



IRF24/2524

Gateway determination report – PP-2024-381

90-94 Phillip Street, Parramatta (+125 dwellings)

December 24



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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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 - Planning proposal

Appendix 1 – City of Parramatta Council Minutes & Report

Appendix 2 - Parramatta Local Planning Panel Minutes 4 June 2024

Appendix 3 - Urban Design Analysis (Council)

Appendix 4 - Reference Scheme (PYI Architecture)

Appendix 5 - Flooding Report (Water Technology)

Appendix 6 - Traffic and Parking Assessment Report (CJP Consulting Engineers)

Appendix 7 – Letter of Intent - Voluntary Planning Agreement

1 Planning proposal

1.1 Overview

Table 2: Planning proposal details

LGA	City of Parramatta
PPA	City of Parramatta
NAME	90-94 Phillip Street, Parramatta (+125 dwellings)
NUMBER	PP-2024-381
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2023
ADDRESS	90-94 Phillip Street, Parramatta
DESCRIPTION	Lot 10 DP 773452 (90 Phillip St) and Lot 2 DP 706033 (94 Phillip Street)
RECEIVED	17/09/2024
FILE NO.	IRF24/2524 and EF24/14424
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.

The objectives of the planning proposal are to:

- facilitate redevelopment of the site for a mixed use building;
- enable approximately an additional 125 dwellings in comparison to current controls of the Parramatta LEP 2023 in an area with public transport options within the Parramatta CBD; and
- enhance public domain outcomes through the rejuvenation of the river foreshore and public reserves.

The objectives and intended outcomes of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to facilitate a mixed-use development (part commercial and residential) at 90-94 Phillip Street Paramatta, involving the construction of a new 47-storey tower, comprising 4,576m² of commercial floor space within a four-level podium and 43 levels of

residential apartments (405 dwellings/ 29,09125m² GFA). The development is to be supported by a basement carpark with 235 car spaces and 473 bicycle parking spaces and end of trip facilities.

To achieve this, the planning proposal seeks to amend the height of buildings (HOB) and floor space ratio (FSR) controls and remove the site from the application of HOB and FSR controls in Clause 7.28A of the Parramatta LEP 2023.

The planning proposal seeks to amend the Parramatta LEP 2023 as shown in Table 3 below:

Table 3: Current and proposed controls

Control	Current	Proposed
Zone	Part MU1 Mixed Use Part RE1 Public Recreation	No change
Clause 7.28A	Mapped as Area 4 under the Additional Local Provisions Map Clause provides a site-specific FSR (2.5:1) and HOB (13m) bonus subject to a maximum tower width of 35m and a requirement for a site-specific DCP	Amend Clause so it no longer provides a site-specific FSR and HOB bonus for the site
Height of buildings (HOB)	Mapped - Part 80m and Part 0m Total – Part 105m (including 15% Design Excellence bonus & 13m site-specific bonus under clause 7.28A and SEPP 2) and part 0m	Mapped - Part 133m and part 0m Total – Part 153m (including 15% Design Excellence bonus) and part 0m
Floor space ratio (FSR)	Mapped - 6:1 Total - 9.7:1 (including 15% Design Excellence bonus, 5% High Performing Buildings bonus & 2.5:1 site specific bonus under clause 7.28A and SEPP 2)	Mapped - 13.8:1 Total – 16.56:1 (including 15% Design Excellence bonus & 5% High Performing Buildings bonus)
Number of dwellings	280 dwellings	Additional 125 dwellings (405 dwellings in total)
Jobs and Commercial space	4,576m ²	4,576m ²

Discrepancies in the FSR control

The Department notes discrepancies exist in the intended FSR among various documents, including the planning proposal (**Attachment A**), the Council resolution (**Appendix 1**), and the Reference scheme (**Appendix 3**). Specifically, Council resolution and the Reference scheme indicate a FSR of 15.36:1, whilst the planning proposal suggests a FSR of 16.56:1.

Council has provided information, acknowledging an error in the calculation where the FSR was mistakenly applied to the entire site, including the RE1 Public Recreation land. Council clarifies that the proposed development will yield approximately 33,669m² GFA on the MU1 Mixed Use land.

Council has confirmed that when translating the GFA into FSR specifically for the MU1 land only, it will result in a FSR of 16.56:1 (when including all bonuses).

Council has indicated its intention to develop a site specific DCP to ensure alignment with the indicative scheme. The site specific DCP will consider factors such as building placement in relation to the street and neighbouring properties, building typologies, future character and public domain and amenity. Consequently, a Gateway condition will require Council to update the planning proposal to ensure the technical studies and the proposal align with the intended urban design outcomes, FSR and GFA.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved, subject to the recommended Gateway conditions.

1.4 Updates to the Parramatta Development Control Plan

The site is subject to the Parramatta Development Control Plan (DCP) 2023, specifically, Section 9.5.1.2 which contains controls relating to the City East Block within the City River Special Area. Refer to **Figure 1** below for the City East Block Framework Plan.

The most significant opportunity in the City East Block is to enhance existing views, and establish new views, towards Parramatta River. A new upper level promenade is to be delivered by future development to allow a continuous and active edge to the River that would be fronted by cafés, restaurants, bars and other retail tenancies – all with views over the Parramatta River.

Council notes that the current Reference Scheme does not comply with the eastern side tower setback from the podium wall. As such, Council intends to amend the Parramatta DCP 2023 to increase the eastern side tower setback from 3m to 6m from the podium wall in order to align with the Reference Scheme and mitigate the increased height, bulk, scale and wind impacts from the increased height of the building.

Council has confirmed the draft amendment to the DCP will be placed on public exhibition concurrently with the planning proposal.

A Gateway determination condition is recommended that prior to finalisation of the planning proposal, Council ensures an appropriate mechanism is in place which facilitates the intended urban design outcomes, including the provision of publicly accessible open space.

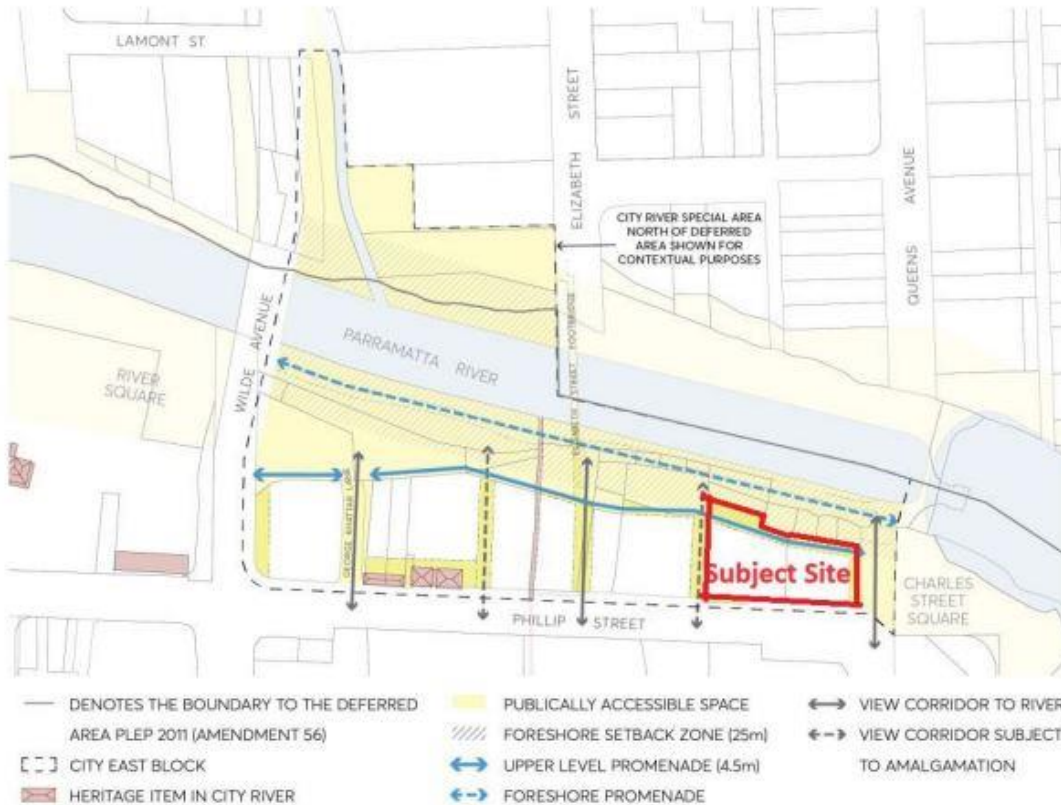


Figure 1: Parramatta DCP 2023 – City East Block Framework (source: Planning Proposal)

1.5 Draft Voluntary Planning Agreement

Council has indicated the need for public benefit to support the proposal via a draft Voluntary Planning Agreement (VPA). The draft VPA letter of intent (**Appendix 7**) identifies the following:

- Five affordable housing units (a mixture of four one-bedroom apartments and one two-bedroom apartment);
- Dedication of road widening within Phillip Street;
- Dedication of land zoned RE1 Public Recreation to Council;
- Upgrade of the public domain within Charles Street reserve to the existing Charles Street Square;
- Incorporation and construction of an upper-level promenade (4.5m wide) fronting the river foreshore;
- Development of a 6 metre setback from the Charles Street Square to strengthen and activate the Square; and
- Creation of an easement in favour of Council permitting public access over the proposed upper-level promenade including the 6 metre wide setback area from the eastern boundary.

