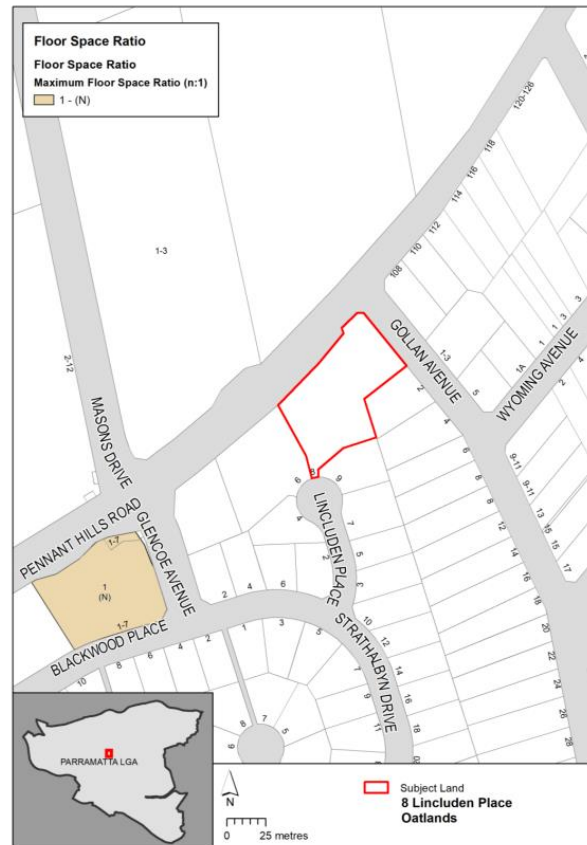


Figure 10 Current floor space ratio map (source: Council planning proposal)

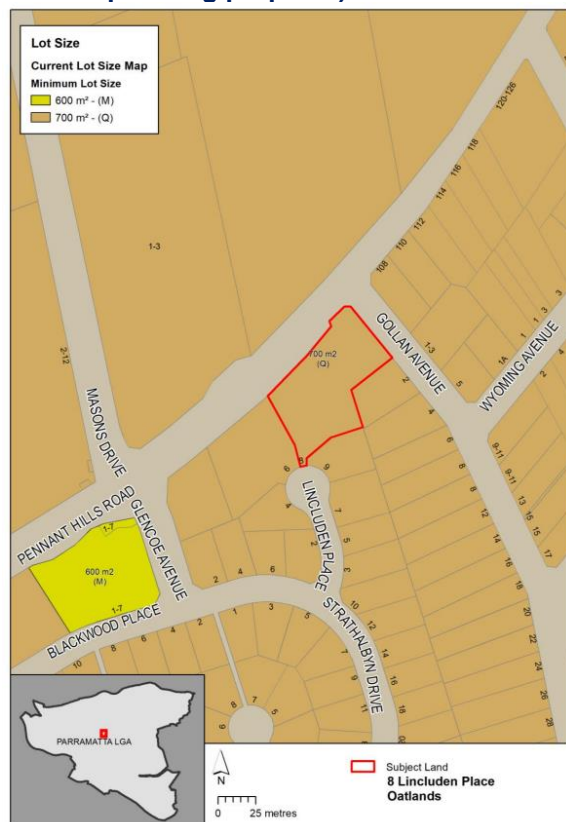


Figure 11 Current minimum lot size map (source: Council planning proposal)

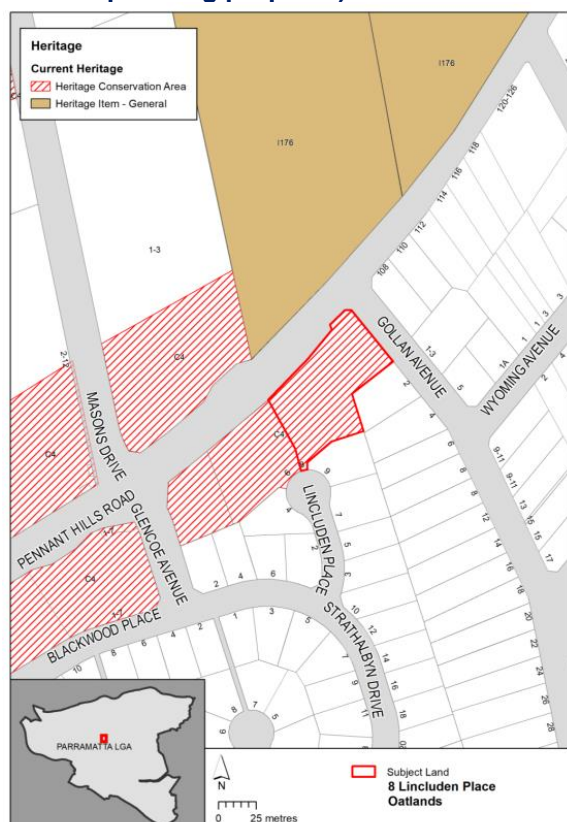


Figure 12 Current Heritage map (source: Council planning proposal)

