



Planning,
Industry &
Environment

IRF21/1519

Gateway determination report – PP-2021-3263

Amendment to Schedule 1 of the Parramatta Local
Environmental Plan 2011 64 Victoria Road, North
Parramatta 2151

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Planning Proposal (Dated August 2020)
Attachment B - Parramatta Local Planning Panel Meeting Minutes (Dated 16 February 2021)
Attachment C - City of Parramatta Council Meeting Minutes (Dated 22 March 2021)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Parramatta Council
PPA	City of Parramatta Council
NAME	Amendment to Schedule 1 of the Parramatta Local Environmental Plan 2011 (0 homes, 0 jobs)
NUMBER	PP-2021-3263
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2011
ADDRESS	64 Victoria Road, North Parramatta 2151
DESCRIPTION	Lot 1 DP662142
RECEIVED	28/04/2021
FILE NO.	IRF21/1519
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of this planning proposal is to permit ‘*take away food and drink premises*’ as an additional permitted use (limited to a maximum gross floor area of 100m²).

1.3 Explanation of provisions

The proposal’s objective will be achieved by the following amendments to the Parramatta LEP 2011 (PLEP 2011):

- amend Schedule 1 Additional Permitted Uses to permit ‘*take away food and drink premises*’ as an additional permitted use (limited to a maximum gross floor area of 100m²).

It is noted that the planning proposal does not include an intention to amend the Additional Permitted Uses Map (Sheet APU_010). PLEP 2011 typically includes mapping for additional permitted uses where the application extends beyond a single lot or cannot be easily described by address or legal description. It is noted this approach has some limitations where a lot may be subdivided or amalgamated and the description is no longer correct. Council has indicated that the new Parramatta LEP will map all additional permitted uses for this reason and for greater

transparency and as such it is suggested that this proposal be amended to also identify the site on the APU map. A condition of Gateway determination is included to require this change.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site is located at 64 Victoria Road, North Parramatta, known as Lot 1 DP662142, refer to Figure 1. The site currently comprises of a 60m² food and drink premises and a 140m² dwelling house with 295m² parking at the rear which has been on the site since the early 1900s. The site is located on the northern side of Victoria Road which provides access to parking at the rear of the site, plus a loading area.

The subject site is zoned R3 Medium Density Residential under PLEP 2011. The site is surrounded on three sides by a range of residential dwellings. Directly to the west is Parramatta park (1km) and Westmead Hospital (2.5km). The site is located near multiple bus stops with a wide range of bus routes. The nearest railway station is Parramatta (2km) to the south where the Parramatta CBD provides a variety of commercial and retail offerings.



Figure 1 Street view of the subject site (Source: Google 2021)



Figure 2 Aerial photograph of the site context (Source: Nearmap 2021)

1.5 Mapping

The planning proposal includes mapping of the current *PLEP 2011* controls that apply to the site, which are suitable for community consultation. Amendments to the Additional Permitted Use map are required and should be included in the planning proposal in Part 4 Mapping.



Figure 3 Example of Proposed Additional permitted use map

2 Need for the planning proposal

The planning proposal responds to an Order and appeal in the Land and Environment Court regarding the use of the site for a takeaway food and drink premises. Council notes that while a development consent was issued for the use of a pizza shop in 2007, this was not enacted, and the use has since become prohibited. Despite this, the building has been occupied by various food and drink premises and the planning proposal seeks to permit this use which will then be further considered through a development application.

The planning proposal is the best means of enabling the amendment of *Schedule 1* of the *PLEP 2011* to permit 'take away food and drink premises' as an additional permitted use (limited to a maximum gross floor area of 100m²) on the subject site.

3 Strategic assessment

3.1 District Plan

The Central City District Plan is the applicable plan for the City of Parramatta. It responds to the vision and actions of A Metropolis of Three Cities – A Greater Sydney Region Plan. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities as outlined in Table 3 below. The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979.

Table 3 District Plan assessment

District Plan Priorities	Justification
PP C3: Provide services and social infrastructure to meet people's changing needs	The proposed use allows for the existing premises to continue to provide employment opportunities and food services for the local community.
PP C8: Delivering a more connected and competitive GPOP Economic Corridor	<p>The proposal seeks to formalise an existing use which is supported by existing infrastructure and supply chains. The use supports the needs of the local community and does not undermine existing centres within GPOP.</p> <p>The proposal notes that the use provides employment for the local area, aligning with the aspirations for employment within the Parramatta LGA set by Council's Economic Development Plan.</p>

3.2 Local

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

Table 4 Local strategic planning assessment

Local Strategies	Justification
Parramatta 2038 Community Strategic Plan	Parramatta 2038 is a long-term Community Strategic Plan for the City of Parramatta and it links to the long-term future of Sydney. The proposal supports the Plan's vision for local employment and vibrant neighbourhoods.

Parramatta Local
Strategic Planning
Statement

The City of Parramatta Council Local Strategic Planning Statement (LSPS) sets out the long-term vision for land use planning within the City of Parramatta local government area (LGA) and provides a local response to the District Plan.

The LSPS does not contain specific direction for this proposal, but the permitted use contributes toward economic and employment opportunity within the LGA.

