



New South Wales Government  
Independent Planning Commission

# **Gateway Determination Review Request – 355 and 375 Church Street, Parramatta**

## **Gateway Determination Advice Report**

Chris Wilson (Chair)

23 April 2021

April 2021 Final Report ©  
State of New South Wales through the Independent Planning Commission 2021

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## 1 INTRODUCTION

1. On 19 March 2021, the NSW Independent Planning Commission (**Commission**) received a request from the NSW Department of Planning, Industry and Environment (**Department**) for advice pursuant to section 2.9(1)(c) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) in relation to a Planning Proposal and Gateway Determination in respect of 355 and 375 Church Street, Parramatta (**Site**) within the Parramatta Local Government Area (**LGA**).
2. On 21 August 2018, a site-specific Planning Proposal request was submitted to the City of Parramatta Council (**Council**) to amend controls relating to the Site under the *Parramatta Local Environmental Plan 2011* (**PLEP 2011**). The Planning Proposal request was submitted as a joint venture between Stockland and McDonalds (**Proponent**) and was prepared by Ethos Urban on behalf of the Proponent.
3. The Department's Gateway Review Justification Assessment Report (**Gateway Report**) provides that the Planning Proposal is intended to facilitate the redevelopment of the Site for a mixed-use development comprising "towers above a podium (31 and 28 storeys, podium inclusive) over a single basement level for car parking" (page 2). The redevelopment of the Site would include a McDonalds restaurant in the south-east corner of the podium.
4. At its meeting on 13 July 2020, Council resolved to endorse the site-specific Planning Proposal.
5. On 19 August 2020, Council submitted the Planning Proposal to the Department for Gateway Determination.
6. On 13 November 2020, as the delegate of the Minister for Planning and Public Spaces (**Minister**), the Department issued a Gateway Determination that the Planning Proposal should proceed subject to conditions (**Gateway Determination**). The Department found the Planning Proposal exhibited strategic and site-specific merit and gave effect to the *Central City District Plan, 2018* (**District Plan**). Amongst other matters, the conditions imposed on the Gateway Determination included conditions requiring the Proponent to:
  - remove the proposed site-specific car parking rates for take away food and drink premises and the associated sunset clause (Gateway condition 1(c)); and
  - include the isolated site to the north of the Site within the Planning Proposal (Gateway condition 1(d)).
7. The Commission notes the correct address of the isolated site is 385 Church Street, Parramatta (not 383 Church Street, Parramatta as described in the Gateway Determination conditions) (**Isolated Site**).
8. On 29 January 2021, Council provided a letter to the Department in support of the Proponent's intention to seek a Gateway Determination review regarding Gateway conditions 1(c) and 1(d). In its letter, Council stated the Proponent's request is "consistent with Council's resolution on this matter on 13 July 2020 and is therefore supported by Council".
9. On 29 January 2021, the Proponent requested the Department review the Gateway Determination. The review request seeks to delete Gateway conditions 1(c) and 1(d) (**Review Request**).

10. In its letter to the Commission, received on 19 March 2021, the Department requested that the Commission review the Planning Proposal and prepare advice regarding the merits of the Review Request and whether, in its opinion, the Gateway Determination issued on 13 November 2020 should be amended.
11. The Department's Gateway Report was also received by the Commission on 19 March 2021. The Gateway Report sets out the Department's consideration of the Review Request and provides recommendations to the Commission (refer to Section 2 below).
12. Professor Mary O'Kane AC, Chair of the Commission, nominated Chris Wilson (Chair), to constitute the Commission Panel to provide advice to the Department on the Gateway Determination review request.

### 1.1 Site and Locality

13. The Site is located at 355 and 375 Church Street, Parramatta, and comprises Lot 1 DP in 668821 and Lot 1000 in DP 791977 respectively. The location of the Site is identified at **Figure 1** below.

14. The Department's Gateway Report states:

*The site is bounded by Church Street, Victoria Road and Ross Street, leaving an isolated site at 385 Church Street... The isolated site comprises a three-storey mixed use development, with retail and office space. Development to the west of the site comprises a 5-storey mixed use development.*

*The site is located at the northern end of the Parramatta CBD Precinct, approximately 1km from Parramatta Railway Station. The site is also situated adjacent to the Parramatta Light Rail (PLR) Stage 1 corridor, with a future Light Rail stop at the junction of Church Street and Victoria Road (page 2).*

15. The Commission notes that the new Bankwest Stadium is located approximately 300 metres to the west of the Site, and Prince Alfred Park is located directly opposite the Site to the south.

