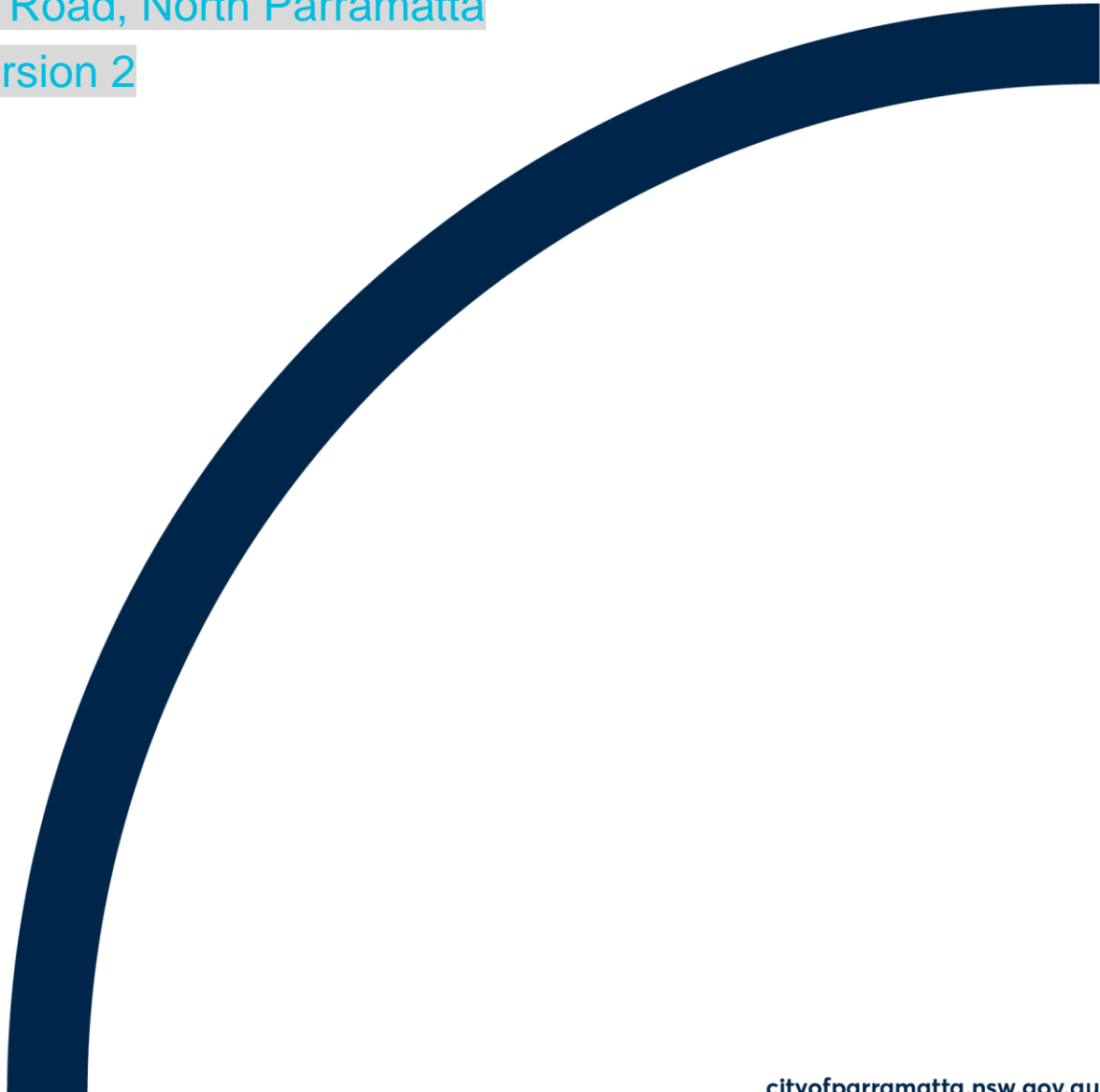


PLANNING PROPOSAL

64 Victoria Road, North Parramatta

Council Version 2





**CITY OF
PARRAMATTA**

PLANNING PROPOSAL

64 Victoria Road, North Parramatta

Council Version 2

TABLE OF CONTENTS

TABLE OF CONTENTS	1
Planning Proposal drafts.....	1
INTRODUCTION.....	2
Background and context.....	2
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	5
PART 2 – EXPLANATION OF PROVISIONS.....	6
PART 3 – JUSTIFICATION	7
3.1 Section A - Need for the planning proposal	7
3.2 Section B – Relationship to strategic planning framework	7
3.3 Section C – Environmental, social and economic impact	15
3.4 Section D – State and Commonwealth Interests	17
PART 4 – MAPPING	18
4.1 Existing controls	18
4.2 Proposed controls	20
PART 5 – COMMUNITY CONSULTATION	22
PART 6 – PROJECT TIMELINE.....	23
Appendix 1 – [Statement of Environmental Effects – including Traffic and Parking Analysis].....	24

Planning Proposal drafts

Proponent versions:

No.	Author	Version
1.	DDC Planning	August 2020

Council versions:

No.	Author	Version
1.	City of Parramatta Council	Report to Local Planning Panel and Council on the assessment of planning proposal and submission to DPIE for Gateway Determination
2.	City of Parramatta Council	Consistent with 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) and 'A Guide to Preparing Planning Proposals' (August 2016) and 'Guidance for merged councils on planning functions' (May 2016).

Background and context

The subject site has a site area of 495m², and is located on the northern side of Victoria Road, a busy road with a range of residential dwellings surrounding it. The site currently comprises a 60m² food and drink premises and a dwelling house with parking at the rear which has been on the site since the early 1900's.

