

# PLANNING PROPOSAL

355 and 375 Church Street  
Parramatta



**CITY OF  
PARRAMATTA**

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## Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	Ethos Urban	14 November 2019
2.	Proponent	12 May 2020 - Draft in preparation for pre-Gateway report to Local Planning Panel and Council
3	Proponent	16 August 2021 – Draft in response to Department recommendation dated 14 July 2021.

Council versions:

No.	Author	Version
1.	City of Parramatta Council	June 2020 – final version for attaching to pre-Gateway report to Local Planning Panel and Council
2.	City of Parramatta Council	July 2020 – amendments to the Planning Proposal in response to Council’s resolution of 13 July 2020 prior to submitting for Gateway assessment; administrative amendments as required
3.	City of Parramatta Council	September 2021 – review of Proponent version 3 and final version for attachment to Council report recommending a new Planning Proposal
4	City of Parramatta Council	November 2021 – amendments to the Planning Proposal in response to Council’s resolution of 11 October 2021, prior to submitting for Gateway determination

# INTRODUCTION

This planning proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (DP&E) guides, 'A Guide to Preparing Local Environment Plans' (August 2016), 'A Guide to Preparing Planning Proposals' (August 2016) and 'Guidance for merged councils on planning functions' (May 2016).

## Background and context

The subject site is located at 355 and 375 Church Street, Parramatta, on the north-west corner of the intersection of Victoria Road and Church Street, Parramatta; see Figure 1. The legal description is Lot 1 in DP668821 (the southeastern corner lot) and Lot 1000 in DP791977. The site has a total area of approximately 4,796m<sup>2</sup> and is currently occupied by a vacant low-rise retail building on the southeastern corner, with the remainder of the site accommodating an existing McDonald's restaurant and drive-through facility.



 The Site

**Figure 1** – Site at 355 and 375 Church Street, Parramatta subject to the planning proposal

McDonald's has been operating at 355-375 Church Street since 1978, some 43 years. The present McDonald's restaurant building and take away operation is supported by a dual drive-thru facility and approximately 60 at-grade parking spaces. The site also benefits from a high level of

visibility and accessibility, with multiple entries and unrestricted operation (entry/exit) from both Victoria Road and Ross Street.

Under the *Parramatta Local Environmental Plan 2011* the site:

- is zoned B4 mixed use;
- has a maximum building height of 24 metres (northern and western part of the site) and 34 metres (south-eastern corner of the site);
- has a maximum floor space ratio (FSR) of part 3:1 and part 4:1.

In 2015, McDonald's submitted a Development Application (DA96/2015A) for a staged development of the site involving the demolition of existing structures, consolidation and subdivision to create 2 Torrens title allotments, construction of a McDonald's restaurant on proposed Lot A (Stage 1) and concept approval for a future mixed-use development over basement parking on proposed Lot B (Stage 2).

That application was supported by Council and the RMS at the time and was reported to the then Sydney West Joint Regional Planning Panel (the Regional Planning Panel) in November 2015 with a recommendation for approval. The Panel however deferred its formal determination of the matter, noting:

*“The panel considers the development as now proposed is a lost opportunity to present a major architectural feature on this significant site which is located at the intersection of two historical roadways within Parramatta. The Panel acknowledge the Design Excellence Advisory Panel’s opinion that substantial amendment is required to create a building of more appropriate scale and city character in this very significant location of Parramatta, particularly given Parramatta’s role as Sydney’s western CBD.”*

Following this McDonald's entered a joint venture with Stockland (the proponent for the original Planning Proposal) with a commitment to undertake a more comprehensive redevelopment of the site in response to the Regional Planning Panel recommendation. Retention of McDonalds operation on site as part of any future mixed-use scheme is a key requirement of that joint venture agreement. A site-specific Planning Proposal was subsequently prepared and submitted by Stockland on 21 August 2018 to facilitate changes to the LEP that would enable the site to be redeveloped in accordance with the Council's draft controls for the Parramatta CBD, whilst importantly retaining a McDonalds on site.

Following negotiations and some amendments to the Planning Proposal submitted by Stockland, it was presented to and endorsed by Council in July 2020. The endorsed Planning Proposal was then forwarded by Council to the Minister for Planning and Public Spaces (the Minister) in August 2020 for Gateway Determination. The Planning Proposal issued by Council to the Minister sought to introduce site specific local provisions to the Parramatta LEP which contained an incentive height control and an incentive FSR control allowing for a maximum potential of 7.2:1 (including design excellence and high-performance building bonuses). A site-specific parking provision for Take Away Food and Drink Premises was also endorsed by Council and included in the original Planning Proposal, as well as other parking rates consistent with the then-current Parramatta CBD Planning Proposal. This provision was included due to the need to ensure that a viable McDonalds operation could occur on site as part of the future mixed-use scheme.

The original amendments to the Parramatta LEP were sought with the intention of providing a mixed-use residential and commercial tower complex at the site. An indicative development concept was prepared to test the opportunities for built form within the envelopes sought, consisting of a 31-storey mixed-use building that is inclusive of a three (3) to four (4) storey podium and two (2) towers (31 and 28 storeys) over a single basement level for car parking. The



indicative concept that accompanied the Planning Proposal originally submitted by Stockland is shown in Figure 2 below.



**Figure 2** – Indicative design concept

Following submission of the Planning Proposal in August 2020, a Gateway Determination was issued in November 2020 by the Department of Planning, Industry and Environment (the Department). The Gateway Determination endorsed the amendments sought to the Parramatta LEP, except for the site-specific parking provision for Take Away Food and Drink Premises. The Gateway Determination also required inclusion of the neighbouring site at 385 Church St in the Planning Proposal.

This matter was then the subject of a Post Gateway Review that was considered by the Independent Planning Commission (IPC) in April 2021, with the IPC commissioner recommending the Department to amend the Gateway Determination to allow inclusion of the parking rate for Take Away Food and Drink Premises and to remove the condition relating to the neighbouring site. An updated Gateway Determination which reflected the IPC's recommendations was issued by the Department on 13 May 2021.

Concurrent to this site-specific planning proposal process, Council has substantially progressed the Parramatta CBD Planning Proposal which identifies the site as being suitable for increased density to support the future growth of the Parramatta CBD, and which seeks to introduce controls that were also proposed in the site-specific Planning Proposal.

The CBD Planning Proposal was placed on public exhibition from 21 September 2020 to 2 November 2020. Following this some minor adjustments to the CBD Planning Proposal in response to the feedback received. On 15 June 2021, Council resolved to approve the Parramatta CBD Planning Proposal with some minor changes and forward it to the Department of Planning, Industry and Environment (DPIE) for finalisation. This was completed on 1 July 2021.

Given the advanced nature of the CBD Planning Proposal the Department wrote to Parramatta Council on 14 July 2021 asking Council to consider amending the site-specific planning proposal for 355-375 Church Street. An extract from that letter is provided below.

*‘Given the significant milestone of the CBD proposal being submitted for finalisation, I encourage Council to consider refining this planning proposal to relate only to those matters which are not aligned to the CBD proposal.*

*I consider that this would reduce the complexity of the proposal and allow for a more expedient planning process. Refining the proposal also focuses community and Council discussion to the matters under contention while allowing the remaining matters to be addressed through the CBD proposal’s finalisation process.’*

In response to the Department’s recommendations the Planning Proposal has been updated to focus solely on the site-specific parking provision for Take Away Food and Drink Premises, which represents the only point of difference between it and the CBD Planning Proposal.

The updated Planning Proposal was presented to and endorsed by Council on 11 October 2021 to seek a new Gateway determination for a bespoke parking rate for takeaway food and drink premises at this site, but that a drive-through facility associated with a takeaway food and drink premises on the site is not supported as it was considered a drive-through facility would aggravate traffic conditions and is an inappropriate ground level use for a key corner site.

The amendments to the planning controls as they relate to the site will still be delivered as proposed, the only difference being that these changes will be facilitated via two separate LEP amendments, as opposed to being contained entirely within the site specific LEP amendment. The separation of these controls is shown below.