**Figure 1** Site outlined in red and Isolated Site outlined in yellow (source: Gateway Report)





## 1.2 The Planning Proposal

16. The Department's Gateway Report describes the Planning Proposal as follows:

*The planning proposal... seeks to amend the development controls for land at 355 and 375 Church Street, Parramatta... by introducing a site-specific clause in the Parramatta Local Environmental Plan 2011 (PLEP 2011) to include the following:*

1. *Amend the Special Provisions Area Map to identify the site;*
2. *Introduce a maximum height control with the maximum height to be determined by the proposed sun access plane to Prince Alfred Square which requires no overshadowing of the protected area of the Square between 12pm and 2pm in mid-winter;*
3. *Amend the Sun Access Protection Map to identify the portion of Prince Alfred Square subject to sun access protection;*
4. *Introduce a maximum FSR of 6.9:1, but only if the design excellence provisions within Clause 7.10 are satisfied at development application stage;*
5. *Enable an additional 5% FSR bonus (bringing the maximum FSR on the site to 7.2:1) if a high-performance building is provided; and*
6. *Specify maximum car parking rates for residential, commercial and take away food and drink premises that differ from those adopted in the Parramatta CBD in relation to take away food and drink premises.*

*Regarding 6. above, the proposal requested to apply maximum car parking rates for take away food and drink premises of 1 car parking space per 30m<sup>2</sup> of gross floor area (GFA) or a maximum of 30 spaces, whichever is the lesser, with a sunset clause ending the application of this provision after five years from the date of notification of the amendment. The parking rate would revert to the Parramatta CBD parking rate after the sunset clause expires (pages 1 and 2).*

17. A summary of the Planning Proposal's history, as set out in the Department's Gateway Report, is provided at **Attachment A**.
18. It should be noted that in 2015, McDonalds with Endeavour Property Group submitted a Development Application (**DA**) (DA/96/2015) for a staged development of the Site involving the demolition of existing structures; consolidation and subdivision to create two lots; construction of a McDonald's restaurant on proposed Lot A (Stage 1); and concept approval for a future mixed-use development over basement parking on proposed Lot B (Stage 2). The DA was subsequently deferred by the Sydney West Joint Regional Planning Panel (**JRPP**) because it considered the proposed development to be "a lost opportunity to present a major architectural feature on this significant site which is located at the intersection of two historical roadways within Parramatta" (JRPP Memo, dated 23 November 2015). The JRPP recommended that an amended proposal be developed that responded more adequately to a range of design issues and the opportunities presented by the Site in the context of its Parramatta CBD location (JRPP Memo, dated 23 November 2015).

### 1.3 Proponent's Request

19. As described at paragraph 9, the Proponent sought a review of the Gateway Determination on 29 January 2021 requesting the deletion of:
  - Gateway condition 1(c) – *Remove the proposed car parking rates for take away food and drink premises and the associated sunset clause*; and
  - Gateway condition 1(d) – *Include the isolated site at 383 Church Street within the proposal consistent with the Parramatta CBD Planning Proposal*.
20. As part of the material considered by the Commission (described at paragraph 22 below), the Commission has reviewed the Proponent's justification for requesting a Gateway determination review.

## 2 THE COMMISSION'S CONSIDERATION

### 2.1 The Commission's Meetings

21. As part of its consideration of the Review Request, the Commission met with various organisations / persons as set out in **Table 1** below. All meeting and site inspection notes have been made available on the Commission's website.

*Table 1 – Commission's Meetings*

Meeting	Date	Transcript/Notes Available on
Site Inspection	7 April 2021	12 April 2021
Council	7 April 2021	15 April 2021
Proponent	12 April 2021	14 April 2021
Department	13 April 2021	14 April 2021