On 26 August 2020, Council received a Planning Proposal application relating to land at 64 Victoria Road, North Parramatta, known as Lot 1 DP662142. The planning proposal seeks to amend Schedule 1 Additional Permitted Uses of the Parramatta LEP 2011 by formalising the use of part of the site as a *'take away food and drink premises'*.

The need for this Planning Proposal is a result of a Land and Environment Court Order relating to 'existing use rights' provisions under the Environmental Planning and Assessment Act 1979 (EP&A Act). It has been determined that the food and drink premises on the site no longer benefits from 'existing use rights' despite previous approvals for the use. The Order requires a Planning Proposal to be lodged to legitimise the use under the existing zoning regime and for a development application to be lodged to enable the use to be formally approved.

A chronology of key events relevant to this proposal is detailed below:

- July 1997 – Development Application (DA/419/1997) approved for mixed business at the subject site.
- December 2001 – Parramatta LEP 2001 is gazetted. Part 4 clause 43 applied to the subject site (then zoned Residential 2(b)) which permits existing buildings lawfully constructed as a shop to be used, altered, extended or rebuilt for the purposes of commercial premises/shop.
- September 2007 - Development Application (DA/757/2007) approved for the purpose of a Pizza Shop and internal alterations.
- March 2008 - Development Application (DA/757/2007/A) approved for modification to approved pizza shop and change of use from pizza shop to seafood shop.
- October 2011 – Parramatta LEP 2011 is gazetted and rezones the subject site to R3 – Medium Density Residential. The existing commercial use is prohibited as it is defined as a *"food and drink premises"*.
- July 2018 – A pre-lodgement meeting (PL/552/2018) was held regarding a proposal for signage and modifications to the shop front. Evidence was provided by the applicant supporting 'existing use rights' and that the use had not ceased. Council acknowledged that uses had not ceased but legal advice noted failure to 'activate' the 2007 development consent (detailed above) via a Construction Certificate or Occupation Certificate. Therefore, the use has not legally commenced irrespective of its ongoing operation on the site.
- September 2019 – Council serves Notice of Intention to Give an Order (Council reference: 349 356) to cease the unauthorised use. This matter became the subject of a Land and Environment Court appeal.

- July 2020 – Council serves modified Order as a result of the Court appeal which allows use of the site as a *'take away food and drink premises'* to continue, subject to a Planning Proposal and development application being lodged to formalise the use and remove the need to prove existing use rights.
- January 2021 - Council's Compliance Team served an infringement notice on the property in regarding the continued use of the premises as a *'takeaway food and drink premises'*. The notice is currently on hold pending the outcome of the Planning Proposal process and subsequent development approval (via a future development application).

The site is shown below.

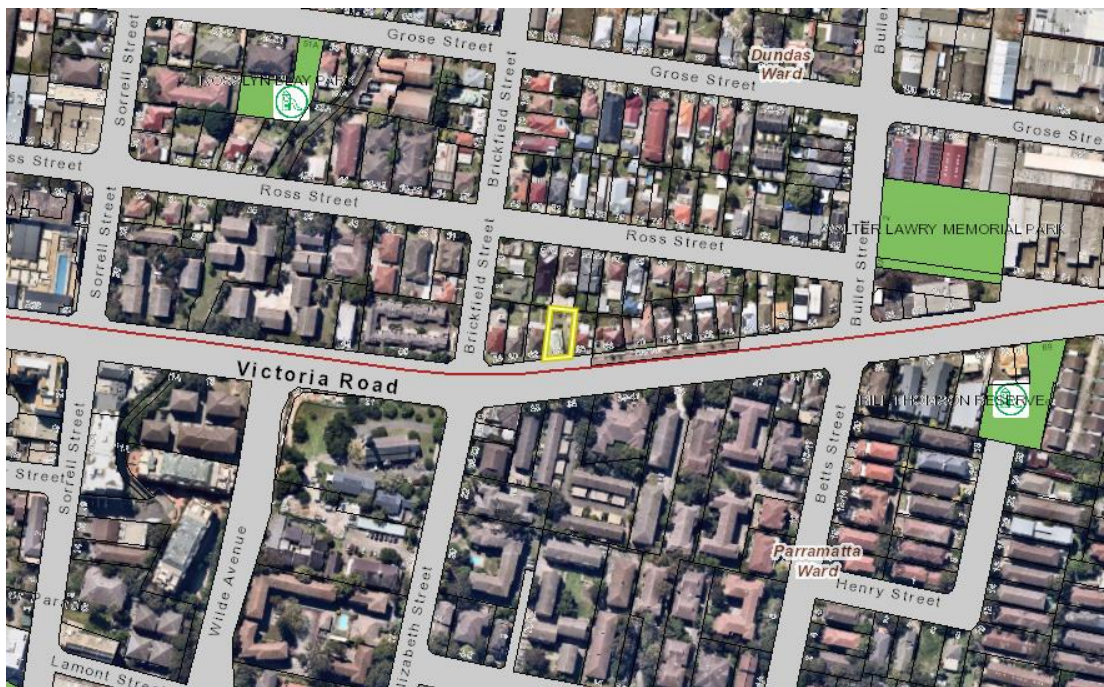


Figure 1 – Site at 64 Victoria Road, North Parramatta subject to the Planning Proposal