Council has confirmed the draft VPA is to be placed on public exhibition concurrently with the planning proposal.

A Gateway determination condition is recommended that prior to finalisation of the planning proposal, Council is to identify an appropriate mechanism to deliver the proposed community benefits including the publicly accessible open space and affordable housing units.

1.6 Site description and surrounding area

The site is located at 90-94 Phillip Street, Parramatta and has an area of 2,192m² (**Figure 2**). It has a 69m frontage along the northern side of Phillip Street as well as access via an easement through the Charles Street public domain to the east.

The site is on the southern bank of Parramatta River, west of the ferry wharf known as Parramatta Quay and Charles Street Square. To the site's northeast is the Charles Street Weir on Parramatta River adjacent to Charles Street which is listed under Schedule 5 of Parramatta LEP 2023 as a local heritage item.



Figure 2: Subject site in blue (source: Planning Proposal - City of Parramatta GIS)

The site contains two four storey commercial buildings and above ground floor level car parking (86 off street car parking spaces). Vehicular access is provided to 90 Phillip Street directly from Phillip Street and to 94 Phillip Street from a driveway over an unmade part of Charles Street.

The site is located north-east of the Parramatta CBD within close proximity to employment opportunities, educational establishments, recreational activities and public transportation.

The site does not contain any heritage listed items or located within a heritage conservation area but is within proximity to a number of items. There are 3 local heritage items located west of the site known as 'Convict Drain' (I453), 'Barnaby's Restaurant and potential archaeological site' (I627) at 70 Phillip Street and 'Office and potential archaeological site' (I628) at 66 Phillip Street. To the north-east corner of the site is the 'Charles Street Weir' (I621) (**Figure 3**).

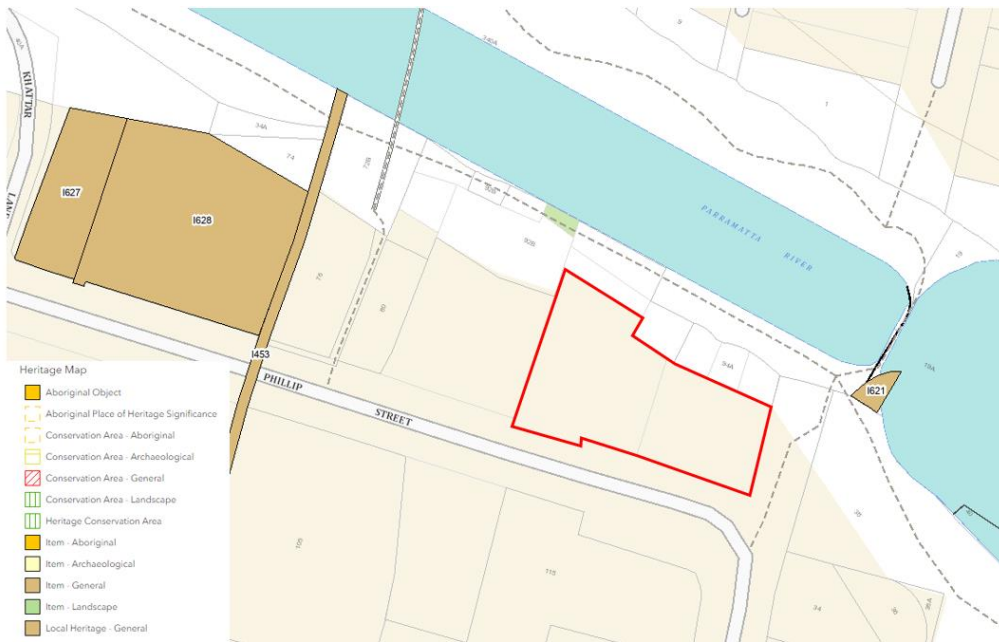


Figure 3: Local heritage items near the subject site (Source: ePlanning edited by DPHI)

1.7 Mapping

The planning proposal does not propose a change to the land zoning map. Refer to **Figure 4** for current land zones across the site and in the surrounding area.

The planning proposal includes indicative mapping showing the existing and proposed changes for the subject land to the following Parramatta LEP 2023 maps:

- Height of buildings (**Figure 5**); and
- Floor Space Ratio (**Figure 6**)

The maps provided by Council clearly identify the proposed mapping amendments and are suitable for community consultation.

Parramatta Local Environmental Plan 2023
 Height of Buildings Map
 Current Building Height
 Maximum Building Height (m)
 0 - 3.6
 11 - 11.9
 80 - 99.9
 175 - 199.9
 Maximum Building Height (m(RL))
 > 100m RL

Parramatta Local Environmental Plan 2023
 Height of Buildings Map
 Current Building Height
 Maximum Building Height (m)
 0 - 3.6
 11 - 11.9
 80 - 99.9
 175 - 199.9
 Maximum Building Height (m(RL))
 > 100m RL
 Proposed Building Height
 Maximum Building Height (m)
 80 - 99.9
 125 - 149.9



1.8 Background

The site, Phillip Street Block and Parramatta Central Business District (CBD) have been subject to urban design and planning investigations over a significant period of time to identify appropriate built forms for residential and commercial development whilst protecting the vistas along the Parramatta River. **Table 4** below highlights the significant planning events which have occurred to facilitate further development opportunities on the site.

Table 4: Timeline

Date	Event
October 2018	<p>Proponent (previously Hamptons Property Services) lodged a planning proposal seeking to increase the density controls applying to the land zoned Mixed Use to:</p> <ul style="list-style-type: none"> increase the floor space ratio (FSR) from 6:1 to 21:1 (including the 15% design excellence bonus); and increase the height control from 80m (92m including 15% Design Excellence Bonus) to 210m (including 15% Design Excellence Bonus).
Late 2018	<p>Initial assessment by Council Officers raised concerns regarding the density and scale of the proposal considering the prominence of the site on the Parramatta River adjoining Charles Street Square, and its high visibility from the ferry approach to the Parramatta CBD.</p>

Date	Event
2019	Several revised reference designs were submitted by the proponent which maintained the proposed FSR of 21:1.
November 2020-2021	<p>Council staff conducted an urban design analysis for the site and a site-specific planning proposal at 66 Phillip Street in context of the broader Phillip Street block, the Parramatta River foreshore and Charles Street Square.</p> <p>The work identified potential unsatisfactory outcomes from high (210m) building heights along the River.</p>
15 June 2021	<p>Council officer's report on the post-exhibition of the Parramatta CBD Planning Proposal recommended that the Phillip Street block be removed from the proposed amendment to allow for further analysis.</p> <p>However, Council resolved to proceed with the draft controls for the Phillip Street block under the Parramatta CBD Planning Proposal, including incentive building heights and FSR, minimum commercial provisions, and the Opportunity Site bonus. The exhibited height of building (HOB) controls for the block were set at 238m</p>
March 2022	The Department commissioned an "Independent Rapid Assessment of the Parramatta CBD Planning Proposal" by Bennett and Trimble to determine whether the proposed controls in the Parramatta CBD Planning Proposal result in appropriate built form outcomes and should proceed to finalisation.
6 May 2022	<p>The Parramatta CBD Planning Proposal was implemented by the notification of Parramatta Local Environmental Plan 2011 (Amendment 56) which took effect on 14 October 2022.</p> <p>In finalising the LEP Amendment, the Department excluded the Phillip Street block from the new controls and the existing density controls remained for the block and the site at a FSR of 6:1 and HOB of 80m.</p> <p>This decision was informed by the Department's built form modelling and the findings of the Independent Rapid Assessment of the Parramatta CBD Planning Proposal.</p>
16 December 2022	<p>The Department commissioned the 'Parramatta CBD Transition Area Review' by Hassell, which led to further changes to the Parramatta CBD planning controls through State Environmental Planning Policy Amendment (Parramatta CBD) No. 2 (SEPP 2). SEPP 2 introduced controls to encourage growth in employment uses within designated MU1 Mixed Use (formerly B4) sites in the Parramatta CBD and provided for additional development potential on the Phillip Street block, including the planning proposal site at 90-94 Phillip Street, subject to specific conditions being met.</p> <p>The Department identified site constraints on the Phillip Street block, particularly its limited depth from north to south. To support redevelopment, the Department recommended a maximum site width of 35 metres to ensure appropriate setbacks and facilitate publicly accessible through-site links.</p> <p>SEPP 2 was incorporated into the Parramatta LEP through Clause 7.28A, permitting developments on the Phillip Street block (including the subject site) to exceed the floor space ratio limit by 2.5:1 and height by 13m, subject to</p>

Date	Event
	conditions. For the use of this bonus height, the condition for the site requires a maximum tower width of 35m when viewed from the Parramatta River.
29 February 2024	Proponent lodges planning proposal on the planning portal
March – May 2024	<p>Council officers conducted an analysis of the SEPP 2 controls for the site to determine the risks embedded in the controls to delivering Council's vision for the Phillip Street block and any difference between the SEPP 2 and Parramatta DCP 2023 controls.</p> <p>The analysis identified the SEPP 2 controls for the site will achieve generously distributed space between towers, will provide for a skyline which steps down towards the river and the 0-metre height limit along the perimeter of the site will help rationalise the foreshore alignment.</p> <p>The analysis also identified that the SEPP 2 controls provide little incentive for the site to deliver the future upper-level promenade, would not result in workable floorplates or achievable floor space area and would not provide incentive for the site to be redeveloped.</p>
4 June 2024	LPP meeting supported the forwarding of the planning proposal for a Gateway determination
8 July 2024	Council meeting resolved to forward the planning proposal for a Gateway determination
September 2024	Council has appointed a consultant to consider the realisation of the upper-level promenade and evaluate the impacts of the promenade alignment (within or adjacent to the site) on individual property area and built form outcomes. No date is set for when this work will be reported to Council.

