



16 October 2018

**Advice for Gateway Determination Review
Planning Proposal for 55 Aird Street, Parramatta
(PP_2017_COPAR_012_00)**

1. INTRODUCTION

1. On 30 August 2018, the Independent Planning Commission NSW (**Commission**) received a request for advice from the NSW Department of Planning and Environment (**Department**) regarding a Gateway Determination review of a planning proposal for 55 Aird Street, Parramatta (**site**).
2. Pacific Planning Pty Ltd (**Proponent**) seeks to delete condition 1(c) and 1(e) and to amend condition 1(d) of the Gateway Determination made on 28 November 2017.
3. The Commission has been requested by the Department, as delegate of the Greater Sydney Commission (**GSC**), in accordance with section 3.34(5) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, to review the planning proposal and prepare advice concerning the merits of the review request. The Department specified that the Commission's advice should include a clear and concise recommendation to the GSC confirming whether or not, in the opinion of the Commission, the relevant conditions should be retained.
4. Professor Mary O'Kane AC, Chair of the Commission, nominated Ms Annelise Tuor (Chair) and Mr Adrian Pilton to constitute the Commission for the Gateway Determination review.

1.1 Subject site

5. The site is legally described as Lot 4 DP 310151 and is located at 55 Aird Street, Parramatta within the Parramatta central business district (**CBD**).
6. Access to the site is via Aird Street which provides direct access to the Westfield shopping centre loading dock. The site is currently vacant and covers an area of approximately 658 m² with a 14 metre frontage to Aird Street. A vehicular right of way of approximately 3.5 m in width is located along the eastern site boundary that provides access to the rear of the established retail tenancies that front Church Street. Figure 1 shows the location of the site.

Figure 1: Site location – 55 Aird Street, Parramatta (Base source: Pacific Planning Pty Ltd)



7. The planning proposal would potentially facilitate the development of a 41-storey tower on the site. The Proponent's preliminary urban design work indicates the tower would incorporate seven storeys of above ground car parking, seven storeys of commercial floor space and 26 storeys of residential floor space. Figure 2 shows a photomontage of a potential structure on the site and adjoining sites in Church Street.

Figure 2: Photomontage of a potential structure – 55 Aird Street, Parramatta (Source: Pacific Planning Pty Ltd)



1.2 Proponent's request for Gateway Determination review

8. On 28 November 2017, the Department determined that the planning proposal to alter the height of building and floor space ratio (**FSR**) controls at 55 Aird Street, Parramatta should proceed and accordingly issued a Gateway Determination, subject to conditions.
9. On 5 February 2018, the Proponent provided a submission to support a Gateway Determination review. The conditions disputed by the Proponent relate to Condition 1(c), (d) and (e) of the Gateway Determination (bolded below):
 1. *Prior to community consultation, Council is to update the planning proposal to:*
 - (a) include a maximum Height of Building control and remove clause 7.6 (Airspace Operations);
 - (b) amend the Floor Space Ratio map to provide a maximum FSR of 10:1;
 - (c) ensure the sliding scale provisions of Clause 7.2 of the Parramatta LEP apply to the subject site;**
 - (d) require a minimum commercial floorspace FSR of 1:1 (included as part of the 10:1 FSR) but remove the reference to commercial floorspace incentives over an FSR of 1:1;**
 - (e) remove the reference to High Performance Building Incentives;**
 - (f) revise the Urban Design Report to reflect 1(a) – 1(e) above and the reduced car parking rates in accordance with Council's endorsed Strategic Transport Study for the Parramatta CBD (Council resolution on 10 April 2017).
10. The Commission has been requested to provide advice as to whether the conditions should be retained in the Gateway Determination.