Planning Proposal	LEP Amendments as they relate to 355-375 Church Street
<b>Site Specific Planning Proposal</b>	<ul style="list-style-type: none"> <li>• Site-specific parking rate for Take Away Food and Drink Premises</li> <li>• Not permitting a drive-through facility associated with the Take Away Food and Drink Premises</li> </ul>
<b>Parramatta CBD Planning Proposal</b>	<ul style="list-style-type: none"> <li>• Incentive height control</li> <li>• Incentive floor space ratio control</li> <li>• High performance building clause</li> <li>• Parking rates for residential and non-residential uses</li> </ul>

This Planning Proposal is a result of the findings of the Parramatta CBD Planning Strategy (2015) and Parramatta CBD Planning Proposal (2021), both of which identify the site as being suitable for increased density to support the future growth of Parramatta CBD. This Planning Proposal seeks to amend the LEP to introduce a site-specific parking provision that will enable McDonalds to maintain a viable operation on site, and in doing so unlock the site for future redevelopment in accordance with the vision and proposed controls set in the Parramatta CBD Planning Proposal.



# PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The key objective of this planning proposal is to deliver a parking rate for Take Away Food and Drink Premises that will enable the site's redevelopment to be carried out in accordance with the building controls provided in the Parramatta CBD Planning Proposal.

The intended outcomes of this planning proposal are as follows:

- Enable retention of the existing historical Take Away Food and Drink Premises of the site, but without provision for a drive-through facility.
- To deliver a site-specific parking rate for Take Away Food and Drink premises that halves the amount of car parking on site for this use compared to the existing situation.
- To ensure any future parking provision for Take Away Food and Drink Premises does not result in an unacceptable traffic impact on the local road network.

# PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta LEP 2011 (PLEP 2011)* by way of introducing a site-specific parking provision for Take Away Food and Drink Premises at 355 and 375 Church Street, Parramatta (the site).

In order to achieve these desired objectives, the following amendments to the *PLEP 2011* would need to be made:

1. Introduce a site-specific local provision in Part 7 to enable a site-specific maximum car parking rate for *Take Away Food and Drink Premises* uses as outlined in the example clause below:

## **7.XX Development on land at 355 and 375 Church Street, Parramatta**

1. *This clause applies to land marked “Area #xx” on the Special Provisions Area Map.*
2. *Despite any other provisions of this Plan, the maximum number of car parking spaces for Take Away Food and Drink Premises in a building on land to which this clause applies is as follows:*

*1 parking space / 30 sqm of gross floor area of all Take Away Food and Drink Premises, or a maximum of 30 parking spaces, whichever is less\**

3. *Despite any other provisions of this Plan, development consent must not be granted to development on land to which this clause applies that includes a drive-through facility associated with a Take Away Food and Drink Premises.*

*\*Note: The parking rate described above for Take Away Food and Drink Premises will also have a “sunset” clause which will end the application of this provision after 5 years from the date of notification of the amendment. Once this part of the clause ends, all future development applications will be required to be assessed against the standard parking rate for the relevant use in the Parramatta CBD.*

## **1.1. Other relevant matters**

### **1.1.1. Draft DCP**

A site-specific DCP is being advanced for this site, and the parameters for commencing this process were set out in the pre-Gateway reports to Local Planning Panel and Council. The report to Council in October 2021 which recommends progressing this new Planning Proposal also considered and made recommendations on advancing the site-specific DCP process. Specifically, the recommendation required the preparation of a site-specific DCP in accordance with the following principles:

*Further defining the preferred two-tower scheme, including podium heights and tower setbacks, with a view to minimising any non-compliances with*

*relevant Apartment Design Guide requirements but acknowledging that some non-compliances will remain.*

*Establishing an appropriate relationship to, and mitigating impacts on, proximate heritage items*

*Resolving traffic issues (including sightlines, vehicle queueing, pedestrian safety and minimising any impact of the development on Parramatta Light Rail and the surrounding road network, including restricting turning right from Victoria Road into the site);*

*Requiring that no drive-through facility is provided at the site;*

*Establishing an appropriate relationship to the 385 Church Street isolated site (including built form controls for an unamalgamated scenario, and a direction for an amalgamated scenario that maintains the two towers while seeking to increase inter-building separation and tower setbacks);*

*Appropriately managing the environmental quality impacts of the proposed podium uses (particularly noise, air pollution and odour);*

*Ensuring that footpath widening and the “notch” in the centre of the site are marked appropriately in the DCP to support future public access;*

*Ensuring the building appropriately addresses the potential future through-block link;*

*Require a comprehensive Crime Prevention through Environmental Design (CPTED) report at Development Application stage and ensure that building design implements CPTED principles; and*

*Ensuring that podium landscaping makes a positive contribution to public and private domain.*

# PART 3 – JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the planning proposal.

## 3.1 Section A - Need for the planning proposal

This section establishes the need for a planning proposal in achieving the key outcome and objectives. The set questions address the strategic origins of the proposal and whether amending the LEP is the best mechanism to achieve the aims on the proposal.

### 3.1.1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The primary outcome of this Planning Proposal, which is to provide a site-specific parking rate for Take Away Food and Drink Premises to enable the envisaged mixed use development in line with the built form and density controls provided in the Parramatta CBD Planning Proposal, stems from local and state government strategic plans including the NSW Government's 'A Metropolis of Three Cities – Greater Sydney Regional Plan' (the Regional Plan) and the Parramatta CBD Planning Strategy. The proposal's consistency and alignment to these two strategies, is outlined later in this section of the report.

Council adopted the Parramatta CBD Planning Strategy at its meeting on 27 April 2015. The Strategy is the outcome of a study which reviewed the current planning framework and also a significant program of consultation with stakeholders and the community. The Strategy sets the vision for the growth of the Parramatta CBD. Council has subsequently prepared a CBD-wide Planning Proposal which, as discussed previously in this document, has been endorsed by Council for finalisation and forwarded to the Department.

### 3.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A Planning Proposal seeking to amend the LEP is the most effective way of providing certainty for Council, the local community and the landowner. The commercial parking rate standards that are to be provided under the CBD Planning Proposal do not provide sufficient parking that would enable the existing Take Away Food and Drink Premises, but without a drive-through facility, to remain on site in a redeveloped scenario. The existing owner would therefore be unable to redevelop their land which would result in a significant missed opportunity to redevelop a large strategic site in the Parramatta CBD that will be instrumental in catalysing renewal for the CBD area north of the Parramatta River.

## 3.2. Section B – Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents. Questions in this section consider state and local government plans including the Greater Sydney Commission's *Greater Sydney Region Plan* and District Plans, State Environmental Planning Policies, local strategic and community plans and applicable Ministerial Directions.

### 3.2.1. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft

**plans or strategies)?**

**A Metropolis of Three Cities**

In March 2018, the NSW Government released the *Greater Sydney Region Plan: A Metropolis of Three Cities* (“the GSRP”), a 20 year plan which outlines a three-city vision for metropolitan Sydney for to the year 2036.

The GSRP is structured under four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are 10 directions that each contain Potential Indicators and, generally, a suite of objective/s supported by a Strategy or Strategies. Those objectives and or strategies relevant to this planning proposal are discussed below.

**Liveability**

An assessment of the planning proposal’s consistency with the GSRP’s relevant Liveability objectives is provided in Table 3a, below.

**Table 3a – Consistency of planning proposal with relevant GSRP Actions – Liveability**

Liveability Direction	Relevant Objective	Comment
Housing the city	<b>O10:</b> Greater housing supply	The control introduced by this planning proposal will enable the site’s future development in line with the Parramatta CBD Planning Proposal and in doing so will contribute to delivering housing targets in the Central District and facilitate the Greater Parramatta Growth area. Consistent with the objective it will link the delivery of new homes in the right locations with local infrastructure evidenced by the proximity of the proposal to the Parramatta Light Rail.
	<b>O11:</b> Housing is more diverse and affordable	The planning proposal will enable the site’s future development in line with the Parramatta CBD Planning Proposal which in turn will facilitate a diversity of housing types, sizes and price points that can help improve affordability. It will increase the supply of housing that is of universal design and adaptable to people’s changing needs as they age which is increasingly important across Greater Sydney.