2 Need for the planning proposal

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

The planning proposal presents an opportunity to accommodate more housing growth in the Parramatta CBD to meet future population and jobs to support Parramatta's role as Sydney's second CBD. The planning proposal responds to the strategic objectives and vision for Parramatta CBD in accordance with the Central City District Plan, Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

The planning proposal allows for the redevelopment of the site for a mixed use and high-density residential or commercial development providing an opportunity to improve the relationship of the site to the public domain of Charles Street Square and Parramatta River Foreshore.

The planning proposal is the only suitable mechanism available for amending the development control standards to deliver increased commercial floor space and residential accommodation. The proposed uplift will allow for approximately 125 additional new dwellings in comparison to the existing controls, enabling approximately 405 dwellings in total.

Council also notes the intent for a Voluntary Planning Agreement (VPA) to be negotiated to increase public benefits, including upgrades to the public domain within Charles Street Reserve, dedication of public open space and 5 affordable housing units.

3 Strategic assessment

3.1 District Plan

The site is within the Central City District Plan, 2018. The Plan, under the four themes of Infrastructure and Collaboration; Liveability; Productivity; and Sustainability, contains planning priorities and actions to guide the growth of the District whilst improving its social, economic and environmental assets.

The Department is satisfied the planning proposal gives effect 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 priorities and actions.

Table 5: District Plan assessment

District Plan Priorities	Justification
Infrastructure and Collaboration Priorities: continued C1 - Planning for a city supported by infrastructure C2 - Working through collaboration	<p>The planning proposal is consistent with these priorities and supporting actions, as it aims to facilitate an increase in commercial office space and residential apartments within the Parramatta CBD on a site that is within the vicinity of the Parramatta Transport Interchange and the future light rail network and metro giving workers and residents access to train, bus and ferry services.</p> <p>The proposal considers that development of the site is also likely to contribute to a shift away from private vehicles towards public and active transport.</p> <p>The proposal has been developed as a result of collaboration between multiple teams within Council and the proponent. It has also been prepared in consideration of the collaboration between Council and the Department in formulating appropriate urban design and subsequent development controls for the site and Phillip Street block.</p> <p>Providing the proposal with a Gateway determination which requires public exhibition will provide an opportunity for government agencies, the community and business to comment on the proposal.</p>
Liveability Priorities: C3 - Providing services and social infrastructure to meet people's changing needs C4 - Working through collaboration C5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport C6 - Creating and renewing great places and local centres, and respecting the District's heritage	<p>The planning proposal is consistent with the liveability priorities and supporting actions, as it will offer residents mixed use development with additional publicly accessible open space and retail and commercial amenities in close proximity to public transport.</p> <p>The increase in permissible density will encourage redevelopment of the site from a fully commercial building to a mixed use building. The proposed increased density will provide for approximately 405 dwellings. Compared with the potential under existing controls, this represents an increase of approximately 125 dwellings.</p> <p>The residents of the development will have convenient access to necessary transport, education services, open space, health services, community services, employment, and recreation facilities.</p> <p>The redevelopment of the site will also provide an improved relationship between the site and the Parramatta River Foreshore</p>

District Plan Priorities	Justification
	and Charles Street Square. The draft voluntary planning agreement includes the dedication of land and five social housing dwellings.
Productivity Priorities: C7 - Growing a stronger and more competitive Greater Parramatta C8 – Delivering a more connected and competitive GPOP Economic Corridor C9: Delivering integrated land use and transport planning and a 30-minute city	<p>The planning proposal is consistent with these priorities and supporting actions, as it will increase the site's residential and commercial capacity, thus contributing to economic growth within the Parramatta CBD.</p> <p>The site is within walkable distance of existing and proposed transport options including rail, ferry, bus services; and the future light rail and metro. These services provide opportunities for the community to access jobs in the Westmead Health and Education Precinct and connectivity to Sydney CBD being within 30 minutes, aligning with these productivity priorities.</p> <p>Development of the site will enhance the vibrancy, competitiveness and walkability within Parramatta CBD. The proposal capitalises on recent investment in the refurbishment of Charles Street Square.</p>
Sustainability Priorities: C15 – protecting and enhancing bushland, biodiversity and scenic and cultural landscapes C16 - Increasing urban tree canopy cover and delivering Green Grid connections C17 - Delivering high quality open space C19 - Reducing carbon emissions and managing energy, water and waste efficiently C20: Adapting to the impacts of urban and natural hazards and climate change	<p>The planning proposal is consistent with the sustainability priorities and supporting actions, as the proposal will increase the amount of public open space and improve the quality of the public domain.</p> <p>It will facilitate redevelopment of the site enabling a 6m setback from the eastern boundary adjoining Charles Street Square; provision of an upper level promenade with public pedestrian access; and dedication of the RE1 Public Recreation zoned portion of the site to Council.</p> <p>There are opportunities for enhancing the urban tree canopy cover with future upgrades of the public domain within Charles Street Reserve, the 6m setback from the Charles Street Square and the portion of the site zoned RE1 Public Recreation.</p>

3.2 Local

The planning proposal is consistent with the following local plans and endorsed strategies and their strategic directions and objectives, as stated in the table below:

Table 6: Local strategic planning assessment

Local Strategies	Justification
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Parramatta Local Strategic Planning Statement – City Plan 2036	<p>The Local Strategic Planning Statement (LSPS) provides a strategic direction for shaping the City's future planning controls identifying Parramatta CBD as a Metropolitan Centre, a growing district with an increasing range of jobs and services.</p> <p>The planning proposal is generally consistent and will give effect to the priorities and actions of the LSPS which seeks to build the productivity and liveability of the CBD. The planning proposal will focus on:</p> <ul style="list-style-type: none"> • advocating for improved public transport connectivity to Parramatta CBD from the surrounding district (Priority 3), • facilitate housing and employment growth in the GPOP area (Priority 4), • provide diverse housing types and sizes to meet community needs (Priority 7), • enhance Parramatta's heritage and cultural assets to maintain character (Priority 9), • support the Parramatta CBD in becoming increasingly competitive and productive (Priority 11), and <p>protect and enhance trees and green infrastructure to improve liveability (Priority 14).</p>
Parramatta Local Housing Strategy 2020	<p>Council's Local Housing Strategy (LHS) guides and informs the review and development of the Parramatta LEP and future planning decisions to achieve the expected delivery of 7,180 new dwellings in the CBD precinct and 87,900 new dwellings across the local government area (LGA) by 2036. The planning controls proposed for the site include an increase in height controls to accommodate an additional 125 dwellings to that currently allowed under the existing height control. The proposed redevelopment would deliver approximately 405 dwellings.</p> <p>In the context of the housing crisis, opportunities to deliver homes are to be prioritised where possible. The planning proposal will facilitate increase housing in an area with access to jobs, public transport and services consistent with the LSPS.</p>
Parramatta 2038 - Community Strategic Plan,	<p>The Parramatta Community Strategic Plan (PCSP) is a 25-year plan with strategic objectives for the LGA. It seeks to formalise ideas that will shape and transform the area by 2038 and provide a pathway to manage growth and liveability, whilst providing additional jobs for residents.</p> <p>The planning proposal is consistent with the PCSP, by allowing for an appropriate mix of residential and non-residential uses located in a centre with public transport, shops, and community facilities in close proximity. The proposal will facilitate jobs through commercial floorspace and an activated street frontage and contribute towards dwelling targets for Parramatta and NSW.</p>

