



Request for Rezoning Review

PP-2024/3: Planning Proposal to introduce Additional Permitted Use at No 1 Highworth Avenue, Bexley

McDonald's Australia Limited

Prepared by:

SLR Consulting Australia Pty Ltd

SLR Project No.: 610.032979.00001

9 July 2025

Revision: 1.0

Revision Record

Revision	Date	Prepared By	Checked By	Authorised By
1	9 July 2025	Melanie Dow	Steve O'Connor	Jarrold Dixon

Basis of Report

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with McDonald's Australia Limited (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.



Executive Summary

This Rezoning Review Request has been prepared by SLR Consulting Australia Pty Ltd (SLR) on behalf of our client, McDonalds. This Rezoning Review Request is in support of Planning Proposal Ref. PP-2024/3 at Lot 26 of DP8760, No 1 Highworth Avenue, Bexley 2207 (the Site).

The Planning Proposal was submitted to Bayside Council, seeking an Additional Permitted Use (APU) in Schedule 1 of the Bayside Local Environmental Plan (BLEP) 2021 for a *Takeaway Food and Drink premises*.

The Rezoning Review Request is submitted to the Department of Planning, Housing and Infrastructure for consideration and referral to the Sydney Eastern City Planning Panel (SECPP) in accordance with the Rezoning Review Requirements found within the NSW Local Environmental Plan Making Guidelines (the Guidelines), dated August 2023. In particular, this Rezoning Review Request is accompanied by the originally submitted Planning Proposal (dated June 2024), Council correspondence and Public Authority correspondence.

Section 3.1 and Section 3.2 of this report assesses the Strategic Merit and Site-Specific Merit of the Planning Proposal. Section 4 of this report provides a response to Council's concerns about the planning proposal. This is generally around the perceived lack of community consultation.

This Rezoning Review Request reaffirms the Planning Proposal's general consistency with the State and Local strategic planning framework, while demonstrating the Strategic Merit and Site-Specific Merit of the Planning Proposal.



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1.0 Introduction

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) on behalf of our client, McDonald's Australia Ltd ('The Client'), in support of a Rezoning Review Request for Planning Proposal Ref. PP 2024/3 at No 1 Highworth Avenue, Bexley NSW 2207. The Planning Proposal (PP) seeks to Introduce a new APU in Schedule 1 of the BLEP which makes development for the purposes of '*Take-away food and drink premises*' permissible with development consent on the Site.

This Rezoning Review Request is being submitted following Bayside Council's (Council) determination on 3 June 2025 (date submitted on the Planning Portal), that the PP is not supported.

This report should be read in conjunction with supporting documentation appended to this report, including the following:

- **Appendix A** – Planning Proposal Submission
- **Appendix B** – Council Correspondence
- **Appendix C** – Public authorities and government agency correspondence
- **Appendix D** – Community Consultation

2.0 Summary of History of Planning Proposal

The Planning Proposal (PP) was prepared by SLR Consulting Pty Ltd on behalf of the Client for submission to Bayside Council, relating to the Site at 1 Highworth Avenue, Bexley NSW 2207. The PP seeks to enable an Additional Permitted Use, (*takeaway food and drink premises*) on the Site, subject to development consent. The proposed amendment to BLEP 2021 would amend Schedule 1 – Additional Permitted Uses of BLEP 2021, and is intended to support the future redevelopment of the existing McDonald's restaurant at 543 Forest Road, Bexley.

As specified within the PP, dated June 2024, the aim is to amend Schedule 1 of the BLEP 2021 as the additional permitted use will facilitate the redevelopment of the land subject to this PP to accommodate parking demand on the site of the McDonalds operation, improve circulation and resolve the current conflict between car parking and the drive-thru.

A summary of the chronology of events and actions since lodgement of the updated PP on the NSW Planning Portal, dated June 2024, is provided in **Section 2.1**.

