

Parramatta Local Environmental Plan 2011 - 150 Rawson Road, Guildford - proposed additional uses

Proposal Title : **Parramatta Local Environmental Plan 2011 - 150 Rawson Road, Guildford - proposed additional uses**

Proposal Summary : **The proposal seeks to allow, with consent, the following uses on the site:**
- hotel/motel accommodation, and
- packaged liquor outlet with a maximum gross floor area of 1350sqm.

PP Number : **PP_2015_PARRA_005_00** Dop File No : **15/09319**

Proposal Details

Date Planning Proposal Received : **04-Jun-2015** LGA covered : **Parramatta**

Region : **Metro(Parra)** RPA : **Parramatta City Council**

State Electorate : **GRANVILLE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **150 Rawson Road**

Suburb : **Guildford** City : **Sydney** Postcode : **2142**

Land Parcel : **Lot 6 DP 18288 and Lot 1 DP 23249**

DoP Planning Officer Contact Details

Contact Name : **Lillian Charlesworth**

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RPA Contact Details

Contact Name : **Mark Crispin**

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Metro West Central subregion** Consistent with Strategy : **Yes**

Parramatta Local Environmental Plan 2011 - 150 Rawson Road, Guildford - proposed additional uses

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 21

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

If No, comment :

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

If Yes, comment : **The Lobbyist Contact Register was checked on 9 June, 2015 and indicated no contact with lobbyists regarding this planning proposal.**

Supporting notes

Internal Supporting Notes : **The site has a total area of 7,935sqm.**

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The proposal seeks to extinguish the existing use rights of the Golf View Hotel through the inclusion of an additional permitted use of hotel/motel accommodation for the site.**

It also seeks to enable the additional permitted use of packaged liquor outlet, with consent, having a maximum gross floor area of 1,350sqm. This will enable demolition of half the existing hotel and construction of a Dan Murphy's liquor outlet.

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

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

Comment : **The proposal seeks to amend Schedule 1 of Parramatta Local Environmental Plan 2011 to enable the following additional permitted uses on the site:**
- hotel/motel accommodation, and
- packaged liquor outlet, with a maximum gross floor area of 1,350sqm.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

e) List any other matters that need to be considered :

SECTION 117 DIRECTION 1.1 - BUSINESS AND INDUSTRIAL ZONES

The proposal is generally consistent with this Direction as the existing IN1 General Industrial zone will be retained. However, the proposal has the potential to be inconsistent with the direction as it would reduce the total potential floor space for industrial uses in an industrial zone.

Note: an Economic Impact Assessment prepared for the proposal estimates that it will generate an additional 21 full-time equivalent jobs whilst not sterilising the sites ability to accommodate potential industrial uses in the future.

A proposal may be inconsistent with the direction where it is of minor significance. Given the circumstances, this is recommended.

SECTION 117 DIRECTION 6.3 - SITE SPECIFIC PROVISIONS

The proposal is inconsistent with this Direction as it will allow a land use only on that site zoned for industrial purposes and impose a site specific development standard to limit gross floor area.

It is considered that the proposal is of a minor nature and is justifiably inconsistent given that:

- the proposal will formalise the existing use (hotel) and an ancillary use (i.e. it is currently possible to purchase take away liquor from the existing hotel operation); and
- as it seeks to allow an appropriate maximum gross floor area only to cater for the standard floor area requirement for a large format liquor retailing outlet, thereby - not adversely impacting on commercial centres.

On the basis of minor significance, it is recommended that the planning proposal proceeds with the inconsistency

SECTION 117 DIRECTION 7.1 - IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

It is noted that employment growth is a key focus of A Plan For Growing Sydney.

While the proposal will not alter the existing employment generating zone, it is expected to generate an additional 21 full-time equivalent jobs.

In this regard, it is considered the proposal is consistent with the Plan.

OTHER S.117 DIRECTONS

The planning proposal advises that the site is not subject to flooding (p.15), however, the land is identified as comprising class 5 acid sulfate soils (p.15). S.117 Direction 4.1 Acid Sulfate Soils, is applicable. However, given the minor nature of the proposal, any inconsistency is considered to be of minor significance. It is recommended that the delegate agree that the proposal can proceed on this basis.

STATE ENVIRONMENTAL PLANNING POLICY NO.55 - REMEDIATION OF LAND

Page 14 of the planning proposal indicates that this Policy will be addressed at development application stage. This is not supported.

The Policy states: '(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zoneany land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of land, unless: (a) the planning authority has considered whether the land is contaminated.....' Clause (4) refers to activities that may cause contamination (see clause (4)(b) of the SEPP and

Parramatta Local Environmental Plan 2011 - 150 Rawson Road, Guildford - proposed additional uses

Table 1 of the Guidelines).

Although the direction may be interpreted as referring to a change of zone and the site has been used for these purposes for many years, this is a fresh proposal that will formalise these uses on a site where its development history is not explored in the proposal.

It is accordingly considered appropriate that this matter be addressed by Council prior to public exhibition to indicate consistency or otherwise with this Policy.