Parramatta Affordable Housing Action Plan 2023-2025	<p>The Parramatta Affordable Housing Action Plan seeks to deliver affordable rental housing as part of any VPA associated with uplift. Any Affordable Rental Housing provided through VPAs is to be dedicated to Council and therefore provided in-perpetuity.</p> <p>Council intends to negotiate a draft VPA to deliver five affordable housing units (a mixture of four one bedroom apartments and one two bedroom apartment).</p> <p>Council notes that a higher affordable housing contribution rate was considered. However, the other community benefits particularly the incorporation and construction of the upper level promenade in the draft VPA were considered to have greater community benefit relating to the site's location and community impact.</p>
Parramatta CBD River Strategy, 2015	<p>The Parramatta CBD River Strategy (Strategy) outlines a comprehensive vision for revitalising the riverfront areas. The future character in the Parramatta Quay quarter proposes a 'marker building' on the site – 'a new building addressing Parramatta Quay would form a visual anchor/ arrival marker building along the River corridor for ferry passengers entering into CBD. The landmark building would incorporate ground floor retail, upper floor commercial and residential uses'.</p> <p>A key feature of the Strategy is a proposed upper level promenade which, with the south bank terraces, would mediate between the level of the River and the city to create new spaces for both daily and event use. The upper level promenade will provide:</p> <ul style="list-style-type: none"> a. A new pedestrian pathway with opportunities for retail and commercial tenancies and building addresses along the River; b. A continuous upper level public walkway which connects Charles Street Square to the Wilde Avenue Bridge; c. Accessible and safe egress from the River corridor during flood events; and d. Level access and continuity between Phillip Street and the River Foreshore.
	<p>The proposed development aligns with the Strategy, aiming to create a positive interface with the public domain consistent with the Strategy's urban design principles. The increased building height addresses the proposed marker building concept whilst the inclusion of commercial spaces on the ground floor, facing the river, Phillip Street, and Charles Street Square, reflects the strategy's goal of fostering an active and inviting pedestrian environment along the riverfront.</p>

3.3 Local Planning Panel recommendation

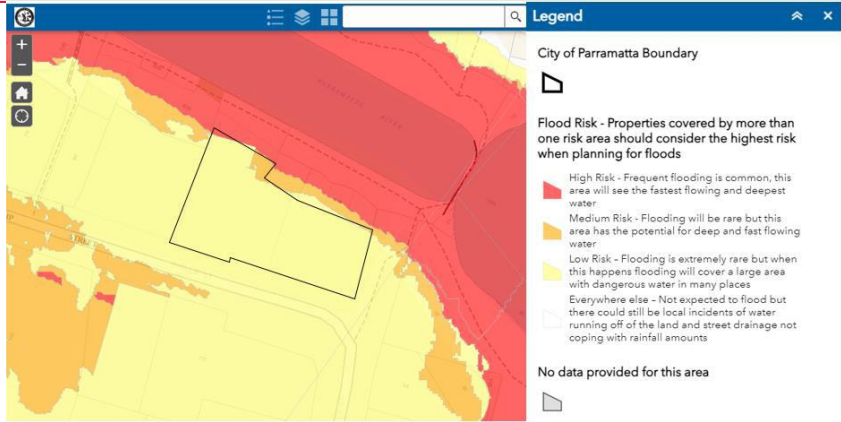
On 4 June 2024, the planning proposal was considered by the Parramatta Local Planning Panel (LPP) (**Appendix 2**) in accordance with requirements of Section 2.19 of the *Environmental Planning and Assessment Act 1979*. The LPP considered a report on the planning proposal and recommended to Council that it be submitted to the Department for a Gateway determination.

4 Section 9.1 Ministerial Directions

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

Table 7: 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Consistent	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls including imposing any development standards or requirements in addition to those already contained in the planning instrument being amended.</p> <p>The planning proposal is consistent with this Direction as it proposes to amend Clause 7.28A of the Parramatta LEP so that it no longer provides a site-specific FSR and height bonus for the site. The FSR and HOB maps are to be amended to reflect the desired development controls for the site.</p>
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Consistent	<p>This Direction seeks to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim (LUIIP) dated July 2017.</p> <p>The land is identified on the Greater Parramatta Priority Growth Area, as a potential precinct targeted for growth, particularly within 1km of the new light rail stops. The land is within the Parramatta CBD which is within proximity of the existing train station, Parramatta Light Rail stops and proposed Sydney Metro West station.</p> <p>The proposal is consistent with the broad objectives of the LUIIP and therefore this Direction.</p>
4.1 Flooding	Consistency not yet demonstrated	<p>The objective of this Direction is to ensure effective management of development on flood prone land. This direction applies when a relevant public authority prepares a planning proposal that creates, removes, alters a zone or provision that affects flood prone land.</p> <p>The planning proposal submitted is supported by a Flood Report (Appendix 5). The assessment responds to the Council's Parramatta River Flood Study 2024.</p> <p>The planning proposal notes that the site is located on the southern foreshore of the Parramatta River and is subject to riverine flooding in large events and overland flows. Council notes that part of the site is within the flood planning area shown in Figure 7. The site is mostly within the Low Flood Risk with small sections of the northern part of 90 Phillip Street being within the Medium and High Flood Risk.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		 <p>Figure 7: Flood Risk for the subject site (source: FloodSmart Parramatta).</p> <p>The report concludes that the site would be compatible with flood risks. Further assessment is detailed in Section 6.1 of this report.</p> <p>It is recommended that a condition is included in the Gateway determination to require agency consultation with State Emergency Services (SES) and Department of Climate Change, Energy, the Environment and Water (DCCEEW). As such, the Direction will remain unresolved pending further consultation with relevant authorities.</p>
4.5 Acid Sulfate Soils	Inconsistent, justified	<p>The site is mapped as Class 4 acid sulfate soils on the Acid Sulfate Soils Map in the Parramatta LEP.</p> <p>The LEP contains provisions which prevent environmental damage arising from exposure of acid sulfate soils. In particular, development consent is required for works within Class 4 acid sulfate soils which are more than 2m below the natural ground level and/or which the water table is likely to be lowered more than 2m below the natural ground level.</p> <p>Further consideration of this matter can be undertaken at the development application stage. The planning proposal's inconsistency with the direction is considered to be of minor significance.</p> <p>A gateway condition is recommended for the planning proposal to be updated to correctly identify the mapping of acid sulfate soils as Class 4 not Class 5.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>The planning proposal is consistent with this direction as it will facilitate redevelopment which will improve access to housing, jobs, and services by means of public transport and improved walkability.</p> <p>It will provide new dwellings in close proximity to existing public transport links; maintain and provide redeveloped commercial premises in proximity to existing transport links; and makes more</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>efficient use of space and infrastructure by increasing densities on an underutilised site.</p> <p>The site is within the vicinity of the Parramatta Transport Interchange and the future light rail network and Sydney Metro West station giving workers and residents access to train, bus and ferry services.</p>
5.2 Reserving Land for Public Purposes	Consistent	<p>The objectives of this direction are to facilitate provision of public services and facilities by reserving land for public purposes.</p> <p>Part of the site along the frontage is identified as a 'Local Road Widening' on the Land Reservation Acquisition Map. The planning proposal does not intend to rezone any land, create, remove or alter the site. The reference scheme provides a front setback from the street to allow for the road widening in the future.</p> <p>The planning proposal notes that the RE1 land will be dedicated to Council for the purpose of public open space. This delivery is subject to further negotiations as part of the VPA between the proponent and Council.</p> <p>As such, the planning proposal is consistent with this Direction.</p>
6.1 Residential Zones	Consistent	<p>The planning proposal is consistent as it seeks to facilitate the redevelopment of the site for higher density mixed use development within a highly accessible transport-oriented centre.</p> <p>It will facilitate residential development (up to 405 dwellings) to allow for a mixture of housing types and design, with connections to, and efficient use of, existing infrastructure and services.</p> <p>The residential development is also to include social housing dedicated to the City of Parramatta via a voluntary planning agreement.</p>
7.1 Employment Zones	Consistent	<p>The proposal is consistent with this direction as the zoning of the site will not change and will remain MU1 Mixed Use.</p> <p>The planning proposal will also not reduce the total potential floor space area for commercial and employment uses and related public services.</p>

5 State environmental planning policies (SEPPs)

The planning proposal identifies State Environmental Planning Policies (SEPPs) that are of relevance to the site. SEPP (Biodiversity and Conservation) 2021 does not apply to the site as the site is not mapped within a Foreshores and Waterways Area of the Sydney Harbour Catchment.

As identified in the planning proposal, SEPP (Industry and Employment) 2021, SEPP (Planning Systems) 2021, SEPP (Precincts – Central River City) 2021, SEPP (Exempt and Complying

Development Codes) 2008, and SEPP (BASIX) 2004 whilst relevant to the site they are not relevant to the proposed amendments to the Parramatta LEP 2023. SEPP (Resilience and Hazards) 2021 and SEPP (Transport and Infrastructure) 2021 are also not relevant to the proposed amendment to the Parramatta LEP 2023.

SEPP (Industry and Employment) 2021, SEPP (Exempt and Complying Development Codes) 2008, SEPP (BASIX) 2004, SEPP (Resilience and Hazards) 2021 and SEPP (Transport and Infrastructure) 2021 may be considered in any future development application for redevelopment of the site. This may include preparation of a preliminary site contamination report, referral to Transport for NSW for consideration of traffic generation, and design of the proposed tower/building.

The planning proposal is consistent with all relevant SEPPs as discussed in Table 9 below.