### 2.2 Material Considered by the Commission

22. In its review, the Commission has carefully considered the following material (**Material**):
  - the Department's request for Gateway determination review letter, dated 17 March 2021 and received by the Commission on 19 March 2021;
  - the Department's Gateway Report, received by the Commission on 19 March 2021, including the following attachments:
    - Post Gateway Review Request report, prepared by Ethos Urban, dated 28 January 2021;
    - Attachment A – Gateway Determination Review Application Form, prepared by Stockland, dated 29 January 2021;
    - Attachment B – Council letter of support, dated 29 January 2021;
    - Attachment C – Gateway Determination, dated 13 November 2020;
    - Attachment D – Planning Proposal, prepared by City of Parramatta Council, dated July 2020;
    - Attachment E – Council report and resolution, dated 13 July 2020;
    - Attachment F – Local Planning Panel Report, dated 16 June 2020;
    - Attachment G – Urban Design Report, prepared by Bates Smart, dated 19 May 2020; and addendum (Additional Floor Space Option, prepared by Stockland, dated August 2020);
    - Attachment H – Landscape Concept Plan, prepared by Turf Design Studio, dated 6 July 2018;

- Attachment I – Transport Report, prepared by Colston Budd Rogers & Kafes Pty Ltd, dated July 2018 and updated August 2020; and Traffic and Parking Advice, prepared by JMT Consulting, dated 3 February 2020;
- Attachment J – Flood Advice, prepared by Cardno, dated 13 July 2018;
- Attachment K – Heritage Impact Statement, prepared by NBR Architecture Heritage, dated 1 April 2019; and Addendum to the Heritage Impact Statement, prepared by NBR Architecture Heritage, dated 17 August 2020;
- email advice from TfNSW, dated 2 February 2021;
- email advice from Council, dated 4 March 2021; and
- letter from Transport for NSW (**TfNSW**), dated 11 March 2021;
- supplementary advice from TfNSW to the Department, dated 1 April 2021 and received by the Commission on 12 April 2021;
- letter from the Department to the Commission, dated 16 April 2021 and received by the Commission on 16 April 2021;
- all comments made to the Commission during the meetings outlined in **Table 1**;
- *Draft Parramatta CBD Planning Proposal*, dated August 2020, including Appendices 1 to 17 (including the *Parramatta CBD Planning Strategy*, adopted by Council on 27 April 2015);
- *City of Parramatta Local Strategic Planning Statement, 2020 (Parramatta LSPS)*;
- *Central City District Plan, 2018 (District Plan)*;
- *Greater Sydney Region Plan, 2018 (Region Plan)*; and
- Sydney West Joint Regional Planning Panel (**JRPP**) Memo, Folder Number: DA/96/2015, dated 23 November 2015.

### 2.3 Council's View

23. The Commission notes that Council supports the Proponent's request to remove Gateway conditions 1(c) and 1(d) from the Gateway Determination.
24. Page 3 of the Gateway Report states:
- On 26 February 2021, the Department formally requested Council's views on the Gateway determination review request. On 4 March 2021... Council advised that there were no additional comments in relation to the request, noting that Council had previously provided a letter in support of the proponent's request package dated 29 January 2021... Council supports the Gateway review request to:*
1. *remove Gateway condition 1(c) which requires removal of the proposed car parking rates for takeaway food and drink premises and the associated sunset clause, and*
  2. *remove Gateway condition 1(d) which requires inclusion of the isolated site at 383(385) Church St, Parramatta into the Planning Proposal.*
25. Council provided a letter of support to the Department dated 29 January 2021, which indicates that Council considers the Review Request to be consistent with Council's resolution of 13 July 2020 and is therefore supported by Council.
26. The Commission notes that Council previously requested the Department undertake an administrative review of Gateway conditions 1(c) and 1(d) on 23 December 2020 and recommended the conditions be deleted from the Gateway Determination. As noted in the Gateway Report, because the Proponent provided its intent to submit a Gateway review request, the Department did not proceed to consider Council's request for an administrative review of the Gateway Determination.
27. Further detail of Council's views on Gateway conditions 1(c) and 1(d) is provided in sections 2.5 and 2.6 below.

## 2.4 The Department's Consideration

28. The Commission notes the Department's position, as stated at its meeting with the Commission on 13 April 2021, that Gateway condition 1(c) should not be removed from the Gateway Determination.
29. The Commission also notes the Department supports the deletion of Gateway condition 1(d) in the context of Council's views (paragraph 24 above) and the justification provided in the Proponent's Gateway Review Request Report.
30. Further detail of the Department's views on Gateway conditions 1(c) and 1(d) is provided in sections 2.5 and 2.6 below.