**Productivity**

An assessment of the planning proposal’s consistency with the GSRP’s relevant Productivity objectives is provided in Table 3b, below.

**Table 3b – Consistency of planning proposal with relevant GSRP Actions – Productivity**

Productivity Direction	Relevant Objective	Comment
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<b>A well connected city</b>	<b>O14:</b> The plan integrates land use and transport creates walkable and 30 minute cities	The planning proposal will enable the site’s future development in line with the Parramatta CBD Planning Proposal and in doing so will attract housing in the Parramatta Metropolitan centre to create walkable, cycle-friendly neighbourhoods. Specifically, the site is in the Parramatta CBD and therefore provides future residents with excellence access to jobs and services, well below 30 minutes.
	<b>O15:</b> The Eastern, GOP and Western Economic Corridors are better connected and more competitive	The planning proposal will enable the site’s future development in line with the Parramatta CBD Planning Proposal and in doing so provide an outcome consistent with this objective and which will contribute to delivery of the Greater Parramatta and Olympic Peninsula (GOP) vision. The planning proposal will unlock the ability for the site to deliver new housing and business opportunities in the GOP area directly adjacent to the future Parramatta Light Rail.
<b>Jobs and skills for the city</b>	<b>O22:</b> Investment and business activity in centres	The planning proposal and the proposed controls under the Parramatta CBD Planning Proposal will work in unity to create the conditions for residential development within the Parramatta strategic centre within walking distance of the CBD core.

### Central City District Plan

In March 2018, the NSW Government released *Central City District Plan* which outlines a 20 year plan for the Central City District which comprises The Hills, Blacktown, Cumberland and Parramatta local government areas.

Taking its lead from the GSRP, the *Central City District Plan* (“CCDP”) is also structured under four themes relating to Infrastructure and Collaboration, Liveability, Productivity and Sustainability. Within these themes are Planning Priorities that are each supported by corresponding Actions. Those Planning Priorities and Actions relevant to this planning proposal are discussed below.

#### Liveability

An assessment of the planning proposal’s consistency with the CCDP’s relevant Liveability Priorities and Actions is provided in Table 4a, below.

**Table 4a – Consistency of planning proposal with relevant CCDP Actions – Liveability**

Liveability Direction	Planning Priority/Action	Comment
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<p><b>Housing the city</b>  <b>O10:</b> Greater housing supply  <b>O11:</b> Housing is more diverse and affordable</p>	<p><b>PP C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</b></p> <ul style="list-style-type: none"> <li>• <b>A16:</b> Prepare local or district housing strategies that address housing targets [abridged version]</li> </ul>	<p>The planning proposal will provide a parking provision for the site that will unlock the ability for the site to be redeveloped in accordance with the proposed controls under the Parramatta CBD Planning Proposal. In doing so it will support an outcome consistent with the Planning Priority and actions by facilitating new housing supply and choice which will put downward pressure on affordability. The site is in a key location that will be close to jobs, service and public transport.</p> <p>Importantly, the planning proposal supports the appropriate land use planning of sites proximate to new public infrastructure, ensuring good utilisation of land.</p>
<p><b>A city of great places</b>  <b>O12:</b> Great places that bring people together  <b>O13:</b> Environmental heritage is identified, conserved and enhanced</p>	<p><b>PP C6: Creating and renewing great places and local centres, and respecting the District’s heritage</b></p> <ul style="list-style-type: none"> <li>• <b>A18:</b> Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by (a-e)</li> <li>• <b>A20:</b> Use place-based planning to support the role of centres as a focus for connected neighbourhoods</li> <li>• <b>A21:</b> In Collaboration Areas, Planned Precincts and planning for centres (a-d)</li> <li>• <b>A22:</b> Use flexible and innovative approaches to revitalise high streets in decline.</li> </ul>	<p>The planning proposal will provide a site-specific parking provision that works in conjunction with the controls proposed under the Parramatta CBD Planning Proposal to facilitate renewal of a strategic site in Parramatta CBD. It will enable revitalisation of the locality that will be activated by high quality spaces that will engage with the community.</p>

### Productivity

An assessment of the planning proposal’s consistency with the CCDP’s relevant Productivity Priorities and Actions is provided in Table 4b, below.

**Table 4b** – Consistency of planning proposal with relevant CCDP Actions – Productivity

Productivity Direction	Planning Priority/Action	Comment
<p><b>A well-connected city</b>  <b>O19:</b> Greater Parramatta is stronger and better connected</p>	<p><b>PP C7: Growing a stronger and more competitive Greater Parramatta</b></p> <ul style="list-style-type: none"> <li><b>A23:</b> Strengthen the economic competitiveness of Greater Parramatta and grow its vibrancy [abridged]</li> </ul>	<p>The planning proposal will provide a site-specific parking provision that will unlock the site for redevelopment in accordance with the proposed controls under the Parramatta CBD Planning Proposal. In doing so it will support an outcome that is consistent with the Parramatta CBD Planning Proposal and will contribute to a stronger and more competitive Parramatta by facilitating a high-quality development in a key strategic location.</p>
<p><b>O14:</b> The plan integrates land use and transport creates walkable and 30 minute cities</p>	<p><b>PP C9: Delivering integrated land use and transport planning and a 30-minute city</b></p> <ul style="list-style-type: none"> <li><b>A32:</b> Integrate land use and transport plans to deliver a 30-minute city</li> </ul>	<p>The planning proposal and Parramatta CBD Planning Proposal will work in unity to facilitate housing and jobs in a location close to public transport, consistent with the principles of the 30-minute city.</p>

### NSW State Plan 2021

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The planning proposal is consistent with the revised NSW State Plan 2021 in that it will work in conjunction with the Parramatta CBD Planning Proposal to create a development that will:

- Create construction jobs
- Contribute to housing supply
- Encourage business investment in the Parramatta City Centre
- Develop a high-quality development in proximity to new infrastructure delivered by the NSW Government, including the Parramatta Light Rail Network.

### Future Transport Strategy 2056

The Future Transport Strategy is a 40-year strategy to achieve the Government’s vision for the city’s transport system. The planning proposal is consistent with the Strategy as it will enable the site to be redeveloped in accordance with the proposed controls under the Parramatta CBD Planning Proposal and in doing so will:

- Integrate land use and transport by increasing density directly adjacent to the future Parramatta Light Rail line on Church Street
- Improve liveability by providing housing and jobs close to high quality, reliable public transport
- Improve sustainability by locating jobs and homes close to public transport which will reduce reliance on private motor vehicles and encourages active transport.

#### 3.2.1. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The following local strategic planning documents are relevant to the planning proposal.

### **Parramatta Community Strategic Plan,2018-2038**

Parramatta 2018-2038 is a long term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The plan identifies priorities and aspirations for the next 20 years and provides a road map how to get there.

This planning proposal will work in conjunction with the proposed controls under the Parramatta CBD Planning Proposal to deliver a future development outcome that is consistent with the strategies and key objectives identified in the Plan, including its key vision for a thriving CBD, that is vibrant, attractive and safe, by facilitating the future provision of a higher density development at 355 and 375 Church Street that exhibits design excellence. It is also consistent with the identified long-term community goals to be “fair”, “accessible” and “green”, as any future development scheme for the site will increase energy and water efficiency, increase walking/cycling/public transportation usage, and improve housing affordability and diversity.

### **Parramatta Local Strategic Planning Statement**

The Parramatta Local Strategic Planning Statement (LSPS) entered into effect on 31 March 2020, becoming the primary strategic planning document defining Council’s long-term vision for land use and infrastructure provision within the LGA and giving guidance to its future character. Local Strategic Planning Statements are statutory requirements under the EP&A Act (updated at least every seven years), giving effect to the *Greater Sydney Region Plan, Central City District Plan* and other strategies such as *Future Transport 2056* and the State Infrastructure Strategy.

