



IRF24/2961

Gateway determination report – PP-2024-554

38-50 South Street, Rydalmere (reduce heritage curtilage)

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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 (November 2024)
Appendix 1 – Council Report and Resolution (December 2024)

Appendix 2 – Heritage Impact Statement (URBIS, 4 September 2024)

Appendix 3 – Amended Heritage Map

Appendix 4 – Local Planning Panel Report and Minutes (15 October 2024)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Parramatta
PPA	City of Parramatta Council
NAME	38-50 South Street Heritage amendment
NUMBER	PP-2024-554
LEP TO BE AMENDED	Parramatta Local Environmental Plan (PLEP) 2023
ADDRESS	38-50 South Street, Rydalmere
DESCRIPTION	Lot 10 DP 774181
RECEIVED	9/12/2024
FILE NO.	IRF24/2961
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 objective of the planning proposal is to:

- ensure the ongoing protection and recognition of heritage value while facilitating employment opportunities; and
- enabling exempt and complying development to be achieved under the State Environmental Planning Policy (Exempt and Complying Code) 2008 (Code SEPP) in parts of the site that will be excluded from the listing without affecting the local heritage significance.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the PLEP 2023 by:

1. amending the Heritage Map to reduce the curtilage of the heritage item known as Item Number 'I694' under Schedule 5 Part 1 Heritage Items,

2. change the Property Description from 'Lot 10 DP 774181' to 'Part of Lot 10 DP 774181 under Schedule 5 Part 1 Heritage Items, and
3. change the Item Name from 'Truganini House and grounds' to 'Truganini House and riverfront setting'.

No other changes are proposed to development standards. The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located at 38-50 South Street, Rydalmere and is legally described as Lot 10 DP 774181 (**Figure 1**). The site is currently zoned E4 General Industrial under the PLEP 2023 and contains offices and industrial warehouses.

