

Fairfield LEP 2013 - Rezoning of 325 and 327 Hume Highway, Cabramatta from R2 to B5

Proposal Title : **Fairfield LEP 2013 - Rezoning of 325 and 327 Hume Highway, Cabramatta from R2 to B5**

Proposal Summary : **The proposal seeks to rezone land at 325 and 327 Hume Highway, Cabramatta from R2 Low Density Residential to B5 Business Development to reflect the current and historic approved business use of the site as a vehicle sales and hire premises.**

PP Number : **PP_2014_FAIRF_004_00**

Dop File No : **14/12447**

Proposal Details

Date Planning : **26-Jun-2014**

Proposal Received :

LGA covered :

Fairfield

Region :

Metro(Parra)

RPA :

Fairfield City Council

State Electorate :

CABRAMATTA

Section of the Act :

55 - Planning Proposal

LEP Type :

Spot Rezoning

Location Details

Street : **325 Hume Highway**

Suburb :

Cabramatta

City :

NSW

Postcode : **2166**

Land Parcel : **Lot 20 DP 1077792**

Street : **327 Hume Highway**

Suburb :

Cabramatta

City :

NSW

Postcode : **2166**

Land Parcel : **Lot 21 DP 1077792**

DoP Planning Officer Contact Details

Contact Name : **Georgina Ballantine**

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RPA Contact Details

Contact Name : **Elizabeth Workman**

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DoP Project Manager Contact Details

Contact Name : **Derryn John**

Contact Number : **0298601505**

Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan Delivery (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 22 July 2014 and there have been no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **Site Description**
The total area of the site to be rezoned is 3,954.4 sqm and is split into two lots as follows:

1. Lot 20 DP 1077792 (No. 325) has a site area of 2,655.7sqm
2. Lot 21 DP 1077792 (No. 327) has a site area of 1,298.7sqm

History of the site

The site has been used for automotive related purposes since the 1970s and operates under existing use rights. In June 2000 Council granted development approval for the site to be used as a vehicle sales and hire premises including the construction of a new commercial building.

Site Access Arrangements

The site has significant frontage to the Hume Highway and has no other vehicular access in operation. The existing caryard on the site is located on two separate Torrens title allotments. Access to both allotments is achieved via a shared 4 metre wide access point (with reciprocal rights of carriageway) from the Hume Highway along the common boundary between the two lots. The access arrangements have accommodated existing traffic generation levels associated with the caryard use.

The proposed B5 - Business Development zoning would permit a range of additional uses such as bulky goods development, warehousing and service stations. In view of the potential for increased traffic movements to and from the site Council will be undertaking further investigations and consultation with the proponent and Roads and Maritime Services. Possible outcomes may include:

1. Retain the current access arrangements and review this issue on receipt of future

development proposals.

2. Require the applicant to consolidate the current two allotments into one allotment prior to Council forwarding the planning proposal for finalisation under Section 59 of the Environmental Planning and Assessment Act 1979.

3. Prepare a site specific Development Control Plan to make future access arrangements more transparent.

Roads and Maritime Services

Council has already undertaken preliminary consultation with Roads and Maritime Services, who have stated that they have no objection to the rezoning of 325 and 327 Hume Highway, Cabramatta. Council's Traffic and Transport Co-ordinator and staff at Roads and Maritime Services have concluded that, should the site be the subject of a future redevelopment proposal, intersection modelling should be undertaken to determine the need for any upgrade to existing related infrastructure or access arrangements.

Undeveloped Access Handle

The R2 zone for the undeveloped access handle that fronts on to Prout St is to be retained and all existing development standard restrictions will remain in place. Council has recommended that the access handle not be utilised for business/employment purposes. The access handle is currently closed and may be sold in the future to one of the two adjoining owners for incorporation into an R2 residential site.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the planning proposal are to:**

1. Rezone No. 325 (excluding the undeveloped access handle fronting Prout St, Cabramatta) and No. 327 Hume Highway, Cabramatta from R2 Low Density Residential to B5 Business Development.

2. Remove all existing development standard restrictions that apply under Part 4 of Fairfield Local Environmental Plan 2013 to that part of the site to be rezoned B5 Business Development. The undeveloped access handle fronting Prout St which is to retain the R2 Low Density Residential zoning will also retain the existing residential development standards that currently apply under Fairfield Local Environmental Plan 2013.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to amend Fairfield Local Environmental Plan 2013 as follows:**

1. Amend Land Zoning Map Sheet 21 to rezone No. 325 (excluding the undeveloped access handle fronting Prout St, Cabramatta) and No. 327 from R2 Low Density Residential to B5 Business Development. The current undeveloped access handle fronting Prout St, Cabramatta will remain zoned R2 Low Density Residential.