The LSPS is a formal matter for consideration for any future rezoning of sites within the LGA. The LSPS will also inform the future revision of Council’s LEP and DCP controls. This planning proposal will provide a site-specific parking provision that will enable the site to be redeveloped in line with the Parramatta CBD Planning Proposal which is consistent with the relevant Planning Priorities of the finalised LSPS, including that of the following:

- Expand Parramatta’s economic role as the Central City of Greater Sydney
- Focus housing and employment growth in the GPOP and Strategic Centres
- Provide for a diversity of housing types and sizes to meet community needs into the future
- Build the capacity of the Parramatta CBD, Strategic Centres, and Employment Lands to be strong, competitive and productive

### **Parramatta Local Housing Strategy**

The Parramatta Local Housing Strategy was exhibited in conjunction with Council’s Local Strategic Planning Statement and Community Infrastructure Strategy for six weeks from September to November 2019. The Strategy was approved by Council in July 2020 and then approved by the Secretary, Department of Planning, Industry and Environment on 29 July 2021.

The planning proposal will work in conjunction with the Parramatta CBD Planning Proposal to deliver a project that is consistent with the overarching aims and objectives of the Local Housing Strategy, including that of the following:

- Housing delivery complements, not compromises, the economic significance of the City

- Additional housing is focussed in identified growth precincts and is aligned and sequenced with existing transport and capacity improvements
- Housing supports the key essential services in the City through striving for housing affordability.

The Local Housing Strategy, in addition to the *Central City District Plan*, identifies the need for 83,975 new dwellings to be constructed within the LGA between the years of 2016 and 2036. The indicative development concept of this planning proposal will contribute towards meeting this target, by providing an additional 346 apartments (subject to final designs and Development Application approval).

### **Parramatta CBD Planning Strategy**

The vision and objectives in the Parramatta CBD Planning Strategy were prepared to reflect Council's vision for how the objectives in *A Plan for Growing Sydney* will be achieved in the Parramatta CBD. This planning proposal together with the proposed controls from the Parramatta CBD Planning Proposal will facilitate a future development outcome on the site that is consistent with the principles of the Parramatta CBD Planning Strategy as it will:

- Integrate appropriate land use, density and transport at a strategically important site
- Contribute toward the additional 27,000 additional jobs and 7,500 additional dwellings identified
- Provide financial contribution toward community infrastructure
- Provide value uplift sharing as a result of the incentive floor space
- Enable delivery of a built form outcome that can achieve design excellence and slender tower forms
- Renew an underutilised site in a key location that will improve the public domain.

### **Parramatta CBD Planning Proposal**

The City of Parramatta has expressed clear ambitions to provide for an expanded and more intense commercial core and to support the CBD as a vibrant centre by surrounding the core with higher density mixed use. The commissioning of the Parramatta CBD Planning Strategy lead to the establishment of a vision for growth, including principles and actions to guide a new planning framework and an implementation plan for delivery. This Planning Strategy has been translated into the Parramatta CBD Planning Proposal, against which this planning proposal is generally consistent.

### **Parramatta Community Infrastructure Strategy**

The Parramatta Community Infrastructure Strategy July 2020 outlines the City of Parramatta Council's long-term direction for community infrastructure provision. It will be used by Council to identify priorities for future community infrastructure, direct sound decision making about planning, funding, delivering and negotiating for community infrastructure.

The Strategy outlines ways in which community infrastructure can be integrated within development. In preparing the original Planning Proposal for the site, Stockland submitted an indicative development concept that considered how the McDonalds drive-through could be adapted in the future where it is no longer required, as a way to respond to community requirements in the future.

Council's resolution of October 2021 does not support the proposed drive-through facility associated with the take away food and drink premises and the principles of a site-specific DCP were amended to reflect this resolution thereby removing the adaptive re-use requirement.



### Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

The proposed site specific parking provision under this planning proposal will work in conjunction with the proposed controls under the Parramatta CBD Planning Proposal to deliver a mixed-use development consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation (2019) Plan as it will:

- Contribute to the additional 20,297 housing and 48,763 jobs forecast for the Parramatta CBD District
- Locate new housing and jobs in an urban renewal area that takes advantage of the opportunities the new Parramatta Light Rail will provide
- Provide financial contributions through value uplift sharing that will contribute toward Council infrastructure needs

At the time of writing, the GSC recommendations on the GPOP PIC had been considered by Government who are now moving into the next phase of implementation for GPOP being a Strategic Plan. The Strategic Plan for GPOP replaces the Greater Parramatta Interim Land Use and Implementation Plan (LUIIP), which is currently supported and given strategic weight through a Ministerial 9.1 Direction. Information on the NSW Government website indicates that work on the Strategic Plan for GPOP is expected to start in 2021 in close collaboration with City of Parramatta and other councils within the GPOP area and will be publicly exhibited to encourage community input into the future vision for GPOP. Council awaits any advice from the Department about this issue in relation to the Parramatta CBD Planning Proposal and this site-specific Planning Proposal.

#### 3.2.2. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site (refer to Table 5 below).

**Table 5 – Consistency of planning proposal with relevant SEPPs**

State Environmental Planning Policies (SEPPs)	Consistency: Yes = ✓ No = x N/A = Not applicable	Comment
SEPP No 1 Development Standards	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	Not relevant to proposed LEP amendment
SEPP 6 – Number of Storeys in a Building	N/A	Not relevant to proposed LEP amendment
SEPP 33 – Hazardous and Offensive Development	N/A	Not relevant to proposed LEP amendment
SEPP No 55 Remediation of Land	✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.

SEPP 60 – Exempt and Complying Development	N/A	Not relevant to proposed LEP amendment
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed LEP amendment
SEPP No 65 Design Quality of Residential Flat Development	✓	Nothing within this amendment will prevent a future DA's ability to comply with SEPP 65.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed LEP amendment
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed LEP amendment
SEPP (BASIX) 2004	✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.
SEPP (Exempt and Complying Development Codes) 2008	N/A	Not relevant to proposed LEP amendment
SEPP (Infrastructure) 2007	✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.
Sydney Regional Environmental Plan No 18– Public Transport Corridors	N/A	This SEPP is not applicable to the subject land under Clause 1.9 of the Parramatta LEP 2011.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	Not relevant to proposed LEP amendment
SEPP (Urban Renewal) 2010	✓	The Planning Proposal will assist the Parramatta CBD Planning Proposal to deliver an optimal development outcome for the site which will in turn stimulate broader renewal within Parramatta and contribute to the employment and job targets for the area.

### 3.2.3. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)

In accordance with Clause 9.1 of the *EP&A Act 1979* the Minister issues directions for the relevant planning authorities to follow when preparing planning proposals for new LEPs. The directions are listed under the following categories:

- Employment and resources
- Environment and heritage
- Housing, infrastructure and urban development
- Hazard and risk
- Local plan making
- Metropolitan planning

The following directions are considered relevant to the subject Planning Proposal.

**Table 6 – Consistency of planning proposal with relevant Section 9.1 Directions**

Relevant Direction	Comment	Compliance
<b>1. Employment and Resources</b>		
Direction 1.1 – Business and Industrial Zones	While the planning proposal does not seek to amend the B4 Mixed Use zoning, the planning proposal will facilitate a site-specific parking provision for Take Away Food and Drink Premises that will work in conjunction with proposed controls under the Parramatta CBD Planning Proposal to deliver a mixed-use development consistent with this direction in that it retains a zoning that permits all types of commercial premises with consent.	Yes
<b>3. Housing, Infrastructure and Urban Development</b>		
Direction 3.1 - Residential Zones	The planning proposal is consistent with the objectives of this direction as it will work with the proposed controls under the Parramatta CBD Planning Proposal to facilitate a development that will increase residential densities and housing choice in a location that is close to public transport, shops, employment and recreational opportunities.	Yes
Direction 3.4 - Integrating Land Use and Transport	<p>This Direction applies due to this planning proposal relating to a residential zone. The Direction states that a planning proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul> <p>The planning proposal is broadly consistent with the aims, objectives and principles of the above documents in that it deliver a site-specific parking provision for Take Away Food and Drink Premises which will assist the Parramatta CBD Planning Proposal to deliver an optimal development which will provide residential accommodation in an area well serviced by public transport.</p>	Yes
<b>4. Hazard and Risk</b>		
Direction 4.1 - Acid Sulfate Soils	Parramatta LEP 2011 contains acid sulphate soils provisions and this proposal does not seek to amend them. Acid sulphate soils investigations and analysis will accordingly be undertaken as part of any future development of the land in accordance with the requirements of the LEP.	Yes
Direction 4.3 - Flood Prone Land	<p>A draft LEP may be inconsistent with the requirements of this direction if it “is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.”</p> <p>Flood Advice for the site has been prepared that confirms the site is located on the fringe of the PMF extent, is not in a floodway and will not result in significant flood impacts to other properties. Furthermore, while the subject site is located within the extent of the PMF Direction 4.3 states that this is</p>	Yes