1.3 Summary of Planning Proposal and Gateway Determination

11. The Gateway Determination relates to a planning proposal to amend the Parramatta Local Environmental Plan 2011 (**PLEP 2011**) to modify the maximum building height and FSR controls that apply to land at 55 Aird Street, Parramatta. The planning proposal specifically sought to:
 - remove the maximum building height in the Height of Buildings Map (Sheet HOB_010) with no maximum building height limit to apply;
 - amend the maximum FSR in the Floor Space Ratio Map (Sheet FSR_010) to 10:1 (a total FSR of 15:1 to apply should design excellence, high performance building bonus and additional commercial floor space incentives be achieved);
 - apply a site-specific provision ensuring FSR of 1:1 be provided as employment generating floor space (commercial) within the base 10:1, with any additional floor space above 1:1 not being counted toward the site's total FSR (up to a maximum of 3:1);
 - require Clause 7.6 (Airspace operations) to apply to the site; and
 - include maximum car parking rates in line with the resolution of Parramatta City Council (**Council**) on 10 April 2017 with regards to parking rates in the Parramatta CBD Planning Proposal (**CBD planning proposal**).
12. The site currently has a maximum allowable FSR of 4.2:1, as shown on the Floor Space Ratio Map (Sheet FSR_010) in the PLEP 2011 and a maximum allowable building height of 36 m, as shown on the Height of Buildings Map (Sheet HOB_010). The sliding scale provisions contained under clause 7.2 of the PLEP 2011 do not apply to the site as it is

not mapped as having a maximum FSR of either 6:1, 8:1 or 10:1.

13. A chronology of the history of the planning proposal is provided below:
- 24 August 2015 – the Proponent lodged the planning proposal with Council
 - 9 May 2016 – Council resolved to proceed with the planning proposal
 - August 2017 – the planning proposal was referred to the Department to proceed to Gateway
 - 28 November 2017 – the Department issued a Gateway Determination (under delegation of the GSC) with conditions
 - 5 February 2018 – the Proponent lodged a submission to support a Gateway Determination review
 - 12 March 2018 – Council resolved to advise the Department that it supports the conditions imposed by the Gateway Determination
 - 9 April 2018 – Council resolved to support the current FSR controls for the site and rescind its support for the Gateway Determination
 - 30 August 2018 – the Commission received a request from the Department to undertake a Gateway Determination review.

2. THE DEPARTMENT'S GATEWAY DETERMINATION REPORT AND GATEWAY REVIEW JUSTIFICATION ASSESSMENT

14. Condition 1 of the Gateway Determination requires the planning proposal to be amended to provide a maximum FSR of 10:1 for the site and the application of the sliding scale provisions of clause 7.2 of the PLEP 2011. The sliding scale provision reduces the FSR of the site to 6:1. The maximum FSR attainable for the site would be 6.9:1 should the 15% bonus FSR be achieved through design excellence under clause 7.10 of the PLEP 2011.
15. The Department's Gateway Determination report considered that the site does not demonstrate any exceptional or unique characteristics that justify exemption from the sliding scale provisions. Further, there are concerns that the proposed urban design outcomes for the site and adjoining sites along Church Street will be compromised should a higher FSR be permitted.
16. The Department's Gateway Determination report also considered the sliding scale provisions reflect the intent of both the Parramatta CBD Planning Strategy (**CBD Planning Strategy**) and CBD planning proposal by providing an incentive to amalgamate smaller sites and achieve larger commercial floorplates, commensurate with Parramatta's status as Sydney's second CBD.
17. The Department's Gateway Review Justification Assessment, dated 15 May 2018, states that the conditions imposed should remain unchanged. The Department did not support the urban design outcome submitted by the Proponent and continues to hold the view that a mapped FSR of 10:1, with the application of the sliding scale provisions in the PLEP 2011, is the most appropriate outcome for the site.

2.1 Referral of Gateway Determination to the Commission

18. On 30 August 2018, the Department referred the Gateway Determination to the Commission as the Proponent sought a review of condition 1.
19. The Proponent requests that the site have a mapped FSR of 10:1 that is exempt from clause 7.2 of the PLEP 2011 (the FSR sliding scale) and that bonus incentives also

apply for the provision of additional commercial floor space and high-performance buildings.