2. Amend the following maps to remove specific development standards that currently apply to the site under the R2 Low Density Residential zoning:

(a) Minimum Subdivision Lot Size Map (Clause 4.1)

(b) Minimum Subdivision Lot Size Map for Dual Occupancy Development (Clause 4.1B)

(c) Height of Buildings Map (Clause 4.3)

(d) Floor Space Ratio Map (Clause 4.4)

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **No additional matters require consideration.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Section 117 Directions**

Direction 1.1 Business and Industrial Zones

Direction 1.1 applies as the planning proposal will affect land within a proposed business zone. The proposal is consistent with 1.1 (4)(a)-(d) but is inconsistent with 1.1(4)(e) as the proposed new employment area is not in accordance with a strategy that is approved by the Secretary of the Department of Planning. Although the site is currently zoned R2 the land use of caryard and vehicle hire is more suited to a B5 Business Development zone. In addition the site shares its north-eastern boundary with the B5-zoned area identified in the draft West Central Subregional Strategy as the Lansvale Precinct (pg. 43), considered to be strategically significant as it is one of the more sizable Employment Lands precincts within the locality. The Precinct incorporates an extended strip of caryards, a car wash and auto repair facilities. The proposal's inconsistency is therefore considered to be of minor significance as the site extends an existing, significant B5 zone and is appropriate to the current and surrounding land uses.

Direction 3.1 Residential Zones

Direction 3.1 applies as the planning proposal alters land within an existing residential zone. The proposal is inconsistent with Direction 3.1 as it contains provisions which will reduce the permissible residential density of land by rezoning from R2 Low Density Residential to B6 Business Development. Although the land surrounding the site is predominantly R2, the site shares its north-eastern boundary with the B5-zoned area identified in the draft West Central Subregional Strategy as the Lansvale Precinct (pg. 43). The Precinct incorporates an extended strip of caryards, a car wash and auto repair facilities. The site contains a long-established caryard and vehicle hire facility and is therefore consistent with the adjoining B5-zoned land uses. The loss of residential land is therefore considered to be of minor significance as the site extends an existing, significant B5 zone and is appropriate to the current and surrounding land uses.

Direction 3.4 Integrating Land Use and Transport

Direction 3.4 applies as the planning proposal will remove a zone relating to urban land. The subject site is located on an existing bus route and is situated approximately 2km from Cabramatta Railway Station. In addition the site has access from the Hume Highway, a major road traversing the Cabramatta area. The existing use of the site as a caryard and vehicle hire facility relies heavily on traffic movement for car redistribution, delivery and customer access. Rezoning the site to B5 Business Development will permit additional uses on the site that could increase traffic and freight movement to and from the site e.g. bulky goods facilities and service stations. Council intends to

consult with Roads and Maritime Services and the proponent as to the potential impacts of future site land uses. Although future use of the site may increase travel demand by car and freight, the existing use of the site for business purposes and the proximity of the site to the adjoining B5-zoned Lansvale Precinct suggests B5 as an appropriate zone for the land. The proposal's inconsistency with Direction 3.4 is therefore considered to be of minor significance.

Direction 4.1 Acid Sulfate Soils

Direction 4.1 applies as the subject site is located in an area identified as Class 5 of the acid sulfate soils map under Fairfield Local Environmental Plan 2013. The Acid Sulfate Soils Planning Guidelines 1998 require an Acid Sulfate Soils Study to be prepared when any intensification of land use on acid sulfate soils is proposed. Council argues that rezoning the site from an R2 to B5 zone does not represent an intensification of land use as the site is already being used for an approved business purpose consistent with the proposed zoning. Should a development application be lodged for a change or intensification of use permitted under B5 Business Development, Clause 6.1 of Fairfield Local Environmental Plan 2013 will require the preparation of an acid sulfate soils management plan in accordance with the Acid Sulfate Soils Manual published by the Acid Sulfate Soils Management Advisory Committee. Council's position is supported and the proposal's inconsistency with Direction 4.1 is considered to be of minor significance. ✓

Direction 6.1 Approval and Referral Requirements

Direction 6.1 applies when a relevant planning authority prepares a planning proposal. The proposal does not identify development as designated development, does not contain additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority or provisions that require the approval of the Minister and/or Director General other than the obligatory Section 117 Directions. The proposal is considered to be consistent with Direction 6.1. ✓

Direction 6.3 Site Specific Provisions

Direction 6.3 applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. The proposal does not identify any site specific provisions for the subject site and is considered to be consistent with Direction 6.3. ✓

