

Appendix 1 – Gateway Determination and Table of Responses to Conditions



Department of Planning, Housing and Infrastructure

Ms Gail Connolly
Chief Executive Officer
City of Parramatta Council
PO Box 32
PARRAMATTA NSW 2124

Our ref: IRF24/1729

Dear Ms Connolly

Planning proposal PP-2024-1160 to amend Parramatta Local Environmental Plan 2023

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) which seeks to amend Height of Building (HOB) and Floor Space Ratio (FSR) controls to facilitate the redevelopment of the area identified as North East Planning Investigation Area, Parramatta.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with the applicable direction of the Minister under section 9.1 of the EP&A Act Direction 4.1 Flooding, is minor in accordance with the terms of the Direction. Council may still need to obtain the agreement of the Secretary to comply with the requirements of the Minister under section 9.1 of the Act Direction 3.2 Heritage Conservation. Council should ensure this occurs prior to the LEP being made.

The proposed Local Environmental Plan (LEP) is to be finalised on or before 2 May 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the proposed LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the proposed LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

Should you have any enquiries about this matter, I have arranged for Holly Villella to assist you, she can be contacted on (02) 9860 1477.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Rukshan de Silva'.

10/09/2024

Rukshan de Silva
Director Local Planning (Central, West and South)
Local Planning & Council Support

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2024-1160): to amend the Height of Buildings (HOB) and Floor Space Ratio (FSR) controls in the Parramatta LEP 2023 to facilitate high density housing in the North East Planning Investigation Area (NEPIA).

I, the Acting Director, Local Planning Central West and South at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Parramatta Local Environmental Plan 2023 to facilitate high-density housing in the North East Planning Investigation Area should proceed subject to the following.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary of the Department of Planning, Housing and Infrastructure (the Secretary) has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The Parramatta LEP should be completed on or before 2 May 2025.

Gateway Conditions

1. The planning proposal is to be updated to:
 - (a) Address Section 9.1 Direction 3.2 Heritage Conservation;
 - (b) Provide a consolidated supporting urban design analysis for the proposal, including the following matters:
 - Demonstrates an appropriate height transition to the adjacent HCA that minimises any potential visual and solar impacts.
 - Cross sections that address the topography of the NEPIA and its relationship to surrounding areas.
 - Justification for any overshadowing impact to properties on Sorrell Street. Shadow analysis should include the time of year the proposed controls apply.
 - Justification of potential overshadowing impact from the proposed LEP controls on public open space areas compared to the existing controls.
 - (c) Include an updated timeline in line with the Gateway determination.

Draft maps and the planning proposal should be updated as required.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the EP&A Act as follows:

- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and Transport for New South Wales (TfNSW) under section 3.34(2)(d) of the Act. DCCEEW and TfNSW are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 10 September 2024



Rukshan de Silva
Acting Director, Local Planning
(Central, West and South)

Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

Table 16: Table of Gateway Conditions and Council responses

Condition No.	Gateway Condition	Council Response
1.	<p>The planning proposal is to be updated to:</p> <p>(a) Address Section 9.1 Direction 3.2 Heritage Conservation;</p> <p>(b) Provide a consolidated supporting urban design analysis for the proposal, including the following matters:</p> <ul style="list-style-type: none"> • Demonstrates an appropriate height transition to the adjacent HCA that minimises any potential visual and solar impacts. • Cross sections that address the topography of the NEPIA and its relationship to surrounding areas. • Justification for any overshadowing impact to properties on Sorrell Street. Shadow analysis should include the time of year the proposed controls apply. • Justification of potential overshadowing impact from the proposed LEP controls on public open space areas compared to the existing controls. <p>(c) Include an updated timeline in line with the Gateway determination.</p>	<p>The Planning Proposal has been updated with further details on how the proposed controls respond to the heritage context of the NEPIA satisfying this Gateway condition.</p> <p>Further details can be found above in response to Direction 3.2 Heritage Conservation and within Appendix 2 – Consolidated Urban Design Report.</p> <p>A Consolidated Urban Design Report has been prepared and is attached at Appendix 2 which addresses condition 1.(b).</p> <p>The timeline has been updated in Part 6 – Project Timeline of the Planning Proposal.</p>

Draft maps and the planning proposal should be updated as required.

Maps in Part 4 - Maps have been updated to reflect the commencement of the State Environmental Planning Proposal (Church Street North) 2023 satisfying this Gateway condition.

2

Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the EP&A Act as follows:

(a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and

The Planning Proposal will be placed on public exhibition from 7 November 2024 to 19 December 2024 (30 working days) satisfying this Gateway Condition.

(b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

The relevant material identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) will be made publicly available for the duration of the public exhibition period satisfying this Gateway condition.

3

Consultation is required with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and Transport for New South Wales (TfNSW) under section 3.34(2)(d) of the Act. DCCEEW and TfNSW are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.

Council will provide the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and Transport for New South Wales (TfNSW) the relevant exhibition material for the purposes of consultation for the period of 30 working days satisfying this Gateway condition.

4

A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Noted.