20. To assist the Commission in its review, the Department's referral included the Gateway Determination, the Proponent's request for a Gateway Determination review, the Council's report in response to the Proponent's review request and the Department's Gateway Review Justification Assessment.
21. The Department requested the Commission prepare advice concerning the merits of the request including a recommendation to the GSC confirming whether condition 1 should be retained.

3. THE COMMISSION'S MEETINGS AND SITE INSPECTION

22. As part of Gateway Determination review, the Commission met with various parties and undertook a site inspection. A summary of the meetings and site inspection is set out below.
23. All meeting transcripts and site inspection notes were made available on the Commission's website.

3.1 Meeting with the Department

24. On 28 September 2018, the Department met with the Commission on the Gateway Determination. Key points of discussion included the following:
 - clarification was provided regarding the conditions imposed as part of the Gateway Determination, specifically the requirements specified under condition 1;
 - the Department described the sliding scale provisions that are currently enforced under the PLEP 2011 and how this relates to the site;
 - the Department confirmed that the sliding scale provisions under the PLEP 2011 should continue to apply to small sites to ensure appropriate urban design outcomes and provide an incentive for site amalgamation;
 - the Department described the high performance building bonus and FSR out clause that are contained in the CBD planning proposal and confirmed that these mechanisms are not supported as part of the subject planning proposal; and
 - the status of the CBD planning proposal was provided with the Department advising that it was currently under consideration and was yet to receive a Gateway Determination.

3.2 Meeting with Council

25. On 28 September 2018, Council staff advised the Commission that despite previous resolutions made by Council in support of the planning proposal, Council's current position, as resolved at the 9 April 2018 Council meeting, is that the Gateway Determination is not supported and Council has requested the planning proposal be withdrawn. Key points of discussion included the following:
 - the FSR controls that currently apply to the site under the PLEP 2011 are supported;
 - an explanation of the sliding scale framework under clause 7.2 of the PLEP 2011 was provided (i.e., it is an incentive for smaller sites to amalgamate to benefit from a higher FSR and to achieve better urban design outcomes);
 - clarification regarding the FSR out clause which is proposed as part of the CBD planning proposal, but is not provided for under the PLEP 2011; and
 - previous economic and urban design studies that informed the CBD planning

proposal which sets the vision for the future of the Parramatta CBD in regards to uses and built form controls.

3.3 Meeting with the Proponent

26. On 28 September 2018, the Proponent met with the Commission on its submission to support a Gateway Determination review. Key points of discussion included the following:

- the Proponent considered the conditions imposed on the Gateway Determination would make development of the site unviable and would not achieve a superior built form outcome;
- the Proponent considered there to be strategic merit to increase the FSR of the site to 10:1 (or a maximum FSR of 15:1 including design excellence, high performance building incentives and additional commercial floorspace incentives);
- the Proponent considered it was premature to form the view that a FSR of 10:1 for the site (with additional 'bonus' FSR for design excellence and high-performance buildings) cannot work and that the testing and rigour under Part 3 of the EP&A Act should be allowed to run its course;
- the Proponent considered the same built form and design issues would be present whether the FSR for the site is 6:1 or 10:1;
- the Proponent considered development on the site, as envisaged in the planning proposal, would satisfy the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)* and the Apartment Design Guide and that an acceptable built form and level of amenity can be achieved;
- the Proponent considered that smaller, cheaper floor spaces for boutique commercial uses meets the strategic objectives that the State and Council are trying to achieve by providing a diversity of floor space rates; and
- clarification was provided by the Proponent regarding which conditions are requested for deletion and amendment.

3.4 Site inspection

27. On 28 September 2018, the Commission conducted an inspection of the site. The site inspection provided the opportunity to view the site in the context of the surrounding area and the existing built form. The Commission notes that the site is currently vacant and that the vehicular right of way that forms part of the site provides access to a number of adjoining properties that have frontage to Church Street.

4. ADDITIONAL INFORMATION

28. On 28 September 2018, the Commission received additional information from the Proponent including a copy of the letters to land owners, dated February 2016, in offering to purchase the six adjoining sites located along Church Street, which the Proponent advised had been provided to Council as part of the planning proposal.