Figure 2 – Aerial view



Figure 3 – Street view of the premises

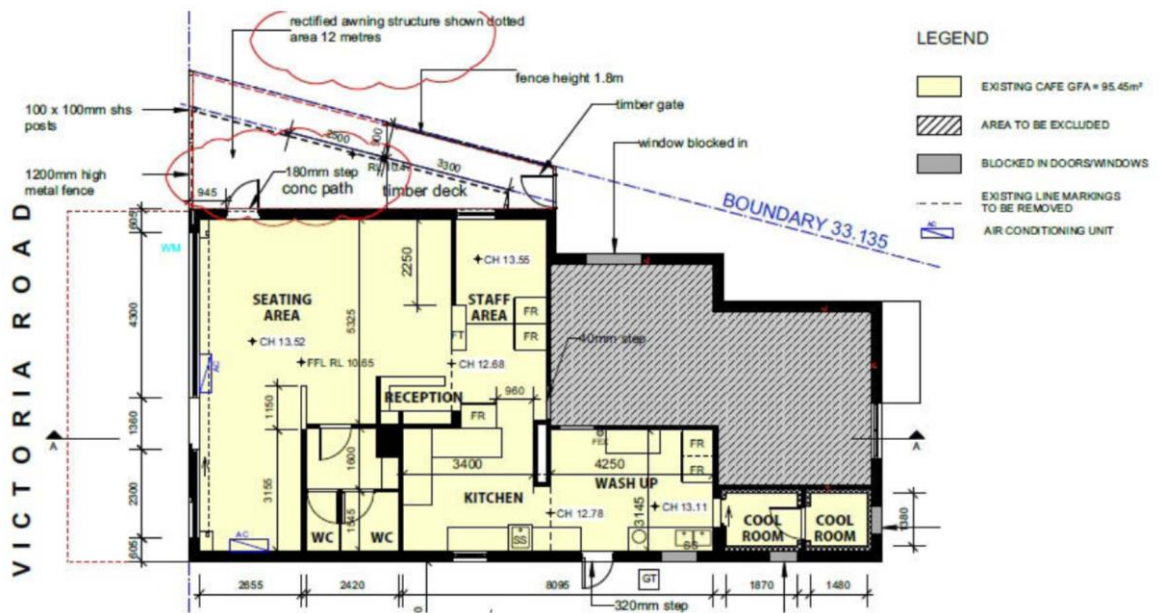


Figure 4 - Existing floor plan

Under *Parramatta Local Environmental Plan 2011* the site:

- is zoned R3 Medium Density Residential;
- has a maximum building height of 11 metres;
- has a maximum floor space ratio (FSR) of 0.6:1;

An extract of each the above maps is provided in Part 4 – Mapping; specifically, Section 4.1 Existing controls.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to seek approval to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 (PLEP 2011) to permit '*take away food and drink premises*' as an additional permitted use (limited to a maximum gross floor area of 100m²).

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend *Parramatta LEP 2011 (PLEP 2011)* in relation to the zoning controls.

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

Amend Schedule 1 of the Parramatta Local Environmental Plan 2011 (PLEP 2011) to permit *'take away food and drink premises'* as an additional permitted use (limited to a maximum gross floor area of 100m²).

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?

The Planning Proposal is not the result of any strategic study or report. As noted, the site currently comprises a 60m² food and drink premises and a dwelling house with parking at the rear which has been on the site since the early 1900's. The Planning Proposal is the result of an Order issued by Council requiring the proposal and a Development Application to be submitted to Council in order to regularise the use of the premises as a take away food and drink premises. The Planning Proposal therefore seeks to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 (PLEP 2011) to permit '*take away food and drink premises*' as an additional permitted use (limited to a maximum gross floor area of 100m²). The proposed increase in gross floor area will still be entirely located within the existing building.

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

Given the long standing previous use of the site as a takeaway food and drink premise, there are established supply chains that are supported by the on-going operation of the business on this site. It is considered that the current food and drink premises services nearby businesses, employees and residents in the local area. The proposal also provides employment for the local area, aligning with the aspirations for employment within the Parramatta LGA set by Council's Economic Development Plan. Further, it is considered that 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. Therefore, allowing '*take away food and drink*' premises as an additional permitted use is the best means of achieving the objectives or intended outcomes.

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 NSW Government's Plan for Growing Sydney and subregional strategy, 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 3b, below.

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

Liveability Direction	Relevant Objective	Comment
A city for people	O6: Services and infrastructure meet communities’ changing needs	<p>The planning proposal supports the liveability objectives of the District Plan. <i>“Liveability is about people’s quality of life. Maintaining and improving liveability requires housing, infrastructure and services that meet people’s needs...”</i></p> <p>The proposed additional permitted ‘take away food and drink’ use will provide opportunities and better access to jobs and services for nearby businesses, employees and residents in the local area. It meets and reflects local communities’ changing needs and improves the quality of life in terms of liveability and accessibility- more healthy, resilient and socially connected.</p> <p>The proposal will unlikely to have 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>
	O7: Communities are healthy, resilient and socially connected	
A city of great places	O12: Great places that bring people together	The proposed use will be facilitated within a local context, and will bring and attract a combination of people together, provide opportunities for social connection in the neighbourhood.

Productivity

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

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

Productivity Direction	Relevant Objective	Comment
Jobs and skills for the city	O19: Greater Parramatta is stronger and better connected	<p>The proposed use serves the local area within Greater Parramatta, it is unlikely to have 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> <p>Allowing additional permitted use of 'take away food and drink' premises will provide opportunities and better access to jobs and services for nearby businesses, employees and residents in the local area, which is consistent with the objective of the Economic Corridor.</p>

Implementation

An assessment of the planning proposal's consistency with the GSRP's relevant Implementation objectives is provided in Table 3d, below.

Table 3d – Consistency of planning proposal with relevant GSRP Actions – Implementation

Implementation Direction	Relevant Objective	Comment
Implementation	O39: A collaborative approach to city planning	<p>The Planning Proposal is consistent with the State Government's Planning Proposal process in accordance with the 'A Guide to Preparing Planning Proposals'.</p> <p>The Planning Proposal considers other strategic planning documents including the Central City District Plan and local strategies. This will be further discussed below.</p>

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 4b, below.