2.1 Brief Planning Proposal History

31 January 2022

SLR, on behalf of the client, lodged a Scoping Proposal with Council for the Site. The Scoping Proposal advised that the Proponent was seeking to amend the BLEP 2021 to either:

1. Rezone the subject site to E1 Local Centre, or
2. Add an Additional Permitted Use (APU) allowing development for the purposes of food and drink premises to be permitted with consent on the Site.



15 February 2022

A Scoping Proposal meeting was held to discuss the PP to enable the future development of the Site for additional car parking to service the operational needs of the McDonalds. Following the meeting, Council officers forwarded the Scoping Proposal to State agencies for their comment, in line with DPHI's Local Environmental Plan Making Guideline.

9 June 2022

Council officers issued a Scoping Proposal Letter of Advice. The Letter of Advice included the following agency requirements for the Planning Proposal:

Table 1 Government Agency Responses

Agency	Agency Comment
NSW Office of Environment and Heritage	<p>The subject site is located near to two Local heritage items listed under Bayside Local Environmental Plan 2021 (LEP), which are located opposite the existing McDonald's Bexley site:</p> <ul style="list-style-type: none"> 'Bexley Fire Station' (I150) on the corner of Forest Road and Queen Victoria Street, and 'Street Plantings' (I147), located along Queen Victoria Street. <p>A Heritage Impact Assessment prepared by suitably qualified consultant is required to inform the assessment of the Planning Proposal.</p>
NSW Environment Protection Authority	<p>Noise - Due to the proximity of sensitive residential uses, the proposal should include an assessment of potential risks associated with the impact of noise due to the proposed change in land use. This is to ensure the amenity and wellbeing of the community is protected especially if the proposal will involve any evening or night-time activities. Potential impacts should be minimised through the implementation of all feasible and reasonable mitigation measures including during any construction phase. Council should consult the Noise Guide for Local Government (EPA 2013) and associated Noise guide for local Government Update (EPA 2018) for further information on key assessment requirements.</p> <p>Waste management – The proposal should estimate volumes of waste generated on the site and identify waste streams and disposal options for all waste including liquid waste. Waste management should consider the prevention of pollution, minimising resource use, improving the recovery of materials from the waste stream and ensuring the appropriate disposal of waste. In particular the Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (EPA, December 2012) should be consulted.</p> <p>Water quality – All practical measures that could be taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm should be considered. This includes measures that can help protect, maintain, and restore waterway health. While any supporting development controls should be seeking the preparation and implementation of a Soil and Water Management plan prior to construction. Such a plan should be developed in accordance with the Managing urban stormwater: soils and construction, Vol. 1 (Landcom 2004).</p> <p>The EPA does not require any follow-up consultation nor further engagement on this proposal unless land contamination is identified at the site that requires a duty to notify the EPA.</p>
Transport for NSW	<p>It is noted that the Scoping Proposal is seeking to change the of 1 Highworth Avenue from a R2 zone to a B1 zone to allow food and drink premises on the site. This is to facilitate expansion of existing Bexley McDonalds drive-through and parking area.</p> <p>It would appear that vehicular access to/from the McDonalds site remains unchanged from the current left-in / left-out arrangement at the Forest Road / Highworth Avenue intersection with the driveway on Highworth Avenue remaining at the existing location.</p> <p>Should this proceed to a Planning Proposal, TfNSW would like confirmation of vehicular access to/from the site.</p>



1 February 2024

SLR submitted the PP via the NSW Planning Portal

1 March 2024

The PP was returned as it did not meet the lodgement requirements for the following reasons:

- i) The PP was not supported by a HIA and NIA, per requirements identified within the Scoping Proposal Letter of Advice dated 9 June 2022.*
- ii) The PP did not correctly identify that it was seeking to introduce an APU under Schedule 1 of the BLEP 2021 per the Scoping Proposal Letter of Advice. In the letter, Council officers advised that to permit a car park as ancillary to the development, the PP should seek to permit development for the purposes of 'Takeaway food and drink premises', as opposed to 'Car park'.*
- iii) Under the section titled 'Relationship to Strategic Planning Framework', the PP did not address the Eastern City District Plan or the Bayside Community Strategic Plan 2032 – nor did the PP address question 5 within Part 3 of Section 2 of the Guideline.*
- iv) The proponent was required to update Table 2 of the PP to address all current Section 9.1 Ministerial Directions.*

1 July 2024

SLR submitted an updated PP dated June 2024. Council confirmed that the revised documentation met the adequacy requirements and included all elements outlined in the Scoping Proposal Letter of Advice.