29. On 2 October 2018, the Commission requested additional information from the Department including:

- an explanation of the FSR out-clause provided in the CBD planning proposal;
- a copy of the car parking rates listed under clause 7.12 of the PLEP 2011;
- clarification on the sliding scale provisions under clause 7.2 of the PLEP 2011; and
- clarification on the status of the planning proposal following Council's advice that it

no longer supports the Gateway Determination and seeks for the planning proposal to be withdrawn.

30. This information was provided to the Commission on 3 October 2018.
31. On 4 October 2018, the Commission received additional information from Council including the following reports which informed preparation of the CBD planning proposal:
 - the Draft Parramatta CBD Planning Framework: Economic analysis (SGS Economics & Planning, 2014) (SGS); and
 - the Draft Parramatta City Centre Planning Framework Study (Architectus, 2014).
32. All additional information provided to the Commission was made available on the Commission's website from 10 October 2018.

5. THE COMMISSION'S CONSIDERATION

33. In reviewing the Gateway Determination, the Commission has carefully considered the following material (the **Material**):
 - Parramatta CBD Planning Strategy prepared by Council and adopted on 27 April 2015;
 - Planning Proposal for 55 Aird Street, Parramatta prepared by Council and dated August 2017;
 - Planning Proposal for the Parramatta CBD prepared by Council and dated 20 April 2016;
 - Gateway Determination Report prepared by the Department and dated 22 November 2017;
 - Gateway Determination endorsed by the Department (as delegate of the Greater Sydney Commission) and dated 28 November 2017;
 - Submission supporting a Gateway Determination Review prepared by Pacific Planning Pty Ltd and dated 5 February 2018;
 - Gateway Review Justification Assessment prepared by the Department, dated 15 May 2018;
 - Additional information received from the Proponent on 28 September 2018 (refer paragraph 32);
 - Additional information received from the Department on 3 October 2018 (refer paragraph 33); and
 - Additional information received from Council on 4 October 2018 (refer paragraph 34).
34. In undertaking a review of the Gateway Determination, the Commission has considered the strategic and site-specific context of the Gateway Determination

5.1 Strategic Context

Key Strategic Planning Documents

35. The Commission has identified the key strategic planning documents in reviewing the Gateway Determination as follows:

5.1.1 Greater Sydney Region Plan

36. The Greater Sydney Region Plan (**GSR Plan**) integrates land use, transport and

infrastructure planning across Greater Sydney. The Plan aspires to a 30-minute city where jobs, services and quality public spaces are in easy reach of people's homes.

37. The GSR Plan identifies Greater Parramatta as a major metropolitan centre with a particular focus on commercial and employment opportunities. The Plan acknowledges the CBD planning proposal which seeks to amend existing planning controls to strengthen opportunities for the provision of high quality commercial floor space and increase the capacity for new jobs.
38. The GSR Plan also provides for ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population.

5.1.2 Central City District Plan

39. The Central City District Plan (**District Plan**) is a 20-year plan to manage growth in the context of economic, social and environmental matters. The District Plan guides the decisions of State agencies and informs the private sector and the wider community of approaches to manage growth and change.
40. Planning Priority C5 – *Providing housing supply, choice and affordability, with access to jobs, services and public transport* aims to provide capacity for new housing that will benefit from existing and planned infrastructure. The District Plan sets out five-year housing supply targets that reflect the delivery potential under current planning controls, including a minimum target of 21,650 additional dwellings for the Parramatta local government area between 2016 and 2021.
41. Planning Priority C7 – *Growing a stronger and more competitive Greater Parramatta* seeks to reinforce Greater Parramatta as one of Greater Sydney's metropolitan city centres through the provision of increased jobs and creating opportunities for business and investment. The District Plan identifies a 2036 baseline job target of 137,000 and 2036 higher job target of 151,500 (above the 2016 estimate of 81,900 jobs). It also identifies the need for additional A-grade commercial office floor space, which is currently at capacity, to strengthen Parramatta's position as the metropolitan centre of the Central River City.
42. The District Plan acknowledges the CBD planning proposal seeks to create long-term employment opportunities supported by high density residential.