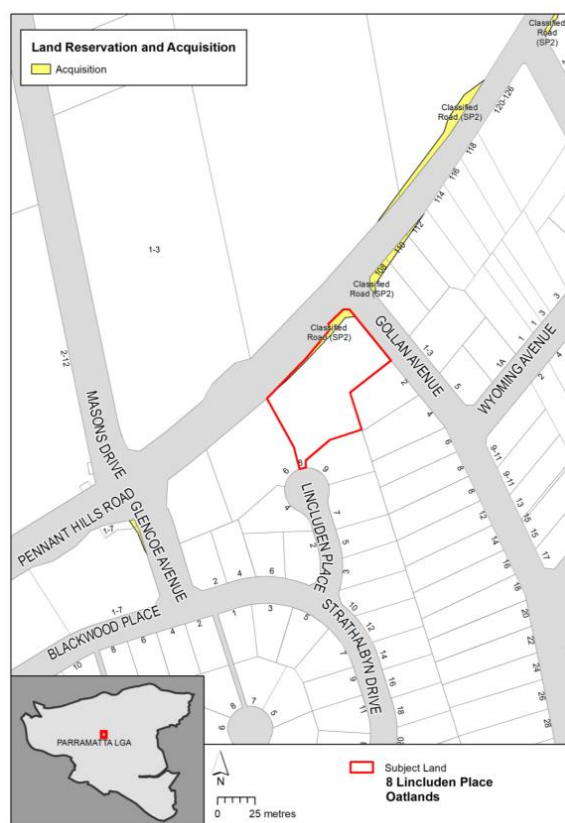


Figure 13 Current land acquisition map (source: Council planning proposal)

1.6 Background

On the 5 November 2021, Council received a planning proposal from Think Planers Pty Ltd (the proponent) on behalf of Zaki Property Pty Ltd ATF Zaki Property Trust for the subject rezoning.

The planning proposal identified that the site was currently vacant since its sale in 2019 and was previously used for educational purposes known as Garfield Barwick School. The initial planning proposal application included an indicative plan outlining a future subdivision scheme to create 2 new residential allotments facing Gollan Avenue, in addition to reusing the existing building as a future Educational Establishment (**Figure 14**). It is noted that an Educational Establishment (school) use is also permitted with consent in the R2 Low Density Residential zone and therefore the existing building could still be used as such. Additional discussions with Council and the proponent suggest alternative redevelopment options of the site as a rehabilitation centre, categorised as either a 'hospital' or a 'group home', both of which are prohibited under the current zoning but permissible under the proposed R2 Low Density Residential zoning.

A number of other uses would also be made permissible by the proposed rezoning, and it is noted the future use and lot layout will not be confirmed until the development application stage.

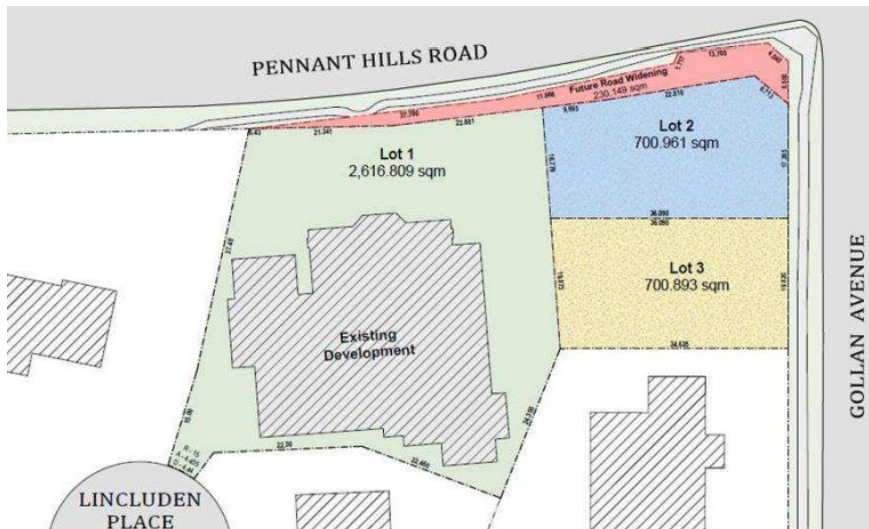


Figure 14 Proposed Subdivision Plan for the site (source: Council LPP Report)

2 Need for the planning proposal

The planning proposal is not a result of any site-specific study and is a landowner-initiated planning proposal.

