

INNOVATIVE

ITEM NUMBER	17.7
SUBJECT	FOR APPROVAL: Planning Proposal and associated processes - 355 & 375 Church St, Parramatta (Deferred Item)
REFERENCE	F2021/00521 - D08243011
REPORT OF	Team Leader –Land Use Planning
LANDOWNER:	Stockland Development Pty Ltd
APPLICANT:	McDonald's Australia Ltd

WORKSHOP/BRIEFING DATE: 22 September and 6 October 2021

NOTE: THIS ITEM WAS DEFERRED FROM THE 27 SEPTEMBER COUNCIL MEETING FOR A COUNCILLOR WORKSHOP.

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL:

DA/96/2015 – Staged development involving a redeveloped McDonald's restaurant and concept approval for a future mixed-use development; the Sydney West Joint Regional Planning Panel deferred its formal determination on this matter, and the application was withdrawn May 2016.

PURPOSE:

The purpose of this report is to:

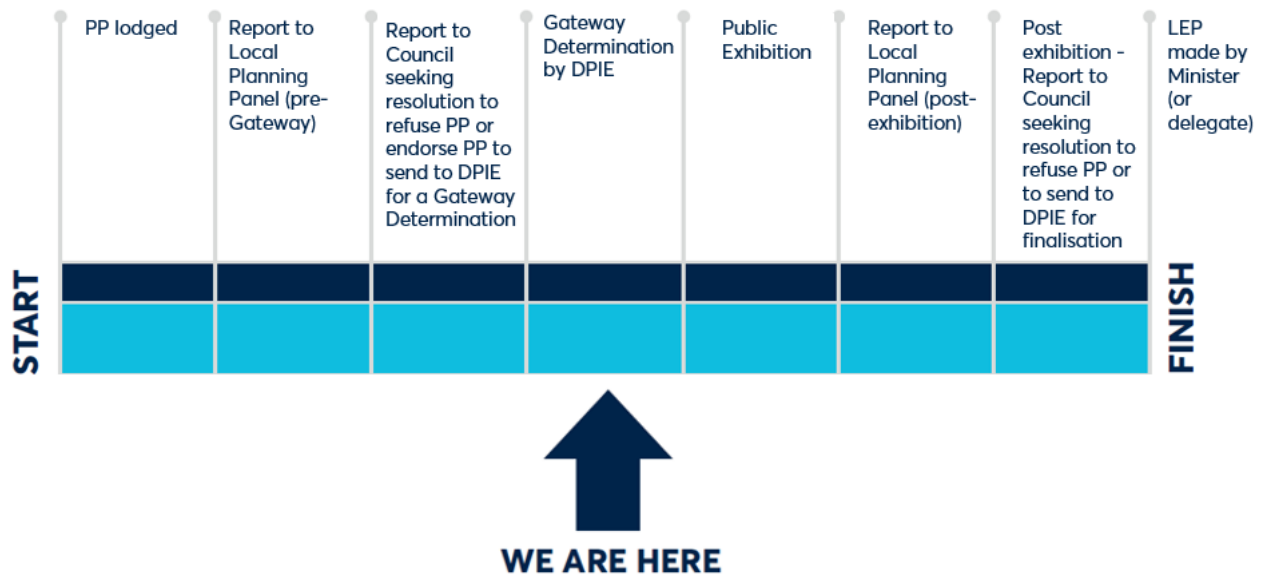
- Recommend next steps for the Planning Proposal and associated Draft Development Control Plan and Planning Agreement at 355-375 Church St, Parramatta, and
- Address traffic and parking issues raised when Council considered this matter at it's meeting on 27 September 2021 (Item 17.2).

RECOMMENDATION

- (a) **That** Council note the correspondence from the Department of Planning, Infrastructure and Environment (DPIE) summarised in this report regarding this Planning Proposal.
- (b) **That** the existing Planning Proposal for 355-375 Church St, Parramatta be amended to remove provisions consistent with the CBD Planning Proposal, while retaining the provision pertaining to a bespoke parking rate for take away food and drink premises at this site.
- (c) **That** the amended Planning Proposal (as at **Attachment 1**) be resubmitted to the DPIE as a new Planning Proposal seeking a new Gateway determination.
- (d) **That**, pending a new Gateway determination from DPIE in line with the amendments outlined in (b) above, Council:
 - 1 advise DPIE that it no longer wishes to pursue the existing Planning Proposal process, as the amended Planning Proposal described above will replace it as a new Planning Proposal, and
 - 2 exhibit the Planning Proposal.