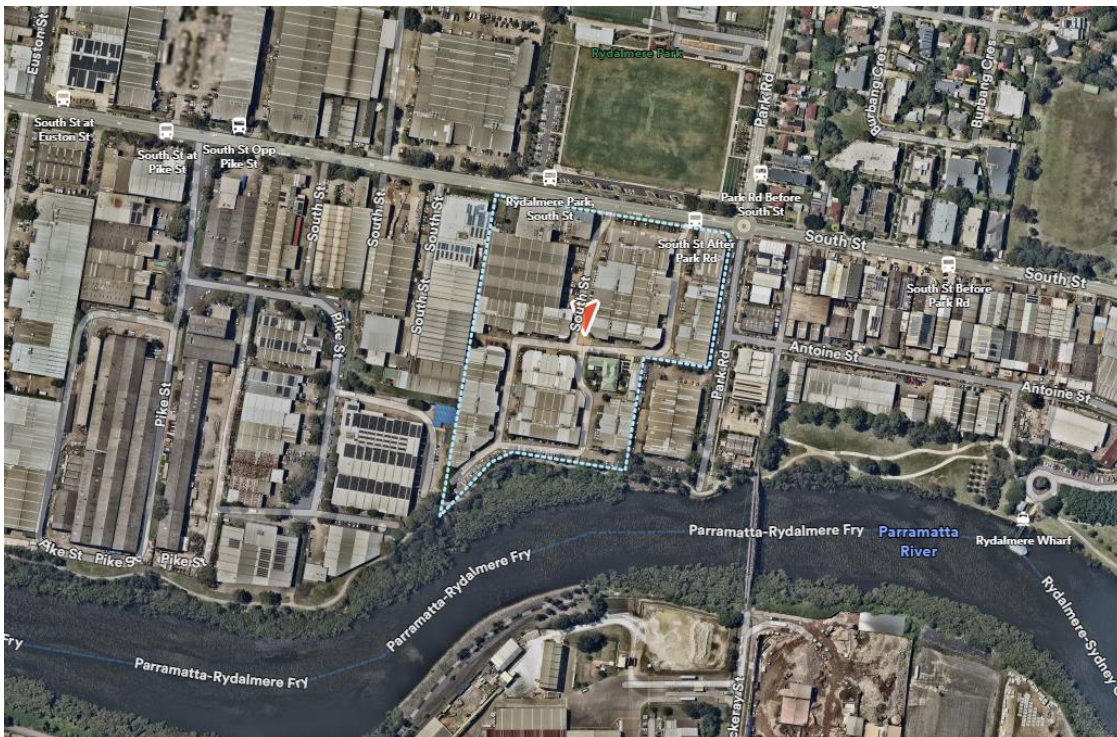


Figure 1: Site Context Map (Source: Nearmaps)

The site is identified as a Local Heritage Item (No. 1694) in Schedule 5 of the PLEP 2023 (**Figure 2**). The site has been designated for general industrial land with the Truganini House currently being used as a childcare centre. Directly to the east of Truganini House is an open paved café seating area containing a 1990s double storey pitched roof, brick rendered café building.

The structure of the Truganini House is composed of several distinct but conjoined buildings. It is a mid-19th century 10 room sandstone homestead set in well-established garden. The statement of significance shown on the State Heritage Inventory form for the subject site is for historical and aesthetic reasons for the local area as a representative example of quality houses of the Victorian period in the area.