The planning proposal is necessary in facilitating the redevelopment of an underutilised site adjacent to existing low density residential uses. The rezoning of the site will respond to increasing the need for housing supply near existing infrastructure and services. The planning proposal seeks to give effect to local strategies but was not prepared as a consequence of their preparation or endorsement.

The proposed amendment will allow for approximately four additional dwellings in comparison to existing controls. There are no other mechanisms other than a planning proposal to amend statutory planning controls to facilitate the intended outcome.

Council has indicated a need for increasing public benefits as part of the planning proposal which will be negotiated via a Voluntary Planning Agreement (VPA).

3 Strategic assessment

3.1 District Plan

The site is within the area subject to the Central City District Plan released by the Greater Cities Commission (former Greater Sydney Commission) March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

| District Plan Priorities | Justification |
|---|--|
| C1 Planning for a city supported by infrastructure | <p>The proposal is adequately served by existing infrastructure including:</p> <ul style="list-style-type: none"> • Direct access to Pennant Hills Road, a major arterial and classified road; and • Access to local bus routes from Pennant Hills Road, connected to Parramatta, Pennant Hills Train Station and Macquarie Park via Epping Station. |
| C3 Providing services and social infrastructure to meet people's changing needs | <p>The proposal potentially facilitates services and social infrastructure in terms of:</p> <ul style="list-style-type: none"> • Possible continued use of the site as an educational establishment; • Consideration of additional local infrastructure through a planning agreement and • Potential to provide affordable and compact form of affordable rental accommodation (boarding houses) for the community. |
| C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport | <p>The proposal will facilitate additional low density housing consistent with the local character of the area and in a location with access to supporting services and public transport.</p> <p>The planning proposal provides an indicative plan to subdivide the land parcel to provide two low density housing allotments facing onto Gollan Avenue.</p> |
| C6 Creating and renewing great places and local centres, and respecting the District's heritage | <p>The planning proposal is located within the Burnside Homes Conservation Area and no changes are proposed. The site does not contain any heritage listed items. The proposal will facilitate redevelopment of underutilised land for housing opportunities whilst aligning planning controls with the local residential and heritage context.</p> <p>Future development on the site will be assessed against current heritage controls and accompanied by an Impact Heritage Statement at DA stage to ensure protection and conservation requirement within the conservation area is considered and protected.</p> |

3.2 Local

The proposal is consistent with the following local plans and endorsed strategies and is outlined in the table below:

Table 6 Local strategic planning assessment

| Local Strategies | Justification |
|--|--|
| City of Parramatta Local Strategic Planning Statement (LSPS) | <p>The LSPS was endorsed by the former Greater Sydney Commission in March 2020. The statement identifies a strategic land use framework to guide a 20 year vision for the economic, social and environmental land use needs, and planning and delivery growth in the Parramatta LGA in accordance with the Greater Sydney Region Plan and the District Plan.</p> <p>The proposal is consistent with the LSPS in particular priority 5:</p> <ul style="list-style-type: none"> <i>Planning Priority 5 Support and enhance low-scale character and identity of suburban Parramatta outside of the GPOP area:</i> The planning proposal is in an area outside of a growth precinct and proposes an R2 Low Density rezoning that is consistent with the local character of the Oatlands area low density residential area, south of the Cumberland Highway. |
| City of Parramatta Local Housing Strategy (LHS) | <p>The LHS was adopted by Council on 19 August 2020 and conditionally endorsed by the Department on 29 July 2021. The Parramatta LHS sets out a number of priorities to guide when and where future housing growth will occur. The LHS seeks to provide housing supply, choice and affordability, with access to jobs, services and public transport, to facilitate residents access to facilities, services, social connections and jobs.</p> <p>The proposal is consistent with LHS priorities and objectives and with broader NSW-government strategic framework. Of note, the proposal is consistent with the LHS objective 5:</p> <ul style="list-style-type: none"> <i>Liveability priorities and objectives: Objective 5 - Parramatta's low density residential neighbourhoods to retain local character, provide housing diversity and preserve future housing opportunity</i> <p>The planning proposal will facilitate development of low-density residential housing, consistent with the existing local character of Oatlands.</p> |

