

Planning proposal to permit additional uses at 96 Newton Road and 449 Victoria Street, Wetherill Park

Proposal Title :	Planning proposal to permit additional uses at 96 Newton Road and 449 Victoria Street, Wetherill Park		
Proposal Summary :	This planning proposal seeks to amend the Fairfield Local Environmental Plan 1994 and draft Fairfield Local Environmental Plan 2011, to permit medical centres (up to 300m2) and a hotel with ancillary conference room (up to 7,000m2) on the subject site at 96 Newton Road and 449 Victoria Street, Wetherill Park.		
PP Number :	PP_2012_FAIRF_003_00	Dop File No :	12/12351

Planning Team Recommendation

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

S.117 directions : **1.1 Business and Industrial Zones**
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that this planning proposal proceed, subject to the following conditions:

1. Council is clear during consultation that this planning proposal is seeking to amend both the existing Fairfield Local Environmental Plan 1994 and draft Fairfield Local Environmental Plan 2011.
2. The Planning Proposal be amended, prior to exhibition, to seek to insert 'medical centres' and 'hotel' into Item 3 of the 4(a) General Industrial and IN1 General Industrial zone land use tables.
3. The Director General (or delegate) does not approve the inconsistency of this proposal with s.117 Direction 6.3 'Site Specific Provisions' and requests that Council remove the proposed floor space provisions prior to exhibition. Should Council wish to proceed with the proposed floor space provisions, it is recommended that they be incorporated into the proposed site specific development control plan.
4. Council consult with Roads and Maritime Services, prior to exhibition.
5. The Planning Proposal be revised prior to exhibition to incorporate an additional map, which identifies the current zoning of the subject site under the Draft Fairfield LEP 2011, for information purposes.
6. Prior to exhibition, Council inform the Department's Regional Office of whether or not the flood risk assessment report prepared by Cardno has given consideration to the principles and guidelines of the Floodplain Development Manual 2005.
7. Council undertake an investigation of the land under SEPP No.55 'Remediation of Land' prior to exhibition, to determine whether any contamination exists on site, and advise the Regional Team of the outcome of this assessment.
8. The table in Part 3 of the planning proposal be revised prior to exhibition, to include an accurate reference to Local Planning Direction 7.1 'Implementation of the Metropolitan Plan for Sydney 2036'.

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9. The planning proposal be exhibited for a period of 28 days.

10. The Planning Proposal be completed within 12 months.

Supporting Reasons : It is considered that this planning proposal has merit for progression.

Panel Recommendation

Recommendation Date : **23-Aug-2012**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : The Planning Proposal should proceed subject to the following variations and conditions:

1. The inclusion of 'medical centres' and 'hotels' as additional permitted uses is not supported in this instance. Council is to include 'hotels' and 'medical centres' as permissible land uses within the 4(a) General Industrial zone under the Fairfield LEP 1994 and IN1 General Industrial zone under the draft Fairfield LEP 2011.
2. It is noted that the planning proposal will either amend the Fairfield LEP 1994 and/or the draft Fairfield LEP 2011, depending on the timing of Council's Standard Instrument LEP. Council is to explain how it will amend either Instrument to ensure the community is clearly informed of the process and finalisation of the amendment.
3. It is considered that the planning proposal is inconsistent with the requirements of S117 Direction 6.3 Site Specific Provisions in that the amendment seeks to permit specific uses on the subject land and limit the permissible floor space. The proposed floor space provisions are not supported, given the progression of the planning proposal as an amendment to the land use table, as required by Condition 2 above. Therefore, Council is to remove this component of the proposal. Should Council wish to proceed however, it is recommended that the floor space provisions be incorporate into the proposed site specific development control plan.
4. Council is to include an additional map, which identifies the existing zoning of the site under the draft Fairfield LEP 2011 for the purposes for public exhibition.
5. It is noted that the planning proposal does address consistency of the proposal with the requirements of S117 Direction 4.3 Flood Prone Land. However, Council is to ensure that its assessment of flood risk has taken into consideration the principles and guidelines of the Floodplain Development Manual 2005. Council is to amend the planning proposal accordingly, prior to the commencement of public exhibition.
6. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the Contaminated Land Planning Guidelines. Council is to prepare an initial site contamination investigation to demonstrate that the site is suitable for the proposed future use. This report is to be included as part of the public exhibition material and a copy forwarded to the department's regional office.
7. Council is to amend the planning proposal to correctly reference S117 Direction 7.1, on page 29 of the planning proposal as 'Implementation of the Metropolitan Plan for Sydney 2036.'
8. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
9. Consultation is required with the following public authorities under section 56(2)(d) of

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the EP&A Act:

- Transport for NSW
- Transport for NSW (Roads and Maritime Services)\
- Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

10. 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).

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

Signature: _____

Printed Name: _____ Date: _____