	permitted where any development proposal is prepared in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.  The indicative development concept is in accordance with the requirements of The Floodplain Risk Management Plan for the Upper Parramatta River Catchment and therefore the planning proposal is consistent with the requirements of Direction 4.3.	
<b>5. Local Plan Making</b>		
Direction 6.1 – Approval and Referral Requirements	This planning proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.2 – Reserving Land for Public Purposes	This planning proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.	Yes
Direction 6.3 – Site Specific Provision	Site specific amendments to the LEP are sought, to deliver a site-specific parking provision for Take Away Food and Drink Premises, and not permitting a drive-through facility associated with a take away food and drink premises on the site.	Yes
<b>6. Metropolitan Planning</b>		
Direction 7.1 - Implementation of A Plan for Growing Sydney	The planning proposal will work in conjunction with the proposed controls under the Parramatta CBD Planning Proposal to deliver a development which is consistent with the Metropolitan Plan, as discussed in above.	Yes
Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	The planning proposal is consistent with the Interim Plan.	Yes

### 3.3. Section C – Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

#### 3.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is located within a highly modified urban environment and does not contain critical habitat or threatened species, populations or ecological communities, or their habitats.

#### 3.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

##### Parking Issues

The Planning Proposal proposes establishing a specific parking rate for the Take Away Food and Drink Premises. This parking rate is supported on the following basis:

- a. There is a shared vision for this site, which is to see it redeveloped in line with the Parramatta CBD Planning Proposal (with which the proposal is otherwise consistent);
- b. Feasibility pressures are acknowledged, i.e. the blanket commercial parking rate formula otherwise applied in the Parramatta CBD Planning Proposal would make this development unviable in the short term. It is considered that car parking vs. active transport is one of many “transitional” issues facing the City as it assumes the role of Sydney’s Central City over the coming years. In other words, the viability of this development as proposed at present remains dependent on vehicle traffic. However, it is considered that the business model for this and many other vehicle-dependent businesses will necessarily rebalance toward active transport in coming years as (a) new public transport infrastructure comes on line and (b) a mix of public and active transport modes become the most viable transport option in to, out of and around the Parramatta CBD (given the significant increases in development).
- c. The proposed rate results in a decrease of approximately 50% in on-site parking associated with this use, and the traffic report states that the net result of the development will be a reduction in vehicle traffic during the peak. For further discussion of traffic and parking issues refer to **Appendix 1**, Updated Transport Report, August 2020 and **Appendix 2** Traffic and Parking Advice, February 2020.
- d. Appropriate limits can be applied to the proposed rate at clause drafting stage, as follows:
  - i. Structuring the control to limit the parking to 1 space / 30 sqm or 30 spaces, whichever is less. This ensures that the number of spaces is capped at the 30 spaces, even if the size of the use increases at DA stage. It will also scale down the number of spaces if the size of the restaurant ends up being smaller than currently anticipated.
  - ii. Placing a 5-year “sunset” clause on this parking rate, after which time the control would revert to the blanket commercial rate applied to the rest of the commercial uses through the Parramatta CBD Planning Proposal process. This ensures that, should the Applicant not gain planning permission for development within 5 years of finalising this LEP amendment, the parking question would be reconsidered. During that time, it is anticipated that Council will have established a final parking rate regime through the finalisation of the CBD Planning Proposal, and by which time development feasibility calculations may have changed based on transport mode shifts in the CBD.

The proposed site-specific parking provision has been the subject of a prior Post Gateway Review that was considered by the Independent Planning Commission (IPC) in April 2021. Following consideration of the matter the IPC commissioner recommended that the Department allow inclusion of the proposed parking rate for Take Away Food and Drink Premises.

The IPC’s determination (**Appendix 3**) on this matter was also informed by correspondence received from Transport for NSW (**Appendix 4**), which advised:

*“Based on the capped parking for the takeaway food and drink premises and parking for the remainder of any future development on the site being in accordance with the Parramatta CBD Planning Proposal controls, it is agreed that the site-specific implications of the proposal will not likely have any significant material consequences for the surrounding transport network operations.”*

The proposed site-specific parking rate is therefore considered to be acceptable on this basis.

### 3.3.3. How has the planning proposal adequately addressed any social and economic effects?



The Planning Proposal will deliver a site-specific parking provision for Take Away Food and Drink Premises that will enable McDonalds to maintain a commercially viable operation on site as part of a new mixed use development, and in doing so will unlock the site for redevelopment in accordance with the proposed built form controls under the Parramatta CBD Planning Proposal. The site's redevelopment will result in positive social and economic effects for the local area through the generation of local employment opportunities during construction and operation. It will improve local facilities, employment opportunities, increase housing stock close to public transport and amenities, provide greater housing choice as well as improve public domain facilities and the pedestrian interface with surrounding streets.

Additionally, the site-specific parking provision balances the requirements of the tenant and the public and will deliver an optimal outcome by decreasing on-site parking associated with this use by 50% and ensuring the net result of the future development will be a reduction in vehicle traffic during peak periods. Furthermore, a 5-year "sunset" clause can be issued on this parking rate to ensure that it doesn't last in perpetuity and that the proposed CBD commercial parking rates are reinstated in the future.

### 3.4. Section D – State and Commonwealth Interests

#### 3.4.1. Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to a range of existing services. Any future DA on the site will include further investigations to determine whether any upgrade of existing facilities will be required. These items would be appropriately addressed at DA stage.

#### 3.4.2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the State and Commonwealth public authorities will be undertaken as required by the Gateway determination.

It is worth noting that consultation was held with TfNSW in early 2021, culminating in them issuing a letter (**Appendix 4**) to the Department with regards to the proposed site-specific parking rate for takeaway food and drink premises. In that letter Transport for NSW state:

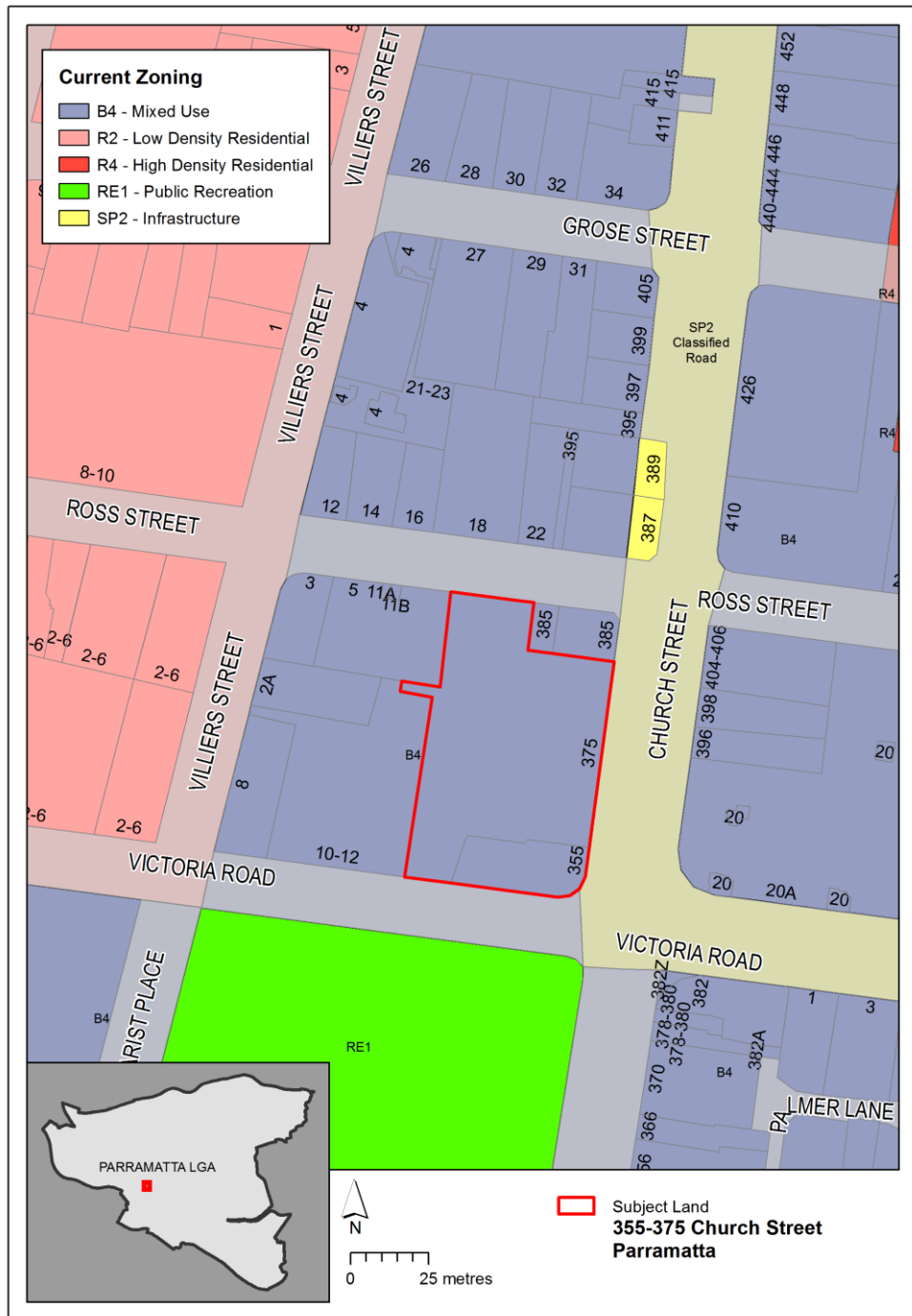
*"Based on the capped parking for the takeaway food and drink premises and parking for the remainder of any future development on the site being in accordance with the Parramatta CBD Planning Proposal controls, it is agreed that the site-specific implications of the proposal will not likely have any significant material consequences for the surrounding transport network operations."*

TfNSW did also note in the letter that it reserves the right to provide further comments on the planning proposal from a traffic and transport perspective once it has been updated. Accordingly, it is intended that further consultation will occur once the Planning Proposal is placed on public exhibition.

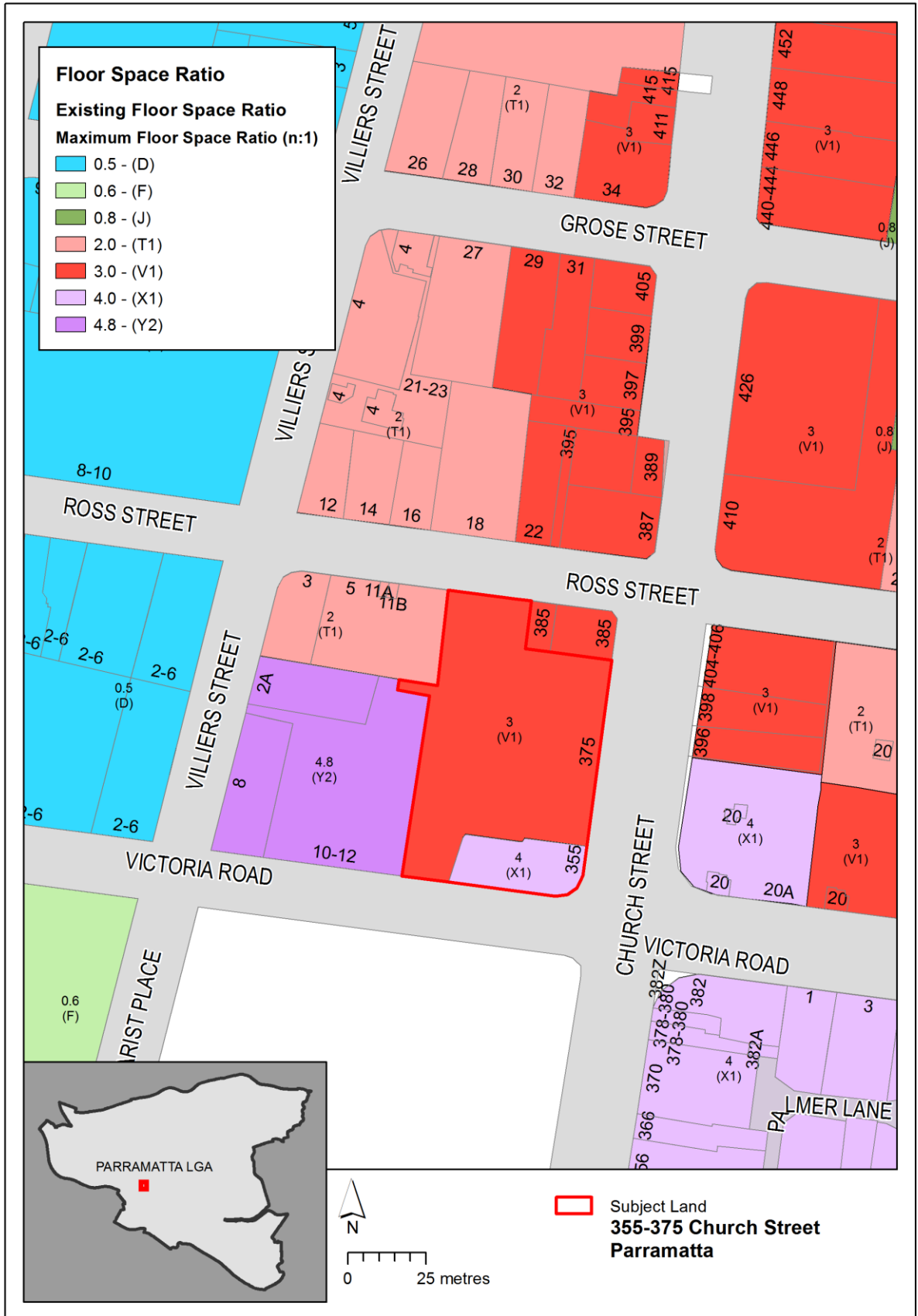
# PART 4 – MAPPING

Extracts of the current maps - Zoning, Height of Building, Floor Space Ratio, Heritage and Key Sites, Special Provisions and Sun Access Protection Maps are shown below followed by the change required to facilitate this Planning Proposal on the Key Sites, Special Provisions and Sun Access Protection Map.