2 October 2024

Council's internal traffic and engineering specialists reviewed the supporting Traffic Impact Assessment (TIA) and determined it did not meet current standards. The PP was returned with a request for an updated TIA that complies with:

- *RMS's Guide to Traffic Generating Developments (2002), and*
- *Section 3.5.2 of the Bayside Development Control Plan 2022 (BDGP).*

13 December 2024

SLR submitted the revised TIA, and Council officers proceeded with the assessment process in accordance with the Planning Proposal Guideline.

25 March 2025

The Planning Proposal was considered at the Bayside Local Planning Panel (LPP) – Planning Proposal Meeting held in the Committee Room, Botany Town Hall, 1423 Botany Road, Botany. A SLR representative and a McDonalds representative were present for this meeting. These representatives responded to the LPP's questions, including but not limited to community consultation. The LPP questioned whether community consultation had been undertaken. The McDonald's representative confirmed that there had been ongoing consultation with the neighbouring property at 3 Highway Avenue, Bexley and that further consultation was planned during the planning proposal process and eventual development application stage.

The Bayside LPP recommended that Council:



- 1. Pursuant to s3.33 of the Environmental Planning and Assessment Act 1979 the Planning Proposal Request to introduce an Additional Permitted Use to 1 Highworth Avenue, Bexley be submitted to the Department of Planning, Housing and Infrastructure for a Gateway determination.*
- 2. If a future development application is lodged incorporating the additional use, the Panel encourages the minimisation of the impacts of the use on the neighbouring property at 3 Highworth Avenue.*

7 May 2025

The Planning Proposal was considered at the City Planning and Environment Committee at 6.30pm at Botany Town Hall. McDonald's and SLR did not attend this meeting.

The committee's recommendation was as follows:

- 1. That Council notes the advice of the Bayside Local Planning Panel.*
- 2. That Council does not endorse the draft Planning Proposal to Introduce an Additional Permitted Use to 1 Highworth Avenue, Bexley noting that community engagement did not occur.*

28 May 2025

An Ordinance Council Meeting of Bayside Council was held in the Rockdale Town Hall, Council Chambers.

The Council did not endorse the draft Planning Proposal to Introduce an Additional Permitted Use to 1 Highway Avenue, Bexley.



3.0 Rezoning Review

This report provides a response to the concerns raised within the Planning Proposal Assessment (see **Section 3.1**) and an assessment in the following pages of the PP in terms of its Strategic Merit and Site Specific Merit.

The NSW Local Environmental Plan Making Guidelines (the Guidelines), dated August 2023, allow a proponent to request an independent panel evaluate and recommend to the Minister for Planning whether a proposal should progress to Gateway determination.

A Rezoning Review Request must be submitted within 42 calendar days of Council notifying the proponent that it does not support the PP. As detailed within **Section 1.0**, Council provided notification that it does not support the PP on 3 June 2025. Accordingly, a rezoning review request must be submitted by Tuesday 15th July to meet the 42-day requirement. The Rezoning Review is submitted to the DPHI for consideration and referral to the Sydney Eastern City Planning Panel (SECRPP) in accordance with the Guidelines. A response against the relevant Rezoning Review requirements set out in the Guidelines, is detailed in **Table 2**.