Table 8: Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	Consistent	<p>The SEPP seeks to provide diversity in housing and encourage affordable and rental housing. It also seeks to provide residents with a reasonable level of amenity and access to infrastructure and services.</p> <p>The planning proposal is supported by a Reference Scheme with information that addresses the Apartment Design Guide and Parramatta DCP 2023. The proposed mixed use development will be subject to a Design Excellence process and will be referred to a design review panel.</p> <p>The proposal includes five affordable rental units.</p> <p>The provisions of the SEPP will apply to a future development application for redevelopment of the site.</p>

6 Site-specific assessment

6.1 Environmental

Urban Design and Built Form

The planning proposal is supported by a reference scheme which includes concept plans and drawings (**Appendix 4**). The proposal will facilitate a 47 storey mixed-use tower (**Figures 8 and 9**) comprising of:

- 33,666m² of total gross floor area (GFA);
- 4,576m² of commercial floor space within a four-level podium with a building envelope of 1,589m²;
- 29,091m² of residential floor space for 405 dwellings within 43 storeys (levels 5 to 47) with a building envelope of 900m²;
- 3 levels of basement for services, car parking and bicycle facilities;
- maximum tower width of 47.4m; and
- 602m² of public benefit - accessible open space

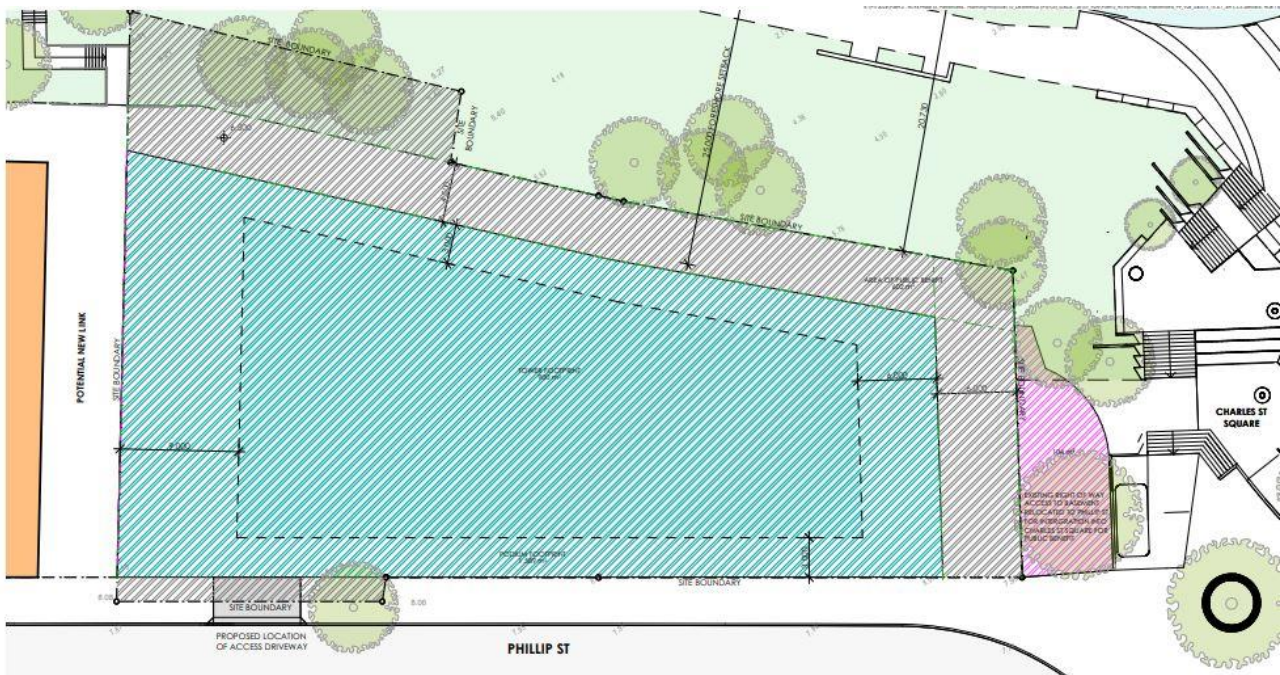


Figure 8: Reference Scheme Concept Public Benefits Plan (source: Planning Proposal Appendix 4 Reference Scheme)

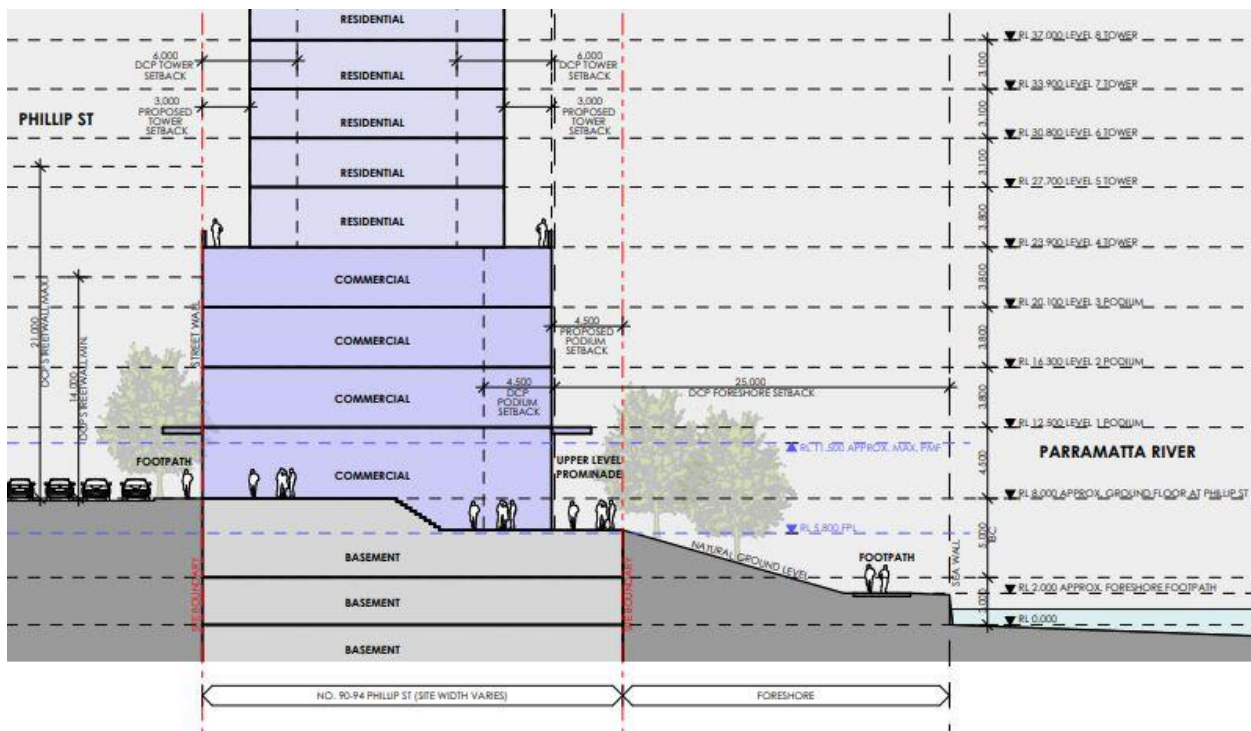


Figure 9: Reference Scheme Concept Cross Section (source: Appendix 4 Reference Scheme)

The proposed HOB controls seek an increase from part 80m (105m inclusive of all bonuses) to part 133m (153m inclusive of all bonuses) on the MU1 zoned portion of the site. Similarly, the proposed FSR controls propose an increase from 6:1 (9.7:1 inclusive of bonuses) to 13.8:1 (16.56:1 inclusive of bonuses), enabling an additional 125 dwellings compared to current planning controls. The subject site, highlighted in blue in **Figure 10**, illustrates the proposed built form massing within the context of existing, approved, and hypothetical future developments.

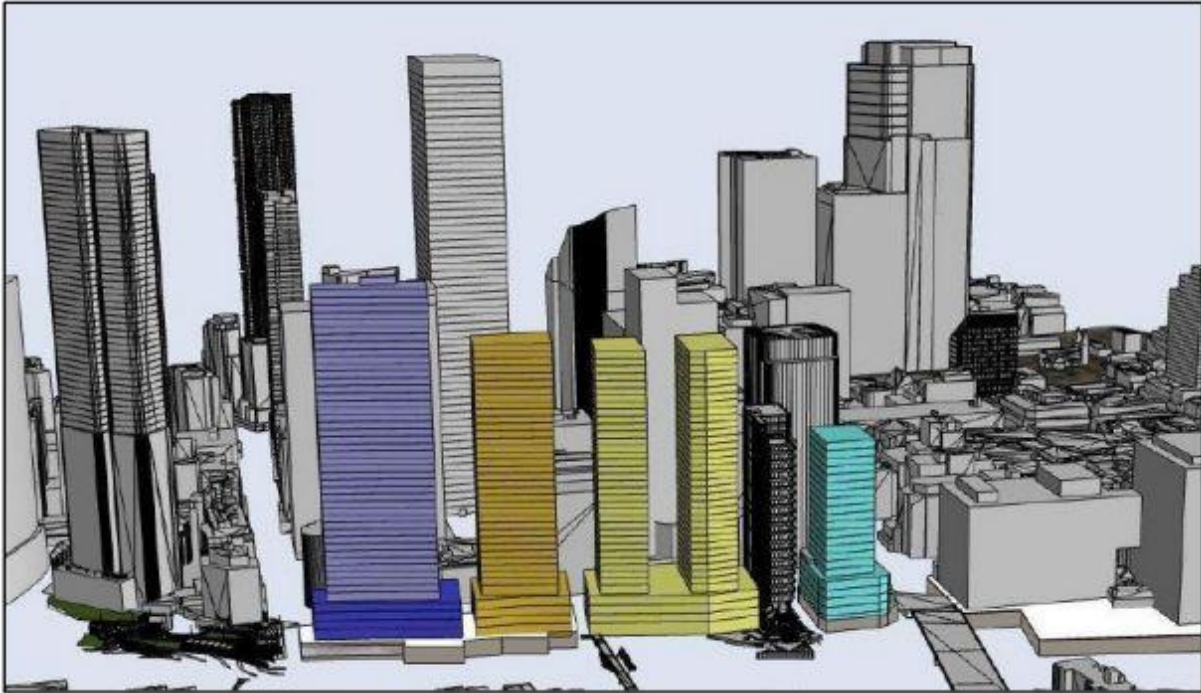


Figure 10: Building mass for existing, approved and proposed developments. Site shown in purple.
(source: Planning Proposal Appendix 4 Reference Scheme)