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

Liveability Direction	Planning Priority/Action	Comment
<p>A city for people O6: Services and infrastructure meet communities' changing needs</p>	<p>PP C3: Provide services and social infrastructure to meet people's changing needs</p> <ul style="list-style-type: none"> • A8: Deliver social infrastructure that reflects the need of the community now and in the future 	<p>The proposed additional permitted 'take away food and drink' use will provide opportunities and better access to jobs and services for nearby businesses, employees and residents in the local area for current and future population. It meets and reflects the objective of meet communities' changing needs.</p>
<p>O7: Communities are healthy, resilient and socially connected</p>	<p>PP C4: Working through collaboration</p> <ul style="list-style-type: none"> • A10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by (a-d). • A15: Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places 	<p>The Planning Proposal will encourage greater physical activity and social connection. It also provides better access to services which is consistent with the objective – communities are healthy, resilient and socially connected.</p>
<p>A city of great places O12: Great places that bring people together</p>	<p>PP C6: Creating and renewing great places and local centres, and respecting the District's heritage</p> <ul style="list-style-type: none"> • A20: Use place-based planning to support the role of centres as a focus for connected neighbourhoods 	<p>There is a petition of 98 signatures from the local community and surrounding suburbs in support of this proposal.</p> <p>Given the long standing previous use of the site as a takeaway food and drink premise, there are established supply chains that are supported by the on-going operation of the business on this site.</p>

Productivity

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

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

Productivity Direction	Planning Priority/Action	Comment
<p>Jobs and skills for the city O15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive</p>	<p>PP C8: Delivering a more connected and competitive GOP Economic Corridor</p>	<p>Given the long standing previous use of the site as a takeaway food and drink premise, there are established supply chains that are supported by the on-going operation of the business on this site.</p> <p>The proposed development provides opportunities to access to jobs, goods and services to the nearby businesses, employees and residents in the local area. The use of this site as a takeaway food and drink premises provides employment for the local area, aligning with the aspirations for employment within the Parramatta LGA set by Council's</p>

		Economic Development Plan. It is consistent with the objectives.
--	--	--

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 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 plan formalises several big and transformational ideas for the City and the region.

The planning proposal is considered to meet the key objectives relating to 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. The proposal to retain the existing commercial premises will also assist in activating the street. Further, the location of the proposal is an easy walk from the northern end of Parramatta CBD and over the road from a church property and higher density housing units.

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 responds to broader priorities identified in the District Plans and Council’s Community Strategic Plan. The LSPS provides greater weight to strategic planning in the broader plan making process and any new planning proposal must justify any inconsistency with this framework and the supporting Local Housing Strategy (LHS) and Employment Lands Strategy (ELS).

Council’s LSPS was published on 31 March 2020. The LSPS provides strategic direction for City of Parramatta over the next 20 years. The site is not in an area that is specifically identified for growth within the LSPS, however it falls within the strategic context of enabling the City of Parramatta’s economic and employment growth to increase retail and commercial floor space in the broader region. It is therefore considered that the Proposal is generally consistent with the LSPS, as it provides employment for the local area and supports the local economy.

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	Not relevant to proposed amendment.

SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A	Not relevant to proposed amendment.
SEPP 6 – Number of Storeys in a Building	N/A	Not relevant to proposed amendment.
SEPP 33 – Hazardous and Offensive Development	N/A	Not relevant to proposed amendment.
SEPP No 55 Remediation of Land	✓	There is no proposed works as a part of this Planning Proposal.
SEPP 60 – Exempt and Complying Development	N/A	Not relevant to proposed amendment.
SEPP 64 – Advertising and Signage	N/A	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	N/A	Not relevant to proposed amendment.
SEPP No.70 Affordable Housing (Revised Schemes)	N/A	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009	N/A	Not relevant to proposed amendment.
SEPP (BASIX) 2004	N/A	Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓	May apply to future development of the site.
SEPP (Infrastructure) 2007	✓	May apply to future development of the site.
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 <i>Parramatta LEP 2011</i> .
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	The proposed development is not located directly on the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.
SEPP (Urban Renewal) 2010	N/A	Not relevant to proposed amendment.

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
- Housing, Infrastructure and Urban Development
- 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
1. Employment and Resources		
Direction 1.1 – Business and Industrial Zones	<p>This Planning Proposal seeks to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 (PLEP 2011) to permit ‘take away food and drink premises’ as an additional permitted use (limited to a maximum gross floor area of 100m²).</p> <p>The proposal will provide opportunities and better access to jobs and services for nearby businesses, employees and residents in the local area. It falls within the strategic context of enabling the City of Parramatta’s economic and employment growth to increase retail and commercial floor space in the broader region.</p> <p>The proposal will unlikely to have 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> <p>This Planning Proposal does not alter the zoning of the site but it does seek to regularise a long standing take away food premises, which supports the overall objectives of this Direction. The location of the site at the northern edge of the CBD is considered appropriate, despite the residential zoning.</p>	Yes
2. Environment and Heritage		
Direction 2.3 - Heritage Conservation	This site does not contain any heritage items.	N/A
3. Housing, Infrastructure and Urban Development		
Direction 3.1 - Residential Zones	<p>The site is currently zoned R3 Medium Density Residential and has a site area of 495m². It is located on the northern side of Victoria Road, a busy road with a range of residential dwellings surrounding it.</p> <p>The site currently comprises a 60m² food and drink premises and a dwelling house with parking at the rear which has been on the site since the early 1900’s. This planning proposal seeks to exceed the existing shop component of the building which is currently only 60m² but will still be entirely located within the existing building. The Planning Proposal does not alter the zoning of the site but seek to consolidate an existing neighbourhood commercial use on the site.</p> <p>Given the site is immediately adjoining an established residential area, it is important to ensure that the ‘takeaway food and drink premises’ use does not impact on the amenity of neighbouring properties.</p>	Yes