Table 2 Compliance with Rezoning Review Requirements

Rezoning Review Requirement	Response
A copy of the proponent's latest version of the planning proposal, including all supporting material and information that was submitted to council.	The Planning Proposal (dated June 2024) and all appended documentation is provided at Appendix A.
All correspondence that the proponent has received from the council in relation to the planning proposal request, including (if relevant) any copies of the council's written advice to the proponent and/or the Council resolution not proceed with the proposal.	Correspondence from Council is provided at Appendix B.
All correspondence and written advice from other public authorities and government agencies, if available	Pre-lodgement consultation advice was sought from the following agencies: <ul style="list-style-type: none"> • NSW Office of Environment and Heritage • NSW Environment Protection Authority • Transport for NSW
Disclosure of reportable political donations under section 10.4 of the EP&A Act, if relevant.	NIL - No reportable political donations.
The rezoning review fee to the Department.	The relevant fee will be provided to the Department upon submission of this Rezoning Review Request.

3.1 Strategic Merit

The PP is well aligned with State and Local strategic planning priorities. The PP is for an additional use related to the existing take away food and drinks premises approved use and supports the future redevelopment of the McDonalds operation that meets the Local Centre needs. The strategic merit of the PP can be summarised as follows:



3.1.1 Greater Sydney Region Plan – A Metropolis of Three Cities

Objective 12 - Great places that bring people together

- Strategy 12.2 In Collaboration Areas, Planned Precincts and planning for centres:
 - *Investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking;*
 - *Ensure parking availability takes into account the level of access by public transport;*
 - *Consider the capacity for places to change and evolve, and accommodate diverse activities over time; and*
 - *Incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including charging stations.*

To this point, the PP will facilitate the provision of the car parking infrastructure in a commercial location. The PP has the following merits regarding future expansion for car parking:

- The Site is located with convenient access to the arterial road network however, is separated from the core Bexley CBD area;
- The use of the Site for the expansion of the car parking is consistent with the land use on the adjoining land which is an at grade car park. The car park expansion would not be expected to significantly impact on the urban fabric and surround.
- Will support the function of the Bexley commercial node.
- Ensures parking availability takes into account vehicular and pedestrian safety to the Site; and
- Will facilitate sustainable development on the Site.

Objective 22: Investment and business activity in centres

This objective focuses on strengthening the economic role of centres by encouraging diverse business activity, supporting job creation, and enhancing the vibrancy of local economies.

The flexibility offered by an APU also enables the adaptive reuse of valuable land. This is particularly important in centres undergoing economic transition or facing retail vacancies. By allowing a broader range of uses, Councils can support economic renewal and ensure that centres remain vibrant and responsive to evolving community needs.

3.1.2 Our Greater Sydney 2056 – Eastern City District Plan

The Eastern City District Plan (District Plan) provides greater detail on the desired outcomes for the eastern areas of the Great Sydney region.

The PP is consistent with the following Planning Priorities of the District Plan:

- **Planning Priority E6** - Creating and renewing great places and local centres, and respecting the District's Heritage

The PP will directly contribute to the continued development of the Local Centre through the provision of additional land for commercial development. This will enable increased investment in and support an existing operator within the centre.

- **Planning Priority E11**- Growing investment, business opportunities and jobs in strategic centres



By facilitating the redevelopment of the existing McDonald's, the PP will stimulate investment and generate new employment opportunities within the established Local Centre, thereby supporting the broader Bexley area. The PP, and any subsequent reinvestment it support, will strengthen the cohesion and vitality of the area.

3.1.3 Bayside Local Strategic Planning Statement 2020

The Bayside Local Strategic Planning Statement 2020 (LSPS) provides Bayside Council with a 20 year vision for land use throughout the local government area (LGA). The LSPS is guided by the Eastern City District Plan and the Greater Sydney Region Plan at the higher level along with the Bayside Community Strategic Plan 2018-2032.

The PP will support job creation and skills development by enabling reinvestment in an established business adjacent to a designated Local Centre. Although the Site is currently zoned residential, its proximity to the centre makes it a strategic location for economic activity. By permitting an additional use on the Site, the PP facilitates the redevelopment of an existing operation, reinforcing the vitality of the nearby Local Centre. This reinvestment is expected to generate both short-term construction employment and long-term operational jobs, contributing to the economic growth and resilience of the broader area.

3.1.4 Bayside Community Strategic Plan 2018-2032

The Bayside Community Strategic Plan 2018-2032 (CSP) provides the vision for the Bayside LGA in 2032 and the principles to guide it there.