5.1.3 Parramatta CBD Planning Strategy

43. The CBD Planning Strategy provides a vision for the growth of the Parramatta CBD and establishes principles and actions to guide a new planning framework for the CBD. The Strategy informed the preparation of the CBD planning proposal that is currently under consideration by the Department.
44. The CBD Planning Strategy outlines a number of key principles including the promotion of economic diversity and jobs growth, improvements in the quality of urban design and the public domain and the achievement of design excellence.
45. The planning controls established in the CBD Planning Strategy are designed to encourage high-yielding employment uses, ensure a vibrant commercial and business centre as well as an active 24-hour living city environment.

5.1.4 Parramatta CBD Planning Proposal

46. The CBD planning proposal was adopted by Council on 11 April 2016 and is currently being assessed by the Department for Gateway Determination. The planning proposal has been informed by various technical studies and consultation with stakeholders and the community. The planning proposal identifies the need for growth within the Parramatta CBD and outlines new provisions relating to maximum building heights and residential and commercial floorspace.

5.1.5 Parramatta 2038 Community Strategic Plan

47. The Parramatta 2038 Community Strategic Plan is a long-term strategic plan for the City of Parramatta and formalises several transformational ideas for the city. Of relevance is the growth of the Parramatta CBD, which is envisaged to provide for a mix of residential and non-residential uses located in the city centre with access to public transport, shops and community facilities.

Key Matters for Consideration

48. The Commission's key matters for consideration in undertaking the Gateway Determination review related to:

- commercial floor space provisions;
- the existing FSR controls for the site;
- the proposed FSR controls; and
- the FSR out clause contained in the CBD planning proposal.

5.1.6 Commercial floor space

49. The encouragement of new commercial office floor space in the Parramatta CBD is supported by strategic planning policies included in the GSR Plan, District Plan, CBD Planning Strategy and the Parramatta 2038 Community Strategic Plan. In particular, the District Plan identifies the need for additional A-grade commercial office floor space in the Parramatta CBD. Additionally, the economic analysis undertaken by SGS (August 2014), which informed preparation of the CBD planning proposal, recommended minimum non-residential floor space requirements in mixed-use zoned areas to maximise the supply of floor space for employment.

50. The Commission notes that A-grade commercial office space is described in the CBD planning proposal as generally requiring a minimum floorplate of 1,300 m² while most major commercial tenants require a minimum floorplate of at least 1,500 m². The CBD planning proposal therefore contains policies with the intent to attract additional A-grade commercial office floor space and ensuring the Parramatta CBD retains a commercial core. This includes a 3:1 FSR bonus for opportunity sites in the Parramatta CBD, but only where sites are greater than 1,800 m².

51. The planning proposal seeks an additional commercial FSR of up to 3:1 (on top of the 1:1 required within the base FSR). The site area of approximately 658 m² would be unable to contain the minimum floorplate requirements to achieve A-grade commercial office space. This could only be achieved through amalgamation of the site with neighbouring sites. The Proponent indicated in its meeting with the Commission on 28 September 2018 that attempts have been made to amalgamate the site with the

adjoining sites to the east (fronting Church Street) however these attempts have been unsuccessful to date.

52. The commercial offering on the site will be limited without the amalgamation of neighbouring sites. The Commission refers to both the GSC Plan and the District Plan, which identify the need to provide additional commercial office space in the Parramatta CBD to generate employment and provide jobs closer to home. The Commission supports the Department's conclusion in its Gateway Determination report that only a small commercial floorplate can be provided on the site, its recommendation that the 1:1 commercial FSR for the site is adequate, and the retention of condition 1(d) of its Gateway Determination.