Figure 11 provides a perspective on how the proposed 133m height, significantly taller than the existing 80m control, balances urban form by remaining 82m lower than height controls for sites further south. This step-down effect aligns with the vision to preserve visual transitions toward the Parramatta River foreshore. The Reference Scheme's massing studies and built form diagrams illustrate this height transition from the CBD toward the river, integrating with both the natural landscape and the urban character of the area.



Figure 11: Built form showing stepping down in height for existing, approved and proposed developments. Site shown in blue (source: Planning Proposal Appendix 4 Reference Scheme)

The Department notes that the Phillip Street block has been subject to extensive urban design analysis. The planning controls for the site were amended under SEPP (Parramatta CBD) (No 2) 2022 on 16 December 2022, which sought to promote employment uses within certain E2 Commercial Centre and MU1 Mixed Use zoned sites within the Parramatta CBD.

SEPP 2 introduced bonus commercial floor space provisions where the impact was less significant. The Parramatta CBD Transition Area Review study informed where additional floor space was appropriate, and the key place principles of amenity, character and resilience were defined to guide decision making.

These key place principles were used to guide the scale of buildings to ensure minimal adverse impacts on urban design outcomes of several areas in the Parramatta CBD. Particular focus was given to the Parramatta River foreshore and the areas on the edge of the CBD adjoining open space, lower density development and heritage areas. The principles emphasized the importance of tall slender towers, appropriate streetscapes, blue-sky views, key vistas, and transition in built form, shaping the current controls for the Phillip Street block.

The Parramatta CBD Transition Area Review study further acknowledged that the first site developed on the Phillip Street block would directly influence how other sites in the precinct can be developed. Consequently, further studies into envelope testing, massing options, and an integrated built form and landscape masterplan for the block were recommended.

Council's analysis of the SEPP 2 controls identified that they generally achieve generous tower spacing, maintain a skyline that steps down toward the river, and enforce a 0m height limit along the site's perimeter to rationalise the foreshore alignment. However, Council notes that SEPP 2 controls provide limited incentives to deliver the upper-level promenade. Furthermore, while the controls aim to achieve building separation, they result in inefficient floorplates that hinder viable development and the achievement of the desired floor space.

The proposed planning controls address these limitations while aligning with the key place principles for the Phillip Street block. The proposal emphasizes the creation of the upper-level promenade, which will strengthen the city's connection to the Parramatta River foreshore by providing elevated public access along the river. This feature not only enhances public engagement with the waterfront but also supports future foreshore development, creating a vibrant and accessible riverfront.

Council also notes that the upper level promenade, at the interface of the Parramatta River foreshore and the future built form edge in the Phillip Street block, is a key feature of the Parramatta CBD River Strategy and its urban design principles have been incorporated into the Parramatta DCP 2023. Council intends to negotiate the delivery and easement to permit public access of the upper-level promenade as part draft planning agreement.

The step-down in height toward the Parramatta River enhances key vistas and integrates the development into the surrounding urban landscape. The proposed 133m height limit transitions gradually from taller developments to the south, preserving the scenic value of the Parramatta River while reinforcing the urban design vision. Additionally, the proposal strengthens Parramatta's commercial core to the south, enabling a balanced mix of residential, commercial, and recreational uses that support economic growth and improve the area's functionality.

Council acknowledges that while the proposed controls differ from the Department's vision for the Phillip Street block, it is essential to review the remaining sites to ensure cohesive development along the foreshore and the delivery of the upper-level promenade. As such, Council has recently engaged consultants to explore how the upper-level promenade can be realized across remaining sites in the Phillip Street block. This work will assess the alignment's impact on individual property areas and built form outcomes, ensuring cohesive development along the foreshore.

In summary, the Department notes that the proposal supports the key place principles identified through SEPP 2 for the Phillip Street block. The proposed built form will enhance the relationship with the Parramatta River, preserving views, delivering the upper-level promenade, and reinforcing the commercial core. By addressing the limitations of SEPP 2 controls, the proposal facilitates a cohesive and integrated development that aligns with the strategic vision for Parramatta's CBD and the foreshore.

Removal of Clause 7.28A - Additional floor space ratio for Area 2 and Area 4

The site is currently identified as 'Area 4' on the Additional Local Provisions Map. The planning proposal seeks to amend Clause 7.28A of the Parramatta LEP 2023 to remove the site-specific FSR and height bonuses currently applicable to Area 4. Currently, Clause 7.28A provides an additional FSR bonus of 2.5:1 and height bonus of 13m for the site subject to the development meeting a maximum width of 35m when viewed from Parramatta River (**Figure 12**).



Figure 12: Sites affected by Clause 7.28A and maximum tower widths applicable under the clause. Subject site identified in green. (Source: Planning Proposal).

Although the site will remain mapped as Area 4 on the Additional Local Provisions Map (also referenced in Clause 7.26, which relates to commercial premises on certain land), this designation does not require the retention of Clause 7.28A bonuses. The proposed controls will provide sufficient development capacity to support the site's intended outcomes.

To implement this change, the Department notes that Clause 7.28A will need to be redrafted to:

- Remove references to the site-specific FSR, height bonuses, and the 35m tower width restriction in Clause 7.28A(3)(c).
- Delete the additional height provision outlined in Clause 7.28A(4).

These adjustments will ensure the streamlined application of the LEP's broader provisions, removing the need for site-specific bonuses while maintaining alignment with Parramatta's strategic planning vision.

Solar Access and Overshadowing

Overshadowing analysis of the proposed Reference Scheme is provided to support the planning proposal. During winter solstice, **Figures 13-15** indicate that the overshadowing is predominantly on properties south of Phillip Street.

The shadow diagrams also illustrate that the State heritage item, Perth House, experiences overshadowing at 10:00 am (**Figure 13**). However, this shading overlaps with the shadows cast by existing buildings within the CBD. Additionally, Council notes that Robin Thomas Reserve remains unaffected by shadowing until 3:00 pm, at which point only a small portion of the reserve is shaded, within an area already affected by existing development (**Figure 15**).

The Department acknowledges that some overshadowing is inevitable in a CBD context. However, the proposed development is seen as appropriate, striking a balance between new growth and enhancing the site's relationship with the public domain, including Charles Street Square and the Parramatta River Foreshore. The proposed uplift responds to the need to deliver housing supply, choice and diversity within walking distance of the Parramatta CBD, which is well-served by existing infrastructure, utilities, public transport (including train, future light rail, and the Sydney Metro station), as well as social support services and recreational facilities.

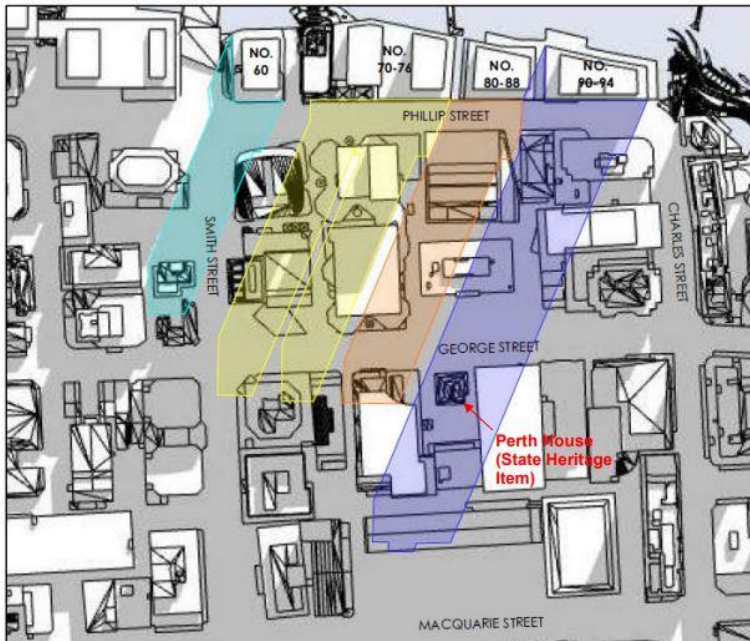


Figure 13: Shadow diagram showing shadow cast at 10am on 21 June (Source: Appendix 4))