3.3 Section 9.1 Ministerial Directions

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

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1: Business and Industrial Zones	Yes	<p>This Direction seeks to ensure that business and industrial uses occur in the right places, are not diminished and do not impact the viability of existing centres.</p> <p>The proposal seeks to allow for a business use within an existing residential area. While the use is otherwise not permitted, it has been operating on site for some time. The use is proposed to be limited to 100m² which will ensure that it does not undermine the viability of other centres in the location.</p> <p>The proposal is considered consistent with the Direction as the use is in a suitable location and does not impact other centres.</p>
Direction 3.1: Residential Zones	Yes	<p>The Direction seeks to encourage housing choice and diversity and ensure residential development makes efficient use of infrastructure, while minimising impact on the environment.</p> <p>The site is currently zoned R3 Medium Density Residential and is located on the northern side of Victoria Road, a busy road with a range of residential dwellings surrounding it. The proposal does not seek to amend the zoning but will allow an additional commercial use. The proposal seeks to formalise the current 60m² food and drink premises and does not reduce the permissibility of residential uses or density of the land.</p> <p>It is considered that the proposal is consistent with the objectives of the Direction.</p>
Direction 3.4: Integrating Land Use and Transport	Yes	<p>The Direction seeks to reduce travel demand and support public transport services and freight movement. The proposal achieves the objectives by formalising a small commercial use that will provide local jobs and reduce the need to travel to other services.</p> <p>The proposal is considered consistent with this Direction.</p>

Direction 4.1: Acid Sulfate Soils	Yes	<p>The objective of this Direction is to avoid adverse impacts of the use of land which may contain acid sulfate soils.</p> <p>The site is mapped as Class 5, being land with a lower probability of acid sulfate soils being present. The proposal does not seek to intensify the use of land, rather to allow an additional permitted use which will likely be sought within existing buildings.</p> <p>The proposal is considered consistent with the Direction.</p>
Direction 6.3: Site Specific Provisions	No	<p>The Direction seeks to remove complexity in the planning system through restrictive site specific provisions.</p> <p>The proposal seeks to allow a specific additional use and impose a limit on the size of that use. While the proposal is inconsistent with the Direction it is considered to be of minor significance as it provides some flexibility in achievable outcome while facilitate the formalisation of the existing use.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Exempt and Complying Development Codes) 2008	To provide exempt and complying development codes that have State-wide application.	Consistent	Future development may seek to use this planning pathway for approval.
SEPP (Infrastructure) 2007	To improve regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services.	Consistent	The site adjoins a main road and development may require future consideration under the SEPP.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Critical habitats or threatened species	The proposal suggests that as the site is located within an urban environment it is unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats. The proposal seeks to allow an additional use which is likely to utilise the existing building on site.
Traffic and Transport	Council has indication they are satisfied with the access and parking outlined for future development. It is recommended that consultation with Transport for NSW occur as part of the public exhibition.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Amenity Impact	The proposal notes that due to the site's location within an established residential area, amenity impacts may arise. Further consideration of impacts can be considered through the development application process and may be addressed through additional conditions of consent.
Economic Impact	<p>The Department notes the long-standing previous use of the site as a takeaway food and drink premise and the established supply chains that are supported by the on-going operation of the business on this site. The current food and drink premise serves nearby businesses, employees and residents in the local area.</p> <p>The Department is not aware of any implications of the ongoing operation of this business that would hinder the economic development of nearby premises and given the small scale of the proposal, it is unlikely to have any adverse impacts on the Parramatta CBD and North Parramatta commercial precincts.</p>

4.3 Infrastructure

The proposal does not intend to facilitate any new development, rather the planning proposal will facilitate an additional permitted use within the existing building.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. The exhibition period proposed is considered appropriate and forms the conditions of the Gateway determination. Council should consider the impacts of COVID-19 on the proposed community consultation activities. A condition has been recommended in response to this.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for New South Wales (TfNSW)

6 Timeframe

Council proposes a six month timeframe to complete the LEP.

The Department recommends a time frame of nine months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates. It is noted that Council will need to update the project timeline included in the planning proposal.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

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

As the planning proposal is of a minor scale, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal does not have any significant adverse environmental, economic, social or infrastructure impacts;
- the proposal is consistent with the District and local plans; and
- the proposal will assist in the creation of vibrant neighbourhoods and growing local jobs as it formalises the use of the site as a '*food and drink premises*' close to public transport and in proximity to the local community it will serve.

9 Recommendation

It is recommended that the delegate of the Secretary agree that any inconsistency with Direction 6.3: Site Specific Provisions is considered minor and justified in accordance with the Direction.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated and amended to:
 - a) include reference to amending the Additional Permitted Use map in the explanation of provisions and include draft mapping;
 - b) revise Part 5 *Community Consultation* to reflect the current notification and exhibition arrangements during the COVID-19 pandemic;
 - c) include a revised project timeline.
2. Consultation is required with Transport for New South Wales (TfNSW).

3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must commence public exhibition within two months from the date of the Gateway determination.
5. The planning proposal must be reported to Council for final consideration within six months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be nine months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



19/05/2021

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19 May 2021

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