3.3 Local planning panel (LPP) recommendation

On 18 October 2022, the planning proposal was considered by the Parramatta Local Planning Panel (LPP) (**Attachment B**) in accordance with requirements of Section 2.19 of the *Environmental Planning and Assessment Act 1979*. The LPP considered the Council report which supported the planning proposal and recommended to Council that the planning proposal be submitted to the Department for a Gateway determination.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|--|----------------------------------|---|
| 3.2 Heritage Conservation | Yes | <p>The objective of this direction is to conserve items, areas, objects and places of environmental sensitive heritage significance and indigenous heritage significance.</p> <p>The planning proposal is located within the Burnside Homes Conservation Area and no changes are proposed. The site also does not contain any individual heritage listed items. The planning proposal is supported by a Heritage Impact Statement (Attachment F) which states that the rezoning will have minimal to no impact on the Burnside Homes Conservation Area. Future development on the site will be assessed against current heritage controls and accompanied by a Heritage Impact Statement at DA stage to ensure protection and conservation requirement within the conservation area is considered and protected.</p> <p>The planning proposal is considered to be consistent with this Direction</p> |
| 5.1 Integrating Land Use and Transport | Yes | <p>The objective of this direction is to ensure that urban development provision improves access to housing, jobs and services by walking, cycling and viable public transport, and reduces travel demand and car use.</p> <p>The planning proposal is consistent with this direction in that it will facilitate an increase in low density residential housing with close proximity to existing public transport links. The rezoning will permit efficient use of space and infrastructure by allowing new residential development on an underutilised site.</p> |
| 5.2 Reserving Land for Public Purposes | Yes | <p>The objective of this direction are to:</p> <ul style="list-style-type: none"> (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. <p>The planning proposal does not include the identification of, or removal of, land required for acquisition. The planning proposal proposes to retain the existing land reserved for future acquisition for Pennant Hills Road (Classified Road). As such, the proposal is consistent with the Direction.</p> |

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|-----------------------------|----------------------------------|--|
| 6.1 Residential Zones | Yes | <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands. <p>The planning proposal will facilitate the supply for up to four low density residential dwellings. The additional housing will provide residential development in an established urban area with existing infrastructure and services. As such, the planning proposal is consistent with the Direction.</p> |

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

| SEPPs | Requirement | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|--|--|----------------------------------|--|
| SEPP (Transport and Infrastructure) 2021 | The SEPP contains planning provisions for infrastructure in NSW, such as hospitals, major roads, railways, rail links, ports, child-care centres, schools, TAFEs and Universities. | Yes | Though the planning proposal is not expected to generate the necessary traffic volume to trigger the requirements of this clause, Pennant Hills Road is a classified road. Future acoustic assessment of the road noise impacts upon residential development may be required as part of the DA assessment process. |
| SEPP (Housing) 2021 | The SEPP gives incentives to supply affordable and diverse housing for NSW communities | Yes | Consideration of SEPP (Housing) 2021 will occur at the time of making an development application for the site, if necessary, noting that this SEPP permits Boarding Houses without consent on this site. |

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal. The planning proposal is considered to have an acceptable and manageable environmental impact on site and the surrounding area.