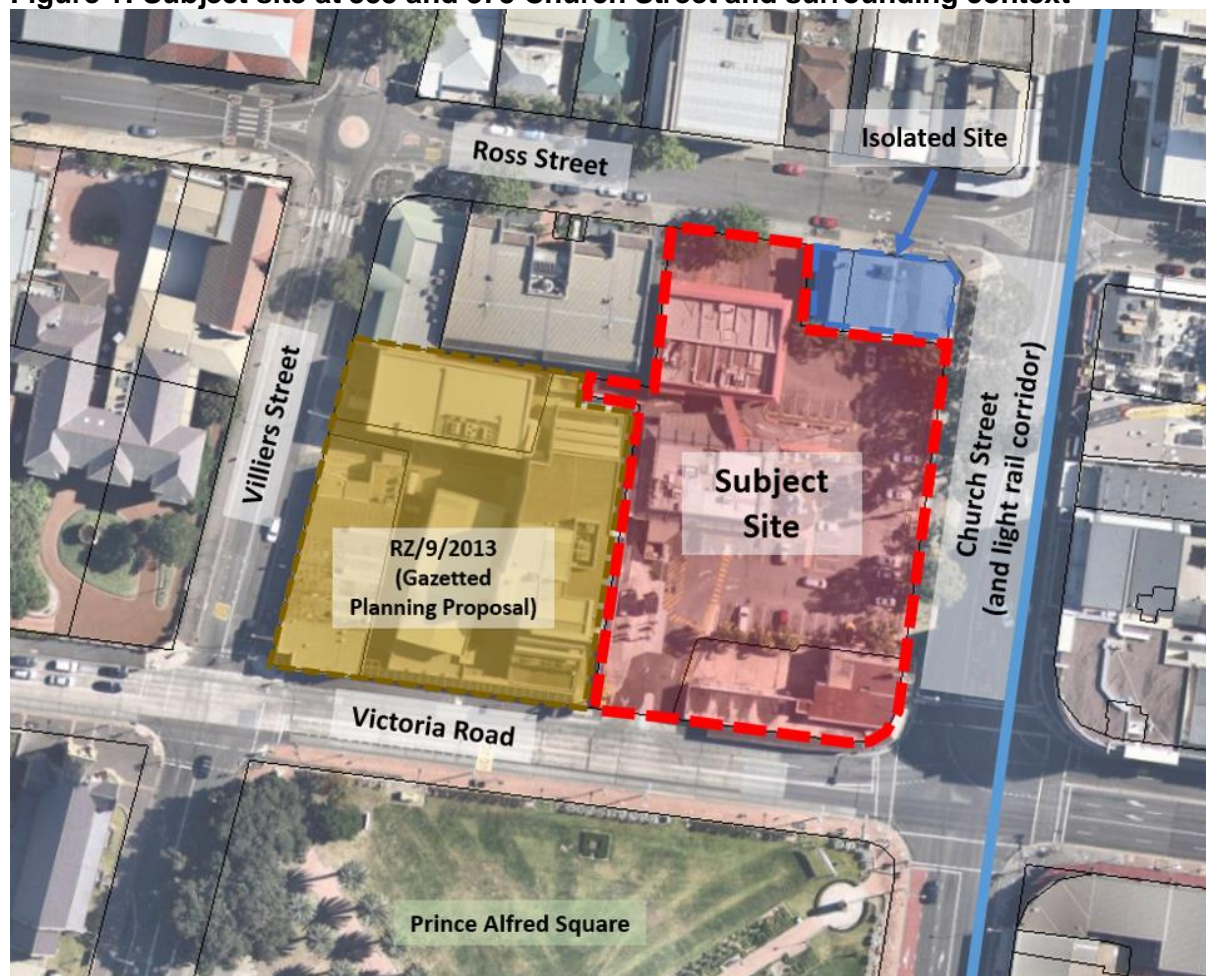
- (e) **That** negotiation of a Planning Agreement at this site cease, recognising that infrastructure contributions for this site will instead be made as part of a future Development Application (DA) in line with the relevant Contributions Plan in place for the CBD at that time.
- (f) **That** Council officers prepare a draft Development Control Plan (DCP) and it be endorsed under delegation by the Chief Executive Officer for the purpose of public exhibition in accordance with the following principles:
- 1 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;
 - 2 Establishing an appropriate relationship to, and mitigating impacts on, proximate heritage items;
 - 3 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);
 - 4 Demonstrating adaptive re-use potential of the drive-through facility and at least some of the parking spaces proposed;
 - 5 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);
 - 6 Appropriately managing the environmental quality impacts of the proposed podium uses (particularly noise, air pollution and odour);
 - 7 Ensuring that footpath widening and the “notch” in the centre of the site are marked appropriately in the DCP to support future public access;
 - 8 Ensuring the building appropriately addresses the potential future through-block link;
 - 9 Require a comprehensive Crime Prevention through Environmental Design (CPTED) report at Development Application stage and ensure that building design implements CPTED principles; and
 - 10 Ensuring that podium landscaping makes a positive contribution to public and private domain.
- (g) **That**, prior to exhibition of the draft DCP, Council consult with the landowners of 385 Church Street on the draft DCP about the controls pertaining to their land.
- (h) **That** the exhibition of the Planning Proposal and DCP need not occur concurrently.
- (i) **Further, that** Council delegates to the Chief Executive Officer to make any changes of a minor, administrative and/or non-policy nature that may arise during progression of the relevant Planning Proposal.