The PP is consistent with Theme Four which aims to establish prosperous communities. The PP will leverage an existing operation in the local centre to generate greater investment and support for the centre consistent with Community Outcome 4.2. The PP will lead to redevelopment of the existing McDonald's generating short-term and long-term employment opportunities in an existing Local Centre with good connectivity to the surrounding area consistent with Community Outcome 4.1.

3.1.5 Bayside Local Environmental Plan 2021

The PP addresses several of the aims of the Bayside LEP 2021, being:

- a) *to provide high quality open space areas and recreational facilities,*
- b) *to reduce community risk and improve resilience to, and from, urban and natural hazards,*
- c) *to encourage sustainable economic growth and development in Bayside,*
- d) *to create a liveable urban place through the application of design excellence in all elements of the built environment and public domain.*

This PP to permit a takeaway food and drink premises supports several key aims of the Bayside LEP 2021. While it does not directly provide open space, it enhances the use and activation of nearby public areas by encouraging social interaction and increased foot traffic. The redevelopment can incorporate modern design and safety features that contribute to community resilience and reduce urban risks. Economically, the PP promotes sustainable growth by enabling reinvestment in an existing business, generating employment, and reinforcing the vitality of the adjacent Local Centre. Furthermore, the PP presents an opportunity to apply design excellence through improved architecture and integration with the public domain, contributing to a more liveable and attractive urban environment.



3.2 Site Specific Merit

The PP demonstrates clear site specific merit by facilitating the adaptive reuse of an underutilised residential lot for expanded private car parking to support the adjacent McDonald's premises. This represents a more contextually appropriate and beneficial land use, given the Site's immediate proximity to a high traffic commercial operation and its location on the edge of a Local Centre zone.

The Site currently accommodates a vacant dwelling in poor condition, which no longer contributes positively to the streetscape or neighbourhood character. Its redevelopment presents an opportunity to revitalise the Site and improve the interface between residential and commercial land uses. The proposed car park will enhance the operational efficiency of the McDonald's by increasing on-site parking capacity, alleviating congestion, and improving vehicle circulation. This, in turn, will enhance customer convenience and safety, while supporting the long-term viability of an established business that contributes to local employment and economic activity.

Importantly, the PP is expected to have minimal adverse impact on the surrounding urban fabric. The design of the car park will incorporate appropriate landscaping, acoustic treatments, and visual screening to ensure a sensitive transition between commercial and residential uses. These measures will be refined at the Development Application stage in consultation with adjoining landowners and Council.

By supporting an existing commercial use in a manner that is respectful of its residential context, the proposal achieves a balanced planning outcome that aligns with the strategic intent of the area and contributes to the broader goals of urban renewal, economic support, and improved amenity.

4.0 Response to Council Determination

This PP to amend Schedule 1 of the BLEP 2021 can only be achieved through a Planning Proposal, as no other mechanism permits the introduction of an additional permitted use. This amendment will facilitate the redevelopment of the Site to accommodate on-site parking demand, improve circulation, and resolve the existing conflict between car parking and the drive-thru.

4.1 Community Consultation

One of the key reasons cited for the PP not proceeding to Gateway Determination was a perceived lack of sufficient community consultation. However, this concern does not fully reflect the engagement that has occurred to date.

In November 2023, the proponent initiated consultation with the directly adjoining landowner at 3 Highway Avenue, Bexley. This engagement was not a one-off notification but part of an ongoing dialogue to ensure that the neighbouring property was kept informed of the proposal's intent, scope, and potential impacts. The excerpt of the notification is quoted below:

Rather than a rezoning application, McDonald's now intends submitting an application to council for "Additional Permitted Use" of the land. If approved, the existing zoning of the property would remain unchanged, however the permitted use of the land would be extended to allow McDonald's to use the land as car parking, subject to a Development Application being lodged and approved. McDonald's feels this is a much simpler and transparent approach to the broader zoning change that was proposed previously.