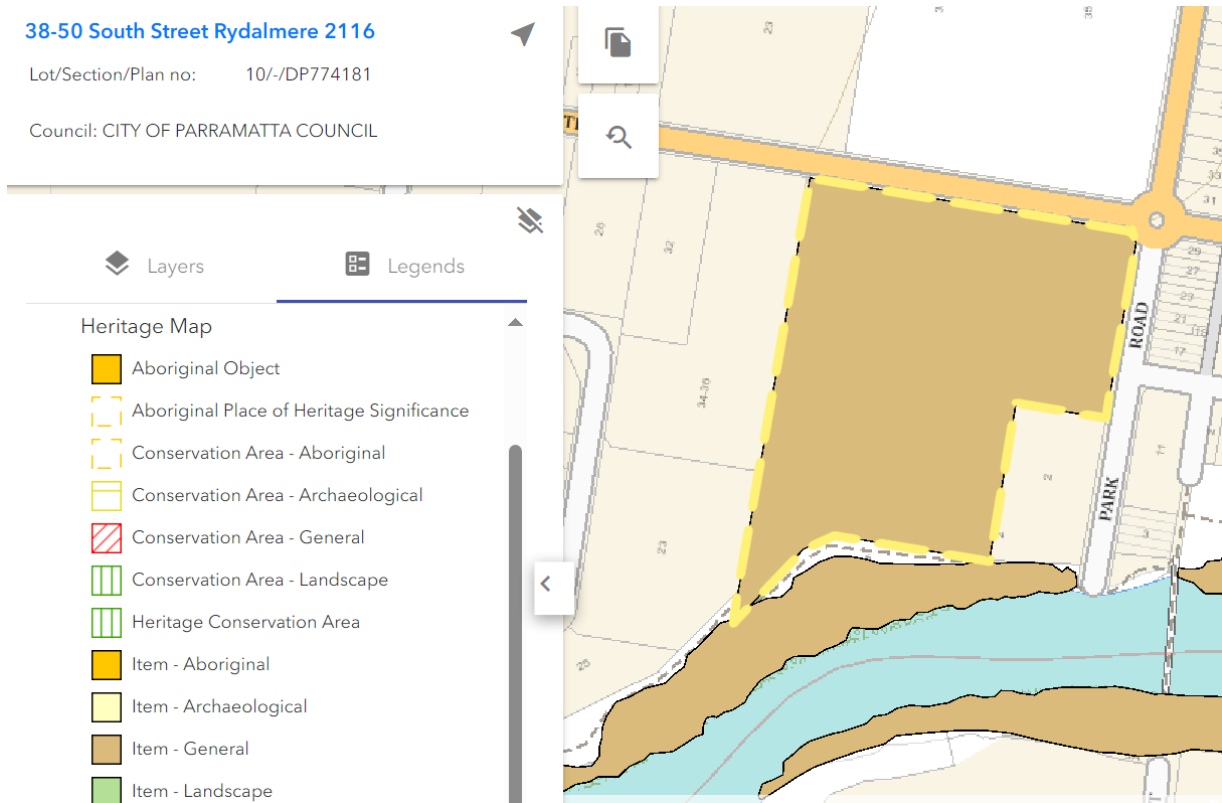


Figure 2 Subject site identified as a Local heritage item (source: Spatial Viewer)

The site is surrounded by E4 General Industrial land to the east and west and bounded by RE1 Public Recreation land (Rydalmere Park) to the north and Parramatta River to the south (**Figure 3**). To the north-east contains residential development comprising of a mix of 1-2 storey detached dwellings with some medium rise residential flat buildings up to 3 storeys.

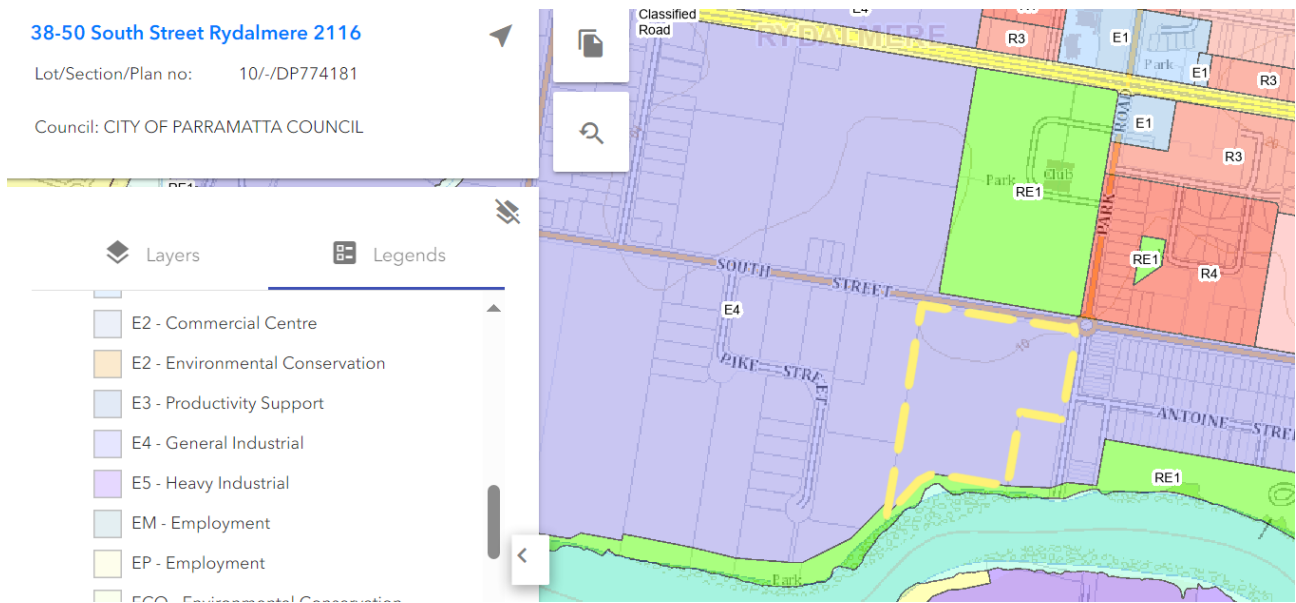


Figure 3 Site and surrounding zoning (source: Spatial Viewer)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage maps, which are suitable for community consultation. No changes are proposed for other maps.