5.1.7 Floor space ratio controls

53. The Commission notes that clause 7.2 of the PLEP 2011 provides a sliding scale provision which is a mechanism aimed at providing an incentive to amalgamate smaller sites to achieve the maximum (as mapped) FSR. The sliding scale only applies to sites with a mapped FSR of 6:1, 8:1 or 10:1. The Commission acknowledges that the subject site currently has a mapped FSR of 4.2:1 and therefore the sliding scale provisions do not apply.
54. The Department's Gateway Determination condition 1(b) amends the mapped FSR of the site to 10:1. A mapped FSR of 10:1 enacts the sliding scale provision under clause 7.2 of the PLEP 2011, thereby reducing the FSR of the site to 6:1 (as the site has an area of less than 1,000 m²). Under clause 7.10 of the PLEP 2011, the provision of design excellence for development in the Parramatta CBD allows a 15% increase of the total FSR for a site. In consideration of both clause 7.2 and clause 7.10 of the PLEP 2011, the maximum achievable FSR for the site, as proposed under the Department's Gateway Determination condition 1, is 6.9:1 (including design excellence).
55. The Commission notes that the sliding scale provision is intended to incentivise the amalgamation of smaller neighbouring sites in the Parramatta CBD. Land amalgamation would create larger sites that are expected to achieve better urban design outcomes for both commercial and residential development and are therefore afforded a higher FSR. Further, larger sites in the Parramatta CBD may provide for additional commercial office floor space including the potential for A-grade commercial office floor space, which is consistent with relevant strategic planning objectives for the Parramatta CBD. It also facilitates the development of residential towers on larger sites with appropriately sized floorplates and setbacks to boundaries to achieve an appropriate built form and amenity.
56. The site is identified in the Draft Parramatta City Centre Planning Framework Study (2014) undertaken by Architectus, which informed preparation of the CBD planning proposal, as a site where amalgamation of non-strata sites is required to deliver a potential tower development.
57. The Commission notes the Department's consideration outlined in its Gateway Review Justification Assessment, dated 15 May 2018, that the amalgamation of neighbouring sites is not always possible. While the Proponent advised in its meeting with the Commission on 28 September 2018 that attempts to amalgamate the site have been unsuccessful to date, the Commission supports the Department's conclusion that to adequately justify an exemption from the sliding scale provisions (and thereby enable a higher FSR) it should be demonstrated that amalgamation cannot be achieved for reasons such as physical constraints, the presence of an existing heritage item or

geographical constraints, rather than the adjoining land owners declining an offer to purchase at this point in time.

58. The Commission supports the Department's assessment in its Gateway Determination report that increasing the FSR of the site to 10:1 (or 15:1 including design excellence and high performance building incentives), as proposed in the planning proposal, may in fact deter any future amalgamation of the site due to the probable uplift in value. Further, the Commission finds that the smaller size of the site and the existing physical constraints (including the Westfield Shopping Centre loading dock located adjacent the western site boundary) would be unable to support an FSR of up to 15:1 without compromising future urban design outcomes.

5.1.8 FSR out clause

59. The Commission notes that the CBD planning proposal (currently under the Department's consideration) includes an 'FSR out clause' which allows for the maximum FSR for a site to be achieved (the mapped FSR) and an exemption from the sliding scale provisions under clause 7.2 of the PLEP 2011 (regardless of the site area) provided certain conditions are met.
60. The conditions relate to design excellence, compliance with SEPP 65 and activated street frontages. In the absence of site amalgamation occurring, the Commission supports the Department's assessment that the subject site would be unable to achieve a floorplate area or activated street frontage that would enact the 'FSR out clause'. The Commission also supports the Department's consideration outlined in the Gateway Review Justification Assessment, dated 15 May 2018, that as the proposed policy outcomes included as part of the CBD planning proposal are currently under assessment and have not received a Gateway Determination, it would be premature to pre-empt the Department's determination by applying the principles of the 'FSR out clause' to the site.