Figure 14: Shadow diagram showing shadow casts at 12pm on 21 June (Source: Appendix 4)

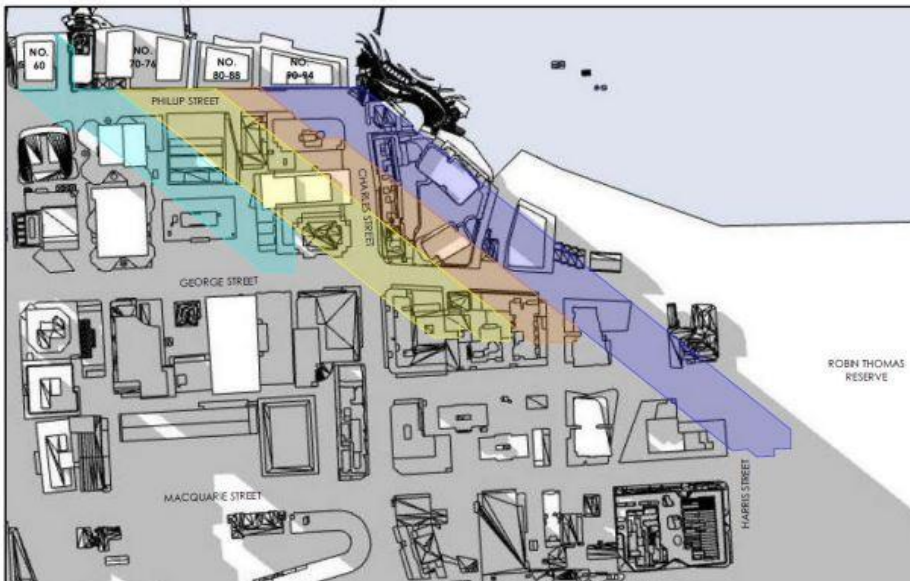


Figure 15: Shadow diagram showing shadow casts at 3pm on 21 June (Source: Appendix 4)

Flooding

The planning proposal is supported by a Flood Report prepared by Water Technology (**Appendix 5**) in response to the Parramatta River Flood Study 2024. The Report provides an analysis against Ministerial Direction 4.1 Flooding in the context of the proposed mixed use development reference scheme. It concludes that the planning proposal is consistent with all of the provisions of the Direction with the exception of 3(d) which requires that ‘a planning proposal must not contain provisions that apply to the flood planning area which permit a significant increase in the development and/or dwelling density’.

The Report notes that, while the site is within the flood planning area, the proposed tower is positioned outside this area, with only two minor basement carpark intrusions into the flood planning area. Figure 15 illustrates a hypothetical building footprint in relation to the 1% AEP and Flood Planning Level, showing that the encroachments are minimal and permissible under provision 5(d) of the Direction.

In terms of flood levels, the following mapping indicates the following:

- 5% AEP is 4.3m AHD;
- 1% AEP - 5.3m AHD (**Figure 16**);
- Flood Planning Level (FPL) - 5.8m AHD; and
- Probable Maximum Flood (PMF) – 11.5m AHD (**Figure 17**).

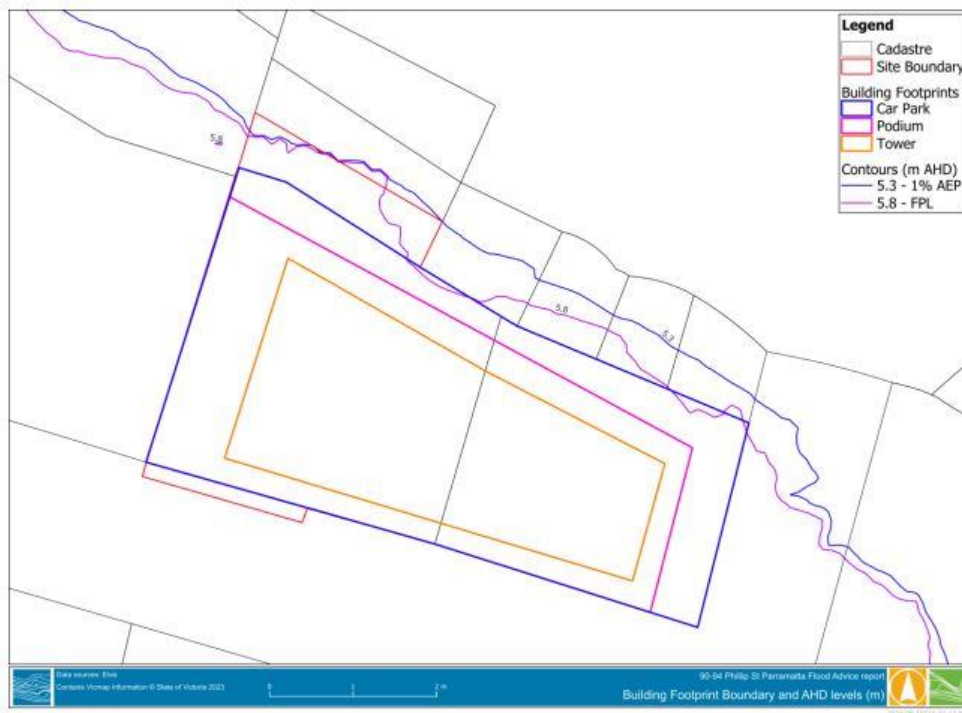


Figure 16: Indicative building footprint clear of the Flood Planning Level (source: Flood Report Water Technology)

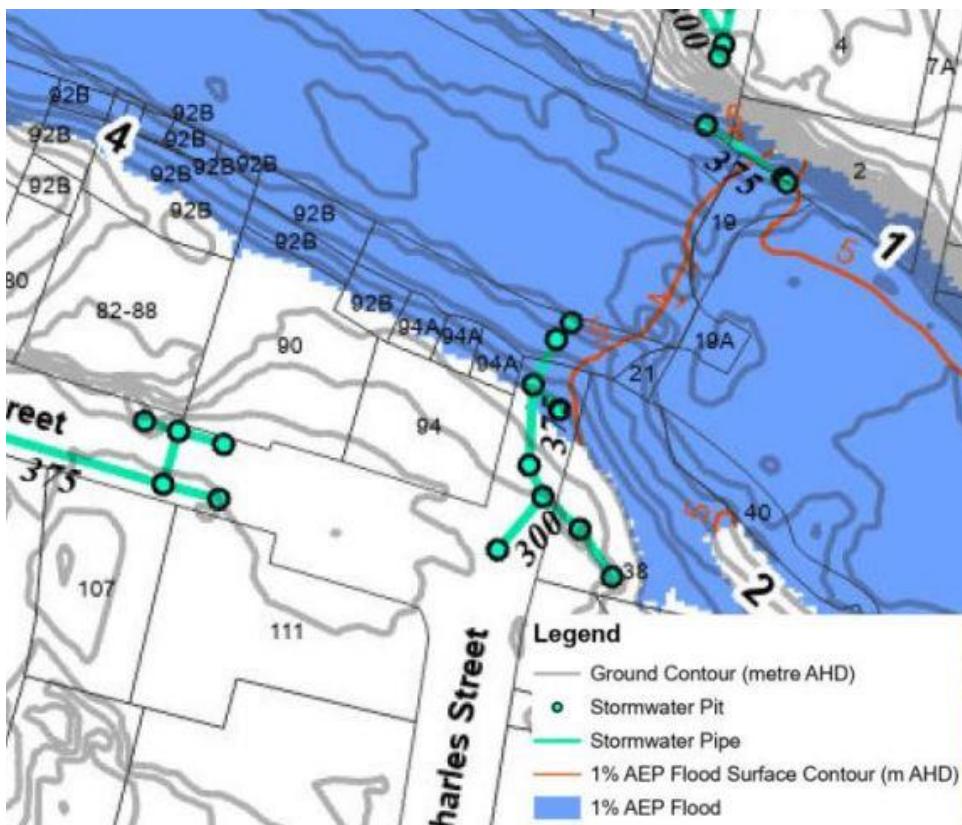


Figure 17: Flood levels in 1% event (source: Flood Report Water Technology)

