

Our ref: IRF22/3944

Mr Bryan Hynes  
Acting Chief Executive Officer  
City of Parramatta Council  
PO Box 32  
PARRAMATTA NSW 2124

Dear Mr Hynes

**Planning proposal PP-2022-3571 to amend Parramatta Local Environmental Plan 2011**

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) controls and apply site specific controls to facilitate the redevelopment of the performing arts centre at 353A-353C Church Street and part of 351 Church Street, Parramatta (Riverside Theatre).

As delegate of the Minister for Planning and Homes, 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 applicable directions of the Minister under section 9.1 of the EP&A Act Direction 1.4 Site Specific Provisions and Direction 4.5 Acid Sulfate Soils are justified 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 relevant applicable direction of the Minister under section 9.1 of the EP&A Act Direction 4.3 Flooding. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the local plan-making authority for the following reason(s):

- The site is Council owned and operated;
- The site is located within North Parramatta, which was excluded from the finalisation of the Parramatta CBD planning proposal; and
- The Department, in collaboration with Council, is progressing the strategic planning for North Parramatta.

The amending local environmental plan (LEP) is to be finalised on or before 30 June 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Peter Pham to assist you. Mr Pham can be contacted on 02 9860 1593.

Yours sincerely



16/11/2022

**Jazmin van Veen**  
**Director Central (GPOP)**  
**Planning and Land Use Strategy**

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3571):** to increase height and apply site specific controls to facilitate the redevelopment of the Riverside Theatre (353A-353C Church Street and part 351 Church Street, Parramatta)

I, the Director, Central (GPOP) at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2011 to increase height and apply site specific controls to facilitate the redevelopment of the Riverside Theatre should proceed subject to the following conditions:

The LEP should be completed on or before 30 June 2023.

### Gateway Conditions

1. The planning proposal is to be updated to:
  - a) address Section 9.1 Direction 4.1 Flooding by including flooding analysis from the CBD PP;
  - b) clarify the intended design excellence bonus for HOB and update diagrams and modelling as required; and
  - c) include an updated timeline in line with the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 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 Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 2 months following the date of the gateway determination.

No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act

3. 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 EP&A 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 16<sup>th</sup> day of November 2022.



**Jazmin van Veen**  
**Director Central (GPOP)**  
**Planning & Land Use Strategy**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**