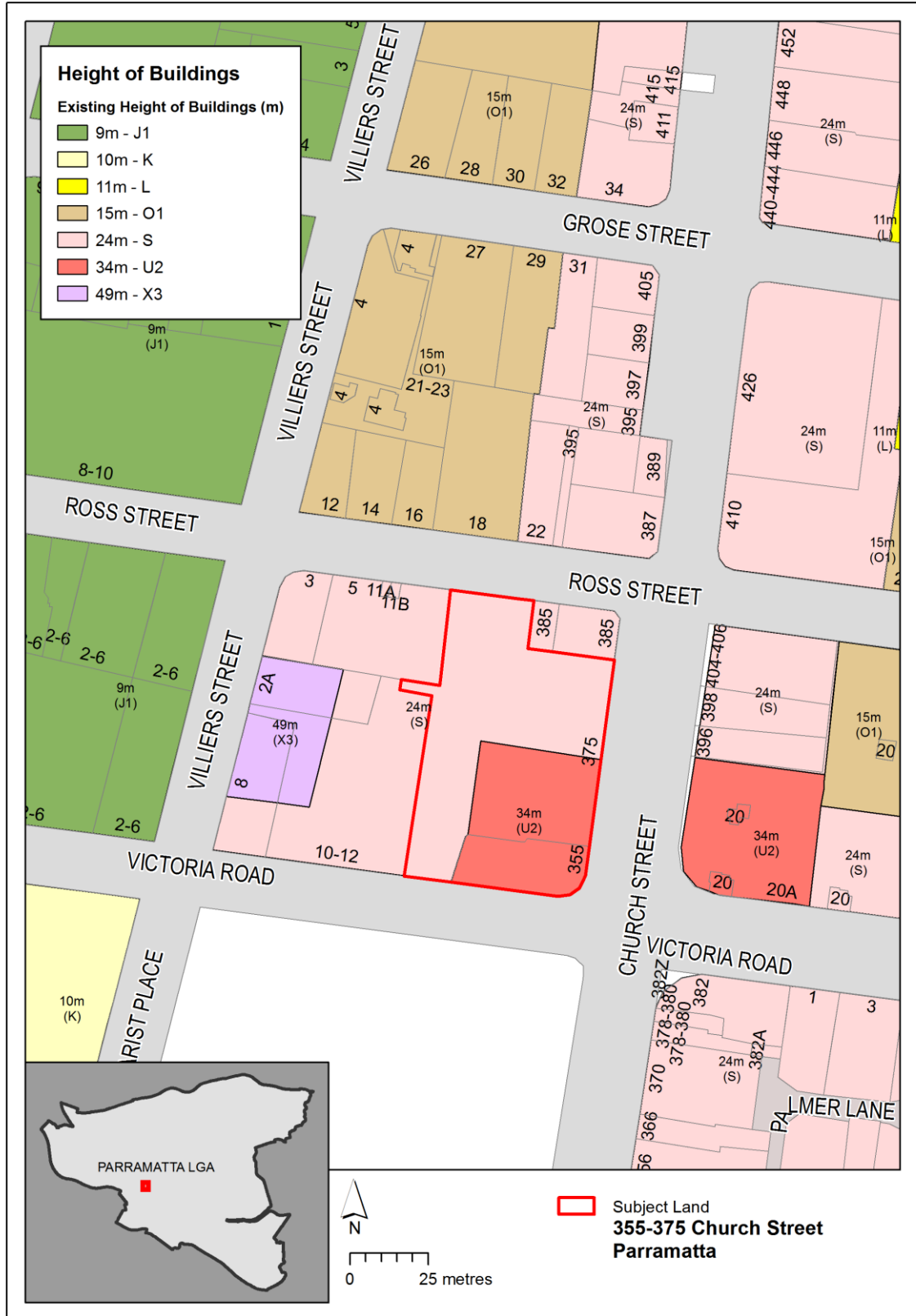
## Current Land Use Zoning Map: B4 Mixed Use