PLANNING PROPOSAL TIMELINE



SITE DESCRIPTION AND SURROUNDS

1. Council is processing a Planning Proposal for land at 355-375 Church St, Parramatta (shown in **Figure 1**).

Figure 1: Subject site at 355 and 375 Church Street and surrounding context

Source: Council's internal mapping with annotations from Council officers

2. Existing development on the site includes a retail/commercial building (corner of Victoria Road/Church Street), a McDonald's restaurant (including surface parking and drive-through with vehicle access to both Victoria Road and Ross Street) and a two-storey office building (facing Ross Street).
3. The site is adjacent to the Parramatta Light Rail (PLR) Stage 1 corridor running North-South along Church Street. The site is directly across Victoria Road from the State Heritage Item Prince Alfred Square. It is also near a number of other State and Local listed items, including State Heritage Item *St Patrick's Cathedral, presbytery and precinct (and potential archaeological site)*.
4. The Planning Proposal site does not include 385 Church Street, located at the southwest corner of the Ross/Church Street intersection. The existing development at 385 Church Street is a three-storey retail/commercial building.

COUNCIL'S PREVIOUS CONSIDERATION OF PLANNING PROPOSAL

5. Council considered the initial assessment of this Planning Proposal on 13 July 2020 and resolved (amongst other things) to send the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination.
6. The Planning Proposal that Council endorsed was generally consistent with the provisions of the Parramatta CBD Planning Proposal, with the exception that it established a bespoke parking rate for the land use "Takeaway Fast Food and

Drink Premises” at this site. The provisions included as part of the Planning Proposal sent for Gateway determination are summarised as follows:

- a. Height: consistent with the Prince Alfred Square Solar Access Plane.
 - b. FSR: 7.2 FSR [comprising 6:1 Incentive FSR control, 0.9:1 Design Excellence bonus, and 0.3:1 [or 5%] High Performing Buildings bonus].
 - c. Residential and commercial parking rates consistent with the CBD Planning Proposal.
 - d. Bespoke parking rate for *Takeaway Food and Drink Premises* land use as follows: 1 parking space per 30 sqm of gross floor area of all Takeaway Food and Drink Premises, or a maximum of 30 parking spaces, whichever is less, as well as a sunset clause ending the application of this provision after 5 years from the date of notification of the amendment.
7. On 13 July 2020, Council also resolved to prepare a draft Development Control Plan (DCP) and draft Planning Agreement for this site.
8. On 27 September 2021, Council considered a report on the amended Planning Proposal and resolved to *defer consideration of this matter to a Councillor Workshop to seek clarity on parking rates, the drive through and the traffic study*. **Attachment 3** contains additional information on these matters which will be discussed at a Councillor Workshop prior to this meeting and **Attachment 4** contains three traffic and parking reports submitted by the applicant which are included in the Planning Proposal documentation. **Attachment 5** contains the Independent Planning Commission Gateway Determination Advice Report which accepted the findings of the Traffic and Parking Advice (copy provided in **Attachment 4**).

GATEWAY DETERMINATION AND POST GATEWAY REVIEW PROCESS

9. The Planning Proposal received a Gateway determination from DPIE on 13 November 2020. The Gateway determination required changes to the Planning Proposal that conflicted with the position supported by Council and the Applicant on two key matters, namely in that its conditions required:
- a. inclusion of the neighbouring isolated site (385 Church St); and
 - b. removal of the parking rate for *Takeaway Fast Food and Drink Premises* land use.
10. In response to the Gateway determination, the Applicant pursued a Post-Gateway Review process through the Independent Planning Commission (IPC) to amend both of the abovementioned Gateway conditions. The IPC ultimately supported the Council and Applicant supported position, with its advice finding that the Gateway determination should be altered to remove both conditions.
11. DPIE considered the IPC’s advice, and issued a revised Gateway determination (“Gateway alteration”) on 13 May 2021 which removed the abovementioned conditions. Issuance of the Gateway alteration “unlocked” the processes of drafting a DCP and Planning Agreement, and these processes commenced shortly thereafter.