Table 9 Environmental impact assessment

| Environmental Impact | Assessment |
|---|--|
| Traffic and parking | <p>The planning proposal is supported by a Traffic Assessment Report (Attachment E) prepared by Transport Planning Partnership. The report concludes that no significant additional traffic load, parking or servicing implications will be generated as a result of the rezoning in comparison to the current educational facility use.</p> <p>Further detailed traffic assessment is considered unnecessary at this stage. Impact from the site can be appropriately addressed through any future development application. It recommended that the proposal be forwarded to Transport for NSW (TfNSW) for comment given that the site is adjoining Cumberland Highway and Pennant Hills Road.</p> |
| Built form and local character | <p>The proposal is unlikely to result in adverse impacts on the built form and local character of the surrounding area as it does not seek any changes to the existing Floor Space Ratio (FSR) or Height of Building (HOB) controls. The proposed residential development and landscaping requirements will be subject to development controls in the Parramatta (former The Hills) LEP 2012 and Council's Development Control Plan to be consistent with the built form and local character of the area.</p> <p>A detailed assessment of these impacts can be addressed as part of the detailed design and development of the site.</p> |
| Critical habitat, threatened species, populations or ecological communities | <p>The site is occupied by an existing educational establishment and has largely been developed. Therefore, the proposal is unlikely to result in adverse impact to any known critical habitat or threatened species, populations or ecological communities.</p> <p>Council completed a preliminary assessment (audit) of existing trees on the site and has identified six (6) trees rated as 'high significance' for retention and no trees recommended for removal. Council notes there is sufficient distance between existing trees on the site to accommodate the development of future driveways and residential buildings, should the indicative subdivision application be progressed.</p> <p>A detailed assessment of tree impacts can be addressed as part of the detailed design and development of the site with further tree protection measures imposed obtained via Arborist Report during DA stage.</p> |
| Amenity | <p>The proposal is unlikely to result in adverse impact to the amenity of the users and residents of the site. A detailed assessment of the impacts of traffic noise towards future residential uses (traffic generated from Pennant Hills Road), can be addressed as part of the detailed design and development of the site. Future development applications shall be accompanied by an Acoustic Report.</p> |

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

| Social and Economic Impact | Assessment |
|----------------------------|--|
| Social | The planning proposal will create positive social outcomes within the area as it will facilitate the delivery of housing supply, choice and diversity. The accompanying development indicative plan proposes subdivision of the site to provide for 2 low housing residential lots, orientated towards Gollan Avenue. The planning proposal will have the acceptable economic benefits through provision of housing in an established residential area near infrastructure and services. |
| Educational Establishment | <p>The potential loss of the existing educational establishment is considered to have minimal impact on access to other educational facilities. Existing properties zoned SP2 Educational Establishment surrounding the Oatlands local area remains unchanged and will continue to positively provide service to the community.</p> <p>Furthermore, it is noted that educational establishments will remain as a permitted land use in a R2 Low Density Residential zone.</p> <p>It is recommended that School Infrastructure NSW be consulted on the planning proposal.</p> |

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

| Infrastructure | Assessment |
|----------------------|---|
| Local infrastructure | <p>The planning proposal notes that the site is serviced by a range of existing infrastructure, utilities, existing stormwater drainage network, public transport and recreation facilities.</p> <p>It is recommended that the intensification of the site and likely increased demand on local infrastructure and services will be addressed through a future development application for the site. Council is also considering a voluntary planning agreement in relation to this proposal.</p> |

5 Consultation

The planning proposal is considered to be classified into the 'standard' category in accordance with the Local Environmental Plan Making Guideline (Department of Planning and Environment, 2021) (LEP guideline). The classification applies as the proposal refers to the following proposed LEP amendment types:

- to change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone,
- that relates to altering the principal development standards of the LEP,
- that is consistent with an endorsed District/Regional Strategic Plan and/or LSPS.

5.1 Community

The planning proposal notes that a community consultation will be undertaken as required by the Gateway determination.

It is recommended that the proposal is publicly exhibited for 20 working days in accordance with the LEP guideline and the Gateway determination conditioned accordingly

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Transport for NSW
- School Infrastructure NSW
- Utility providers

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

In accordance with the LEP Guideline and the Department's commitment to reduce processing times, it is recommended that the Gateway determination includes conditions requiring Council to meet the following timeframes, and that the planning proposal is updated accordingly:

- within 3 months of the date of the Gateway determination - exhibit the planning proposal
- within 8 months of the date of the Gateway determination - report to Council for a final recommendation
- within 12 months of the date of the Gateway determination - complete the LEP.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is minor in nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- gives effect to the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan;

- gives effect to the strategic direction and objectives of Parramatta Council's Local Strategic Planning Statement and Local Housing Strategy;
- is generally consistent with all relevant section 9.1 Ministerial Directions; and
- provides an opportunity to renew underutilised site to deliver additional housing in Parramatta LGA with generally positive environmental, social and economic impacts.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal be updated to include discussion on the alignment with proposed controls for the new Parramatta LEP currently being finalised.
2. Prior to public exhibition, the project timeline in the planning proposal be updated to reflect the timeframe conditions of this determination.
3. Consultation is required with the following public authorities:
 - Transport for NSW
 - School Infrastructure NSW
 - Utility providers
4. The planning proposal should be made available for community consultation for a minimum of 20 days
5. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
6. The planning proposal must be reported to council for a final recommendation 8 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



27 January 2023

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31 January 2023

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