EXISTING USE RIGHTS

The site has been used for hotel purposes since the 1960s. Council has accepted that the current use operates may operate under existing use rights.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **It is considered that the proposal is adequate for its purpose, subject to a number of recommendations. In particular, it is recommended that Council attach a list of relevant s.117 directions to the proposal (with comments) to clarify the situation, prior to exhibition.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The proposal recommends public exhibition for a minimum of 28 days and notification of adjacent properties and Granville South Public School.**

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 :

Proposal Assessment

Principal LEP:

Due Date : **October 2011**

Comments in relation to Principal LEP : **This proposal will amend Parramatta Local Environmental Plan 2011 - described as the principal plan. However, LEP 2011 is being amalgamated with Parramatta LEP Parramatta City Centre LEP 2007 (City Centre) under amendment no. 4 - (PP_2013_PARRA_002_00). Consequently, the planning proposal will be required to indicate this, as a note.**

Assessment Criteria

Need for planning proposal : **Need for the proposal
For the sake of clarity and certainty, it is considered that a planning proposal is the best course of action to address the proposal.**

Parramatta Local Environmental Plan 2011 - 150 Rawson Road, Guildford - proposed additional uses

Additional Use

The inclusion of additional uses within a local environmental plan, in lieu of rezoning the site to another appropriate zone, is not in accordance with the Department's directions in limiting the use of Schedule 1 - Additional Permitted Use.

The planning proposal indicates (p. 11) that introducing another zone for the site, in lieu of applying an additional use, is not supported because:

- it would allow broader retail premises, which is not supported by Council in this out of centre location; and
- it would set an undesirable precedent in removing an industrial zone, where retention of the current zone holds strategic value.

Comment: No objections are held to the proposal proceeding on this basis.

Consistency with strategic planning framework :

The proposal is consistent with local, regional and State policy, although it is recommended that Council clarifies consistency with SEPP55 - Remediation of Land.

Environmental social economic impacts :

Environmental

The site is cleared of vegetation, with the exception of minor landscaping.

Economic Impact

An Economic Impact Assessment was prepared by MacroPlanDimasi that concluded:

- the proposed Dan Murphy's store would be an appropriate addition to the local market,
- would not prevent or inhibit the functionality of nearby industrial uses, and
- would generate an additional 21 full-time equivalent jobs.

Comment: noted

Social Issues

Council resolved that the applicant prepare a Social Impact Assessment that will be publicly exhibited together with the planning proposal and considered together with submissions post exhibition. This will ensure that Council takes into account any social impacts prior to a decision on whether to progress the plan to finalisation.

Comment: Noted.

Traffic Impacts

The Traffic and Transport Assessment indicates that there will be no significant impact on current intersection service levels as a result of the proposal.

It is noted that Council's Traffic and Transport Team have advised that should the proposal proceed to development application stage, that a concrete median be installed between Woodville Road and Rowley Road given that there were 17 car accidents in the five years to June 2013 with a large portion of those caused by right turns into the south side of Rawson Road.

Comment: Noted and it is recommended that Roads and Maritime Services be consulted during the public exhibition period.

Parramatta Local Environmental Plan 2011 - 150 Rawson Road, Guildford - proposed additional uses

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Department of Family and Community Services
Department of Education and Communities
NSW Police Force
Transport for NSW - Roads and Maritime Services**

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 :

Council has resolved that the applicant will prepare a Social Impact Assessment to be publicly exhibited with the planning proposal.

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 - 150 Rawson Road, Guildford.pdf	Proposal	Yes
Council covering letter.pdf	Proposal Covering Letter	Yes
Traffic and Transport Assessment.pdf	Study	Yes
Economic Impact Assessment.pdf	Study	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**

Additional Information : **DELEGATION OF PLAN MAKING FUNCTIONS
Council has requested that it exercise the Minister's plan making function for this planning proposal. Given the relatively minor nature of this proposal, this request is supported.**

Accordingly, it is recommended that the delegate agree to delegation to Council.

SECTION 117 DIRECTIONS

It is considered that any inconsistencies with section 117 directions:

- 1.1 - Business and Industrial Zones;
 - 4.1 - Acid Sulfate Soils; and
 - 6.3 - Site Specific Provisions;
- are of minor significance.

It is recommended the delegate agree that any inconsistencies are of minor significance for the planning proposal to proceed.

DETERMINATION

It is recommended the planning proposal proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:
 - (a) consider the consistency of the planning proposal with State Environmental Planning Policy No.55 - Remediation of Land and amend the proposal accordingly;
 - (b) for clarity, include a table indicating consistency or otherwise of the proposal with relevant Section 117 Directions and State Environmental Planning Policies; and
 - (c) an advisory note that the proposal may amend the amalgamated Parramatta Local Environmental Plan 2011 (PP_2013_PARRA_002_00 - amendment no. 4 - refers).
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") 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 LEPs (Department of Planning and Environment 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
 - Department of Family and Community Services
 - Department of Education and Communities
 - NSW Police Force
 - Transport for NSW - 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 EP&A Act. 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. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is supported as it:

- will not reduce the amount of land zoned for employment generating purposes;
- is expected to generate additional local employment opportunities; and
- will eliminate existing use rights and create additional certainty for future development of the site.

Parramatta Local Environmental Plan 2011 - 150 Rawson Road, Guildford - proposed additional uses

Signature:



Printed Name:

T Doherty

Date:

29/7/15 (as amended)