Direction 3.4 - Integrating Land Use and Transport	<p>The proposal achieves the objectives by consolidating a small commercial use that will provide local jobs and a desirable service to the community. It also reduces to travel time for residents and unnecessary trips into the CBD.</p> <p>A Traffic and Parking Analysis is submitted with this application, see details in the traffic and transport section.</p>	Yes
4. Hazard and Risk		
Direction 4.1 - Acid Sulfate Soils	No earthworks are required or proposed.	N/A
Direction 4.3 - Flood Prone Land	N/A	N/A
5. Local Plan Making		
Direction 6.1 - Approval and Referral Requirements	The Planning Proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
Direction 6.3 - Site Specific Provisions	<p>This Planning Proposal seeks to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 (PLEP 2011) to permit <i>'take away food and drink premises'</i> as an additional permitted use (limited to a maximum gross floor area of 100m²).</p> <p>The planning proposal is not inconsistent with this Direction as it enables the current usage of the land to be maintained while permitting an additional use via a site- specific clause. It does not impose any additional restrictive standards on the proposed use.</p> <p>As the Planning proposal is occupying an existing building, it is critical that this Planning Proposal is isolated to this site only and is not replicated on surrounding sites. No other site-specific provision are proposed.</p>	Yes
6. Metropolitan Planning		

<p>Direction 7.1 - Implementation of A Plan for Growing Sydney</p>	<p>The Central City District Plan (CCDP) covers the area that includes Blacktown, Cumberland, Parramatta and The Hills LGAs. The role of this Plan is to help deliver the ten directions of the overarching Greater Sydney Region Plan <i>A Metropolis of Three Cities</i> and contains a number of planning priorities and objectives that address infrastructure provision and collaboration, liveability, productivity and sustainability objectives. Whilst the CCDP makes many references to future development in Parramatta. This site is located outside the Parramatta CBD boundary. Nevertheless the Planning Proposal will contribute to some of the key objectives under infrastructure and collaboration, liveability, productivity and sustainability provisions, as it provides a mixed use including a local food business premise in a location that is close to the Parramatta CBD and surrounded by residential development. The existing food and drink premises is considered to be suited to local context and services the local community.</p> <p>Furthermore, the Planning Proposal will make a contribution to jobs and the local economy, and it is considered that the Planning Proposal is generally consistent with the broader Metropolitan and District planning framework.</p>	<p>Yes</p>
--	---	------------

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 unlikely to 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?

The main potential environmental impacts to be examined in detail with any future development proposal for the site are:

Traffic and Transport

The Planning Proposal and Traffic and Parking Analysis were referred to Council’s Development and Traffic Services section for comment and no objections were raised. Council officers are satisfied that the turn path plans demonstrate adequate vehicle accessibility to enter and exit the site in a forward direction.

Neither Parramatta DCP nor the RMS Guide to Generating Traffic Developments provide parking rates for take away food and drink premises. Based on Table 3.6.2.3 of the Parramatta DCP 2011, the off street parking rate for retail premises would be applicable in this instance and sets out a rate of 1 space per 30m² of GFA. Applying a parking rate for retail premises and considering the maximum floor area of 95.45m² (100m²), the development is required to provide a minimum of 4 (rounded up from 3.2) parking spaces. As a result, the proposed provision of 8 parking spaces is considered acceptable.

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

Economic

The applicant has included a petition of 98 signatures from the local community and surrounding suburbs in support of this proposal. The petition is noted, however should this proposal proceed to Gateway Determination a formal public consultation process will need to occur as part of the Planning Proposal process.

Given the long standing previous use of the site as a takeaway food and drink premise, there are established supply chains that are supported by the on-going operation of the business on this site.

It is considered that the current food and drink premises services nearby businesses, employees and residents in the local area. The use of this site as a takeaway food and drink premises provides employment for the local area, aligning with the aspirations for employment within the Parramatta LGA set by Council's Economic Development Plan.

Council's Economic Development team are 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.

Amenity Impacts

Given the site is immediately adjoining an established residential area, it is important to ensure that the '*takeaway food and drink premises*' use does not impact on the amenity of neighbouring properties.

As referred to above, there have previously been development consents issued for the food and drink premises on the site, and these development applications were subject to the requirements of the planning provisions in force at that time. Any development consent for a use of this nature contains conditions that mitigate potential impacts on adjoining properties.

It is noted that there has been a noise complaint made by a nearby resident regarding the operation of the food and drink premises on the site in 2019, however this matter has subsequently been addressed by Council's Compliance Team. Should the Planning Proposal to include '*takeaway food and drink premises*' proceed, a new development application will need to be lodged to formalise any such use on the site. As with the previous development applications assessed for this site, should a development consent for the use of part of the site as a '*takeaway food and drink premises*' be issued, it will be subject to a number of conditions in accordance with Parramatta Development Control Plan 2011. These conditions will address noise impacts to adjoining properties, hours of operation and the like that will ensure amenity impacts to adjoining properties are minimised. Should any further issues arise in relation to the operation of a '*takeaway food and drink premises*' on the site and impacts on adjoining neighbours, compliance action can be undertaken by Council against the property owner.

Given this context, it is considered that any amenity impacts in relation to the proposed use can be fully addressed as part of the development application stage should the Planning Proposal be finalised.