## 2.5 Condition 1(c) – Take Away Food and Drink Premises Car Park Rate

31. Condition 1(c) of the Gateway Determination reads as follows:
  1. *Prior to exhibition, the Planning Proposal be amended as follows:*
    - c) *Remove the proposed car parking rates for take away food and drink premises and the associated sunset clause; ...*
32. As described in paragraph 16 above, the Proponent is seeking to achieve a bespoke car parking rate of 1 space per 30m<sup>2</sup> of gross floor area (**GFA**) or a maximum of 30 spaces, whichever is the lesser, for a take away food and drink premises on the Site.
33. The Department's view of the proposed bespoke parking rate is set out in the Gateway Report, which states:

*The Department notes the justification provided by the proponent and Council's views on the Gateway review request. However, the Department's position remains unchanged on the specific parking rate for take away food and drink premises (page 7).*
34. The Commission notes the Department considers that the proposed bespoke car parking rate is inconsistent with the long-term strategic plans for the Parramatta CBD (**CBD**) as the Central City and will create an undesirable precedent for other development in the CBD (page 7 of the Gateway Report). The Department is of the view that the Site will be supported by public transport and active transport when the Parramatta Light Rail Stage 1 is expected to become operational in 2023.
35. At its meeting with the Commission on 13 April 2021, the Department stated:

*[The Department has] been holding a consistent policy position on all planning proposals in the CBD since 2016. So, when... these site-specific planning proposals started coming through, Transport and RMS at the time raised some concerns around parking rates and... not having that underlying analysis and evidence base in terms of [impact of] the development on the road network. So, in 2016 the policy position was taken to implement some fairly stringent parking controls across the CBD which really was there to enable site-specific planning proposals to progress in advance of the CBD planning proposal (page 3 of the meeting transcript).*
36. Council's view of the proposed bespoke parking rate is provided in the Gateway Report, which states:

*Council officers identify that the car parking rates endorsed by Council represent a balanced approach that limits setting an undesirable precedent for parking provision, while also advancing a shared vision to see this site redeveloped in accordance with the Parramatta CBD Planning Proposal (page 4).*



37. The Commission notes Council's comments at its meeting with the Commission on 7 April 2021 that Council is of the view that the proposed bespoke parking rate would not set a precedent in Parramatta CBD as the Site is the only take away food and drink premises with a drive-through located on an arterial road in the Parramatta CBD Planning Proposal area (page 5 of the meeting transcript).
38. The Commission notes that the Gateway Report states that Council officers had previously expressed concern about the proposed car parking rate when compared against the parking provision in other strategic centres in Sydney and that Council proposed an alternative rate for takeaway food and drink premises on the Site which would result in approximately 20 parking spaces. However, the Gateway Report states that Council accepts the Proponent's view that the development would not be feasible under the alternative rate and therefore support the proposed parking rate.
39. At its meeting with the Commission on 7 April 2021, Council stated:
- ... we have sought to put in place parking controls for sites... that are consistent with what we anticipate will be in the CBD [Planning Proposal] in the future, which is rates consistent with the class A rates in the City of Sydney plan, and we've progressed on that basis.*
- So, the issue that is material to this application is the applicant requested a consideration of a variation to that approach to allow additional car parking on this particular site... (page 3 of the meeting transcript).*
40. Council commented on the unique nature of the proposed land use on the Site within the CBD context and stated that the Proponent was able to "achieve Council's objectives in terms of urban design and other outcomes" (page 4 of the meeting transcript) and that Council felt it "could defend a decision to vary the controls on this particular site" (page 5 of the meeting transcript).
41. At its meeting with the Commission, Council noted that without the proposed bespoke parking rate, the Site may be "retained as it is, with the existing car parking arrangements, and the existing poor urban design outcomes... We didn't think that was a good outcome" (page 4 of the meeting transcript).
42. The Proponent considers that the proposed bespoke parking rate will not create a precedent for other sites in the CBD area and, when compared with the existing situation, will not result in increased traffic volumes. The Proponent's views are stated at page 6 of the Gateway Report:
- *Parramatta Local Environmental Plan 2011 currently contains a parking rate relevant to the proposed use (allowing 37 spaces), however, the draft controls currently contained in the CBD planning proposal do not. This is because the draft CBD proposal adopts City of Sydney rates, which do not include a specific rate for Take Away Food and Drink Premise.*
  - *The site is currently the only Take Away Food and Drink Premise with seating and a drive-through located on an arterial road in the Parramatta CBD planning proposal area.*
  - *The planning proposal provides an opportunity to "unlock" redevelopment of this site in line with the Parramatta CBD planning proposal and the proposed parking rates will not increase traffic volumes or vehicle delays under the redeveloped scenario when compared with the existing situation.*
  - *A bespoke rate will provide development assessment officers with an appropriate policy framework and tool for considering and assessing any future DA involving a Take Away Food and Drink Premise.*
  - *Council's support for the site-specific car parking rate was based on the unique circumstances surrounding the site.*