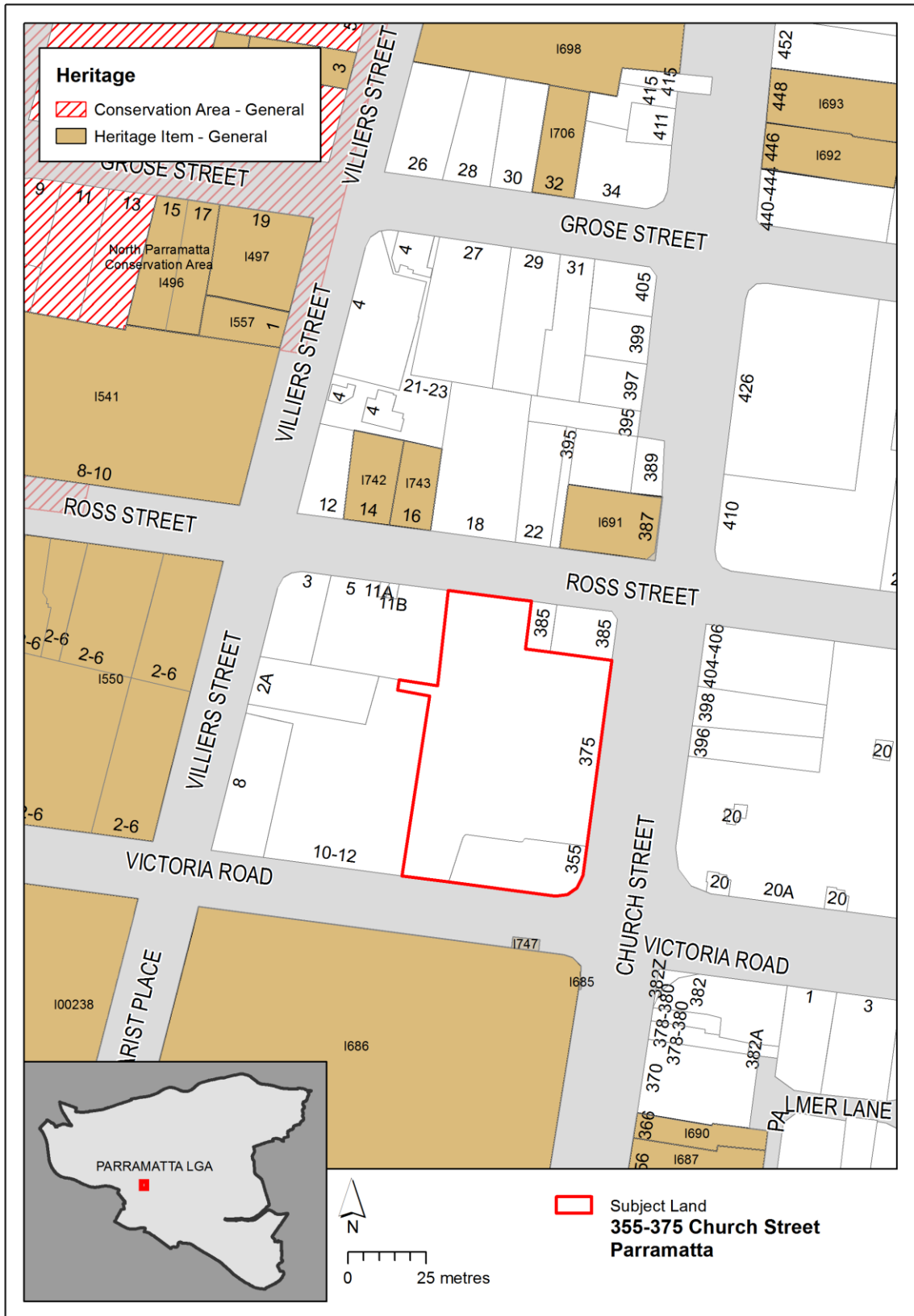
Current FSR Map: part 3:1, part 4:1



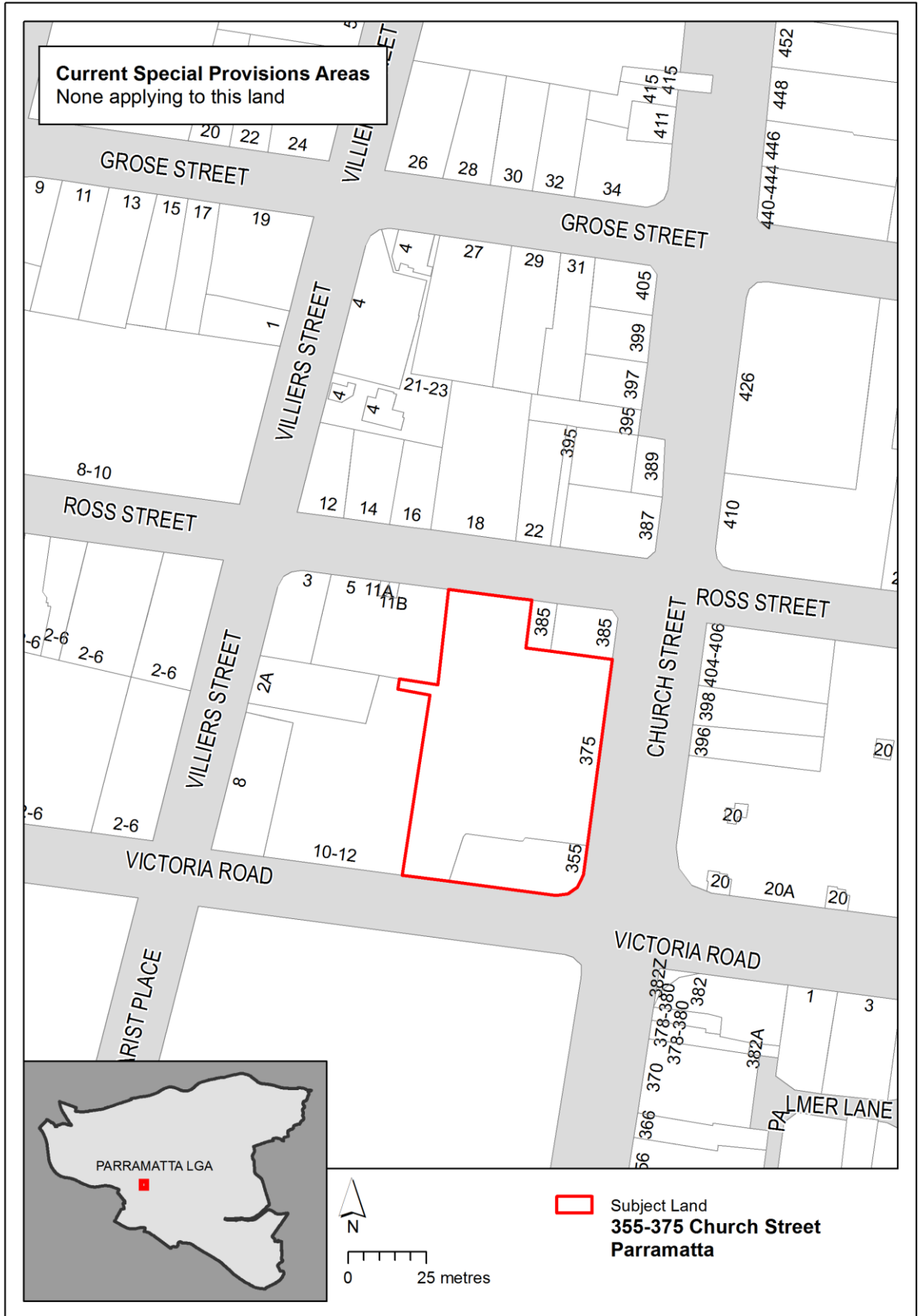
**Current Height of Buildings Map: part 24m, part 34m**



### Current Heritage Map



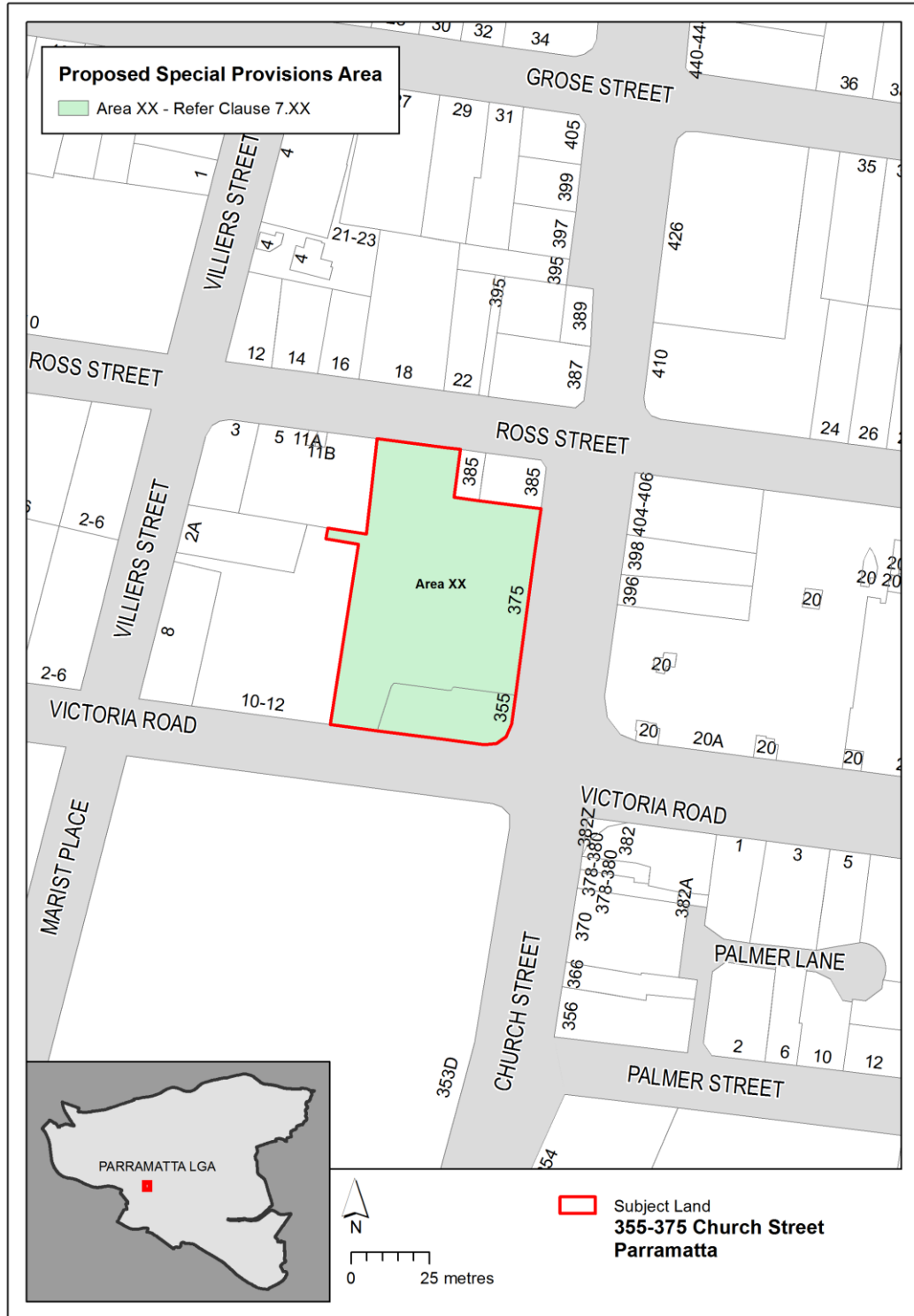
### Current Key Sites, Special Provisions and Sun Access Protection Map





### Changes to Key Sites, Special Provisions and Sun Access Protection Map

This Planning Proposal proposes to introduce a site-specific clause to give effect to the planning controls changes sought. The mapping notation that responds to this is addition of the site to the Key Sites, Special Provisions and Sun Access Protection Map, as illustrated below. The area number and clause reference will be finalised closer to the end of the process, taking into account any other amendments that have been made in the meantime.



# PART 5 – COMMUNITY CONSULTATION

The planning proposal (as revised to comply with the Gateway determination as necessary) is to be publicly available for community consultation.

Pending any relevant restrictions relating to COVID-19, it is expected that public consultation will include:

- display on Council's website;
- hard-copy display in Council's central library and customer contact centre; and
- written notification to adjoining and nearby landowners.

The Gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies.

Consistent with sections 3.34(4) and 3.34(8) of the *EP&A Act 1979*, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

# PART 6 – PROJECT TIMELINE

Once the planning proposal has been referred to the Minister for review of the Gateway Determination, and the updated proposal receives a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal’s process.

Table 7 below outlines the anticipated timeframe for the completion of the planning proposal.

**Table 7 – Anticipated timeframe to planning proposal process**

MILESTONE	ANTICIPATED TIMEFRAME
Report to Council regarding a new Planning Proposal	Early October 2021
Referral to Minister for a new determination	November 2021
Date of issue of the Gateway determination	December 2021
Commencement and completion dates for public exhibition period	February 2022
Commencement and completion dates for government agency notification	February 2022
Consideration of submissions and post-exhibition report to Local Planning Panel	March/April 2022
Post-exhibition report to Council	May 2022
Submission to the Department to finalise the LEP	June 2022
Notification of instrument	July 2022

## **List of Appendices**

***Appendix 1 – Updated Transport Report***

***Appendix 2 – Traffic and Parking Advice***

***Appendix 3 – IPC Gateway Determination Advice Report***

***Appendix 4 – TfNSW Letter***