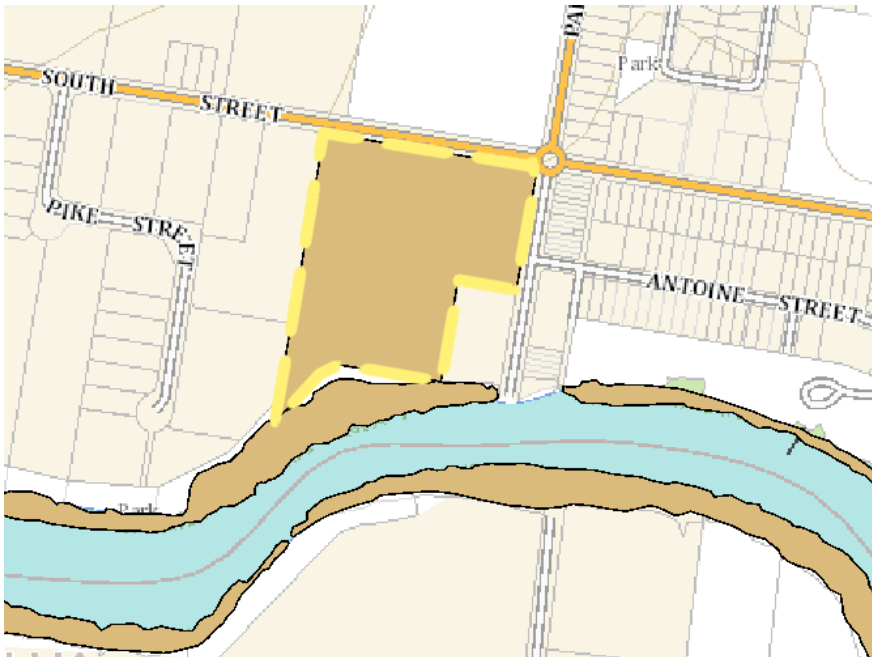


Figure 4 Current Heritage map (source: Spatial Viewer)



Figure 5 Proposed Heritage map (source: Planning proposal)

1.6 Background

Local Heritage Item (No. 1694) also known Truganini House is located away from the bank of the Parramatta River and hidden behind industrial buildings on the site (**Figure 6.1 - 6.5**).



Figure 6.1: Truganini House (Source: Heritage Impact Statement)



Figure 6.2: Truganini House viewed from the Parramatta Valley Cycleway (Source: Council report and minutes)



Figure 6.3: The southern and eastern facades of Truganini House (Source: Heritage Impact Statement)



Figure 6.4: The northern and eastern facades of Truganini House (Source: Heritage Impact Statement)



Figure 6.5: Western side of Truganini House (Source: Heritage Impact Statement)

Council notes that the initial version of the planning proposal identified a curtilage that reflected only the heritage value in the immediate vicinity (**Figure 7**). This encompassed Truganini House and its immediate garden setting. Accordingly, the proposed name was ‘Truganini House and immediate garden setting’. However, Council has now proposed to further include the café building (**Figure 8**) to the east and the factory units to the south of Truganini House. Council notes that this larger curtilage strengthens the heritage item’s connection to the river, with the name updated to ‘Truganini House and riverfront setting’. This change is reflected in the planning proposal (**Figure 9**).