3.4. Section D – State and Commonwealth Interests

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

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

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 once the gateway determination has been issued.

PART 4 – MAPPING

This section contains the mapping for this planning proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals. **Existing controls**

This section illustrates the current *PLEP 2011* controls which apply to the site.

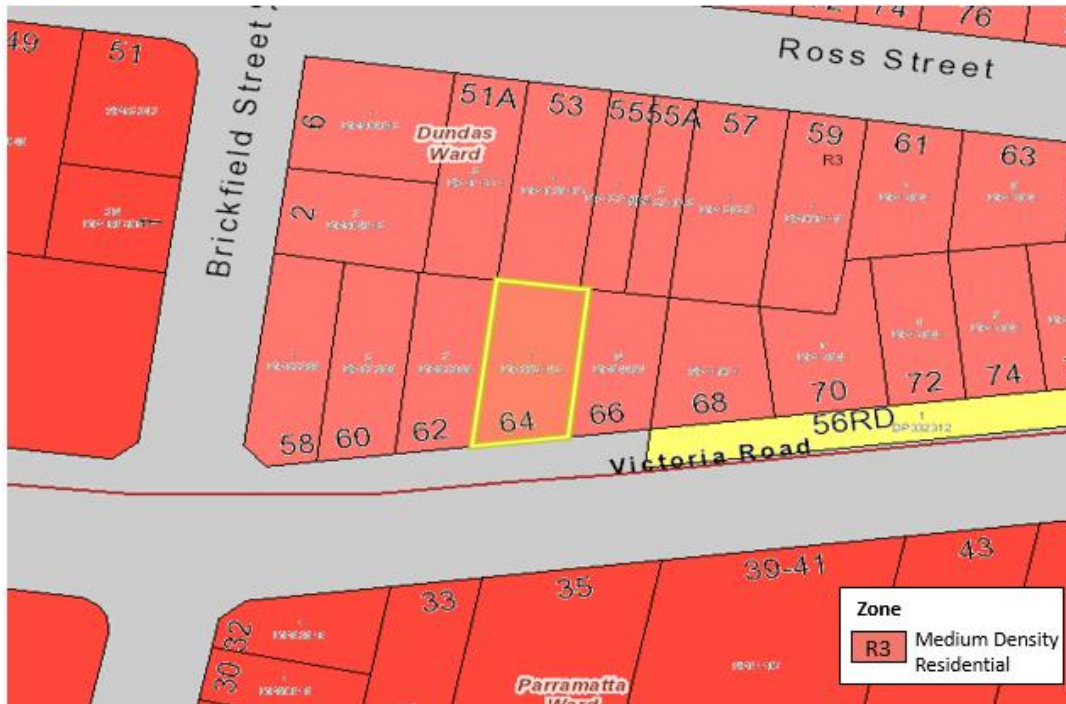


Figure 4 – Existing zoning extracted from *Parramatta LEP 2011* Land Zoning Map

Figure 4 illustrates the existing R3 Medium Density Residential Zone.

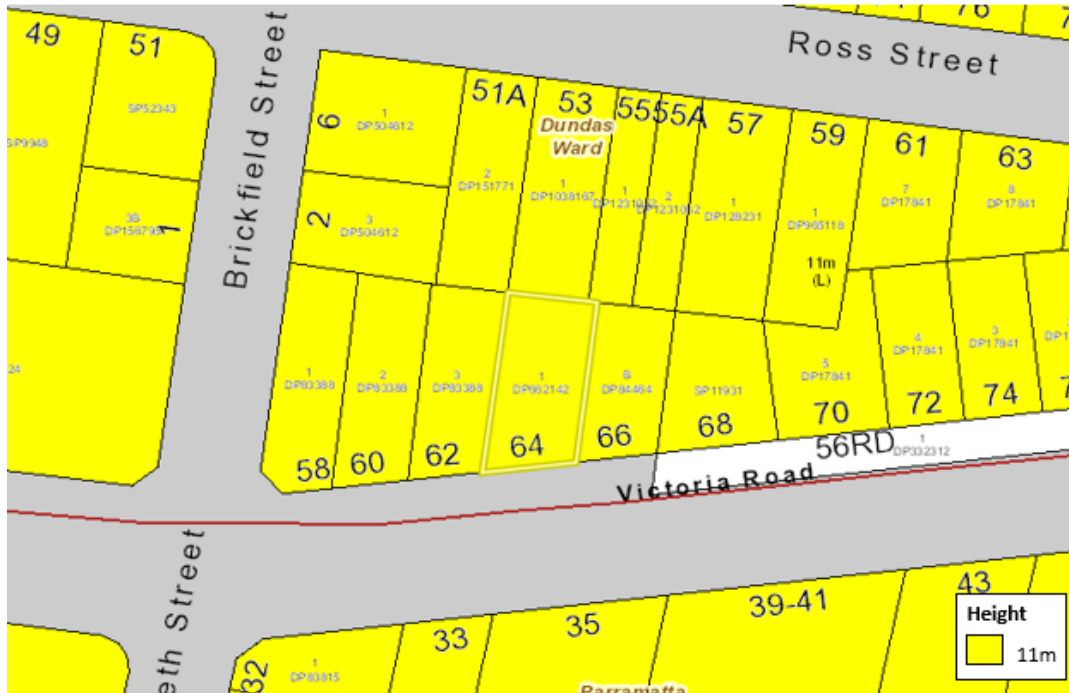


Figure 5 – Existing building heights extracted from the *Parramatta LEP 2011* Height of Buildings Map

Figure 5 illustrates the existing a height limit of 11m.