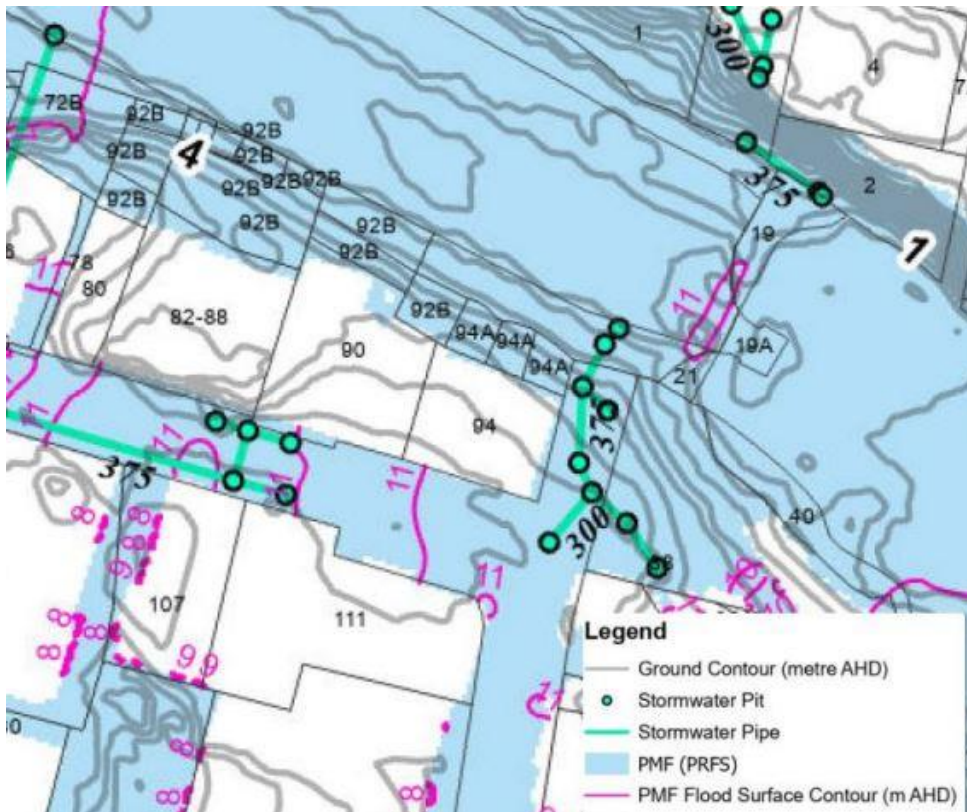


Figure 18: Flood levels in Probable Maximum Flood event (source: Flood Report Water Technology)

The flood planning level for the site is below Phillip Street's level of approximately 8m AHD. The Report suggests that certain habitable spaces could be feasible below Phillip Street, and that if parking is situated no more than 0.6m below the FPL and remains unenclosed, floodwater ingress protection may not be required. Enclosed basement parking may require flood gates up to 3.5m high on the Phillip Street driveway crest, as well as protections against PMF flooding via stairwells, lift wells, and other access points.

Council notes that the Parramatta DCP 2023 will require flood hazard modelling and hazard, risk and safety assessments to be undertaken for the 1%AEP flood and events up to including the PMF. This will also include an assessment of the basement parking in areas with flood high risk.

The Report identifies that flood modelling, using Council's new flood model, would need to demonstrate that redevelopment of the site would not increase flooding on neighbouring properties. If the building has no larger footprint than the existing building this should be able to be demonstrated.

Evacuation in a flood is impractical for this site; however, the Parramatta LEP 2023 allows for shelter-in-place strategies, supported by the DCP. The site design will include safe refuge areas above the PMF level, expected to be located at the first floor level or higher.

The DCP requires hazard and risk assessments for the 1% AEP flood event and up to the PMF. The Department notes that a comprehensive flood hazard and risk assessment will be provided at the development application stage, supported by Council's adopted flood modelling. A Flood Emergency Response Plan (FERP), including assessments of flood hazard, risk, and safety, will be prepared at that time. Given that Phillip Street's level (8m AHD) exceeds the Flood Planning Level (5.8m AHD), Council anticipates that the future development can meet DCP requirements.

The site is within the Floodplain Risk Management Area as identified on Council's Floodplain Risk Management Map, and Clause 7.11 of the Parramatta LEP on Floodplain Risk Management therefore applies.

Heritage

The site is not heritage listed or within a Heritage Conservation Area. There are several items within proximity to the site that are identified as items of local heritage significance under Parramatta LEP 2023 with the closest being Charles Street Weir approximately 40m from the north-east of the corner of the site.

The planning proposal considers the site to be sufficiently separated from the Weir and concludes there will be minimal impacts on the heritage significance of the Weir.

Council's Senior Heritage Specialist has raised no objection to the planning proposal and agrees that there are likely to be no heritage impacts on the Weir.

The planning proposal was presented to Council's Heritage Advisory Committee on 13 June 2024, who also raised no objection to the planning proposal.

Any development application for redevelopment of the site will be assessed against the heritage provisions within Clause 5.10 of Parramatta LEP 2023 and Part 9.6 of the Parramatta DCP 2023.

6.2 Social and economic

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

Table 11 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The proposal will have a positive social impact by contributing to housing, employment opportunities, publicly accessible open space and public domain.</p> <p>Residents and workers will be able to access necessary transport, education services, open space, health services, community services, employment, and recreation facilities.</p> <p>The proximity of the site to existing and future major transport infrastructure makes the site an ideal location for higher density residential and commercial development. Development of the site is also likely to contribute to mode shift away from private vehicles and towards public and active transport.</p>
Economic	<p>The Proposal will facilitate development that will assist in the emergence of Parramatta as Sydney's Central City which will in turn will contribute to continued economic growth.</p>

6.3 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 12: Infrastructure assessment

Infrastructure	Assessment
Traffic and Car Parking	<p>The Traffic and Parking Assessment Report (Appendix 6) has been prepared in support of the planning proposal. The study reports the planning proposal is projected to generate a net increase of up to 39 and 32 vehicle trips in the AM and PM peak hours respectively. The increase when compared to the current controls is approximately 24 and 19 vehicle trips in the AM and PM peak hours respectively. The report has concluded that the proposal will not have unacceptable traffic, parking or servicing implications.</p> <p>Regarding car parking, the proposal would potentially generate a need for approximately 70 more carparking spaces at the site. The study concludes that the incremental impact of the traffic that would be generated by the use of these additional carparking spaces on traffic movements in the CBD would be acceptable.</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. While this proposal will primarily impact on local roads, it is recommended that the proposal be forwarded to Transport for NSW for comment and Council update the traffic impact assessment prior to public exhibition.</p>
Local Infrastructure	<p>The site is located within an established urban area which is serviced by water, sewer services, electricity, gas and telecommunications.</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>
State Infrastructure	<p>The Department notes that the Housing and Productivity Contribution commenced on 1 October 2023. It is intended that this will secure funding towards state infrastructure to support growth.</p>

7 Consultation

7.1 Community

Council has not proposed a community consultation period.

The planning proposal is categorised as a complex under the LEP Making Guideline (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

7.2 Agencies

The planning proposal does not specifically raise which agencies will be consulted.

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

- NSW State Emergency Service (SES);
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW); and
- Transport for NSW (TfNSW)

8 Timeframe

Council proposes to complete the LEP by July 2025.

The LEP Making Guideline (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as complex.

The Department recommends a LEP completion date of 28 November 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

The timeframe in the planning proposal is to be updated to reflect the completion date.

It is recommended that the Gateway determination is accompanied by guidance for Council in meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

9 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal as the planning proposal is consistent with Ministerial Directions, with the exception of Direction 4.1 Flooding which remains unresolved. Consistency with this Direction is unable to be demonstrated until consultation with the SES and DCCEEW is completed and the planning proposal is updated in response to the consultation.

The LEP Making Guideline (August 2023) notes that the Minister may withdraw an authorisation for a council to make a LEP if the conditions set out in the Gateway determination are not met. This can occur if:

- Council has not satisfied all the conditions of the Gateway determination.
- the planning proposal is inconsistent with the relevant section 9.1 Directions or the Planning Secretary has not agreed that the inconsistencies are justified.
- there are outstanding written objections from authorities and government agencies.

10 Assessment summary

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

- it is generally consistent with the strategic planning framework including the Central City District Plan, City of Parramatta Local Strategic Planning Statement, Local Housing Strategy and Parramatta CBD River Strategy, 2015.
- it will facilitate job creation and the provision of commercial floorspace within the Parramatta CBD.
- it will facilitate approximately an additional 125 dwellings, in comparison to the current controls, contributing towards housing targets, with approximately 405 dwellings proposed.
- the proposal has given consideration to the likely environmental, social, economic and infrastructure impacts. Further justification and consultation are required in relation to flooding. Gateway conditions are recommended in this regard.
- It will enable the realisation and initiation of the future upper level promenade along the Parramatta River as identified in the Parramatta CBD River Strategy, 2015 and Parramatta Development Control Plan 2023.

As discussed in the previous sections (Sections 3 and 4), the planning proposal and relevant supporting material should be updated to include the Gateway conditions included in Section 9 of this report.

11 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 4.5 Acid Sulfate Soils is minor and justified.
- Note that the consistency with section 9.1 Direction 4.1 Flooding remains unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be updated as follows:
 - a) Ensure there is consistency across all documents that outline the proposed floor space ratio control, gross floor area and the intended built form outcomes;
 - b) Correct the classification of the acid sulfate soils mapping from Class 5 to Class 4; and
 - c) Include an updated timeline in line with the Gateway determination.
2. Consultation is required with the following public authorities:
 - NSW State Emergency Service (SES)
 - NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - Transport for NSW
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Prior to finalisation:
 - a) Ensure an appropriate mechanism is identified which facilitates the intended urban design outcomes; and
 - b) Ensure an appropriate mechanism to deliver the proposed community benefits including the publicly accessible open space and affordable housing units.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 28 November 2025 be included on the Gateway.



09 December 2024

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16 December 2024

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