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Direction 7.1 applies when a relevant planning authority prepares a planning proposal that applies to land in 41 local government areas, including Fairfield. Council has not addressed the objective of the Metropolitan Plan, instead Council has addressed the draft Metropolitan Strategy for Sydney 2031. Although it is considered that the draft Metropolitan Strategy has superceded the Metropolitan Plan, a reference to the Plan is still required. It is recommended that Council update the proposal prior to public exhibition to address the Metropolitan Plan. The proposal supports the Plan's Objective E3.1 Monitor supply and demand for employment lands, and plan for new employment lands and is therefore considered to be consistent with Direction 7.1. ✓

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Current and proposed Floor Space Ratio, Height of Building, Minimum Lot Size for Dual Occupancy, Minimum Lot Size and Zoning Maps are included. The maps are sufficient for assessment of the proposal for Gateway determination purposes but the quality and clarity will need to be improved prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council has stated that the Community Consultation will be conducted in accordance with the terms of the Gateway Determination. In addition Council is proposing:

1. 28 days public exhibition
2. Letter to adjoining land owners
3. Notice in the local newspaper
4. Publication of all relevant information on Council's website.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The proposal seeks to formalise the existing use rights approval on the site for a commercial building and operation as a vehicle sales and hire premises. It is considered that a rezoning from R2 Low Density Residential to B5 Business Development is an appropriate amendment for the site and serves to extend the adjoining B5-zoned Lansvale Precinct commercial precinct, identified as a strategically significant precinct in the draft West Central Subregional Strategy. In addition, the proximity of the site to the Lansvale Precinct and Hume Highway detracts from amenity that would be provided to potential residential redevelopment of the site. The proposal is consistent with State policies and strategies and is considered to have strategic merit.

Proposal Assessment

Principal LEP:

Due Date : **May 2013**

Comments in relation to Principal LEP :

Fairfield Local Environmental Plan 2013 was made on 17 May 2013.

Assessment Criteria

Need for planning proposal :

The proposal is necessary to formalise the existing use rights approval on the site for a commercial building and operation as a vehicle sales and hire premises. A B5 zone is considered an appropriate business zone to reflect the site's current land use.

Consistency with strategic planning framework :

Metropolitan Strategy

The proposal supports the Metropolitan Strategy Objective E1: Ensure adequate land supply for economic activity investment and jobs in the right locations, and Objective 15: Provide for a good supply of retail space. The site supports an existing retail use as a vehicle sales and hire business and adjoins the existing B5-zone Lansvale Precinct to the north-east.

Draft West Central Subregional Strategy

The draft West Central Subregional Strategy identifies the B5-zoned Lansvale Precinct, that adjoins the site to the east, as being strategically significant as it is one of the more sizable Employment Lands precincts within the locality. Rezoning the site is appropriate to the existing use as a vehicle sales and hire premises and extends the Lansvale Precinct, securing existing jobs and potentially providing future employment.

Environmental social economic impacts :

Environmental Impacts

The land has not been identified as containing critical habitat or threatened species populations or ecological communities or their habitats. The site is already heavily developed with hard stand surfaces for the purposes of storing and displaying motor vehicles. The rezoning is unlikely to impact on any local biodiversity.

Social Impacts

In relation to potential social impacts, Council is proposing an amendment to Chapter 9 of

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the Fairfield City Wide Development Control Plan 2-13 to address any potential future residential amenity issues, should the site be redeveloped for more intensive business uses e.g. service station and/or bulky goods premises. The site has the B5-zoned Lansvale Precinct to the east and south-east but is bordered predominantly by R2 Low Density Residential houses. To the west the R2-zoned dwelling has been developed as a dental practice. Rezoning the site extends the area of the adjoining Lansvale Precinct, securing existing jobs and potentially providing future employment on a site adjoining an existing employment area. The proposal may therefore provide a positive economic impact to the local area.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Essential Energy
Transport for NSW - Roads and Maritime Services
Sydney Water
Telstra**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal June 2014 pgs 1-30 - 325-327 HUME HIGHWAY, CABRAMATTA rezoning from R2 to B5.pdf	Proposal	Yes
Planning Proposal June 2014 - pgs, 31-47 - 325-327 HUME HIGHWAY, CABRAMATTA rezoning from R2 to B5.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones
3.1 Residential Zones**

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

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Additional Information :

1. Council is to ensure that the maps displayed during public exhibition are high resolution and clearly identify the site boundary.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:

**(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013).**

3. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act 1979 and/or to comply with the requirements of relevant Section 117 Directions:

- **Essential Energy**
- **Jemena**
- **Sydney Water**
- **Telstra**
- **Roads and Maritime Services**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Delegation is to be given to Council to exercise the Minister's plan-making powers.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal has strategic merit as the rezoning reflects the current and historic approved business use of the site as a vehicle sales and hire premises and extends the adjoining Lansvale Precinct employment area.

Signature:



Printed Name:

DERRYN JOHN

Date:

29/7/14