GATEWAY ALTERATION TIMEFRAME

12. The Gateway alteration referred to above also set a timeframe for various stages of the Planning Proposal process as follows:
 - a. Exhibition by 30 June 2021
 - b. Reported to Council for finalisation by 31 October 2021
 - c. Finalised by 31 December 2021.
13. This timeframe was not achievable, particularly given Council's policy stance that site-specific Planning Proposals not be exhibited unless accompanied by any relevant DCP and Planning Agreement. Council officers and the Applicant both communicated to DPIE that the timeframe set in the Gateway alteration was not reasonable and requested that a more realistic timeframe be set.
14. Council subsequently received correspondence from DPIE (dated 14 July 2021) to the effect that - given the Parramatta CBD Planning Proposal has been submitted for finalisation - DPIE encourages Council to consider refining this proposal to relate only to those matters which are not aligned to the CBD Planning Proposal.

COUNCIL OFFICER RECOMMENDATION

15. Council officers agree with DPIE's stance outlined above, and recommend as follows for the Planning Proposal and its accompanying processes:
 - a. Planning Proposal: The Planning Proposal should be simplified by removing those controls which are consistent with the CBD Planning Proposal (as at **Attachment 1**) and resubmitted to DPIE as a new Planning Proposal seeking a new Gateway determination.
 - b. Planning Agreement: There is no longer a need for a Planning Agreement at this site as Council has recently resolved to move away from the former Community Infrastructure ("value sharing") framework for the CBD (which depended on Planning Agreements as the delivery mechanism). The delivery of the non-monetary elements originally sought in the Planning Agreement process can be supported by DCP controls instead and development contributions payable.
 - c. DCP: A DCP should still be advanced to address unique site-specific issues as provided in the recommendation of this report. Council's previous principles resolved for the DCP should be revisited and updated based on the progress of the DCP drafting process so far.
16. **Attachment 2** contains further details on Council officer's analysis and recommendation on each of the points outlined in Paragraph 14 above.

CONSULTATION & TIMING

Stakeholder Consultation

17. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
May 2021	Council's Open Space team	City Planning discussed with Council's Open Space team the timing and scope of works for	This report recommends that Planning Agreement negotiations cease. If the Applicant	City Planning

		improvements to Prince Alfred Square (as Council and the Applicant have discussed for some time the potential of applying contributions from this development site towards that project).	communicates a preference for dedicating funds to Prince Alfred Square and this aligns with Council's priorities at DA stage, this issue can be resolved at that time by works provided being offset against development contributions requirements.	
Extensive consultation May-Sept 2021	Applicant	Summary of key consultation outcomes are discussed in this report.		City Planning
17 June 2021	Heritage Committee	Council's Heritage Committee was given a brief update on project status, which at that time was that the draft DCP and Planning Agreement were begin negotiated. It was noted that the Committee would be notified of forthcoming exhibition. The Committee did not provide any comments specifically on this project.	The Committee will be notified when the Planning Proposal and/or DCP are on exhibition.	City Planning

Councillor Consultation

18. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Councillor Briefing on 22 September 2021		Issues raised concerning the proposed drive through and vehicle access from Victoria Road	Information sent to Councillors on 24 September 2021	City Planning
Councillor Briefing on 6 October 2021	This report was finalised before the briefing			City Planning

FINANCIAL IMPLICATIONS FOR COUNCIL

19. In response to the new contributions framework that Council is progressing for the CBD, this report recommends that Planning Agreement negotiations at this site cease and that infrastructure contributions instead take place at DA stage.

Therefore, there are no significant financial implications as a result of this report or the Planning Proposal which it contemplates.

20. Pending a future DA process or processes (the timing and nature of which is unknown), it is expected that Council would receive development contributions in line with the relevant contributions framework in place at that time.
21. As Council officers had undertaken initial action towards negotiating a Planning Agreement for this site in line with Council's previous resolution, there will be nominal legal fees (estimate: approx. \$2,000) that would be recouped from the Applicant that will be covered in existing Council budget allocations.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil			
Funding Source	NA			
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil			
Funding Source	NA			

Janelle Scully
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Group Manager, City Planning

Richard Sheridan
Chief Financial Officer

Jennifer Concato
Executive Director City Planning and Design

Brett Newman
Chief Executive Officer

ATTACHMENTS:

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| 2 | ATTACHMENT 2 - FURTHER INFORMATION - COUNCIL OFFICER ANALYSIS AND RECOMMENDATIONS | 6
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| 3 | ATTACHMENT 3 - FURTHER INFORMATION ON TRAFFIC AND ACCESS ISSUES | 5 |
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| 4 | ATTACHMENT 4 - TRAFFIC AND PARKING REPORTS - Appendices 1, 2 and 4 | 40 |
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| 5 | ATTACHMENT 5 - TRAFFIC AND PARKING REPORTS - IPC Gateway Determination Advice Report - Appendix 3 | 15 |
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REFERENCE MATERIAL