43. At its meeting with the Commission on 12 April 2021, the Proponent stated that the proposed parking rate would not set a precedent that would impact the operation of the road network in the Parramatta CBD because it is the only premises of its kind in the Parramatta CBD Planning Proposal area (page 7 of the meeting transcript).

#### *Transport for NSW Supplementary Advice*

44. On 12 April 2021, the Commission was provided with a copy of written correspondence between TfNSW and the Department, dated 1 April 2021, regarding the proposed maximum parking rates for takeaway food and drink premises on the Site (**Supplementary Advice**).

45. The Commission notes that the Supplementary Advice provided by TfNSW differs from its previous advice in its letter dated 11 March 2021. While TfNSW previously did not support the proposed maximum parking rate of approximately 30 spaces for a takeaway food and drink premises on the Site, the Supplementary Advice provides that TfNSW no longer objects to the application of a bespoke parking rate. In its Supplementary Advice, TfNSW states that:

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

46. The Commission considers TfNSW's Supplementary Advice to be materially important to its consideration of the Review Request. Therefore, on 13 April 2021 the Commission sought the Department's advice with respect to the TfNSW Supplementary Advice.

47. The Department responded to the Commission's request on 16 April 2021. In its letter, the Department stated:

*The Department's position remains unchanged for the request to remove the proposed specific car parking rate for take away food and drink premises and associated sunset clause as part of Gateway condition 1(c). The Department notes that further work is being undertaken by [Council] in the preparation of a mesoscopic model and Parramatta Integrated Transport Plan, both of which are required to be completed prior to the finalisation of the Parramatta CBD Planning Proposal (CBD proposal) ...*

*TfNSW has suggested that the site-specific implications of the proposal will not likely have any significant material consequences surrounding transport network operations. It should be noted that the Parramatta CBD Strategic Transport study supporting the CBD proposal states that the current road network has limited capability to expand; and new surface transport infrastructure like Parramatta Light Rail further impacts on the road space allocation for private vehicles. Without the mesoscopic transport model and the Parramatta Integrated Transport Plan, the cumulative impacts on the network operations in the Parramatta CBD are unknown.*

48. Furthermore, the Department's letter to the Commission confirms its views regarding the potential for the bespoke parking rate to create a precedent for development in the CBD area. The Department stated:

*It is considered that the bespoke car parking rate will create a precedent for other developments in the CBD and is inconsistent with the long-term strategic vision for the Parramatta CBD as the Central River City. Although there are no other sites containing a takeaway food and drink premises with a drive through and seating located within the CBD proposal area, there is nothing preventing other landowners pursuing such a commercial interest.*

### *Commission's Finding*

49. The Commission has considered the Proponent's justification for the deletion of Gateway condition 1(c) and the views of Council and the Department with respect to this issue. The Commission has also considered the views of TfNSW in its Supplementary Advice.
50. Although the Commission acknowledges the Department's objective of maintaining a consistent policy position prior to the finalisation of the Parramatta CBD Planning Proposal and Parramatta Integrated Transport Plan, the Commission considers that in this instance, the benefits of permitting the proposed site-specific parking rate on the Site outweigh any policy implications that might otherwise arise.
51. The Commission agrees with the views of Council, as set out in paragraphs 36 above, and TfNSW, described at paragraph 45 above.
52. The reasons for the Commission's findings are as follows:
  - the Commission accepts that the adoption of the site-specific parking rate provides certainty for McDonalds and consequently an opportunity to renew the Site (in joint venture with Stockland) consistent with the Parramatta CBD Planning Proposal which aims to achieve Council's vision for the growth of the Parramatta CBD as Sydney's second CBD;
  - the Planning Proposal achieves Council's urban design objectives for the area, as stated at paragraph 40, and will result in improved outcomes for this part of the CBD when compared with the existing situation. It also responds to previous concerns raised by the Sydney West Joint Regional Planning Panel regarding design issues and site opportunities;
  - the Commission accepts the findings of the Traffic and Parking Advice (prepared by JMT Consulting, dated 3 February 2020) which concludes that the proposed parking rates under the redeveloped scenario will "result in no net increase in traffic movements on the road network" (Section 3.4) when compared with the existing situation. Consequently, the redevelopment of the Site is unlikely to have further impacts on road space allocation for private vehicles and therefore not contribute to cumulative impacts on network operation;
  - the Commission accepts TfNSW's Supplementary Advice which concludes that the proposed site-specific parking rate would not have significant consequences for surrounding transport network operations; and
  - the Commission is not convinced that the adoption of the site-specific parking rate will set an undesirable precedent in the CBD given it is the only take away restaurant in the CBD with drive-through facilities on a main road. The Commission notes that the Parramatta CBD Planning Proposal will be made in approximately June 2021, as stated by the Department during their meeting with the Commission (meeting transcript page 7), therefore providing for more stringent parking controls across the CBD.
53. Given the above, the Commission finds that the Gateway Determination should be amended to delete Gateway condition 1(c).