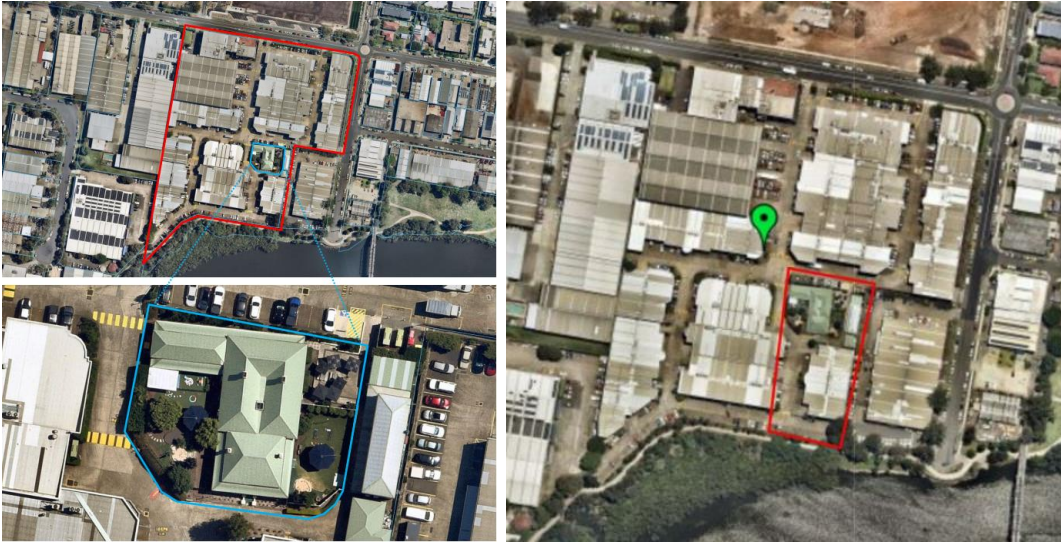


Figure 7: Original proposed heritage curtilage (left) and Council's proposed heritage curtilage (right) (source: Heritage Impact Statement)



Figure 8: Eastern site of Truganini House adjacent to open Café seating area (Source: Heritage Impact Statement)



Figure 9: Proposed amended heritage curtilage (source: Heritage Impact Statement)

2 Need for the planning proposal

The planning proposal is not the direct result of any strategic study or report and is the best means of achieving the objectives and intended outcomes.

The planning proposal responds to the need to ensure the ongoing protection and recognition of the heritage significance of the item while facilitating appropriate development.

The proposed amendments to the Heritage Map, the heritage item name and the property description in Schedule 5 of the PLEP 2023 are necessary to reflect the site's current condition and context. These changes will ensure that the heritage curtilage focuses on the most significant elements providing appropriate ongoing protection and recognition.

3 Strategic assessment

3.1 District Plan

The site is within the Parramatta District of the 'Central City District Plan' (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 is 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
C6 Creating and renewing great places and local centres, and respecting the District's heritage	The planning proposal seeks to reduce the extent of the curtilage of the site to apply to the area that contains the Truganini House and connections to the riverfront, ensuring that the heritage significance of the local heritage item is appropriately identified and preserved. This targeted approach maintains the protection of the significant elements of the site while enabling opportunities for renewal and redevelopment within the existing industrial precinct. As such, the planning proposal satisfies this priority.
C8 Delivering a more connected and competitive GPOP Economic Corridor	The planning proposal will enable the part of site that is not identified as a local heritage item to be redeveloped under the streamlined provisions of the Code SEPP. The proposal is consistent with this priority in facilitating employment opportunities within the GPOP Economic Corridor.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Parramatta 2036: Local Strategic Planning Statement	<p>Council's LSPS sets out a 20-year land use planning vision for the City of Parramatta. The planning proposal will give effect to the City of Parramatta's Local Strategic Planning Statement by:</p> <ul style="list-style-type: none"> • <i>Planning priority 4: Focus housing and employment growth in the GPOP and Strategic Centres; as well as stage housing release consistent with the Parramatta Local Housing Strategy</i> <p>Provide employment opportunities through exempt and complying development under the Code SEPP in parts of the site that will be excluded from the local heritage listing.</p> <ul style="list-style-type: none"> • <i>Planning priority 9: Enhance Parramatta's heritage and cultural assets to maintain our authentic identity and deliver infrastructure to meet community needs</i> <p>Implementing changes to the existing heritage item and better identified, protect the heritage significance.</p> <ul style="list-style-type: none"> • <i>Planning priority 11: Build the capacity of the Parramatta CBD, Strategic Centres, and Employment Lands to be strong, competitive and productive</i> <p>Support the industrial precinct in becoming increasingly competitive and productive.</p>
Parramatta Employment Lands Strategy	The planning proposal is considered to be consistent with this strategy and aligns with the vision to protect strategically important employment lands precincts. The proposed amendment will continue to support the growth for employment opportunities.