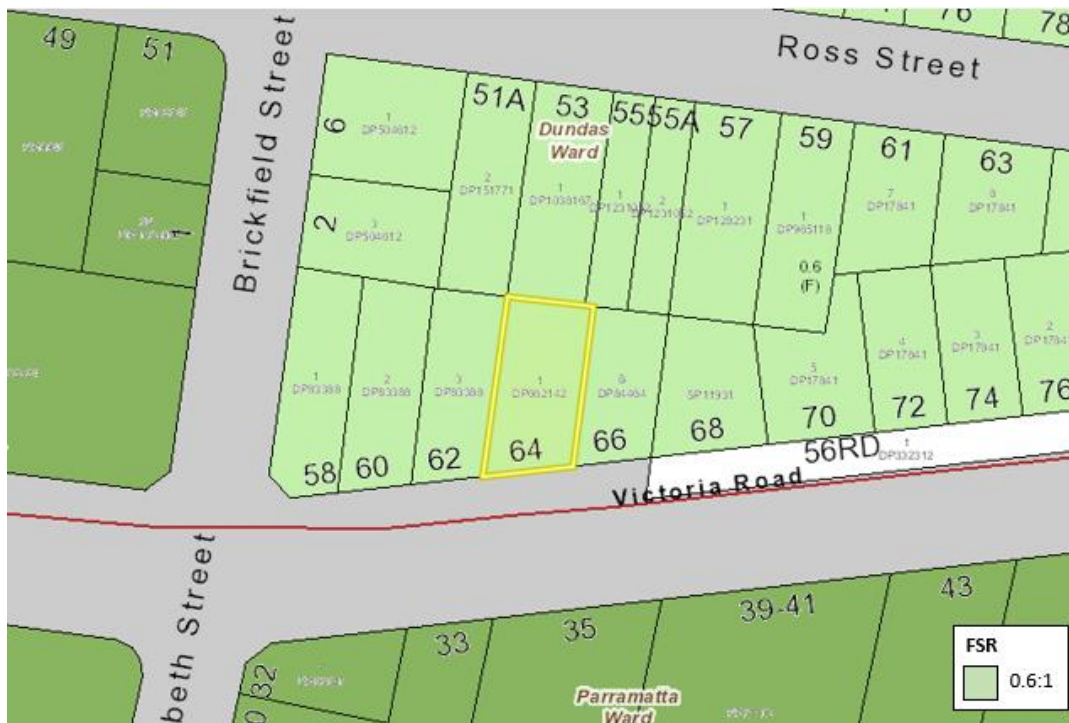


Figure 6 – Existing floor space ratio extracted from the *Parramatta LEP 2011* Floor Space Ratio Map

Figure 6 illustrates the existing 0.6:1 FSR over the site.

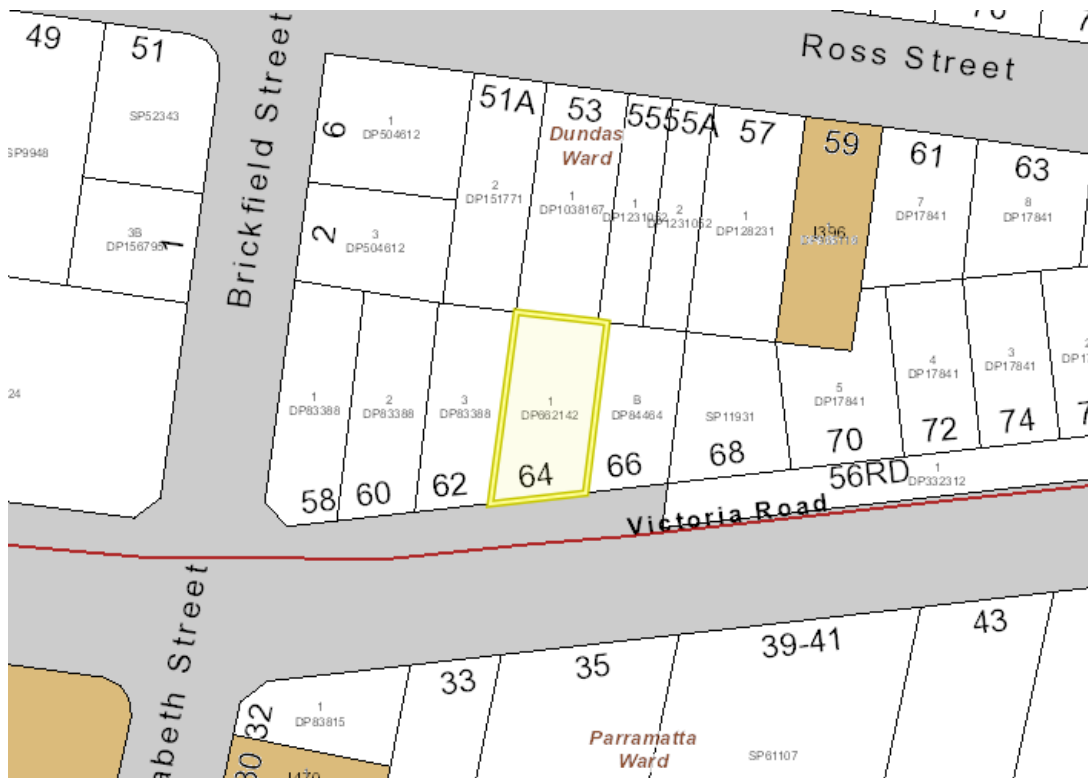


Figure 7 – Existing heritage items extracted from the Parramatta LEP 2011 Heritage Map

Figure 7 above illustrates that the site does not contain any heritage items.