## 2.6 Condition 1(d) – Isolated Site

54. Condition 1(d) of the Gateway Determination reads as follows:

1. *Prior to exhibition, the Planning Proposal be amended as follows: ...*
  - d) *Include the isolated site at 383 Church Street within the proposal consistent with the Parramatta CBD Planning Proposal; ...*

55. The Commission notes that the Isolated Site is located to the north-east of the Site at the corner of Church Street and Ross Street, as illustrated at **Figure 1**, and that the correct address of the Isolated Site is 385 Church Street, Parramatta (as noted at paragraph 7 above). The Gateway Report states that “the isolated site comprises a three-storey mixed use development, with retail and office space” (page 2).

56. The Commission notes the Department’s reason for imposing condition 1(d) to the Gateway Determination, as set out in the Gateway Report, which is as follows:

*Regarding the isolated site, the Gateway determination assessment report noted the proponent had undertaken work to demonstrate how the adjoining site could be redeveloped under the sliding scale provisions of the CBD proposal as well as consideration of the planning principles in relation to site isolation. The Department’s assessment report identified that the amalgamation of the subject site with the isolated site would likely facilitate a better planning outcome. As a result, a Gateway condition (1)(d) was placed requiring that the planning proposal be amended prior to exhibition to include the isolated site within the proposal consistent with the Parramatta CBD planning proposal (page 3).*

57. The Commission notes Council’s view of condition 1(d) as described on page 5 of the Gateway Report:

*Council notes the controls that would be added to apply to the isolated site are already contained in the draft CBD proposal, which has already been exhibited. Given that the subject site-specific planning proposal still requires the resolution of a Development Control Plan (DCP) and Voluntary Planning Agreement (VPA) before it can be exhibited (consistent with Gateway condition 1(f) and Council resolution) means that it is likely that these controls will be put in place for this site before the site-specific planning proposal can be finalised. As a result, Council states all the resources that go into including the isolated site in this site-specific planning proposal are effectively wasted.*

58. The Commission has also considered the Proponent’s justification regarding the deletion of condition 1(d), as outlined on page 6 of the Gateway Report states:

*The review request expresses concern that including the isolated site will result in a risk of delaying the progress of the site-specific planning proposal. This is due to Council’s Planning Agreement policy would not allow the isolated site to be included in the site-specific planning proposal unless the owner of that site has entered into a VPA.*

*Additionally, it is argued that the controls to apply to the isolated site are those contained in the draft CBD planning proposal which has already been exhibited. Given that the site-specific planning proposal still requires the resolution of the DCP and VPA before it can be exhibited it is likely that the CBD proposal controls will be put in place for the isolated site before the site-specific proposal can be finalised. This could result in the inefficient use of resources that go into including the isolated site, such as negotiating a VPA and DCP with the adjoining landowner.*

59. The Commission understands that Stockland had previously made efforts to acquire the Isolated Site, as described in the Gateway Report, but that the current landowner did not express an interest in selling.
60. The Commission notes that the Department accepts the argument set out by Council and the Proponent that the Parramatta CBD Planning Proposal will amend the controls of the Isolated Site when it is finalised in any case, and that this is “likely to occur prior to the finalisation of the site-specific planning proposal” (page 8 of the Gateway Report). Additionally, the Gateway Report states:
- Although the Department considers the amalgamation of the subject site with the isolated site would likely facilitate a better planning outcome, it is acknowledged that including the isolated site could potentially result in delaying the progression of the site-specific planning proposal (page 8).*
61. The Commission notes the Department’s recommendation set out on page 9 of the Gateway Report:
- Given the State Government’s objective to reducing the time taken to complete Local Environmental Plans and the justification provided in the review request and Council’s views, it is considered appropriate to delete condition 1(d) from the Gateway determination.*