5.1.9 Commission's consideration

61. The Commission finds that if the planning proposal were permitted to allow an FSR of 10:1 (or potentially 15:1 including design excellence and high performance building incentives), this would undermine the strategic planning objectives of the GSR Plan and District Plan which identify the Parramatta CBD as a key metropolitan centre that requires additional office floor space, including A-grade commercial office floor space. Further, the Commission finds that urban design outcomes for the site would be compromised should a higher FSR be provided.
62. The Commission supports the Department's conclusions, outlined in paragraphs 52, 57 and 58 above, and supports condition 1(b) of the Gateway Determination to provide a maximum FSR of 10:1 for the site, which would be subject to the sliding scale mechanism under clause 7.2 of the PLEP 2011. The Commission finds that amalgamation of the site (in the future) would result in the most appropriate planning outcome for the site and that the sliding scale mechanism should be applied to provide an incentive for the future amalgamation the site. In the absence of site amalgamation occurring, the sliding scale would achieve an appropriate built form outcome for a smaller, constrained site.

5.2 Site-specific Context

63. The planning proposal conceptualises a 41-storey tower for the site including seven

storeys of above ground car parking, seven storeys of commercial floor space and 26 storeys of residential floor space.

64. After reviewing the Material and undertaking a site inspection, the Commission is not satisfied that the site is able to accommodate a building of the size and scale envisaged in the planning proposal without compromising appropriate urban design outcomes for the following matters:
- the seven storeys of above ground car parking and how this would be adequately 'sleeved' to achieve an appropriate urban design response;
 - the zero lot side setbacks and 120 metre high blank walls that would result in an undesirable built form and separation and amenity issues for the potential redevelopment of sites along Church Street;
 - the amenity of the proposed residential units and consideration of the Apartment Design Guide;
 - vehicular access and egress constraints for any proposed development on the site and particularly for the manoeuvring of service vehicles;
 - impacts on vehicular access and egress arrangements for properties fronting Church Street that make use of the existing right of way that is proposed to be maintained as part of the planning proposal; and
 - lack of opportunity to provide an activated street frontage.
65. The Proponent indicated at its meeting with the Commission on 28 September 2018 that the site-specific concerns would need to be addressed regardless of the site having a maximum FSR of 6:1 or 10:1. Further, the Gateway process does not guarantee a final outcome, and site-specific matters would be subject to further testing through the Part 3 plan making process under the EP&A Act, which would determine the suitability of the site to support a higher FSR.
66. The Proponent also indicated that design solutions to address site-specific issues, such as articulation of the tower's eastern walls and an on-site traffic signal control system, could be further considered.
67. The Commission considers that given the lengthy history of the planning proposal, there has been sufficient time to resolve key design issues. Further, the Commission finds that further design refinements as outlined by the Proponent at its meeting with the Commission on 28 September 2018 would be unlikely to adequately address the issue that the site is too small to accommodate a development of the size and scale envisaged under the planning proposal.
68. The Commission finds that the planning proposal does not sufficiently demonstrate site-specific merit as an appropriate urban design response is unlikely to be achieved by a development on the site with an FSR of 15:1. Furthermore, it accepts the advice of the Department and the Council that an increase in FSR for the site should be available only as an incentive for it to amalgamate with neighbouring sites to achieve a site specific urban design outcome that is more consistent with the strategic direction for future development in Parramatta CBD.

6. THE COMMISSION'S ADVICE

69. The Commission has undertaken a review of the Gateway determination, as requested by the Minister's delegate, as set out in paragraph 18, and provides the following recommendation to the GSC confirming whether condition 1 should be retained.

70. The Commission has reviewed and considered the Material before it, met with the Proponent, the Department and Council and carried out a site inspection.
71. For the reasons set out in paragraph 61, the Commission finds that increasing the FSR controls, as outlined in paragraph 11, would undermine the strategic planning objectives for the Parramatta CBD.
72. For the reason set out in paragraph 62, the Commission finds that the conditions imposed by the Department including a maximum FSR of 10:1, which is subject to the sliding scale provisions under clause 7.2 of the PLEP 2011, are appropriate.
73. For the reasons set out in paragraphs 64, 67 and 68, the Commission finds that the planning proposal does not demonstrate site-specific merit.
74. The Commission advises the GSC that Condition 1 of the Gateway Determination should be retained in its entirety.



Annelise Tuor (Chair)
Member of the Commission



Adrian Pilton
Member of the Commission