3.3 Local planning panel (LPP) recommendation

The Parramatta Local Planning Panel (Panel) considered the planning proposal and relevant documents at its meeting on 15 October 2024 (**Appendix 4**) recommending that:

(a) Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI), the Planning Proposal for land at 38-50 South Street, Rydalmere (Attachment 1) which seeks to amend the Parramatta Local Environmental Plan (PLEP 2023) by:

- i. reducing the heritage curtilage that applies to the site;*
- ii. changing the heritage item name from 'Truganini House and grounds' to 'Truganini House and riverfront setting'; and*
- iii. changing the property description from 'Lot 10, DP 774181' to 'Part of Lot 10, DP 774181'.*

(b) Council requests from the DPHI that it be authorised to exercise its plan-making delegations for this Planning Proposal.

(c) Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

(d) Council consider whether any further changes to Planning Controls or other mechanisms are required to maintain the Heritage significance of the item and its curtilage connection to Parramatta River.

(e) The panel notes the purpose of the Planning Proposal is to enable exempt and complying developments to be undertaken in the Industrial Precinct which will enable the precinct to facilitate efficient development, while maintaining the heritage significance of Truganini House and riverfront setting.

In response to the Panel's recommendation (d), Council proposed to amend the heritage inventory to include updates to the statement of significance for the site. These amendments are:

"Proposed amended statement of significance (additions in bold):

*Truganini House **and its heritage curtilage (which includes Truganini House, its surrounds and riverfront setting)** at 38-50 South Street is of significance for the local area for historical and aesthetic reasons, and as a representative example of quality houses **(and house settings)** of the Victorian period in the area. The house retains a great degree of integrity when viewed from the publicly accessible areas, **particularly when viewed from the publicly accessible shared path to the south that provides an interpretation of the original waterfront setting of the house** and makes an important contribution to the area character.*

Furthermore, it is proposed to add '**The heritage curtilage preserves the physical setting of the house, and its important historical connection to the river to the south.**' at the end of the current physical description on the heritage inventory."

The Department notes that the statement of significance for the site is located on the Heritage NSW Inventory database. As such, a Gateway condition is recommended to consult with Heritage NSW.

3.4 Section 9.1 Ministerial Directions

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

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (LUIIP)	Yes	<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.</p> <p>The proposal is consistent with the broad objectives of the LUIIP and therefore this Direction.</p>
3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>This direction applies as the subject site contains a local heritage item identified as '1694' under Schedule 5 of PLEP 2023. The planning proposal seeks to reduce the curtilage of the site, change its item name and property description.</p> <p>The planning proposal is supported by a Heritage Impact Statement (Appendix 2) which assessed the proposed reduction of heritage curtilage against the relevant provisions and controls of Heritage NSW 'Statement of Heritage Impact' assessment guideline and relevant Council planning controls.</p> <p>It is considered that the proposed reduced heritage will better reflect the heritage item and preserve its significance while allowing the rest of the area to continually function as industrial land.</p> <p>The proposal is considered consistent with this Direction in that there are no proposed changes to the existing local heritage item and that it will continue to protect and conserve the site. It is recommended that the proposal be forwarded to Heritage NSW for comment.</p>
4.5 Acid Sulfate Soils	Inconsistent, justified	<p>The site is mapped as Class 5 acid sulfate soils on the Acid Sulfate Soils Map under the Parramatta LEP 2023.</p> <p>The proposal is inconsistent with this direction as an acid sulfate soils study was not submitted with the planning proposal to support the amendment.</p> <p>This inconsistency is of minor significance as this matter can be appropriately considered and addressed at the development application stage in accordance with clause 6.1 of PLEP 2023 (which requires an acid sulfate soils management plan to be submitted at the development application stage, if certain development thresholds are met).</p> <p>The planning proposal's inconsistency with the direction is considered to be of minor significance.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 Employment Zones	Yes	<p>The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in employment zones and support the viability of identified centres.</p> <p>The planning proposal is consistent with this Direction as it will allow the remaining of the site that is not identified as a local heritage item to be redeveloped through exempt and complying development under the Code SEPP.</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
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The SEPP sets out a number of Codes which enables certain development to be undertaken without Council approval via the exempt or complying development streams. The SEPP is relevant to this planning proposal as the local heritage item will be excluded from most forms of complying development under the SEPP	Yes	The planning proposal is not inconsistent with the SEPP. Any minor types of development to take place outside of the curtilage may be considered under the SEPP. The local heritage item is excluded from the approval options under the SEPP to ensure heritage and archaeological significance is considered.
State Environmental Planning Policy (Resilience and Hazards) 2021	The SEPP aims to manage development in the coastal zone and protecting environmental assets of the coast.	Yes	The planning proposal is not inconsistent with the aims of this SEPP. The southern boundary of the site is identified on the Coastal Environment Area Map under the SEPP. The amendment does not propose to change the associated mapping. The Department notes that further consideration of coastal environmental values and its impacts will be undertaken in accordance with this SEPP as part of the future development application stage for the site.