#### *Commission’s Finding*

62. The Commission has considered the Proponent’s justification for the deletion of Gateway condition 1(d) and the views of Council and the Department with respect to this issue. The Commission agrees with the views of Council and the Department as set out in paragraphs 57 and 61 above, that the Parramatta CBD Planning Proposal will amend the controls of the Isolated Site and that this is likely to occur prior to the finalisation of the site-specific Planning Proposal. As such, the Commission agrees that inclusion of the Isolated Site could delay the progression of the site-specific Planning Proposal with no real benefit.
63. The Commission finds that the Gateway Determination should be amended to delete Gateway condition 1(d).



### 3 CONCLUSION: THE COMMISSION'S ADVICE

64. The Commission has undertaken a review of the Gateway Determination as requested by the Department (paragraph 10 above). In doing so, the Commission has considered the Material (paragraph 22 above), submissions by Council and the Proponent and reasons given for the determination in the Department's Gateway Report.
65. The Commission agrees with the views of Council and TfNSW and finds that the Gateway Determination should be amended to delete Gateway condition 1(c).
66. The Commission agrees with the views of Council and the Department and finds that the Gateway Determination should be amended to delete Gateway condition 1(d).
67. The Commission notes that Gateway condition 2 requires Council to ensure consistency between the Planning Proposal and the Parramatta CBD Planning Proposal prior to finalisation of the plan. The Commission agrees with this condition other than where it relates to site-specific car parking controls for the reasons provided in section 2 of this Gateway Determination Advice Report.
68. The Commission advises the Minister's delegate that the Gateway Determination issued on 13 November 2020 should be upheld and the Gateway conditions should be amended to delete Gateway conditions 1(c) and 1(d) for the reasons provided in section 2 of this Gateway Determination Advice Report.

A handwritten signature in black ink, appearing to be 'Chris Wilson', enclosed in a thin black rectangular border.

**Chris Wilson (Chair)**  
Member of the Commission

## APPENDIX A

**Table 2 – History of the Planning Proposal (source: based on Department’s Gateway Report)**

Date	Description
November 2015	McDonalds and Endeavour Property Group submitted a Development Application (DA) for the Site to the then Sydney West Joint Regional Planning Panel (JRPP) for a mixed-use development that included an upgraded McDonalds restaurant with 36 dedicated car parking spaces.
21 August 2018	A Planning Proposal request for the Site, prepared by Ethos Urban on behalf of the Proponent, was submitted to Parramatta Council.
13 July 2020	Council resolved to endorse the site-specific Planning Proposal.
19 August 2020	Council submitted the Planning Panel to the Department for Gateway.
2 November 2020	Public exhibition of the <i>Draft Parramatta CBD Planning Proposal</i> concluded (Council is currently reviewing submissions received).
13 November 2020	Gateway Determination was issued by the Department.
23 December 2020	Council Officers made a request to the Department for an administrative review of the two conditions. However, as the Proponent provided their intent to submit a Gateway review request, the Department did not proceed to alter the Gateway Determination.
29 January 2021	Council provided a letter to the Department in support of the Proponent’s intention to seek a Gateway Determination review.
29 January 2021	The Proponent submitted a Gateway Determination review request, prepared by Ethos Urban, to the Department.
26 February 2021	The Department formally requested Council’s views on the Gateway Determination review request.
4 March 2021	Council advised the Department that there were no additional comments in relation to the request, noting that Council had previously provided a letter in support of the proponent’s request package dated 29 January 2021.
19 March 2021	The Commission received the Gateway Determination review request letter and Assessment Report from the Department.
12 April 2021	The Commission was provided with a copy of correspondence between TfNSW and the Department, dated 1 April 2021, regarding the proposed maximum parking rates at the Site.
13 April 2021	The Commission sought the Department’s advice with respect to the TfNSW correspondence.
16 April 2021	The Department provided their advice in response to the Commission’s request.