As the next step, McDonald's intends lodging a planning application for additional permitted use of the land as car parking then, if approved, we would prepare a more detailed Development Application for the physical redevelopment of the site. The Development Application will contain the relevant details in relation to boundary treatment and fence design, and we will consult with you again prior to submitting an application in order for McDonald's to ensure we are aligned with you on our plans.

The consultation process has included direct communication with the neighbour, opportunities for feedback, and a willingness to address any concerns raised. This proactive approach demonstrates a genuine commitment to transparency and responsiveness, even in the absence of a formal public exhibition process at this stage.

Further community consultation was undertaken 19 June 2025 – 4 July 2025 to gain feedback from several surrounding community members. A letter was delivered to neighbours of the McDonald's operation outlining the PP and requesting any feedback they could provide to McDonald's. The properties where letters were distributed are shown in **Figure 1**.

Figure 1 Community Consultation Letter Drop



The following key concerns were raised by neighbouring residents during the community consultation process. These matters have been acknowledged and will be addressed as part of the future Development Application (DA), prior to any works commencing. The following amenity concerns were identified:

- Noise;
- Visuals;
- Lighting; and
- Car parking layout.



These considerations will be addressed during the design phase of a future Development Application (DA). In particular, boundary treatments should include appropriate screening measures to minimise impacts on neighbouring residential properties. Car parks may also be reconfigured at a detailed design stage to increase setbacks and provide a more compatible outcome within the streetscape.

Moreover, it is important to note that additional community consultation is not only anticipated but required as part of the future DA process. This will provide a formal platform for broader community input, including public exhibition, submissions, and assessment by Council. As such, the planning process ensures that all stakeholders will have further opportunity to engage before any development application is determined.

In this context, the Planning Proposal should not be viewed as lacking community engagement, but rather as part of a staged and ongoing consultation process that aligns with statutory planning pathways. The proponent remains committed to continuing this engagement in accordance with Council and community expectations.



5.0 Summary and Conclusions

This Rezoning Review Request seeks to introduce an Additional Permitted Use (APU) for 'Takeaway food and drink premises' at No 1 Highworth Avenue, Bexley NSW 2207, with the intent of supporting the operational needs and future redevelopment of the adjacent McDonald's premise at 543 Forest Road. Despite Bayside Council's decision not to support the PP it clearly demonstrates both strategic and site-specific merit consistent with relevant State, regional, and local planning frameworks.

The PP aligns with the objectives of the Greater Sydney Region Plan and the Eastern City District Plan by facilitating sustainable economic development, improving local employment opportunities, and supporting an existing Local Centre adjacent to the Site. It is also consistent with the aims and objectives of the Bayside LEP 2021 and Council's Local Strategic Planning Statement (LSPS), particularly in enabling urban renewal and enhancing commercial functionality within a designated centre.

From a site-specific perspective, the PP makes efficient and appropriate use of a underused residential allotment by integrating it into a broader commercial use. This will improve traffic circulation, alleviate operational constraints on the existing McDonald's site, and contribute to the functional and aesthetic enhancement of the precinct.

Importantly, concerns regarding community consultation have been addressed through proactive engagement with the adjoining neighbour, with further opportunities for public input expected as part of the future Development Application process. The proponent has shown a clear commitment to transparency, responsiveness, and alignment with Council and community expectations throughout this process.

In summary, the PP meets the necessary planning and procedural criteria for progression to Gateway determination. It reflects a logical and low-impact land use outcome that supports the vitality of the Bexley Local Centre and responds constructively to site conditions and strategic imperatives. Accordingly, SLR respectfully requests that the Department of Planning, Housing and Infrastructure refer the Planning Proposal to the Sydney Eastern City Planning Panel (SECPP) for consideration, with a view to obtaining Gateway determination approval.





Appendix A Planning Proposal Submission

Request for Rezoning Review

**PP-2024/3: Planning Proposal to introduce Additional Permitted Use at No 1
Highworth Avenue, Bexley**

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Appendix B Council Correspondence

Request for Rezoning Review

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Appendix C Government Agency Correspondence

Request for Rezoning Review

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Appendix D Community Consultation

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