4 Site-specific assessment

4.1 Environmental

The proposal does not propose development of the site and seeks to reduce the curtilage of the local heritage item, I694 on Schedule 5 of the PLEP 2023. The proposal will not have any impact on critical habitat, threatened species or endangered ecological communities.

Heritage

The planning proposal is supported by a Heritage Impact Statement (**Appendix 2**) which analyses the historical development of the heritage item and assess the proposed amendments to its curtilage. The proposal seeks to amend the PLEP 2023 by reducing the heritage curtilage of the Local Heritage Item 'Truganini House' and amending the name from 'Truganini House and grounds' to 'Truganini House and riverfront setting' and property description from 'Lot 10 DP 774181' to 'Part of Lot 10 DP 774181'.

Council acknowledges that the reduced curtilage will help preserve Truganini House's historical connection to the river, recognizing the significance of the former jetty to the southeast, which dates back to late 19th century. The proposed curtilage will also maintain existing sightlines from Parramatta Valley Cycleway and Council notes that this may help restore past sightlines if the warehouse building to the south is redeveloped.

In addition, Council proposes to include the adjacent café building within the heritage curtilage ensuring a continuous curtilage along the east, extending down to the river. The Heritage Impact Statement highlights that the café was built in the 1990's and is the only structure on the site that has been sensitively designed to complement the scale and aesthetic of Truganini House, making it an appropriate addition to the curtilage. As such, Council considers the item name change from 'Truganini House and grounds' to 'Truganini House and riverfront setting' will better reflect its relationship of the heritage item to the river.

Given the above, the Department is satisfied that the reduction in curtilage is appropriate as it visually connects the heritage item to the land south of the heritage item, extending to the river and including the adjacent café building.

4.2 Social and economic

The site contains existing offices, industrial warehouse and cafes that provide established social and economic benefits for the site. These benefits are expected to remain unchanged as part of the planning proposal.

The planning proposal has considered the significance of the local heritage item and has emphasised the importance to manage, protect and promote the heritage character and setting of Truganini House.

It is considered that the proposed amendment will have minimal social or economic impacts.

4.3 Infrastructure

The existing infrastructure is unlikely to be impacted by the proposed amendment to reduce heritage curtilage. As the amendment is minor in nature and does not amend the land use zoning or increase the permissible density of the site, the Department considers that the proposal will not generate additional infrastructure demand.

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

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

- Heritage NSW.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 7 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.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

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

Given the local nature of the planning proposal, 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 for the following reasons:

- The proposal will facilitate exempt and complying development to apply to the site that is not identified as a Heritage Item and provide opportunities for employment growth within the existing industrial precinct.
- The proposal is consistent with the District Plan and Council's Local Strategic Planning Statement and Employment Lands Strategy.
- It is recommended that a Gateway determination be issued with conditions.

9 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.

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. Consultation is required with the following public authorities:
 - Heritage NSW
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

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 7 November 2025 be included on the Gateway.



31/01/2025

Peter Pham

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