4.2 Proposed controls

No changes to the zoning, height, and FSR controls are proposed as a part of this Planning Proposal. The proposal is seeking to amend Schedule 1 of the Parramatta Local Environmental Plan 2011 (PLEP 2011) to permit *'take away food and drink premises'* as an additional permitted use (limited to a maximum gross floor area of 100m²).

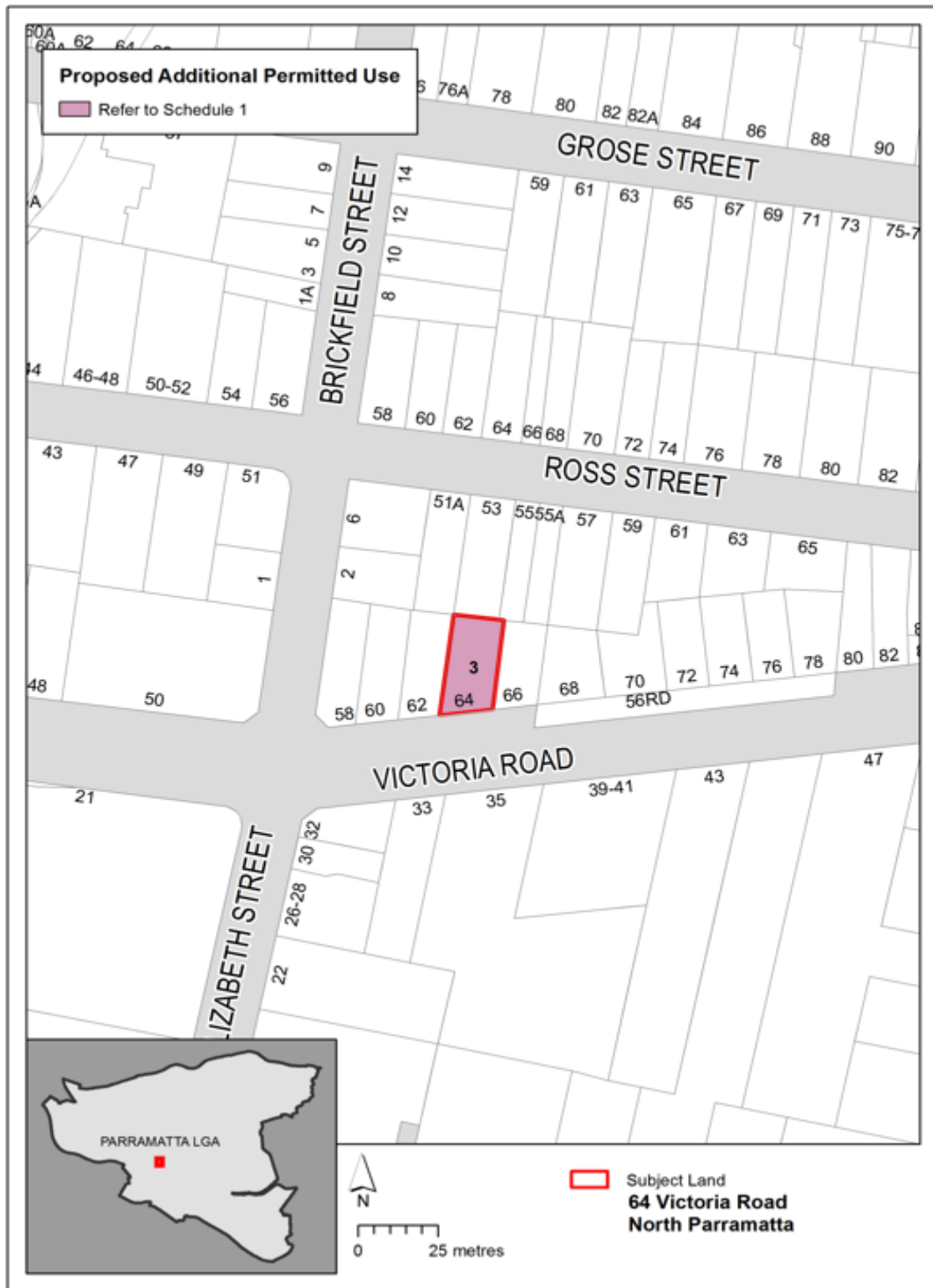


Figure 8 – Proposed amendment to the PLEP 2011 Additional Permitted Use Map

Figure 8 above illustrates the proposed additional permitted use to permit ‘take away food and drink premises’ limited to a maximum gross floor area of 100m².

PART 5 – COMMUNITY CONSULTATION

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

Public exhibition is likely to include:

- display on the Council's web-site; and
- written notification to adjoining 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.

Due to current COVID restrictions, hard copy documents are unavailable for viewing by the public due to the shutdown of Council libraries and in-person Customer Contact Centre. Digital copies can be viewed on the Participate parramatta site or should a viewing of a hard copy of this proposal be required, please call (02) 9806 5057 or email 64victoriaroad@cityofparramatta.nsw.gov.au to arrange an appointment.

PART 6 – PROJECT TIMELINE

Once the planning proposal has been referred to the Minister for review of the Gateway Determination and received 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 LPP on the assessment of the PP	16 February 2021
Report to Council on the assessment of the PP	March 2021
Referral to Minister for review of Gateway determination	April 2021
Date of issue of the Gateway determination	May 2021
Commencement and completion dates for public exhibition period	July/August 2021
Commencement and completion dates for government agency notification	July/August 2021
Consideration of submissions	August 2021
Consideration of planning proposal post exhibition and associated report to Local Planning Panel and/or Council (depending on submissions received)	August/September 2021
Submission to the Department to finalise the LEP	September 2021
Notification of instrument	October 2021

Appendix 1 – [Statement of Environmental Effects (including Traffic and Parking Analysis)]